AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

6–15–94
Vol. 59 No. 114
Pages 30663–30862

federal register

Wednesday
June 15, 1994

Briefing on How To Use the Federal Register
For information on a briefing in Washington, DC, see announcement on the inside cover of this issue.

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

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

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

The **Federal Register** is published in paper, 24x microfiche and as an online database through *GPO Access*, a service of the U.S. Government Printing Office. The online database is updated by 6 a.m. each day the **Federal Register** is published. The database includes both text and graphics from Volume 59, Number 1 (January 2, 1994) forward. It is available on a Wide Area Information Server (WAIS) through the Internet and via asynchronous dial-in. The annual subscription fee for a single workstation is $375. Six-month subscriptions are available for $200 and one month of access can be purchased for $35. Discounts are available for multiple-workstation subscriptions. To subscribe, Internet users should telnet to wais.access.gpo.gov and login as newuser (all lower case); no password is required. Dial in users should use communications software and modem to call (202) 512–1661 and login as wais (all lower case); no password is required; at the second login prompt, login as newuser (all lower case); no password is required. Follow the instructions on the screen to register for a subscription for the **Federal Register** Online via *GPO Access*. For assistance, contact the *GPO Access* User Support Team by sending Internet e-mail to help@eids05.eids.gpo.gov, or a fax to (202) 512–1262, or by calling (202) 512–1530 between 7 a.m. and 5 p.m. Eastern time, Monday through Friday, except Federal holidays.

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

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

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

SUBSCRIPTIONS AND COPIES

PUBLIC

Subscriptions:

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

Online:

Telnet wais.access.gpo.gov, login as newuser <enter>, no password <enter>; or use a modem to call (202) 512–1661, login as wais, no password <enter>, at the second login as newuser <enter>, no password <enter>.

Assistance with online subscriptions	202–512–1530

Single copies/back copies:

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

FEDERAL AGENCIES

Subscriptions:

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

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

THE FEDERAL REGISTER

WHAT IT IS AND HOW TO USE IT

FOR: Any person who uses the Federal Register and Code of Federal Regulations.

WHO: The Office of the Federal Register.

WHAT: Free public briefings (approximately 3 hours) to present:

1. The regulatory process, with a focus on the Federal Register system and the public's role in the development of regulations.
2. The relationship between the Federal Register and Code of Federal Regulations.
3. The important elements of typical Federal Register documents.
4. An introduction to the finding aids of the FR/CFR system.

WHY: To provide the public with access to information necessary to research Federal agency regulations which directly affect them. There will be no discussion of specific agency regulations.

WASHINGTON, DC

WHEN: June 23 at 9:00 am

WHERE: Office of the Federal Register
Conference Room, 800 North Capitol Street NW., Washington, DC (3 blocks north of Union Station Metro)

RESERVATIONS: 202–523–4538

Printed on recycled paper containing 100% post consumer waste

Contents

Federal Register

Vol. 59, No. 114

Wednesday, June 15, 1994

Agency for International Development
NOTICES
Meetings:
Voluntary Foreign Aid Advisory Committee, 30769

Agricultural Marketing Service
RULES
Apricots grown in Washington, 30672–30673

Agriculture Department
See Agricultural Marketing Service
See Farmers Home Administration

Armed Forces Retirement Home
RULES
Privacy Act; implementation, 30669–30671

Army Department
NOTICES
Meetings:
Science Board, 30777–30778

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

Children and Families Administration
RULES
Public assistance programs:
Family assistance management information systems; enhanced funding elimination, 30707–30709
NOTICES
Agency information collection activities under OMB review, 30802–30803
Committees; establishment, renewal, termination, etc.:
Services for Families with Infants and Toddlers Advisory Committee, 30802

Coast Guard
RULES
Regattas and marine parades:
Norfolk Harborfest
Correction, 30832

Commerce Department
See Export Administration Bureau
See International Trade Administration
See National Oceanic and Atmospheric Administration
See National Telecommunications and Information Administration
See Patent and Trademark Office
NOTICES
Agency information collection activities under OMB review, 30769–30770

Commodity Futures Trading Commission
NOTICES
National Futures Association:
Break-even analyses in commodity pool disclosure documents; requirements, 30775–30776
Hypothetical trading results; restrictions on use in promotional materials, 30776–30777

Consumer Product Safety Commission
PROPOSED RULES
Flammable Fabrics Act:
Upholstered furniture; flammability standards, 30735–30738

Corporation for National and Community Service
RULES
National Service Trust, 30709–30715

Defense Department
See Army Department
See Navy Department
NOTICES
Agency information collection activities under OMB review, 30777

Drug Enforcement Administration
RULES
Controlled substance prescriptions; fascimile transmission
Correction, 30832
PROPOSED RULES
Manufacturers, distributors, and dispensers of controlled substances; registration:
Agents and employees, exemptions; affiliated practitioners, 30738–30739

Education Department
NOTICES
Agency information collection activities under OMB review, 30778–30779
Grants and cooperative agreements; availability, etc.:
Early childhood education and violence counseling training program, 30840–30861

Energy Department
See Energy Information Administration
See Federal Energy Regulatory Commission
See Southwestern Power Administration
NOTICES
Atomic energy agreements; subsequent arrangements, 30793
Environmental statements; availability, etc.:
Naval Petroleum Reserve No. 1, Tupman, CA, 30779–30784
Floodplain and wetlands protection; environmental review determinations; availability, etc.:
Pantex Plant, TX, 30784–30785

Energy Information Administration
NOTICES
Forms; availability, etc.:
Coordinated regional bulk power supply program report, 30785–30788

Environmental Protection Agency
RULES
Air quality implementation plans; approval and promulgation; various States:
Wisconsin, 30702–30705
PROPOSED RULES
Air quality implementation plans; approval and promulgation; various States:
Michigan, 30742–30746

Wisconsin, 30741–30742
Pesticides; tolerances in food, animal feeds, and raw agricultural commodities:
Benomyl, 30748–30750
Definitions and interpretations, etc.—
Oriental radish, 30746–30748
Pseudomonas fluorescens strain NCIB 12089, 30750–30752
Superfund program:
National oil and hazardous substances contigency plan—
National priorities list update, 30752–30753
Water pollution; effluent guidelines for point source categories:
Pesticide chemicals; formulation, packaging and repackaging, and pretreatment standards, 30753–30754
NOTICES
Agency information collection activities under OMB review, 30794–30795
Meetings:
Clean Air Act Advisory Committee, 30795
Pesticide programs:
Rodenticide labeling; bait stations; draft report availability, 30798–30799
Pesticide registration, cancellation, etc.:
Aankill Inc., 30795–30796
Miles, Inc., 30797–30798
TRI-4 HF Herbicide, etc., 30799–30800
Pesticides; emergency exemptions, etc.:
Benomyl, etc., 30796–30797

Executive Office of the President
See Presidential Documents

Export Administration Bureau
RULES
Export licensing:
Argentina; import certificate/delivery verification procedure establishment, shorter processing time frames and General License GCG, 30682–30684
South Africa; foreign policy controls removal, 30684–30695

Farmers Home Administration
PROPOSED RULES
Program regulations:
Rural associations and public bodies; loans and grants, 30717–30724

Federal Aviation Administration
RULES
Airworthiness directives:
Boeing, 30673–30675
Class D airspace; correction, 30832
Standard instrument approach procedures, 30675–30682
PROPOSED RULES
Class E airspace; correction, 30832
NOTICES
Airport noise compatibility program:
Modesto City-County Airport, CA, 30830–30831

Federal Communications Commission
PROPOSED RULES
Common carrier services:
O+ InterLATA calls; billed party preference, 30754–30755

Federal Emergency Management Agency
RULES
Flood insurance; communities eligible for sale:
Maine et al., 30705–30707

Federal Energy Regulatory Commission
NOTICES
Electric rate and corporate regulation filings:
Consumers Power Co. et al., 30788–30790
Indeck-Corinth Limited Partnership, 30788
Environmental statements; availability, etc.:
Huey, Alfred D., 30790
Weyerhaeuser Co., 30791
Applications, hearings, determinations, etc.:
Eastern Shore Natural Gas Co., 30791
Energy Production Corp. et al., 30791
Equitrans, Inc., 30791
Panhandle Eastern Pipe Line Co., 30792
Texas Eastern Transmission Corp., 30792
Transcontinental Gas Pipe Line Corp., 30792–30793

Federal Highway Administration
RULES
Engineering and traffic operations:
Speed limit enforcement certification, 30695–30698

Federal Maritime Commission
NOTICES
Agreements filed, etc., 30800–30801

Federal Reserve System
NOTICES
Applications, hearings, determinations, etc.:
First American Bank Group, Ltd., 30801
KeyCorp, 30801–30802
Old National Bancorp; correction, 30802
Walpole, Edwin Edward, III, 30802

Federal Trade Commission
PROPOSED RULES
Trade regulation rules:
Textile wearing apparel and piece goods; care labeling, 30733–30735

Fish and Wildlife Service
NOTICES
Endangered and threatened species permit applications, 30806–30807
Wild Bird Conservation Act; prohibition on import of exotic birds:
Guyana, 30807–30808

Food and Drug Administration
NOTICES
Food additive petitions:
Nippon Gohsei (U.S.A.) Co., Ltd., 30803–30804
Meetings:
Advisory committees, panels, etc., 30804

Health and Human Services Department
See Children and Families Administration
See Food and Drug Administration
See Public Health Service

Health Resources and Services Administration
See Public Health Service

Housing and Urban Development Department
NOTICES
Fair housing:
Substantially equivalent agencies certification; list, 30805–30806

Indian Affairs Bureau
NOTICES
Liquor and tabacco sale or distribution ordinance:
Tunica-Biloxi Indian Tribe, LA, 30838

Interior Department
See Fish and Wildlife Service
See Indian Affairs Bureau
See Land Management Bureau

International Development Cooperation Agency
See Agency for International Development

International Trade Administration
NOTICES
Antidumping and countervailing duties:
Administrative review requests, 30770–30771
Committees; establishment, renewal, termination, etc.:
U.S.-South Africa Business Development Committee, 30771

International Trade Commission
NOTICES
Import investigations:
Calcium aluminate flux from—
France, 30809
Silicon carbide from—
China, 30809

Interstate Commerce Commission
NOTICES
Environmental statements; availability, etc.:
Norfolk & Western Railway Co. et al., 30809–30810
Railroad operation, acquisition, construction, etc.:
Norfolk Southern Railway Co., 30810
Railroad services abandonment:
Southern Pacific Transportation Co., 30810–30811

Justice Department
See Drug Enforcement Administration
See National Institute of Corrections
NOTICES
Agency information collection activities under OMB review, 30811

Labor Department
See Labor-Management Standards Office

Labor-Management Standards Office
PROPOSED RULES
Labor-management standards:
Union office candidacy eligibility requirements, 30834–30836

Land Management Bureau
NOTICES
Coal leases, exploration licenses, etc.:
Wyoming, 30806
Realty actions; sales, leases, etc.:
Nevada; correction, 30832

National Foundation on the Arts and the Humanities
NOTICES
Meetings:
Humanities Panel, 30813

National Highway Traffic Safety Administration
RULES
Engineering and traffic operations:
Speed limit enforcement certification, 30695–30698
PROPOSED RULES
Motor vehicle safety standards:
Side impact protection—
Light trucks, buses, and multipurpose passenger vehicles, 30756–30768
NOTICES
Motor vehicle safety standards; exemption petitions, etc.:
Cosco, Inc., 30831

National Institute of Corrections
NOTICES
Grants and cooperative agreements; availability, etc.:
Community corrections programs; training and technical assistance project, 30811–30813

National Oceanic and Atmospheric Administration
RULES
Endangered and threatened species:
Steller sea lion—
Critical habitat designation, 30715–30716
NOTICES
North Pacific scallop fisheries; Alaska exclusive economic zone eligibility criteria possibility; control date, 30772
Permits:
Endangered and threatened species, 30772
Marine mammals, 30772–30773

National Telecommunications and Information Administration
NOTICES
Meetings:
Preliminary Spectrum Reallocation Report, 30773

Navy Department
NOTICES
Meetings:
Naval Research Advisory Committee, 30778

Nuclear Regulatory Commission
PROPOSED RULES
Byproduct material; medical use and radiation protection standards:
Dose-based criteria for release of patients administered radioactive material, 30724–30732
NOTICES
Organization, functions, and authority delegations:
Local public document room relocation and establishment—
Energy gaseous diffusion plants, KY and OH, 30813–30814
Applications, hearings, determinations, etc.:
Atlas Corp., 30814
Washington Public Power Supply System, 30814

Patent and Trademark Office
NOTICES
Mask works; interim protection for nationals, domiciliaries, and sovereign authorities:
Extension of existing interim orders, 30773–30775

Pension Benefit Guaranty Corporation
RULES
Single-employer plans and multiemployer plans:
Valuation of plan benefits, etc.—
Interest rates, etc., 30698–30701

Personnel Management Office
PROPOSED RULES
Employment:
Time-in-grade rule eliminated, 30717
NOTICES
Agency information collection activities under OMB review, 30814–30815
Excepted service:
Schedules A, B, and C; positions placed or revoked—Update, 30815–30817
Privacy Act:
Systems of records, 30817–30818

Postal Service
RULES
Domestic Mail Manual:
Indemnity claims, 30701
PROPOSED RULES
Privacy Act; implementation, 30739–30741

Presidential Documents
PROCLAMATIONS
Special observances:
Flag Day and National Flag Week (Proc. 6699), 30663–30664
Men's Health Week, National (Proc. 6670), 30665–30666
EXECUTIVE ORDERS
Committees; establishment, renewal, termination, etc.:
Information Infrastructure, National, U.S. Advisory Council on; membership addition (EO 12921), 30667

Public Health Service
See Food and Drug Administration
NOTICES
Meetings:
Orphan Products Board, 30804–30805

Research and Special Programs Administration
PROPOSED RULES
Pipeline safety:
Hazardous liquid transportation—
Environmentally sensitive areas; meeting, 30755–30756

Securities and Exchange Commission
NOTICES
Self-regulatory organizations; proposed rule changes:
Depository Trust Co., 30818–30819
Midwest Clearing Corp., 30819–30820
Midwest Securities Trust Co., 30820
Participants Trust Co., 30820–30821
Philadelphia Stock Exchange, Inc., 30821–30822
Self-regulatory organizations; unlisted trading privileges:
Philadelphia Stock Exchange, Inc., 30822
Applications, hearings, determinations, etc.:
Liberty All-Star Equity Fund et al., 30822–30824
Variable Annuity Life Insurance Co. et al., 30824–30828

Small Business Administration
NOTICES
License surrenders:
Ford Capital, Ltd., 30828
Applications, hearings, determinations, etc.:
Chesapeake Capital Lending Fund, L.P., 30829
First Commerce Capital, Inc., 30828–30829
SBIC Partners, L.P., 30830

Southwestern Power Administration
NOTICES
Power rates:
Sam Rayburn Dam Project and Robert D. Willis Hydropower Project, 30793–30794

Transportation Department
See Coast Guard
See Federal Aviation Administration
See Federal Highway Administration
See National Highway Traffic Safety Administration
See Research and Special Programs Administration

Separate Parts In This Issue

Part II
Department of Labor, Labor Management Standards Office, 30834–30836

Part III
Department of the Interior, Bureau of Indian Affairs, 30838

Part IV
Department of Education, 30840–30861

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

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

CFR PARTS AFFECTED IN THIS ISSUE

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

3 CFR

Proclamations:

6699.....30663
6700.....30665

Executive Orders:

12864 (Amended by EO 12921).....30667
12921.....30667

5 CFR

2100.....30669

Proposed Rules:

300.....30717

7 CFR

922.....30672

Proposed Rules:

1942.....30717
1948.....30717
1951.....30717
1980.....30717

10 CFR

Proposed Rules:

20.....30724
35.....30724

14 CFR

39.....30673
71.....30832
97 (3 documents).....30675, 30676, 30680

Proposed Rules:

71.....30832

15 CFR

770.....30682
771 (2 documents).....30682, 30684
773.....30684
775.....30682
779.....30684
785.....30684
786.....30684
799.....30684

16 CFR

Proposed Rules:

423.....30733
1640.....30735

21 CFR

1306.....30832

Proposed Rules:

1301.....30738

23 CFR

1260.....30695

29 CFR

2619.....30698
2676.....30698

Proposed Rules:

452.....30834

33 CFR

100.....30832

39 CFR

111.....30701

Proposed Rules:

262.....30739
266.....30739

40 CFR

52.....30702

Proposed Rules:

52 (2 documents).....30741, 30742
180 (3 documents).....30746, 30748, 30750
300.....30752
455.....30753

44 CFR

64.....30705

45 CFR

95.....30707
205.....30707
2525.....30709
2526.....30709
2527.....30709
2528.....30709
2529.....30709

47 CFR

Proposed Rules:

61.....30754
64.....30754
69.....30754

49 CFR

Proposed Rules:

194.....30755
571.....30756

50 CFR

226.....30715

Federal Register
Vol. 59, No. 114
Wednesday, June 15, 1994

Presidential Documents

Title 3—

The President

Proclamation 6699 of June 10, 1994

Flag Day and National Flag Week, 1994

By the President of the United States of America

A Proclamation

In this week we salute the flag of the United States of America: our history's proud pennant; noble banner of freedom, liberty, opportunity, and independence; and the glorious emblem of our national pride and patriotism.

Woven into the Stars and Stripes and into the fabric of our Nation is the legacy of our Founders, who crafted a government built on a revolutionary respect for the rights of individuals. Coming ashore on this new continent, they had fled the tyranny of sovereigns: "We the People" were to be sovereigns of this new land.

On June 14, 1777, the Continental Congress established the design of a flag for the new Republic so that we might bestow our loyalty, not to kings, but to countrymen, all of us created equal. Eleven years later, the Constitutional Convention placed a written rule of law at the symbolic head of government, and we have since pledged our allegiance not only to the Stars and Stripes, but also "to the Republic for which it stands." We salute the achievement and wisdom of our Founders, embodied in our flag, and we honor all of the men and women who have upheld and defended the ideals stitched into its billowing folds.

Our flag's bright stars, ancient symbols of dominion and sovereignty, represent the constellation of States in our federal system of government—its stripes, the first States born of the original thirteen colonies. Its bright colors embody the essence of our American heritage: red, for valor; white, for hope and purity; and blue, the color of loyalty, reverence, justice, and truth. Witness to our past, it holds aloft the promise of our future.

"Old Glory," as it was nicknamed in 1831 by Navy Captain William Driver, was first carried into conflict at the Battle of Brandywine on September 11, 1777. As the Nation now observes the 50th anniversary of the Battle of Normandy, we honor the courageous Americans who carried our standard into the infernos of war at all of our history's most critical crossroads. It has saluted the final resting places of lives lost in the defense of liberty, from the beaches of Normandy to the jungles of Vietnam and the deserts of Iraq and Somalia.

Our flag has been borne aloft into the heavens by our gallant astronauts and has been worn bravely on the shoulders of those who each day risk their lives to protect the public safety. It flies freely from its place of honor in classrooms, churches, businesses, government buildings, and is proudly displayed by Americans serving their Nation in distant points across the globe. Its silent, solemn presence makes each of those places "home" and keeps the spirit of liberty alive in the hearts of Americans wherever they may be.

To commemorate the adoption of our flag, the Congress, by a joint resolution approved August 3, 1949 (63 Stat. 492), designated June 14 of each year Flag Day and requested the President to issue an annual Proclamation calling for its observance and for the display of the Flag of the United States on all Government buildings. The Congress also requested the President, by joint resolution approved June 9, 1966 (80 Stat. 194), to issue annually

a Proclamation designating the week in which June 14 occurs as National Flag Week, and calling upon all citizens of the United States to display the flag during that week.

NOW, THEREFORE, I, WILLIAM J. CLINTON, President of the United States of America, do hereby proclaim June 14, 1994, as Flag Day and the week beginning June 12, 1994, as National Flag Week. I direct the appropriate officials of the Government to display the Flag of the United States on all Government buildings during that week. I urge all Americans to observe Flag Day, June 14, and Flag Week by flying the Stars and Stripes from their homes and other suitable places.

I also call upon the American people to observe with pride and all due ceremony those days from Flag Day through Independence Day, also set aside by the Congress (89 Stat. 211), as a time to celebrate our heritage in public gatherings and activities and to publicly recite the Pledge of Allegiance to the Flag of the United States of America.

IN WITNESS WHEREOF, I have hereunto set my hand this tenth day of June, in the year of our Lord nineteen hundred and ninety-four, and of the Independence of the United States of America the two hundred and eighteenth.

William J. Clinton

[FR Doc. 94-14720
Filed 6-13-94; 3:38 pm]
Billing code 3195-01-P

Presidential Documents

Proclamation 6700 of June 10, 1994

National Men's Health Week, 1994

By the President of the United States of America

A Proclamation

As this great country moves forward in its commitment to address the many concerns related to the delivery of health care, we set aside this week to give special attention to those issues that affect the health of American men. We have made enormous progress in medical technology and research, yet the goal of extending human life expectancy will not be fully realized until information on prevention, detection, and treatment of disease reaches all men and is used by all men.

Tobacco use is the single most important preventable cause of death in the United States, and currently 24 million American men smoke. It is a major risk factor for diseases of the heart and lungs and doubles the risk of stroke among men. The risk of dying from lung cancer is 22 times higher for men who smoke. Those who continue to smoke place themselves and those around them at great peril. It is imperative for this country to focus its efforts on eliminating the use of tobacco products through education and treatment programs.

In the past decade, public awareness has also been increased regarding the dangers of alcohol consumption and its impact on the health of American men. Alcohol abuse is, more frequently than not, a related factor in motor vehicle fatalities, homicides, and suicides. It is becoming a special problem for the young men in this country. Let us not falter in our progress—the time has come for us to demand better access to treatment programs, stronger and better enforced laws related to drunk driving, policies to reduce minors' access to alcohol, and greater involvement of primary care providers in dealing with this problem.

Among older men, prostate cancer is a serious enemy. It is estimated that in 1994, in America alone, prostate cancer will affect 200,000 men, and 38,000 will die. Prostate cancer strikes men almost as often as breast cancer strikes women, yet reluctance to discuss this disease has left its research largely under funded. However, what we do know gives us hope. In addition to physical detection, doctors can now use a blood test to determine the presence of this cancer. Furthermore, there are several available forms of effective treatment. We must ensure that all men over the age of 50 have access to screening for and treatment of this disease, while we simultaneously push for affordable medical care for all Americans.

Even in the face of better, more accessible detection and prevention programs, we need men to recognize and adopt healthier lifestyles. No health care policy can replace the benefits that American men would reap from this change.

The Congress, by Senate Joint Resolution 179, has designated the week of June 12 through June 19, 1994, as "National Men's Health Week" and has authorized and requested the President to issue a proclamation in observance of this week.

NOW, THEREFORE, I, WILLIAM J. CLINTON, President of the United States of America, do hereby proclaim the week of June 12, 1994, as National Men's Health Week. I invite the Governors of the 50 States and the Commonwealth of Puerto Rico, the Mayor of the District of Columbia, and the appropriate officials of all other areas under the American flag to issue similar proclamations. I also ask health care professionals, private industry, community groups, insurance companies, and all other interested organizations and individual citizens to unite to publicly reaffirm our Nation's continuing commitment to men's health.

IN WITNESS WHEREOF, I have hereunto set my hand this tenth day of June, in the year of our Lord nineteen hundred and ninety-four, and of the Independence of the United States of America the two hundred and eighteenth.

William J. Clinton

[FR Doc. 94–14721
Filed 6–13–94; 3:36 pm]
Billing code 3195–01–P

Presidential Documents

Executive Order 12921 of June 13, 1994

Amendment to Executive Order No. 12864

By the authority vested in me as President by the Constitution and the laws of the United States of America, and in order to provide for the appointment of up to 37 members to the United States Advisory Council on the National Information Infrastructure, it is hereby ordered that section 1(a) of Executive Order No. 12864, as amended, is further amended by deleting the number "30" and inserting the number "37" in lieu thereof.

William J. Clinton

THE WHITE HOUSE,
June 13, 1994.

[FR Doc. 94–14728
Filed 6–13–94; 4:09 pm]
Billing code 3195–01–P

Rules and Regulations

Federal Register
Vol. 59, No. 114
Wednesday, June 15, 1994

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

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

ARMED FORCES RETIREMENT HOME

5 CFR Part 2100

Armed Forces Retirement Home Privacy Program

AGENCY: Armed Forces Retirement Home (AFRH).

ACTION: Final rule; request for comments.

SUMMARY: The Armed Forces Retirement Home, which includes the U.S. Soldiers' and Airmen's Home (USSAH) and the U.S. Naval Home (USNH) is publishing its Privacy Program procedural rules in accordance with the Privacy Act of 1974, 5 U.S.C. 552a, as amended.

DATES: *Effective:* This rule is effective July 15, 1994. Written comments regarding this rule must be received on or before July 15, 1994, to be considered by the agency.

ADDRESSES: Written comments may be sent to Mrs. Doris Montgomery, Administrative Officer, Resource Management Directorate, U.S. Soldiers' and Airmen's Home, 3700 N. Capitol Street, NW., Washington, DC 20317–0002, (202) 722–3230.

SUPPLEMENTARY INFORMATION: The enactment of the Armed Forces Retirement Home Act of 1991, 24 U.S.C. 401–441 (Pub. L. 101–510), effective November 5, 1991, incorporated the U.S. Soldiers' and Airmen's Home and the U.S. Naval Home into an independent establishment in the Executive Branch of the Federal Government to be known as the Armed Forces Retirement Home. Systems of records formerly under the cognizance of the individual facilities (USSAH and USNH) are now to be incorporated into the procedural rules of the AFRH.

List of Subjects in 5 CFR Part 2100

Privacy.

For the reasons set forth above, 5 CFR Ch. XI is amended by adding part 2100 to read as follows:

Ch. IX—Armed Forces Retirement Home

PART 2100—ARMED FORCES RETIREMENT HOME PRIVACY ACT PROCEDURES

Sec.

2100.1 Purpose.
2100.2 Definitions.
2100.3 Procedure for requesting information.
2100.4 Requirements for identification.
2100.5 Access by subject individuals.
2100.6 Schedule of fees.
2100.7 Request for correction or amendment.
2100.8 Review of request for amendment.
2100.9 Appeal of denial to grant access or to amend records.
2100.10 Conditions of disclosure and accounting of certain disclosures.
2100.11 Penalties.
2100.12 Accounting of disclosure.
2100.13 Specific exemptions.

Authority: Public Law 93–579, 88 Stat. 1896, 5 U.S.C. 552a(f).

§ 2100.1 Purpose.

Pursuant to the requirements of the Privacy Act of 1974, 5 U.S.C. 552a, as amended, the following rules of procedures are established with respect to access and amendment of records maintained on the individual subjects of these records by the Armed Forces Retirement Home, which includes the continuing care retirement communities of the U.S. Soldiers' and Airmen's Home and the U.S. Naval Home. These rules do not apply to civilian employees' records maintained by the individual facilities which are covered by the Office of Personnel Management systems of records.

§ 2100.2 Definitions.

(a) All terms used in this part which are defined in 5 U.S.C. 552a, as amended, shall have the same meaning herein.

(b) *Agency,* as used in this part, means the Armed Forces Retirement Home (AFRH).

(c) *Facility* or *facilities* refers to the continuing care retirement communities of the U.S. Soldiers' and Airmen's Home (USSAH) and the U.S. Naval Home (USNH), which are incorporated within the Armed Forces Retirement Home (AFRH).

(d) *Access* means providing a copy of a record to, or allowing review of the original record by, the individual or the individual's authorized representative, legal guardian or conservator.

§ 2100.3 Procedure for requesting information.

Individuals shall submit written inquiries regarding all AFRH records to the appropriate facility at the following addresses: Associate Director, Resource Management, U.S. Soldiers' and Airmen's Home, 3700 N. Capitol Street, NW., Washington, DC 20317–0002; or, Administrative Services, U.S. Naval Home, 1800 Beach Drive, Gulfport, Mississippi 39507–1597. All personal (walk-in) requests will require some form of common identification.

§ 2100.4 Requirements for identification.

Only upon proper identification will any individual be granted access to records which pertain to him/her. Identification is required both for accurate record identification and to avoid disclosing records to unauthorized individuals. Individuals must provide their full name and as much information as possible in order that a proper search for records can be accomplished. Requests made by mail shall be signed by the individual requesting his/her records. Inclusion of a telephone number for the requester is recommended to expedite certain matters. Requesters applying in person must provide an identification with photograph, such as a driver's license, military or annuitant identification card, or any official document as acceptable identification validation. Personal requests can only be accepted on regularly scheduled workdays (Monday through Friday, excluding Federal holidays) between the hours of 7:30 a.m. and 3:30 p.m.

§ 2100.5 Access by individuals.

(a) No individual will be allowed access to any information compiled or maintained in reasonable anticipation of civil actions or proceedings, or otherwise exempt under § 2100.12. Requests for pending investigations will be denied and the requester instructed to forward another request giving adequate time for the investigation to be completed. Requesters shall be provided the telephone number so they can call and check on the status in order to know when to resubmit the request.

(b) Any individual may authorize the facility to provide a copy of his/her records to a third party. This authorization must be in writing and shall be provided to the facility with the initial request.

(c) Access to records may be authorized to the legal guardian or conservator acting on behalf of an individual who has been declared to be incompetent due to physical or mental incapacity or age by a court of competent jurisdiction.

(d) When an individual requesting access to his/her record wishes to be accompanied by another individual during the course of the examination of the record, the individual making the request shall submit to the official having operational control of the record, a signed statement authorizing that person access to the record.

(e) If medical records are requested and a USSAH or USNH practitioner believes that access to the records by the subject could harm that person's mental or physical health, the requester will be asked to name a practitioner to receive the records. If this requirement poses a hardship on the individual, he/she will be offered the service of an USSAH or USNH practitioner other than the one who provided treatment. If the individual refuses to name a recipient, the record will not be released.

§ 2100.6 Schedule of fees.

(a) Individuals will not be charged for:

(1) The search and review of the record.

(2) Copies of the record produced as a necessary part of the process of making the record available for access; or,

(3) Copies of the requested record when it has been determined that access can only be accomplished by providing a copy of the record through the mail.

(b) Waiver. The official having operational control at the appropriate facility may at no charge, provide copies of a record if it is determined the production of the copies is in the interest of the Government.

(c) Fee Schedule and method of payment. With the exception of paragraphs (a) and (b) of this section, fees will be charged as indicated below:

(1) Records will be duplicated at a rate of $.10 per page for all copying of 5 pages or more. There is no charge for duplication of 4 or fewer pages.

(2) Where it is anticipated that the fees chargeable under this section will amount to more than $30.00, the requester shall be promptly notified of the amount of the anticipated fee or such portion thereof as can readily be estimated. In instances where the estimated fees will exceed $30.00, an advance deposit may be required. The notice or request for advance deposit shall extend an offer to the requester in order to reformulate the request in a manner which will reduce the fees, yet still meet the needs of the requester.

(3) Fees should be paid in full prior to issuance of requested copies. In the event the requester is in arrears for previous requested copies, no subsequent request will be processed until the arrears have been paid in full.

(4) Remittances shall be in the form either of a personal check, bank draft drawn on a bank in the United States, or a postal money order. Remittances shall be made payable to the facility to which the request is being made, and mailed or delivered to the appropriate facility (see § 2100.3 of this part).

(5) A receipt for fees paid will be given upon request.

§ 2100.7 Request for correction or amendment.

(a) Requests to correct or amend a file shall be addressed to the system manager in which the file is located. The request must reasonably describe the record to be amended, the items to be changed as specifically as possible, the type of amendment (e.g., deletion, correction, amendment), and the reason for the amendment. The request should also include the reasons why the requester believes the record is not accurate, relevant, timely, or complete. The burden of proof will be upon the individual to furnish sufficient facts to persuade the change of the record of the inaccuracy, irrelevancy, timeliness, or incompleteness of the record. Normally all documents submitted, to include court orders, shall be certified. Amendments under this part are limited to correcting factual matters and not matters of official judgement or opinions.

(b) Requirements of identification as outlined in § 2100.4 apply to requests to correct or amend a file.

(c) Incomplete requests shall not be honored, but the requester shall be contacted for the additional information needed to process the request.

(d) The amendment process is not intended to permit the alteration of evidence presented in the course of judicial or quasi-judicial proceedings. Any amendments or changes to these records normally are made through the specific procedures established for the amendment of such records.

(e) When records sought to be amended are actually covered by another issuance, the administrative procedures under that issuance must be exhausted before using the procedures under the Privacy Act.

§ 2100.8 Review of request for amendment.

(a) A written acknowledgement of the receipt of a request for amendment of a record will be provided to the requester within 10 working days, unless final action regarding approval or denial will constitute acknowledgment.

(b) Where there is a determination to grant all or a portion of a request to amend a record, the record shall be promptly amended and the requesting individual notified. Individuals, agencies or components shown by disclosure accounting records to have received copies of the record, or to whom disclosure has been made, will be notified of the amendment by the system manager in which the file is located.

(c) Where there is a determination to deny all or a portion of a request to amend a record, a designated official will promptly advise the requesting individual of the specifics of the refusal and the reasons; and inform the individual that he/she may request a review of the denial(s).

§ 2100.9 Appeal of denial to grant access or to amend records.

(a) All appeals of denial to grant access or to amend records should be addressed to the appropriate facility at the following addresses: Associate Director, Resource Management, U.S. Soldiers' and Airmen's Home, 3700 N. Capitol Street, NW., Washington, DC 20317–0002; or, Administrative Services, U.S. Naval Home, 1800 Beach Drive, Gulfport, Mississippi 39507–1597. The appeal should be concise and should specify the reasons the requester believes that the initial action was not satisfactory. If an appeal is denied, the designated official will notify the requester of the reason for denial and of the right to judicial review pursuant to 5 U.S.C. 552a(g). If an initial denial of a request to amend records is upheld, the requestor will also be advised of his or her right to file a statement of dispute disagreeing with the denial and such statement will be provided to all future users of the file.

(b) If the designated official decides to amend the record, the requester and all previous recipients of the disputed information will be notified of the amendment. If the appeal is denied, the designated official will notify the requester of the reason of the denial, of the requester's right to file a statement of dispute disagreeing with the denial, that such statement of dispute will be retained in the file, that the statement

will be provided to all future users of the file, and that the requester may file suit in a Federal district court to contest the decision not to amend the record.

(c) The designated official will respond to all appeals within 30 working days or will notify the requester of an estimated date of completion if the 30 day limit cannot be met.

§ 2100.10 Conditions of disclosure and accounting of certain disclosures.

No record containing personally identifiable information within an AFRH system of records shall be disclosed by any means to any person or agency outside the AFRH, except by written request or prior written consent of the individual subject of the record, or as provided for in the Privacy Act of 1974, as amended, unless when such disclosure is:

(a) To those officers and employees of the agency which maintains the record and who have a need for the record in the performance of their duties;

(b) Required under 5 U.S.C. 552;

(c) For a routine use of the record compatible with the purpose for which it was collected;

(d) To the Bureau of the Census for purposes of planning or carrying out a census or survey or related activity pursuant to 13 U.S.C.;

(e) To a recipient who has provided the AFRH with advance adequate written assurance that the record will be used solely as a statistical research or reporting record, and the record is to be transferred in a form that is not individually identifiable;

(f) To the National Archives of the United States as a record which has sufficient historical or other value to warrant its continued preservation by the U.S. Government or for evaluation by the Archivist of the United States, or his/her designee, to determine whether the record has such value;

(g) To another agency or to an instrumentality of any governmental jurisdiction within or under the control of the United States for a civil or criminal law enforcement activity if the activity is authorized by law, and if the head of the agency or instrumentality, has made a written request to the agency which maintains the record specifying the particular portion desired and the law enforcement activity for which the record is sought;

(h) To a person pursuant to a showing of compelling circumstances affecting the health or safety of an individual if upon such disclosure notification is transmitted to the last known address of such individual;

(i) To either House of Congress, or, to the extent of matter within its jurisdiction, any committee or subcommittee thereof, any joint committee of Congress or subcommittee of any such joint committee;

(j) To the Comptroller General, or any authorized representatives, in the course of the performance of the duties of the General Accounting Office;

(k) Pursuant to the order of a court of competent jurisdiction; or

(l) To a consumer reporting agency in accordance with 31 U.S.C. 3711(f).

§ 2100.11 Penalties.

(a) An individual may bring a civil action against the AFRH to correct or amend the record, or where there is a refusal to comply with an individual request or failure to maintain any record with accuracy, relevance, timeliness and completeness, so as to guarantee fairness, or failure to comply with any other provision of the Privacy Act. The court may order correction or amendment of records. The court may enjoin the AFRH from withholding the records and order the production of the record.

(b) Where it is determined that the action was willful or intentional with respect to 5 U.S.C. 552a(g)(1)(C) or (D), the United States may be liable for the actual damages sustained.

(c) Criminal penalties may be imposed against an officer or employee of the USSAH or USNH who discloses material, which he/she knows is prohibited from disclosure, or who willfully maintains a system of records without compliance with the notice requirements.

(d) Criminal penalties may be imposed against any person who knowingly and willfully requests or obtains any record concerning another individual from an agency under false pretenses.

(e) All of these offenses are misdemeanors with a fine not to exceed $5,000.

§ 2100.12 Accounting of disclosure.

(a) The AFRH or agency will maintain a record of disclosures in cases where records about the individual are disclosed from a system of records except—

(1) When the disclosure is made pursuant to the Freedom of Information Act, 5 U.S.C. 552, as amended; or

(2) When the disclosure is made to those officers and employees of the AFRH who have a need for the record in the performance of their duties.

(b) This accounting of the disclosures will be retained for a least 5 years or for the life of the record, whichever is longer, and will contain the following information:

(1) A brief description of the record disclosed;

(2) The date, nature, and purpose for the disclosure; and,

(3) The name and address of the person, agency, or other entity to whom the disclosure is made.

(c) Except for the accounting of disclosure made to agencies, individuals, or entities in law enforcement activities or disclosures made from the AFRH exempt systems of records, the accounting of disclosures will be made available to the data subject upon request in accordance with the access procedures of this part.

§ 2100.13 Specific exemptions.

Subsection (k) of 5 U.S.C. 552a authorizes the AFRH to adopt rules designating eligible system of records as exempt from certain requirements of 5 U.S.C. 552a. To be eligible for a specific exemption under the authority of 5 U.S.C. 552a(k), the pertinent records within a designated system must contain one or more of the following:

(a) Investigative records compiled for law enforcement purposes. If this information has been used to deny someone a right however, the AFRH must release it unless doing so would reveal the identify of a confidential source ((k)(2) exemption).

(b) Records used only for statistical, research, or other evaluation purposes, and which are not used to make decisions on the rights, benefits, or privileges of individuals, except as permitted by 13 U.S.C. 8 (Use of census data) ((k)(4) exemption).

(c) Data compiled to determine suitability, eligibility, or qualifications for Federal service, Federal contracts, or access to classified information. This information may be withheld only if disclosure would reveal the identity of a confidential source ((k)(5) exemption).

(d) Test or examination material used solely to determine individual qualifications for appointment or promotion in the Federal service, the disclosure of which would compromise the objectivity or fairness of the testing or examination process ((k)(6) exemption).

Dennis W. Jahnigen,

Chair, Armed Forces Retirement Home Board, Chief Executive Officer, Armed Forces Retirement Home.

[FR Doc. 94–14516 Filed 6–14–94; 8:45 am]

BILLING CODE 8250–01–P

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 922

[Docket No. FV94-922-11FR]

Apricots Grown in Designated Counties in Washington; Revision in Container Regulations

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Interim final rule with request for comments.

SUMMARY: This rule revises container regulations for apricots shipped to fresh market outlets under Marketing Order No. 922. This rule gives handlers greater flexibility in selecting containers to meet their packaging needs by eliminating the inside dimension requirements on each type of container that has a minimum apricot net weight requirement. The rule eliminates reference to the obsolete lidded four-basket crate, and replaces the term "closed L.A. lugs and equivalent cartons" with the term "closed containers" to simplify wording and improve clarity. This rule also includes a correction to the container regulations which had previously appeared in the Federal Register as a final rule, but did not appear in the annual Code of Federal Regulations.

DATES: This interim final rule becomes effective: June 15, 1994. Comments which are received by July 15, 1994, will be considered prior to any finalization of the interim final rule.

ADDRESSES: Interested persons are invited to submit written comments concerning this rule. Comments must be sent in triplicate to the Docket Clerk, Fruit and Vegetable Division, AMS, USDA, room 2525-S, P.O. Box 96456, Washington, DC 20090-6456 or by FAX at (202) 720-5698. All comments should reference the docket number and the date and page number of this issue of the Federal Register and will be made available for public inspection in the Office of the Docket Clerk during regular business hours.

FOR FURTHER INFORMATION CONTACT: Mark J. Kreaggor, Marketing Order Administration Branch, Fruit and Vegetable Division, Agricultural Marketing Service, U.S. Department of Agriculture, room 2523-S, P.O. Box 96456, Washington, DC 20090-6456; telephone: (202) 720-5127; or Teresa Hutchinson, Northwest Marketing Field Office, Fruit and Vegetable Division, AMS, USDA, 1220 SW. Third Avenue, room 369, Portland, OR 97204; telephone: (503) 326-2724.

SUPPLEMENTARY INFORMATION: This interim final rule is issued under Marketing Order No. 922 [7 CFR part 922], regulating the handling of apricots grown in designated counties in Washington, 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 rule has been reviewed under Executive Order 12778, Civil Justice Reform. This rule is not intended to have retroactive effect. This rule will not preempt any state or local laws, regulations, or policies, unless they present an irreconcilable conflict with this rule.

The Act provides that administrative proceedings must be exhausted before parties may file suit in court. Under section 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 request a modification of the order or to be exempted therefrom. A handler is afforded the opportunity for a hearing on the petition. After the hearing the Secretary will 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 a 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 55 handlers of Washington apricots that are subject to regulation under the marketing order. In addition, there are approximately 400 producers in the regulated area. Small agricultural service firms, which include producers of Washington apricots, have been defined by the Small Business Administration [13 CFR 121.601] as those whose annual receipts are less than $3,500,000, and small agricultural producers are defined as those whose annual receipts are less than $500,000. A majority of these handlers and producers may be classified as small entities.

Section 922.52 [7 CFR 922.52] authorizes the issuance of regulations for grade, size, quality, maturity, pack, markings, and container for any variety or varieties of apricots grown in any district or districts of the production area. Section 922.53 [7 CFR 922.53] authorizes the modification, suspension, or termination of regulations issued under section 922.52.

Container regulations are currently in effect under section 922.306. This rule eliminates references to inside dimensions for each type of container that has a minimum apricot net weight requirement. This rule also removes references to the obsolete lidded four-basket crate and replaces the term "closed L.A. lugs and equivalent cartons" with the term "closed containers."

This rule was recommended by the Washington Apricot Marketing Committee (committee), which works with the Department in administering the marketing order.

The committee met on December 15, 1993, and unanimously recommended elimination of inside dimension requirements for each type of container that has a minimum apricot net weight requirement. The committee also unanimously recommended deleting reference in the container regulation to the lidded four-basket crate, and that the term "closed L.A. lugs and equivalent cartons" be replaced with the term "closed containers."

Handlers have experienced difficulty in packing many of the new, larger varieties of apricots, particularly in row-faced and tray-packed containers because of the inside dimension requirements in effect. Container height limits, for example, can cause a higher incidence of compression damage in large apricots that are row-faced or tray-packed. In addition, the inside dimension requirements have prevented handlers from using many generic containers used in other fruit and vegetable industries.

This rule deletes references to designated container dimensions for each type of container that has a minimum apricot net weight requirement. The committee believes that continued standardization of the minimum net weight requirements of

the authorized containers is needed to prevent market confusion resulting from the use of deceptive containers.

This rule will allow handlers greater flexibility in packaging. By allowing different container dimensions, as long as the minimum weight requirements are met, handlers will have the flexibility to use containers commonly used in other fruit and vegetable industries, to use different containers for different varieties of apricots, and to develop new containers.

This rule will remove authority for the use of the obsolete lidded four-basket crate. The rule will also remove reference in the regulation to the term "closed L.A. lugs and equivalent cartons" replacing it with the term, "closed containers." This change is intended only to simplify wording and improve clarity.

This rule also corrects the container regulations in the Code of Federal Regulations for Apricots Grown in Designated Counties in Washington [7 CFR Part 922]. Changes to the container requirements appeared in the **Federal Register** [44 FR 37598, June 28, 1979] [Apricot Regulation 6, Amendment 4], but did not correspondingly appear in the annual Code of Federal Regulations.

Based on the above information, the Administrator of the AMS has determined that this interim final rule will not have a significant impact on a substantial number of small entities and that the action set forth herein will benefit producers and handlers of apricots grown in designated counties in Washington State.

After consideration of all available information, it is found that the revision of the container regulations, 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 rule until 30 days after publication in the **Federal Register** because: (1) The 1993–94 marketing year begins June 1, 1994, and the container regulations established herein should apply to all apricots produced in the production area and need to be in place before the beginning of the marketing year; (2) handlers are aware of this rule, which was recommended at an open committee meeting, and need no additional time to comply with these regulations which are a relaxation; and (3) the rule provides a 30-day comment period, and any comments timely received will be considered prior to finalization of this interim final rule.

List of Subjects in 7 CFR Part 922

Apricots, Marketing agreements, Reporting and recordkeeping requirements.

For the reasons set forth in the preamble, 7 CFR part 922 is amended as follows:

PART 922—APRICOTS GROWN IN DESIGNATED COUNTIES IN WASHINGTON

1. The authority citation for 7 CFR part 922 continues to read as follows:

Authority: 7 U.S.C. 601–674.

2. Section 922.306 is revised to read as follows:

§ 922.306 Apricot Regulation 6.

(a) No handler shall handle any apricots unless such apricots are:

(1) In open containers or telescope fiberboard cartons and the net weight of the apricots is not less than 28 pounds; or

(2) In closed containers containing not less than 14 pounds, net weight, of apricots: *Provided*, That when the apricots are packed in such containers they are row-faced or tray-packed; or

(3) In closed containers that are marked "12 pounds net weight" and contain not less than 12 pounds, net weight, of apricots which are of random size and are not row-faced; or

(4) In closed containers in which the apricots are row-faced or tray-packed: *Provided*, That apricots may be packed loose in such containers if a top pad is used and the net weight of the apricots therein is not less than 24 pounds; or

(5) If exported to Canada, in any of the containers specified in this paragraph (a) or in containers having inside dimensions of 16⅛ x 11½ inches with 4¾-inch end pieces and 3¾-inch side pieces.

(b) Notwithstanding any other provisions of this section, any individual shipment of apricots which, in the aggregate, does not exceed 500 pounds, net weight, may be handled without regard to the requirements specified in this section or in §§ 922.41 or 922.55.

(c) All apricots handled are also subject to all applicable grade, size, quality, maturity and pack regulations which are in effect pursuant to this part.

(d) The terms "handler", "handle" and "apricots" shall have the same meaning as when used in the amended marketing agreement and order.

Dated: June 9, 1994.

Eric M. Forman,

Deputy Director, Fruit and Vegetable Division.

[FR Doc. 94–14586 Filed 6–14–94; 8:45 am]

BILLING CODE 3410–02–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 94–NM–81–AD; Amendment 39–8939; AD 94–12–11]

Airworthiness Directives; Boeing Model 747–400 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 747–400 series airplanes. This action requires revising the Airplane Flight Manual to include procedures that will enable the flight crew to identify fuel system leaks and to take appropriate action to prevent further fuel loss. This amendment is prompted by reports that flight crew procedures related to fuel system leaks are not defined adequately in the FAA-approved AFM for these airplanes. The actions specified in this AD are intended to ensure that the flight crew is advised of the potential hazard related to fuel exhaustion due to undetected leakage, and the procedures necessary to address it.

DATES: Effective June 30, 1994.

Comments for inclusion in the Rules Docket must be received on or before August 15, 1994.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM–103, Attention: Rules Docket No. 94–NM–81–AD, 1601 Lind Avenue SW., Renton, Washington 98055–4056.

Information concerning this rulemaking action may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, Washington.

FOR FURTHER INFORMATION CONTACT: Jon Regimbal, Aerospace Engineer, Propulsion Branch, ANM–140S, FAA, Transport Airplane Directorate, Seattle Aircraft Certification Office, 1601 Lind Avenue SW., Renton, Washington 98055–4056; telephone (206) 227–2687; fax (206) 227–1181.

SUPPLEMENTARY INFORMATION: On March 21, 1994, a Boeing Model 747–400

diverted from its intended destination airport because of indications that insufficient fuel remained to complete the scheduled leg of the flight. During landing and rollout, a large amount of fuel was spilled on the runway; additionally, during application of reverse thrust, fuel sprayed on the airplane. With such fuel leakage, the potential for a large fire existed during and after landing; however, the fuel did not ignite and no injuries occurred.

Investigation of this incident revealed that a major fuel leak had developed much earlier in the flight, and that approximately 35,000 lbs. of fuel had been lost. The operator of the incident airplane pointed out that, had a similar scenario occurred on the same flight leg in the opposite direction, the airplane's fuel supply would have been exhausted prior to reaching a suitable airport.

The fuel apparently had leaked from a cracked fuel tube within the engine nacelle. The cause of the cracking currently is under investigation by the engine manufacturer (and may be the subject of future rulemaking, if warranted). The fuel leak was located upstream of the fuel flow meter. Under these circumstances, sufficient fuel may still be supplied to the engine, and the engine may operate normally. In this particular incident, the flight crew received no immediate indication of abnormal fuel flow (i.e., excessive fuel flow on one engine) from the fuel flow meter. The "FUEL DISAGREE—PROG 2/2" Flight Management System—Control Display Unit (FMS–CDU) message and the "FUEL IMBALANCE" Engine Indication and Crew Alerting System (EICAS) message were displayed some time after the fuel began leaking. However, because there currently are no explicit instructions in the Airplane Flight Manual (AFM) or the Operations Manual relative to actions that should be taken during situations such as these, the flight crew did not initiate procedures to isolate the leak and retain the remaining fuel on the airplane.

If the flight crew fails to detect a fuel leak, appropriate action would not be taken to prevent further fuel loss. This condition, if not corrected, could result in fuel exhaustion due to undetected fuel leakage.

In light of this information, the FAA finds that certain procedures should be included in the FAA-approved AFM for Model 747–400 series airplanes to enable the flight crew to detect fuel system leaks and to take appropriate action. The FAA has determined that such procedures currently are not defined adequately in the AFM for these airplanes.

Since an unsafe condition has been identified that is likely to exist or develop on other Boeing Model 747–400 series airplanes of the same type design, this AD is being issued to ensure that flight crews are advised of the potential hazard related to a significantly reduced or exhausted airplane fuel supply, and of the procedures necessary to address it. This AD requires revising the Non-Normal Procedures Section of the AFM to include procedures that will enable the flight crew to identify fuel system leaks and to take appropriate action to prevent further fuel loss.

The applicability of this AD action is limited to only Model 747–400 series airplane. While Model 747–100, –200, –300, SP, and SR series airplanes have a similar fuel delivery system to that of the Model 747–400, the indication systems and flight crew procedures for monitoring fuel usage are significantly different for these models. These models were designed to be operated by three flight crew members and, in the event of a similar fuel leak on one of these airplanes, the flight engineer would detect the fuel leak and recommend shutdown of the appropriate engine prior to the loss of such a large quantity of fuel.

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–81–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 that it 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, 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:

94-12-11 Boeing: Amendment 39-8939. Docket 94-NM-81-AD.

Applicability: All Model 747-400 series airplanes, certificated in any category.

Compliance: Required as indicated, unless accomplished previously.

To ensure that the flight crew is advised of the potential hazard associated with fuel exhaustion due to undetected fuel leakage, and of the procedures necessary to address it, accomplish the following:

(a) Within 60 days after the effective date of this AD, revise the Non-Normal Procedures Section of the FAA-approved Airplane Flight Manual (AFM) to include the following procedures, which will enable the flight crew to identify fuel system leaks and to take appropriate action to prevent further fuel loss. This may be accomplished by inserting a copy of this AD in the AFM.

In-Flight Fuel Leak

If the Flight Management Computer System (FMCS) message "FUEL DISAGREE—PROG 2/2" or "INSUFFICIENT FUEL" is displayed:

Compare the Fuel Quantity Indicating System (FQIS) total fuel quantity and the FMC calculated fuel remaining (based on fuel flow) with estimated fuel usage data.

If a fuel leak is suspected, turn off the stabilizer tank pump switches, ifinstalled, the center wing tank pump switches, and the tank 2 and 3 override pump switches, and close all crossfeed valves (tank-to-engine fuel feed configuration). Watch for any unusual decrease in fuel tank quantity and/or a fuel imbalance to determine if fuel is being lost.

If an engine fuel leak is confirmed (either visually or by flight deck indications), shut down the affected engine to stop the leak and retain the remaining fuel. After shutdown of the affected engine, resume normal fuel management procedures. All remaining fuel can be used for the operating engines. Use FQIS to determine fuel remaining."

(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, Seattle Aircraft Certification Office (ACO), FAA, Transport Airplane Directorate. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, Seattle ACO.

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

(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) This amendment becomes effective on June 30, 1994.

Issued in Renton, Washington, on June 8, 1994.

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 94-14360 Filed 6-14-94; 8:45 am]

BILLING CODE 4910-13-U

14 CFR Part 97

[Docket No. 1604; Amdt. No. 27779]

Standard Instrument Approach Procedures; Miscellaneous Amendments

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

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

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

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

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

For Examination

1. FAA Rules Docket, FAA Headquarters Building, 800 Independence Avenue SW., Washington, DC 20591;

2. The FAA Regional Office of the region in which the affected airport is located; or

3. The Flight Inspection Area Office which originated the SIAP.

For Purchase

Individual SIAP copies may be obtained from:

1. FAA Public Inquiry Center (APA-200), FAA Headquarters Building, 800 Independence Avenue SW., Washington, DC 20591; or

2. The FAA Regional Office of the region in which the affected airport is located.

By Subscription

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

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

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

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

The Rule

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

remaining SIAPs, an effective date at least 30 days after publication is provided.

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

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

List of Subjects in 14 CFR Part 97

Air traffic control, Airports, Navigation (air).

Issued in Washington, DC, on June 3, 1994.

Thomas C. Accardi,

Director, Flight Standards Service.

Adoption of the Amendment

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

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

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

Authority: 49 U.S.C. app. 1348, 1354(a), 1421 and 1510; 49 U.S.C. 106(g); and 14 CFR 11.49(b)(2).

2. Part 97 is amended to read as follows:

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

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

. . . Effective August 18, 1994

Chandler, AZ, Chandler Muni, VOR RWY 4L, Amdt. 5
Rio Vista, CA, Rio Vista Muni, VOR–A, Amdt. 3, CANCELLED
Sanford, ME, Sanford Muni, NDB RWY 7, Amdt. 1
Sanford, ME, Sanford Muni, ILS RWY 7, Amdt. 2
Chandler, OK, Chandler Muni, NDB RWY 17, Amdt. 3, CANCELLED
Chandler, OK, Chandler Muni, NDB RWY 35, Orig
Clinton, OK, Clinton-Sherman, VOR RWY 35L, Amdt. 11
Clinton, OK, Clinton-Sherman, NDB RWY 17R, Amdt. 10
Clinton, OK, Clinton-Sherman, ILS RWY 17R, Amdt. 7
Prague, OK, Prague Muni, NDB RWY 17, Amdt. 1
Bolivar, TN, William L. Whitehurst Field, NDB RWY 1, Amdt. 3
Houston, TX, Sugar Land Muni/Hull Field, NDB RWY 17, Amdt. 8
Houston, TX, Sugar Land Muni/Hull Field, NDB RWY 35, Amdt. 4
Houston, TX, Sugar Land Muni/Hull Field, ILS RWY 35, Amdt. 2
Houston, TX, Sugar Land Muni/Hull Field, VOR/DME RNAV RWY 17, Amdt. 6
Houston, TX, Sugar Land Muni/Hull Field, VOR/DME RNAV RWY 35, Amdt. 7
Wendover, UT, Wendover, VOR/DME OR TACAN–A, Amdt. 2
Grantsburg, WI, Grantsburg, VOR/DME–A, Amdt. 1

. . . Effective July 21, 1994

Madison, IN, Madison Muni, VOR/DME RWY 3, Amdt. 7
Madison, IN, Madison Muni, NDB RWY 3, Amdt. 3
Red Oak, IA, Red Oak Muni, VOR/DME–A, Amdt. 4
Red Oak, IA, Red Oak Muni, NDB/RWY 17, Amdt. 7
Webster City, IA, Webster City Muni, VOR/DME OR GPS RWY 14, Amdt. 3
Webster City, IA, Webster City Muni, NDB OR GPS RWY 32, Amdt. 7
Bedford, PA, Bedford, VOR/DME–A, Amdt. 3, CANCELLED
Philadelphia, PA, Philadelphia Intl, ILS RWY 27L, Amdt. 6
Philadelphia, PA, Philadelphia Intl, RWY 27R, Amdt. 7
Providence, RI, Theodore Francis Green State, VOR RWY 5, Amdt. 12

. . . Effective June 23, 1994

Moline, IL, Quad-City, LOC RWY 27, Amdt. 7, CANCELLED
Moline, IL, Quad-City, ILS RWY 27, Orig
Auburn-Lewiston, ME, Auburn-Lewiston Muni, VOR–A, Amdt. 1 CANCELLED
Auburn-Lewiston, ME, Auburn-Lewiston Muni, VOR–DME–A, Orig
Auburn-Lewiston, ME, Auburn-Lewiston Muni, NDB RWY 4, Amdt. 10
Auburn-Lewiston, ME, Auburn-Lewiston Muni, ILS RWY 4, Amdt. 9
Portland, ME, Portland Intl Jetport, NDB RWY 11, Amdt. 15
Portland, ME, Portland Intl Jetport, ILS RWY 11, Amdt. 20
Portland, ME, Portland Intl Jetport, ILS RWY 29, Amdt. 3, CANCELLED
Portland, ME, Portland Intl Jetport, ILS/DME RWY 29, Orig
Portland, ME, Portland Intl Jetport, RADAR 1, Amdt. 4
St. James, MI, Beaver Island, NDB RWY 27, Orig
Warrensburg, MO, Skyhaven, VOR/DME RWY 13, Amdt. 4, CANCELLED
Oklahoma City, OK, Sundance Airpark, LOC RWY 17, Orig

. . . Effective Upon Publication

Newark, NJ, Newark Intl, VOR RWY 11, Amdt. 1
Burlington, NC, Burlington-Alamance Regional, VOR RWY 10, Amdt. 7

Note: Burbank, CA—Burbank-Glendale-Pasadena . . . The FAA published an ILS RWY 8 Amdt. 36 and LOC RWY 8 Amdt. 2 in TL 94–11, Page 6, dated May 6, 1994, under the Effective Date of 23 JUN 94 . . . These amendments are hereby revoked.

[FR Doc. 94–14574 Filed 6–14–94; 8:45 am]

BILLING CODE 4910–13–M

---

14 CFR Part 97

[Docket No. 1606; Amdt. No. 27781]

Standard Instrument Approach Procedures; Miscellaneous Amendments

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

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

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

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

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

For Examination

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

For Purchase

Individual SIAP copies may be obtained from:

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

By Subscription

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

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

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

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

This amendment to part 97 is effective upon publication of each separate SIAP as contained in the transmittal. The SIAPs contained in this amendment are based on the criteria contained in the United States Standard for Terminal Instrument Approach Procedures (TERPS). In developing these SIAPs, the TERPS criteria were applied to the conditions existing or anticipated at the affected airports.

The FAA has determined through testing that current non-localizer type, non-precision instrument approaches developed using the TERPS criteria can be flown by aircraft equipped with Global Positioning System (GPS) equipment. In consideration of the above, the applicable Standard Instrument Approach Procedures (SIAPs) will be altered to include "or GPS" in the title without otherwise reviewing or modifying the procedure. Because of the close and immediate relationship between these SIAPs and safety in air commerce, I find that notice and public procedure before adopting these SIAPs are unnecessary, impracticable, and contrary to the public interest and, where applicable, that good cause exists for making some SIAPs effective in less than 30 days.

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

List of Subjects in 14 CFR Part 97

Air traffic control, Airports, Navigation (air).

Issued in Washington, DC, on June 3, 1994.

Thomas C. Accardi,

Director, Flight Standards Service.

Adoption of the Amendment

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

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

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

Authority: 49 U.S.C. app. 1348, 1354(a), 1421 and 1510; 49 U.S.C. 106(g); and 14 CFR 11.49(b)(2).

2. Part 97 is amended to read as follows:

§§ 97.23, 97.27, 97.33, 97.35 [Amended]

By amending: § 97.23 VOR, VOR/DME, VOR or TACAN, and VOR/DME or TACAN; § 97.27 NDB, NDB/DME; § 97.33 RNAV SIAPs; and § 97.35 COPTER SIAPs, identified as follows:

. . . Effective August 18, 1994

Bethel, AK, Bethel, VOR or GPS RWY 18, Amdt. 8
Bethel, AK, Bethel, VOR or GPS RWY 36, Amdt. 7
Deadhorse, AK, Deadhorse, NDB or GPS–A, Amdt. 2
Deadhorse, AK, Deadhorse, VOR/DME or TACAN or GPS RWY 22, Orig.
Deadhorse, AK, Deadhorse, VOR/DME or TACAN or GPS RWY 4, Amdt. 3
Kenai, AK, Kenai Muni, NDB or GPS–A, Amdt. 3
Kenai, AK, Kenai Muni, VOR or GPS RWY 19, Amdt. 15
Kenai, AK, Kenai Muni, VOR/DME or GPS RWY 1, Amdt. 5
Bay Minette, AL, Bay Minette Muni, VOR or GPS RWY 8, Amdt. 6
Bessemer, AL, Bessemer, VOR or GPS RWY 5, Amdt. 5
Brewton, AL, Brewton Muni, VOR/DME or GPS RWY 30, Amdt. 6
Centre, AL, Centre Muni, VOR/DME or GPS RWY 27, Amdt. 1A
Huntsville, AL, Huntsville Intl-Carl T. Jones Field, NDB or GPS RWY 18R, Amdt. 13
Huntsville, AL, Huntsville Intl-Carl T. Jones Field, VOR or GPS–A, Amdt. 11
Carlisle, AR, Carlisle Muni, VOR/DME or GPS RWY 9, Orig. A
Decatur, AR, Crystal Lake, VOR/DME or GPS RWY 13, Amdt. 8
Fayetteville, AR, Drake Field, VOR or GPS–A, Amdt. 24
Fayetteville, AR, Drake Field, VOR/DME or GPS RWY 34, Orig.
Morrilton, AR, Morrilton Muni, NDB or GPS RWY 27, Orig.
Morrilton, AR, Petit Jean Park, NDB or GPS RWY 2, Amdt. 2
Pocahontas, AR, Nick Wilson Field, VOR or GPS RWY 36, Amdt. 6

Chandler, AZ, Stellar Airpark, VOR or GPS–A, Amdt. 1
Flagstaff, AZ, Flagstaff Pulliam, VOR or GPS–A, Amdt. 3
Flagstaff, AZ, Flagstaff Pulliam, VOR/DME or GPS RWY 21, Orig.
Arcata/Eureka, CA, Arcata, NDB or GPS–A, Amdt. 7
Arcata/Eureka, CA, Arcata, VOR or GPS RWY 14, Amdt. 7
Arcata/Eureka, CA, Arcata, VOR/DME or GPS RWY 2, Amdt. 7
Blythe, CA, Blythe, VOR/DME or GPS RWY 26, Amdt. 5
Blythe, CA, Blythe, VOR or GPS–A, Amdt. 6
Davis, CA, University, VOR or GPS RWY 16, Amdt. 1
Lincoln, CA, Lincoln Muni, VOR or GPS RWY 15, Amdt. 3
Los Banos, CA, Los Banos Muni, VOR/DME or GPS RWY 14, Amdt. 3
Los Banos, CA, Los Banos Muni, VOR/DME or GPS RWY 32, Amdt. 4
Oakdale, CA, Oakdale, VOR or GPS RWY 10, Amdt. 5A
Santa Rosa, CA, Sonoma County, VOR or GPS RWY 32, Amdt. 19
Santa Rosa, CA, Sonoma County, VOR/DME or GPS RWY 14, Amdt. 2
Upland, CA, Cable, VOR or GPS RWY 6, Amdt. 7
Akron, CO, Akron-Washington County, VOR or GPS RWY 29, Orig.
Fort Collins/Loveland, CO, Fort Collins-Loveland Muni, VOR/DME or GPS–A, Amdt. 6A
Fort Collins/Loveland, CO, Fort Collins-Loveland Muni, VOR/DME RNAV or GPS RWY 33, Amdt. 5A
Fort Collins/Loveland, CO, Fort Collins-Loveland Muni, VOR/DME RNAV or GPS RWY 15, Amdt. 4B
Danbury, CT, Danbury Muni, VOR or GPS–A, Amdt. 7
Danbury, CT, Danbury Muni, VOR/DME RNAV or GPS RWY 26, Amdt. 4
Washington, DC, Washington National, RNAV or GPS RWY 3, Amdt. 6
Washington, DC, Washington National, RNAV or GPS RWY 33, Amdt. 5
Laurel, DE, Laurel, VOR/DME or GPS RWY 32, Orig.
Daytona Beach, FL, Daytona Beach Regional, VOR or GPS RWY 16, Amdt. 17A
Daytona Beach, FL, Daytona Beach Regional, NDB or GPS RWY 7L, Amdt. 23
Fort Lauderdale, FL, Fort Lauderdale Executive, RNAV or GPS RWY 8, Amdt. 2
Jacksonville, FL, Jacksonville Intl, NDB or GPS RWY 7, Amdt. 9
Jacksonville, FL, Jacksonville Intl, VOR or GPS RWY 31, Orig.
Orlando, FL, Orlando Intl, VOR/DME or GPS RWY 18L, Amdt. 5
Orlando, FL, Orlando Intl, VOR/DME or GPS RWY 18R, Amdt. 5
Orlando, FL, Orlando Intl, VOR/DME or GPS RWY 36L, Amdt. 4
Orlando, FL, Orlando Intl, VOR/DME or GPS RWY 36R, Amdt. 9
Athens, GA, Athens/Ben Epps, VOR or GPS RWY 2, Amdt. 10
Athens, GA, Athens/Ben Epps, NDB or GPS RWY 27, Orig.
Athens, GA, Athens/Ben Epps, RNAV or GPS RWY 20, Amdt. 2
Athens, GA, Athens/Ben Epps, RNAV or GPS RWY 9, Amdt. 1
Cochran, GA, Cochran, VOR/DME or GPS RWY 5, Amdt. 5
Covington, GA, Covington Muni, VOR/DME or GPS RWY 9, Amdt. 2
Covington, GA, Covington Muni, NDB or GPS RWY 27, Orig.
Newnan, GA, Newnan-Coweta County, VOR/DME or GPS–A, Amdt. 5
Newnan, GA, Newnan-Coweta County, NDB or GPS RWY 32, Amdt. 1
Honolulu, HI, Honolulu Intl, VOR/DME or TACAN or GPS–B, Amdt. 2
Honolulu, HI, Honolulu Intl, NDB or GPS RWY 8L, Amdt. 19
Honolulu, HI, Honolulu Intl, VOR or TACAN or GPS RWY 4R, Orig.
Honolulu, HI, Honolulu Intl, VOR or TACAN or GPS–A, Amdt. 1
Ames, IA, Ames Muni, VOR or GPS RWY 31, Amdt. 8A
Cedar Rapids, IA, Cedar Rapids Muni, RNAV or GPS RWY 31, Amdt. 7
Cedar Rapids, IA, Cedar Rapids Muni, VOR or GPS RWY 27, Amdt. 11
Cedar Rapids, IA, Cedar Rapids Muni, VOR or GPS RWY 9, Amdt. 16
Cedar Rapids, IA, Cedar Rapids Muni, RNAV or GPS RWY 13, Amdt. 8
Muscatine, IA, Muscatine Muni, NDB or GPS RWY 5, Amdt. 12
Ottumwa, IA, Ottumwa Industrial, VOR/DME or GPS RWY 13, Amdt. 6A
Ottumwa, IA, Ottumwa Industrial, VOR or GPS RWY 31, Amdt. 14A
Ottumwa, IA, Ottumwa Industrial, RNAV or GPS RWY 22, Amdt. 3
Osceola, IA, Osceola Muni, VOR/DME or GPS RWY 18, Orig.
Pella, IA, Pella Muni, NDB or GPS RWY 34, Amdt. 6
Caldwell, ID, Caldwell Industrial, NDB or GPS RWY 30, Amdt. 3A
Pocatello, ID, Pocatello Regional, VOR or TACAN or GPS RWY 3, Amdt. 15
Carbondale/Murphysboro, IL, Southern Illinois, VOR or GPS–A, Amdt. 5A
Champaign/Urbana, IL, University of Illinois-Willard, VOR/DME or GPS RWY 22R, Amdt. 7
Champaign/Urbana, IL, University of Illinois-Willard, VOR or GPS RWY 4L, Amdt. 10
Danville, IL, Vermilion County, VOR/DME or GPS RWY 3, Amdt. 11
Danville, IL, Vermilion County, VOR or GPS RWY 21, Amdt. 13
Effingham, IL, Effingham County Memorial, VOR or GPS RWY 1, Amdt. 9
Frankfort, IL, Frankfort, VOR or GPS RWY 27, Amdt. 3
Robinson, IL, Robinson Muni, VOR or GPS RWY 27, Amdt. 4
Robinson, IL, Robinson Muni, VOR or GPS RWY 17, Amdt. 4
Alexandria, IN, Alexandria, VOR or GPS RWY 27, Amdt. 8
Bloomington, IN, Monroe County, VOR or GPS RWY 6, Amdt. 16
Bloomington, IN, Monroe County, VOR or GPS RWY 24, Amdt. 10
Bloomington, IN, Monroe County, VOR or GPS RWY 17, Amdt. 11
Brazil, IN, Brazil Clay County, VOR or GPS RWY 9, Amdt. 6
Evansville, IN, Evansville Regional, VOR or GPS RWY 4, Amdt. 5
Fort Wayne, IN, Fort Wayne International, VOR or GPS RWY 14, Amdt. 15
Fort Wayne, IN, Fort Wayne International, VOR or TACAN or GPS RWY 23, Amdt. 11
Fort Wayne, IN, Fort Wayne International, VOR or TACAN or GPS RWY 5, Amdt. 18
Fort Wayne, IN, Smith Field, VOR or GPS RWY 13, Amdt. 7
Frankfort, IN, Frankfort Muni, NDB or GPS RWY 9, Orig.
Atchison, KS, Amelia Earhart, VOR/DME RNAV or GPS RWY 16, Amdt. 3
Atchison, KS, Amelia Earhart, VOR/DME or GPS–A, Amdt. 3
Augusta, KS, Augusta Muni, VOR/DME RNAV or GPS RWY 36, Orig. A
Augusta, KS, Augusta Muni, VOR or GPS–A, Orig.
Clay Center, KS, Clay Center Muni, NDB or GPS RWY 35, Amdt. 1
Coffeyville, KS, Coffeyville Muni, VOR/DME or GPS–A, Amdt. 5
Coffeyville, KS, Coffeyville Muni NDB or GPS RWY 35, Orig.
Salina, KS, Salina Muni, VOR or GPS RWY 17, Orig.
Salina, KS, Salina Muni, NDB or GPS RWY 35, Amdt. 15
Campbellsville, KY, Taylor County, NDB or GPS RWY 23, Amdt. 2
Campbellville, KY, Taylor County, VOR/DME or GPS–A, Amdt. 4
Elizabethtown, KY, Addington Field, VOR or GPS–A, Amdt. 2
Elizabethtown, KY, Addington Field, RNAV or GPS RWY 5, Amdt. 2
Alexandria, LA, Alexandria Esler Regional, VOR or GPS RWY 32, Amdt. 13B
Baton Rouge, LA, Baton Rouge Metropolitan, Ryan Field, VOR or GPS RWY 4L, Amdt. 15
Baton Rouge, LA, Baton Rouge Metropolitan, Ryan Field, NDB or GPS RWY 13, Amdt. 23
Jennings, LA, Jennings, VOR/DME or GPS RWY 8, Orig.
Lake Charles, LA, Lake Charles Regional, RNAV or GPS RWY 5, Amdt. 3
Lake Charles, LA, Lake Charles Regional, RNAV or GPS RWY 23, Amdt. 3A
Bedford, MA, Laurnce G Hanscom Fld, NDB or GPS RWY 29, Amdt. 5A
Bedford, MA, Laurence G Hanscom Fld, VOR or GPS RWY 23, Amdt. 8A
Hyannis, MA, Barnstable Muni-Boardman/Polando Field, VOR or GPS RWY 6, Amdt. 6A
Northampton, MA, Northampton, VOR or GPS–A Amdt. 2
Baltimore, MD, Martin State, NDB or GPS RWY 15, Amdt. 7A
Baltimore, MD, Martin State, NDB or GPS RWY 33, Amdt. 7A
Augusta, ME, Augusta State, VOR or GPS RWY 35, Amdt. 5
Sanford, ME, Sanford Muni, VOR or GPS RWY 7, Amdt. 3A
Wiscasset, ME, Wiscasset, NDB or GPS RWY 25, Amdt. 4
Alpena, MI, Alpena County Regional, VOR or GPS RWY 19, Amdt. 14
Alpena, MI, Alpena County Regional, NDB or GPS RWY 1, Amdt. 6
Benton Harbor, MI, Ross Field-Twin Cities, VOR or RWY 9, Amdt. 8
Escanaba, MI, Delta County, VOR or GPS RWY 9, Amdt. 13

Escanaba, MI, Delta County, VOR or GPS RWY 18, Amdt. 7
Escanaba, MI, Delta County, VOR or GPS RWY 27, Amdt. 11
Jackson, MI, Jackson County-Reynolds Field, VOR or GPS RWY 24, Amdt. 21
Jackson, MI, Jackson County-Reynolds Field, VOR or GPS RWY 6, Amdt. 19
Kalamazoo, MI, Kalamazoo/Battle Creek Intl, VOR or GPS RWY 17, Amdt. 17
Kalamazoo, MI, Kalamazoo/Battle Creek Intl, VOR or GPS RWY 35 Amdt. 16
Port Huron, MI, Saint Clair County Intl, VOR/DME RNAV or GPS RWY 22, Amdt. 1
Austin, MN, Austin Muni, VOR or GPS RWY 18, Orig. A
Austin, MN, Austin Muni, VOR or GPS RWY 36, Orig. B
International Falls, MN, Falls Intl, VOR or GPS RWY 13, Amdt. 12A
International Falls, MN, Falls Intl, NDB or GPS RWY 31, Amdt. 7A
Little Falls, MN, Little Falls-Morrison County, NDB or GPS RWY 30, Amdt. 4
Minneapolis, MN, Minneapolis-St Paul Intl (Wold Chamberlain), NDB or GPS RWY 4, Amdt. 17
Minneapolis, MN, Minneapolis-St Paul Intl (Wold Chamberlain), NDB or GPS RWY 29L, Amdt. 22
Montevideo, MN, Montevideo-Chippewa County, VOR or GPS RWY 14, Amdt. 4
Moose Lake, MN,, Moose Lake Carlton County, NDB or GPS RWY 4, Orig.
Kansas City, MO, Kansas City Intl, VOR or GPS RWY 27, Amdt. 14
Kansas City, MO, Kansas City Intl, NDB or GPS RWY 9, Amdt. 8
Kirksville, MO, Kirksville Regional, VOR/DME RNAV RWY 18, Amdt. 6
Kirksville, MO, Kirksville Regional, VOR/DME RNAV RWY 36 Amdt. 7
Moberly, MO, Omar N. Bradley, RNAV or GPS RWY 31, Amdt. 1
Moberly, MO, Omar N. Bradley, VOR/DME or GPS–A, Amdt. 3
Moberly, MO, Omar N. Bradley, RNAV or GPS RWY 13, Amdt. 1
Indianola, MS, Indianola Muni, NDB or GPS RWY 35, Amdt. 4
Indianola, MS, Indianola Muni, NDB or GPS RWY 17, Amdt. 4
Jackson, MS, Hawkins Field, RNAV or GPS RWY 16, Amdt. 4
Mc Comb, MS, Mc Comb-Pike County-John E. Lewis Field, RNAV or GPS RWY 33, Amdt. 6
Meridian, MS, Key Field, RNAV or GPS RWY 19, Amdt. 3
Oxford, MS, University-Oxford, RNAV or GPS RWY 9, Amdt. 2
Oxford, MS, University-Oxford, RNAV or GPS RWY 27, Amdt. 2
Lewistown, MT, Lewistown Muni, VOR or GPS RWY 7, Amdt. 14
Sidney, MT, Sidney-Richland Muni, NDB or GPS RWY 1, Amdt. 1
Sidney, MT, Sidney-Richland Muni, NDB or GPS RWY 19, Amdt. 3
Asheville, NC, Asheville Regional, NDB or GPS RWY 34, Amdt. 18
Fayetteville, NC, Fayetteville Regional/Grannis Field, VOR or GPS RWY 28, Amdt. 7
Greensboro, NC, Piedmont Triad Intl, NDB or GPS RWY 14, Amdt. 15
Greensboro, NC, Piedmont Triad Intl, VOR or GPS RWY 5, Amdt. 12
Greensboro, NC, Piedmont Triad Intl, VOR/DME or GPS RWY 23, Amdt. 9
Greensboro, NC, Piedmont Triad Intl, VOR/DME or GPS RWY 32, Amdt. 3
Louisburg, NC, Franklin County, VOR/DME–A, Orig. A
Rocky Mount, NC, Rocky Mount-Wilson, NDB or GPS RWY 4, Amdt. 8
Rocky Mount, NC, Rocky Mount-Wilson, VOR/DME or GPS RWY 22, Amdt. 1
Rutherfordton, NC, Rutherford County, VOR or GPS RWY 36, Amdt. 4
Williston, ND, Sloulin Field Intl, VOR or GPS RWY 11, Amdt. 12A
Williston, ND, Sloulin Field Intl, VOR/DME or GPS RWY 29, Amdt. 3A
Aurora, NE, Aurora Muni, NDB or GPS RWY 16, Amdt. 2
Bassett, NE, Rock County, NDB or GPS RWY 31, Amdt. 2
Beatrice, NE, Beatrice Muni, VOR or GPS RWY 35, Amdt. 5
Beatrice, NE, Beatrice Muni, VOR or GPS RWY 13, Amdt. 15
Holdrege, NE, Brewster Field, NDB or GPS RWY 18, Amdt. 6
Holdrege, NE, Brewster Field, VOR/DME or GPS–A, Amdt. 2
Wahoo, NE, Wahoo Muni, NDB or GPS RWY 20, Amdt. 2
Rochester, NH, Skyhaven, NDB or GSP RWY 33, Amdt. 4
Rochester, NH, Skyhaben, VOR/DME or GPS–A, Amdt. 1
Atlantic City, Atlantic City Muni/Bader Field, VOR or GPS RWY 11, Amdt. 4
Atlantic City, Atlantic City Muni/Bader Field, VOR or GPS–A, Amdt. 4
Atlantic City, Atlantic City Muni/Bader Field, VOR or GPS–B, Amdt. 1
Morristown, NJ, Morristown Muni, NDB or GPS RWY 23, Amdt. 6B
Morristown, NJ, Morristown Muni, NDB or GPS RWY 5, Amdt. 11
Alamogordo, NM, Alamogordo-While Sands Regional, VOR or GPS RWY 3, Orig.
Farmington, NM, Four Corners Regional, VOR or GPS RWY 25, Amdt. 8
Farmington, NM, Four Corners Regional, VOR/DME RWY 7, Amdt. 3
Battle Mountain, NV, Battle Mountain, VOR/DME or GPS RWY 3, Amdt. 4
Battle Mountain, NV, Battle Mountain, VOR or GPS–A, Amdt. 3
East Hampton, NY, East Hampton, RNAV or GPS RWY 28, Amdt. 1
East Hampton, NY, East Hampton, VOR or GPS–A, Amdt. 9
East Hampton, NY, East Hampton, RNAV or GPS RWY 10, Amdt. 4
Montgomery, NY, Orange County, VOR or GPS RWY 8, Amdt. 7
Monticello, NY, Monticello, VOR/DME or GPS RWY 1, Amdt. 2A
Monticello, NY, Sullivan County Intl, NDB or GPS RWY 15, Amdt. 6
New York, NY, John F. Kennedy Intl, VOR/DME or TACAN or GPS RWY 22L, Amdt. 4
New York, NY, John F. Kennedy Intl, VOR or GPS RWY 4L/R, Amdt. 15
New York, NY, John F. Kennedy Intl, VOR or GPS RWY 13L/13R, Amdt. 17
New York, NY, John F. Kennedy Intl, VOR/DME or GPS RWY 31L, Amdt. 11
Cleveland, OH, Cleveland-Hopkins Intl, VOR/DME RNAV or GPS RWY 10, Amdt. 11
Cleveland, OH, Cleveland-Hopkins Intl, VOR/DME RNAV or GPS RWY 18, Amdt. 10
Cleveland, OH, Cleveland-Hopkins Intl, NDB or GPS RWY 23L, Amdt. 1
Cleveland, OH, Cleveland-Hopkins Intl, NDB or GPS RWY 5R, Amdt. 5
Cleveland, OH, Cleveland-Hopkins Intl, VOR/DME RNAV or GPS RWY 36, Amdt. 10
Dayton, OH, James M Cox Dayton Intl, VOR/DME RNAV or GPS RWY 6R, Amdt. 8
Dayton, OH, James M Cox Dayton Intl, NDB or GPS RWY 6L, Amdt. 5
New Philadelphia, OH, Harry Clever Field, VOR/DME or GPS–B, Amdt. 2
Painesville, OH, Concord Airpark, VOR/DME or GPS–A, Amdt. 1
Youngstown, OH, Youngstown Elser Metro, VOR or GPS–C, Orig. A
Zanesville, OH, Zanesville Muni, VOR or GPS RWY 22, Amdt. 3
Zanesville, OH, Zanesville Muni, NDB or GPS–A, Amdt. 1
Zanesville, OH, Zanesville Muni, VOR or GPS RWY 4, Amdt. 6
Altus, OK, Altus Muni, RNAV or GPS RWY 17, Orig.
Altus, OK, Altus Muni, VOR or GPS–A, Amdt. 4
Buffalo, OK, Buffalo Muni, NDB or GPS–A, Amdt. 1
Chickasha, OK, Chickasha Muni, NDB or GPS RWY 17, Orig.
Chickasha, OK, Chickasha Muni, RNAV or GPS RWY 35, Orig.
Chickasha, OK, Chickasha Muni, VOR/DME or GPS–A, Orig.
Pauls Valley, OK, Pauls Valley Muni, NDB or GPS RWY 35, Amdt. 2
Perry, OK, Perry Muni, VOR/DME or GPS RWY 17, Amdt. 1A
Okmulgee, OK, Okmulgee Muni, NDB or GPS RWY 17, Amdt. 3
Okmulgee, OK, Okmulgee Muni, VOR or GPS RWY 22, Amdt. 1
Baker, OR, Baker City Muni, VOR/DME or GPS RWY 12, Amdt. 10
Baker, OR, Baker City Muni, VOR or GPS–A Orig.
North Bend, OR, North Bend Muni, VOR or GPS–A, Amdt. 28
North Bend, OR, North Bend Muni, NDB or GPS RWY 4, Amdt. 28
North Bend, OR, North Bend Muni, VOR/DME or GPS–B, Amdt. 3
Butler, PA, Butler County/K W Scholter Field, RNAV or GPS RWY 26, Amdt. 2
Butler, PA, Butler County/K W Scholter Field, VOR or GPS–A, Amdt. 5
Du Bois, PA, Du Bois-Jefferson County, RNAV or GPS RWY 7, Amdt.
Corry, PA, Corry-Lawrence, NDB or GPS RWY 14, Amdt. 4
Langhorne, PA, Buehl Field, VOR or GPS–A, Orig.
Latrobe, PA, Westmoreland County, NDB or GPS RWY 23, Amdt. 12
Reading, PA, Reading Regional/Carl A Spaatz Field, RNAV or GPS RWY 13, Amdt. 7
Reading, PA, Reading Regional/Carl A Spaatz Field, RNAV or GPS RWY 18, Amdt. 7
West Chester, PA, Brandywine, VOR or GPS–A, Amdt. 2

Providence, RI, Theodore Francis Green State, VOR/DME or GPS RWY 16, Amdt. 4
San Juan, PR, Luis Munoz Marin Intl, VOR or GPS RWY 26, Amdt. 18
Bennettsville, SC, Marlboro County, NDB or GPS RWY 6, Amdt. 3
Clemson, SC, Clemson-Oconee County, VOR/DME or GPS RWY 25, Orig.
Manning, SC, Santee Cooper Regional, NDB or GPS RWY 2, Amdt. 2
Manning, SC, Santee Cooper Regional, VOR/DME or GPS–A, Amdt. 4
Marion, SC, Marion County, NDB or GPS RWY 4, Amdt. 3
Spartanburg, SC, Spartanburg Downtown Memorial, RNAV or GPS RWY 4, Amdt. 6A
Belle Fourche, SD, Belle Fourche Municipal, NDB or GPS RWY 31, Orig.
Britton, SD, Britton Muni, NDB or GPS RWY 13, Amdt. 3
Chattanooga, TN, Lovell Field, VOR or GPS RWY 33, Amdt. 16
Knoxville, TN, McGhee-Tyson, VOR or GPS RWY 23L, Amdt. 4
Knoxville, TN, McGhee-Tyson, VOR or GPS RWY 23R, Amdt. 6
Nashville, TN, Nashville International, VOR/DME or GPS RWY 13, Amdt. 12
Oneida, TN, Scott Muni, NDB or GPS RWY 23, Amdt. 4
Rockwood, TN, Rockwood Muni, VOR/DME or GPS RWY 22, Amdt. 5
Union City, TN, Everett-Stewart, NDB or GPS RWY 1, Amdt. 5
Alice, TX, Alice Intl, VOR or GPS RWY 31, Amdt. 11
Amarillo, TX, Amarillo Intl, VOR or GPS RWY 22, Amdt. 25
Amarillo, TX, Tradewind, RNAV or GPS RWY 35, Amdt. 7
Bay City, TX, Bay City Muni, VOR/DME or GPS–A, Amdt. 4
Beaumont/Port Arthur, Jefferson County, VOR/DME or TACAN or GPS RWY 34, Amdt. 6
Brownfield, TX, Terry County, NDB or GPS RWY 2, Amdt. 1
Brownville, TX, Brownsville/South Padre Island Intl, RNAV or GPS RWY 17, Amdt. 3
Brownsville, TX, Brownsville/South Padre Island Intl, RNAV or GPS RWY 35, Amdt. 3
Coleman, TX, Coleman Muni, NDB or GPS RWY 15, Amdt. 1
College Station, TX, Easterwood Field, VOR/DME or GPS RWY 28, Amdt. 1
Conroe, TX, Montgomery County, RNAV or GPS RWY 32, Orig.
Corpus Christi, TX, Corpus Christi Intl, VOR or TACAN or GPS RWY 17, Amdt. 1
Corsicana, TX, C David Campbell Field-Corsicana Muni, NDB or GPS RWY 14, Amdt. 2
Corsicana, TX, C David Campbell Field-Corsicana Muni, NDB or GPS RWY 32, Amdt. 1
Dallas, TX, Addison, VOR/DME RNAV or GPS RWY 33, Amdt. 2
Dallas, TX, Redbird, VOR or GPS RWY 31, Amdt. 1
Dallas, TX, Redbird, NDB or GPS RWY 35, Amdt. 8
Dallas, TX, Redbird, VOR/DME or GPS RWY 17, Orig.
Dallas-Fort Worth, TX, Dallas-Fort Worth Intl, NDB or GPS RWY 35R, Amdt. 8
Dumas, TX, Moore County, VOR/DME or GPS–A, Amdt. 5
Dumas, TX, Moore County, NDB or GPS RWY 1, Amdt. 3
Dumas, TX, Moore County, VOR/DME RNAV or GPS RWY 19, Amdt. 3
Decatur, TX, Decatur Muni, VOR or GPS–A, Amdt. 4
El Paso, TX, El Paso Intl, VOR or GPS RWY 26L, Amdt. 2
Fort Worth, TX, Fort Worth Spinks, RNAV or GPS RWY 35 L, Amdt. 1A
Georgetown, TX, Georgetown Muni, NDB or GPS RWY 18, Amdt. 4A
Price, UT, Carbon County, VOR or GPS RWY 36, Orig.
Provo, UT, Provo Muni, VOR or GPS RWY 13, Orig.
Manassas, VA, Manassas Regional/Harry P Davis Field, NDB or GPS–A, Amdt. 8
Manassas, VA, Manassas Regional/Harry P Davis Field, VOR/DME RNAV or GPS RWY 16R, Amdt. 7
Newport News, VA, Newport News/Williamsburg Intl, NDB or GPS RWY 2, Amdt. 4
Newport News, VA, Newport News/Williamsburg Intl, NDB or GPS RWY 20, Amdt. 3A
Richmond/Ashland, VA, Hanover County Muni, NDB or GPS RWY 16, Amdt. 1
South Hill, VA, Mecklenburg-Brunswick Regional, NDB or GPS RWY 1, Amdt. 1
Springfield, VT, Hartness State (Springfield), NDB or GPS–A, Amdt. 4
Tacoma, WA, Tocoma Narrows, NDB or GPS RWY 35, Amdt. 6
Walla Walla, WA, Walla Walla Regional, VOR or GPS RWY 2, Amdt. 10
Walla Walla, WA, Walla Walla Regional, NDB or GPS RWY 20, Amdt. 5
Walla Walla, WA, Walla Walla Regional, VOR or GPS RWY 16, Amdt. 11
Appleton, WI, Outagamie County, VOR/DME or GPS RWY 21, Orig.
Eagle River, WI, Eagle River Union, VOR/DME or GPS RWY 4, Amdt. 1
Fond Du Lac, WI, Fond Du Lac County, VOR/DME or GPS RWY 18, Amdt. 6
Kenosha, WI, Kenosha Regional, VOR or GPS RWY 24R, Orig.
Kenosha, WI, Kenosha Regional, VOR or GPS RWY 14, Orig.
La Crosse, WI, La Crosse Muni, VOR or GPS RWY 36, Amdt. 2
Lone Rock, WI, Tri-County Regional, RNAV or GPS RWY 27, Amdt. 6
Madison, WI, Dane County Regional-Truax Field, VOR or TACAN or GPS RWY 31, Amdt. 24
Madison, WI, Dane County Regional-Truax Field, VOR or TACAN or GPS RWY 13, Amdt. 23
Merrill, WI, Merrill Muni, NDB or GPS RWY 7, Amdt. 2
Charleston, WV, Yeager, VOR/DME RNAV or GPS RWY 15, Amdt. 2
Charleston, WV, Yeager, VOR/DME RNAV or GPS RWY 33, Amdt. 2
Cowley-Lovell-Byron, WY, North Big Horn County, NDB or GPS RWY 9, Amdt. 1
Pinedale, WY, Ralph Wenz Field, NDB or GPS RWY 29, Orig.
Powell, WY, Powell Muni, NDB or GPS RWY 31, Amdt. 1

The following are *connected* procedure titles adding "or GPS" published in Transmittal Letter 94–10.

Daggett, CA, Barstow-Daggett, VOR or TACAN or GPS RWY 22, Amdt. 8
New Haven, CT, Tweed-New Haven, VOR or GPS–A, Amdt. 2A.
Louisville, KY, Bowman Field, NDB or GPS RWY 32, Amdt. 15
Louisville, KY, Bowman Field, VOR or GPS RWY 14, Amdt. 9
Cleveland, OH, Burke Lakefront, NDB or GPS RWY 24R, Amdt. 1
Aguadilla, PR, Rafael Hernandez, VOR/DME or GPS RWY 8, Amdt. 1
Manitowoc, WI, Manitowoc County, VOR or GPS RWY 17, Amdt. 14
Manitowoc, WI, Manitowoc County, VOR or GPS RWY 35, Amdt. 13

. . . *Effective Upon Publication*

Moultrie, GA, Moultrie Muni, VOR or GPS RWY 22, Amdt. 11A

[FR Doc. 94–14576 Filed 6–14–94; 8:45 am]

BILLING CODE 4910–13–M

14 CFR Part 97

[Docket No. 1605; Amdt. No. 27780]

Standard Instrument Approach Procedures; Miscellaneous Amendments

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

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

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

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

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

For Examination

1. FAA Rules Docket, FAA Headquarters Building, 800 Independence Avenue, SW., Washington, DC 20591;

2. The FAA Regional Office of the region in which affected airport is located; or

3. The Flight Inspection Area Office which originated the SIAP.

For Purchase

Individual SIAP copies may be obtained from:

1. FAA Public Inquiry Center (APA–200), FAA Headquarters Building, 800 Independence Avenue, SW., Washington, DC 20591; or

2. The FAA Regional Office of the region in which the affected airport is located.

By Subscription

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

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

SUPPLEMENTARY INFORMATION: This amendment to part 97 of the Federal Aviation Regulations (14 CFR part 97) establishes, amends, suspends, or revokes Standard Instrument Approach Procedures (SIAPs). The complete regulatory description on each SIAP is contained in the appropriate FAA Form 8260 and the National Flight Data Center (FDC)/Permanent (P) Notices to Airmen (NOTAM) which are incorporated by reference in the amendment under 5 U.S.C. 552(a), 1 CFR part 51, and § 97.20 of the Federal Aviation Regulations (FAR). Materials incorporated by reference are available for examination or purchase as stated above.

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

The Rule

This amendment to part 97 of the Federal Aviation Regulations (14 CFR part 97) establishes, amends, suspends, or revokes SIAPs. For safety and timeliness of change considerations, this amendment incorporates only specific changes contained in the content of the following FDC/P NOTAM for each SIAP. The SIAP information in some previously designated FDC/Temporary (FDC/T) NOTAMs is of such duration as to be permanent. With conversion to FDC/P NOTAMs, the respective FDC/T NOTAMs have been cancelled.

The FDC/P NOTAMs for the SIAPs contained in this amendment are based on the criteria contained in the U.S. Standard for Terminal Instrument Approach Procedures (TERPS). In developing these chart changes to SIAPs by FDC/P NOTAMs, the TERPS criteria were applied to only these specific conditions existing at the affected airports.

All SIAP amendments in this rule have been previously issued by the FAA in a National Flight Data Center (FDC) Notice to Airmen (NOTAM) as an emergency action of immediate flight safety relating directly to published aeronautical charts. The circumstances which created the need for all these SIAP amendments requires making them effective in less than 30 days.

Further, the SIAPs contained in this amendment are based on the criteria contained in the TERPS. Because of the close and immediate relationship between these SIAPs and safety in air commerce, I find that notice and public procedure before adopting these SIAPs are unnecessary, impracticable, and contrary to the public interest and, where applicable, that good cause exists for making these SIAPs effective in less than 30 days.

Conclusion

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

List of Subjects in 14 CFR Part 97

Air traffic control, Airports, Navigation (air).

Issued in Washington, DC, on June 3, 1994.

Thomas C. Accardi,

Director, Flight Standards Service.

Adoption of the Amendment

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

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

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

Authority: 49 U.S.C. app. 1348, 1354(a), 1421 and 1510; 49 U.S.C. 106(g); and 14 CFR 11.49(b)(2).

2. Part 97 is amended to read as follows:

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

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

. . . *Effective Upon Publication* . . .

FDC date	State	City	Airport	FDC No.	SIAP
05/22/94	NY	Cortland	Cortland County-Chase Field	FDC 4/2325	VOR–A Orig A...
05/23/94	OK	Alva	Alva Muni	FDC 4/2341	NDB Rwy 35 Amdt 4...

FDC date	State	City	Airport	FDC No.	SIAP
05/24/94 ...	MN	South St. Paul	South St. Paul Muni-Richard E Fleming Field.	FDC 4/2368	ND–B Amdt 3A...
05/24/94 ...	SC	Orangeburg	Orangeburg Muni	FDC 4/2366	NDB OR GPS Rwy 5 Orig...
05/26/94 ...	MD	Gaithersburg	Montgomery County Airpark	FDC 4/2437	NDB Rwy 14, Orig...
05/27/94 ...	NV	Tonopah	Tonopah	FDC 4/2455	VOR–A Amdt 3...

Gaithersburg

Montgomery County Airpark
Maryland
NDB RWY 14, ORIG...
FDC Date: 05/26/94

FDC 4/2437/GAI/ FI/P Montgomery County Airpark, Gaithersburg, MD. NDB Rwy 14, Orig... Add Note... If ALSTG not received, use Baltimore-Washington Intl and increase all MDA's 120 ft. This becomes NDB Rwy 14, Orig-A.

South St. Paul

South St. Paul Muni-Richard E. Fleming Field
Minnesota
NDB–B AMDT 3A...
FDC Date: 05/24/94

FDC 4/2368/D97/ FI/P South St. Paul Muni-Richard E. Fleming Field, South St. Paul, MN. NDB–B Amdt 3A... Terminal Route FGT VORTAC to PPI NDB 2800. This is NDB–B Amdt 3B.

Tonopah

Tonopah
Nevada
VOR–A AMDT 3...
FDC Date: 05/27/94

FDC 4/2455/TPH/ FI/P Tonopah, Tonopah, NV. VOR–A Amdt 3... Delete ALSTG Note. This becomes VOR–A Amdt 3A.

Cortland

Cortland County-Chase Field
New York
VOR–A ORIG A...
FDC Date: 05/22/94

FDC 4/2325/NO3/ FI/P Cortland County-Chase Field, Cortland, NY. VOR–A Orig A... Circling CAT D NA. This is VOR–A Orig. B.

Alva

Alva Muni
Oklahoma
NDB RWY 35 AMDT 4...
FDC Date: 05/23/94

FDC 4/2341/3K1/ FI/P Alva Muni, Alva, OK. NDB Rwy 35 Amdt 4... Trml Rte Caron Int to Alva /AVK/ NDB ALT 4000. Chg Proc Turn Alt to 3100*. Add Note... *Maintain 4000 or above until established outbound for Proc turn. Chg missed approach to read... Climb to 3000 then climbing left turn to 4000 direct /AVK/ NDB and hold. This is NDB Rwy 35 Amdt 4A.

Orangeburg

Orangeburg Muni
South Carolina
NDB OR GPS RWY 5 ORIG...
FDC Date: 05/24/94

FDC 4/2366/OGB/ FI/P Orangeburg Muni, Orangeburg, SC. NDB or GPS Rwy 5 Orig... terminal route... Van Vortac to OYI NDB 267.71/23.20. This becomes NDB or GPS Rwy 5 Orig A.

[FR Doc. 94–14575 Filed 6–14–94; 8:45 am]
BILLING CODE 4910–13–M

DEPARTMENT OF COMMERCE

Bureau of Export Administration

15 CFR Parts 770, 771, and 775

[Docket No. 940533–4133]

RIN 0694–AA79

Exports to Argentina: Establishment of Import Certificate/Delivery Verification (IC/DV) Procedure, Shorter Processing Time Frames and General License GCG

AGENCY: Bureau of Export Administration, Commerce.

ACTION: Final rule.

SUMMARY: As part of the Department of Commerce initiative to streamline export licensing requirements for exports to countries that are demonstrating increased ability to safeguard reexports of U.S.-origin strategic goods and technology, the Bureau of Export Administration (BXA) is extending to Argentina export licensing benefits available under the provisions of section 5(k) of the Export Administration Act of 1979, as amended (EAA).

This action will lessen the administrative burden on U.S. exporters and their foreign customers.

Specifically, BXA is:

- Providing shorter processing times for license applications for Argentina; and
- Amending General License GCG to authorize certain shipments of U.S.-origin commodities to Argentina;

This rule also amends the Export Administration Regulations (EAR) to include new requirements based on the implementation of Import Certificate/Delivery Verification (IC/DV) procedures for Argentina.

DATES: *Effective Date:* This rule is effective June 15, 1994.

Grace Period: In lieu of the 45 day grace period provided in 15 CFR 775.10(c)(2), a 90 day grace period will apply to the requirement to obtain the Argentine Import Certificate to support an export license application. During the grace period, applications will be accepted whether or not supported by an Argentine Import Certificate.

FOR FURTHER INFORMATION CONTACT: David Schlechty, Office of Technology and Policy Analysis, Bureau of Export Administration, U.S. Department of Commerce, Telephone: (202) 482–4253.

SUPPLEMENTARY INFORMATION: The Bureau of Export Administration (BXA) requires a foreign importer to file an International Import Certificate (IC) in support of individual validated license applications to export certain commodities controlled for national security reasons to specified destinations. The commodities are identified by the code letter "A" following the Export Control Classification Number on the Commerce Control List, which identifies those items subject to Department of Commerce export controls. An IC is an undertaking by the government of the country of ultimate destination to exercise legal control over the disposition of those commodities covered by an IC.

BXA also requires a Delivery Verification Certificate (DV) on a selective basis, as described in 15 CFR 775.3(i). A DV is issued by the government of the country of ultimate destination after the exported commodities have either entered the export jurisdiction of that country or are

otherwise accounted for by the importer.

New documentation practices adopted by Argentina warrant the inclusion of that country in the IC/DV procedure. This rule amends the EAR by adding Argentina to the list of countries that issue Import Certificates and by adding the name and address of the Argentina authorities to the list of foreign offices that administer the IC/DV systems.

Rulemaking Requirements

1. This final rule has been determined to be not significant for purposes of Executive Order 12866.

2. This rule involves collections of information subject to the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*). These collections have been approved by the Office of Management and Budget (OMB) under control numbers 0694–0001, 0694–0005, 0694–0007, 0694–0010, and 0694–0016. Licensing requirements under OMB control numbers 0694–0005, 0694–0007, and 0694–0010 will be reduced as a result of this rule, while there will be a small increase under 0694–0001 and 0694–0016, thereby reducing overall the paperwork burden on the public.

The Import Certificate requirements set forth in § 775.3 supersede the exclusion for Argentina, as a member of Country Group T, from the requirement for supporting documents for export license applications. The Import Certificate issued by the Government of Argentina does not constitute a collection of information under the Paperwork Reduction Act of 1980.

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

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

5. The provisions of the Administrative Procedure Act, 5 U.S.C. 553, requiring notice of proposed rulemaking, the opportunity for public participation, and a delay in effective date, are inapplicable because this regulation involves a foreign and military affairs function of the United States. This rule does not impose a new control. No other law requires that a notice of proposed rulemaking and an opportunity for public comment be given for this rule.

Accordingly, it is issued in final form. However, comments from the public are always welcome. Comments should be submitted to Patricia Muldonian, Office of Technology and Policy Analysis, Bureau of Export Administration, Department of Commerce, P.O. Box 273, Washington, DC 20044.

List of Subjects

15 CFR Part 770

Administrative practice and procedure, Exports.

15 CFR Parts 771 and 775

Exports, Reporting and recordkeeping requirements.

Accordingly, Parts 770, 771, and 775 of the Export Administration Regulations are amended as follows:

1. The authority citation for 15 CFR parts 770, 771, and 775 continues to read as follows:

Authority: Pub. L. 90–351, 82 Stat. 197 (18 U.S.C. 2510 *et seq.*), as amended; sec. 101, Pub. L. 93–153, 87 Stat. 576 (30 U.S.C. 185), as amended; sec. 103, Pub. L. 94–163, 89 Stat. 877 (42 U.S.C. 6212), as amended; secs. 201 and 201(11)(e), Pub. L. 94–258, 90 Stat. 309 (10 U.S.C. 7420 and 7430(e)), as amended; Pub. L. 95–223, 91 Stat. 1626 (50 U.S.C. 1701 *et seq.*); Pub. L. 95–242, 92 Stat. 120 (22 U.S.C. 3201 *et seq.* and 42 U.S.C. 2139a); sec. 208, Pub. L. 95–372, 92 Stat. 668 (43 U.S.C. 1354); Pub. L. 96–72, 93 Stat. 503 (50 U.S.C. app. 2401 *et seq.*), as amended (extended by Pub. L. 103–10, 107 Stat. 40); sec. 125, Pub. L. 99–64, 99 Stat. 156 (46 U.S.C. 466c); E.O. 11912 of April 13, 1976 (41 FR 15825, April 15, 1976); E.O. 12002 of July 7, 1977 (42 FR 35623, July 7, 1977), as amended; E.O. 12058 of May 11, 1978 (43 FR 20947, May 16, 1978); E.O. 12214 of May 2, 1980 (45 FR 29783, May 6, 1980); E.O. 12735 of November 16, 1990 (55 FR 48587, November 20, 1990), as continued by Notice of November 12, 1993 (58 FR 60361, November 15, 1993); E.O. 12867 of September 30, 1993 (58 FR 51747, October 4, 1993); and E.O. 12868 of September 30, 1993 (58 FR 51749, October 4, 1993).

PART 770—[AMENDED]

§ 770.14 [Amended]

2. Section 770.14 is amended by adding the word "Argentina," immediately before "Austria," in the introductory text of paragraph (a) and in paragraph (a)(3)(ii).

PART 771—[AMENDED]

§ 771.14 [Amended]

3. In § 771.14, paragraph (b) is amended by adding the word "Argentina," immediately before the word "Austria,".

PART 775—[AMENDED]

4. In § 775.1, paragraph (a) is amended by revising the fifth sentence to read as follows:

§ 775.1 Introduction.

(a) * * * Supporting documents are not required for Country Group T, unless specifically required by this part or if the Office of Export Licensing specifically requests a supporting document.

* * * * *

5. The table in § 775.1 is amended by adding "Argentina," immediately before "Australia," in the column titled "and the country of destination is:".

6. The list of countries in § 775.3(b) is amended by adding "Argentina" immediately before "Australia".

7. Supplement No. 1 to part 775 is amended by adding a new entry for "Argentina" in alphabetical order to read as follows:

SUPPLEMENT NO. 1.—AUTHORITIES ADMINISTERING IMPORT CERTIFICATE/DELIVERY VERIFICATION SYSTEM IN FOREIGN COUNTRIES [1]

[See footnotes at end of table]

Country	IC/DV authorities	System administered [2]
Argentina	Secretaria Ejecutiva de la Comision Nacional de Control de Exportaciones, Sensitivas y Material Belico, Balcarce 362—1er. piso—Capital Federal—CP 1064, Buenos Aires, Tel. 334–0738, Fax 331–1618.	IC/DV

SUPPLEMENT NO. 1.—AUTHORITIES ADMINISTERING IMPORT CERTIFICATE/DELIVERY VERIFICATION SYSTEM IN FOREIGN COUNTRIES [1]—Continued

[See footnotes at end of table]

Country	IC/DV authorities	System administered [2]
*	*	*

[1] Facsimiles of Import Certificates and Delivery Verifications issued by each of these countries may be inspected at the Bureau of Export Administration Western Regional Office, 3300 Irvine Avenue, Suite 345, Newport Beach, California 92660–3198 or at any U.S. Department of Commerce District Office (see listing in Commerce Office Addresses section of these regulations) or at the Office of Export Licensing, Room 1099D, U.S. Department of Commerce, 14th Street and Pennsylvania Avenue, NW., Washington, DC 20230.

[2] IC—Import Certificate and/or DV—Delivery Verification.

Dated: June 9, 1994.

Sue E. Eckert,

Assistant Secretary for Export Administration.

[FR Doc. 94–14482 Filed 6–14–94; 8:45 am]

BILLING CODE 3510–DT–P

15 CFR Parts 771, 773, 779, 785, 786, and 799

[Docket No. 940672–4172]

RIN 0694–AA99

Exports to South Africa; Removal of Foreign Policy Controls

AGENCY: Bureau of Export Administration, Commerce.

ACTION: Final rule.

SUMMARY: On May 25, the United Nations Security Council (UNSC) passed Resolution 919 lifting the arms embargo against South Africa, and withdrawing their recommendation for other voluntary restrictions on sales to the South African military and police. The UNSC took this action at the request of the new South African Government, which was sworn in on May 10 following that nation's first all-race elections. With the end of the apartheid era in South Africa, the justification for maintaining the arms embargo and other restrictions no longer exists.

In recognition of the UNSC action and the installation of a democratically elected, nonracial government in South Africa, the Department of Commerce's export control regulations are hereby amended to eliminate controls established to implement an arms embargo, and to remove specific controls on exports to the South African military and police.

EFFECTIVE DATE: This rule is effective May 25, 1994.

FOR FURTHER INFORMATION CONTACT: David Schlechty, Office of Technology and Policy Analysis, Bureau of Export Administration, Telephone: (202) 482–4252.

SUPPLEMENTARY INFORMATION:

Rulemaking Requirements

1. This final rule has been determined to be significant for purposes of E.O. 12866.

2. This rule involves collections of information subject to the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*). These collections have been approved by the Office of Management and Budget under control numbers 0694–0002, 0694–0005, 0694–0006, 0694–0007, 0694–0010, 0694–0015, 0694–0038, 0694–0047 and 0694–0048.

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

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

5. The provisions of the Administrative Procedure Act (5 U.S.C. 553) requiring notice of proposed rulemaking, the opportunity for public participation, and a delay in effective date, are inapplicable because this regulation involves a military and foreign affairs function of the United States. Further, no other law requires that a notice of proposed rulemaking and an opportunity for public comment be given for this rule.

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

List of Subjects

15 CFR Parts 771, 773 and 786

Exports, Reporting and recordkeeping requirements.

15 CFR Part 779

Computer technology, Exports, Reporting and recordkeeping requirements, Science and technology.

15 CFR Part 785

Exports.

15 CFR Part 799

Exports, Reporting and recordkeeping requirements.

1. The authority citation for 15 CFR parts 771, 786 and 799 continues to read as follows:

Authority: Pub. L. 90–351, 82 Stat. 197 (18 U.S.C. 2510 *et seq.*), as amended; sec. 101, Pub. L. 93–153, 87 Stat. 576 (30 U.S.C. 185), as amended; sec. 103, Pub. L. 94–163, 89 Stat. 877 (42 U.S.C. 6212), as amended; secs. 201 and 201(11)(e), Pub. L. 94–258, 90 Stat. 309 (10 U.S.C. 7420 and 7430(e)), as amended; Pub. L. 95–223, 91 Stat. 1626 (50 U.S.C. 1701 *et seq.*); Pub. L. 95–242, 92 Stat. 120 (22 U.S.C. 3201 *et seq.* and 42 U.S.C. 2139a); sec. 208, Pub. L. 95–372, 92 Stat. 668 (43 U.S.C. 1354); Pub. L. 96–72, 93 Stat. 503 (50 U.S.C. App. 2401 *et seq.*), as amended (extended by Pub. L. 103–10, 107 Stat. 40); sec. 125, Pub. L. 99–64, 99 Stat. 156 (46 U.S.C. 466c); E.O. 11912 of April 13, 1976 (41 FR 15825, April 15, 1976); E.O. 12002 of July 7, 1977 (42 FR 35623, July 7, 1977), as amended; E.O. 12058 of May 11, 1978 (43 FR 20947, May 16, 1978); E.O. 12214 of May 2, 1980 (45 FR 29783, May 6, 1980); E.O. 12735 of November 16, 1990 (55 FR 48587, November 20, 1990), as continued by Notice of November 12, 1993 (58 FR 60361, November 15, 1993); E.O. 12867 of September 30, 1993 (58 FR 51747, October 4, 1993); and E.O. 12868 of September 30, 1993 (58 FR 51749, October 4, 1993).

2. The authority citation for 15 CFR parts 773, 779 and 785 continues to read as follows:

Authority: Pub. L. 90–351, 82 Stat. 197 (18 U.S.C. 2510 *et seq.*), as amended; Pub. L. 95–223, 91 Stat. 1626 (50 U.S.C. 1701 *et seq.*); Pub. L. 95–242, 92 Stat. 120 (22 U.S.C. 3201 *et seq.* and 42 U.S.C. 2139a); Pub. L. 96–72,

93 Stat. 503 (50 U.S.C. App. 2401 *et seq.*), as amended (extended by Pub. L. 103–10, 107 Stat. 40); E.O. 12002 of July 7, 1977 (42 FR 35623, July 7, 1977), as amended; E.O. 12058 of May 11, 1978 (43 FR 20947, May 16, 1978); E.O. 12214 of May 2, 1980 (45 FR 29783, May 6, 1980); E.O. 12735 of November 16, 1990 (55 FR 48587, November 20, 1990), as continued by Notice of November 11, 1992 (57 FR 53979, November 13, 1992); E.O. 12867 of September 30, 1993 (58 FR 51747, October 4, 1993); and E.O. 12868 of September 30, 1993 (58 FR 51749, October 4, 1993).

PART 771—[AMENDED]

§ 771.2 [Amended]

3. Section 771.2 is amended by removing and reserving paragraph (c)(11).

§ 771.4 [Amended]

4. Section 771.4 is amended by removing and reserving paragraph (b)(3).

PART 773—[AMENDED]

§ 773.1 [Amended]

5. Section 773.1 is amended by removing and reserving paragraph (a).

§ 773.2 [Amended]

6. Section 773.2 is amended by removing and reserving paragraph (b)(1).

7. Section 773.3 is amended by removing paragraph (d)(3)(ii)(E)(*3*) and revising paragraph (b)(1) to read as follows:

§ 773.3 Distribution license.

* * * * *

(b) *Ineligible or restricted commodities.*

(1) *Ineligible commodities.* All commodities listed in the Commerce Control List (Supplement No. 1 to § 799.1 of this subchapter) will be considered for eligibility under the Distribution License procedure, except commodities listed in Supplement No. 1 to part 773. Software and technology are not eligible for this procedure. Ineligible items require an individual validated license or written reexport authorization, except when the items are otherwise eligible for a general license or permissive reexport authorization.

* * * * *

8. Section 773.7 is amended:

a. By revising paragraph (b);

b. By revising paragraphs (d)(1)(ii)(C) and (d)(1)(ii)(D);

c. By removing paragraph (d)(1)(ii)(E); and

d. By revising the introductory text of paragraph (d)(3)(ii), to read as follows:

§ 773.7 Service Supply Procedure.

* * * * *

(b) *Ineligible or restricted commodities.* All commodities listed in the Commerce Control List (Supplement No. 1 to § 799.1 of this subchapter) will be considered for eligibility under the Service Supply Procedure, except:

(1) Parts to service arms, ammunition or implements of war referred to in Supplement No. 2 to Part 770; and

(2) Commodities listed in Supplement No. 1 to Part 773 and any parts to service such commodities.

* * * * *

(d) * * *

(1) * * *

(ii) * * *

(C) Form BXA–6026P, Service Supply (SL) License Statement By U.S. Exporter; and

(D) Comprehensive narrative statement by the exporter.

* * * * *

(3) * * *

(ii) *Application.* Each application for reexport by a foreign manufacturer shall include the documents specified in paragraphs (d)(3)(ii)(A) and (B) of this section:

* * * * *

PART 779—[AMENDED]

9. Section 779.4 is amended by removing and reserving paragraph (e), and by revising paragraph (a) to read as follows:

§ 779.4 General license GTDR: Technical data under restriction.

* * * * *

(a) *Country restrictions.* General license GTDR with written assurance may not be used for export to Country Groups Q, W, Y, S, and Z, the People's Republic of China, Iran, or Syria. General License GTDR without written assurance (GTDU) may not be used for exports to Country Groups S and Z, Iran or Syria of software available at retail outlets as described in the General Software Note (Supplement No. 2 to § 799.1 of this subchapter). General License GTDR without written assurance (GTDU) as described in any entry on the Commerce Control List (Supplement No. 1 to § 799.1 of this subchapter) may not be used for exports to Country Groups S and Z. This General License is subject to the prohibitions described in § 771.2(c) of this subchapter.

* * * * *

Supplement No. 2 to Part 779 [Removed and Reserved]

10. Supplement No. 2 to part 779 is removed and reserved.

PART 785—[AMENDED]

§ 785.4 [Amended]

11. Section 785.4 is amended by removing and reserving paragraph (a).

Supplement No. 1 to Part 785 [Removed]

12. Supplement No. 1 to Part 785 is removed.

Supplement No. 2 to Part 785 [Removed]

13. Supplement No. 2 to Part 785 is removed.

PART 786—[AMENDED]

14. Section 786.6 is amended by revising paragraph (a) and the introductory text of paragraph (c) to read as follows:

§ 786.6 Destination control statements.

(a) *Requirement for destination control statement.* When required by this § 786.6(a), an appropriate destination control statement is required to be entered on all copies of the bill of lading, the air waybill, and the commercial invoice covering an export from the United States. The same statement shall appear on all copies of all such shipping documents that apply to the same shipment. At the discretion of the exporter or his agent, a destination control statement may be entered on the shipping documents for exports for which no destination control statement is required. For exports to all destinations, one of the three destination control statements described in § 786.6 (c) and (d) is required for an export under—

(1) A validated license;

(2) General License GLV, GTF-US, G-TEMP, GLR, GFW, GNSG or GCT.

* * * * *

(c) *Statement to be used.* For exports to all destinations, one of the three destination control statements set forth in § 786.6(d) below may be used, as follows:

* * * * *

PART 799—[AMENDED]

15. Section 799.1 is amended by revising paragraph (b)(4) to read as follows:

§ 799.1 The Commerce Control List and how to use it.

* * * * *

(b) * * *

(4) The four digit number will be followed by a code letter. This code letter is a key to the documentation requirements of part 775 of this subchapter, and is used by many

exporters as a data processing code to indicate the country group level of control for CCL entries. The letters used and the respective letter country controls are as follows:

Code letters	Country groups for which a validated license is required
A[1]	QSTVWYZ (Cooperating countries).
B	QSTVWYZ (Other).
C	QSTVWYZ, except specified countries.
D	QSTVWYZ and Canada.
E	SZ and countries listed in certain supplements to the EAR.
F	SZ and certain other specified countries.
G	SZ.
H	Z.
I	None.

[1] Only "A" level items are subject to the IC/DV procedures (see § 775.3).

* * * * *

16. In Supplement No. 1 to § 799.1 (the Commerce Control List), Category 1, Materials, a new 1C92F is added and 1C93F is revised to read as follows:

1C92F Oil Well Perforators.

Requirements

Validated License Required: SZ, Iran, Syria
Unit: Number
Reason for Control: FP
GLV: $0
GCT: No
GFW: No

List of Items Controlled

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

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

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

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

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

1C93F Fibrous and filamentary materials, not controlled by 1C10 or 1C50, for use in composite structures and with a specific modulus of 3.18 x 10^6 m or greater and a specific tensile strength of 7.62 x 10^4 m or greater.

Requirements

Validated License Required: SZ, Iran, Syria
Unit: Kilograms
Reason for Control: FP
GLV: $0
GCT: No
GFW: No

Supplement No. 1 to § 799.1 [Amended]

17. In Supplement No. 1 to § 799.1 (the Commerce Control List), the entries listed below are amended by revising the Requirements Section for each entry:

A. In Category 1, Materials: ECCNs 1A96G, 1B96G, 1C94F, 1C96G, 1D93F, 1D94F, 1D96G, 1E02A, 1E94F and 1E96G;

B. In Category 2, Material Processing: ECCNs 2A94F, 2A96G, 2B85F, 2B91F, 2B92F, 2B93F, 2B94F, 2B96G, 2D92F, 2D93F, 2D94F, 2D96G, 2E93F, 2E94F, and 2E96G;

C. In Category 3, Electronics: ECCNs 3A92F, 3A93F, 3A94F, 3A96G, 3B91F, 3B96G, 3C96G, 3D94F, 3D96G, 3E94F and 3E96G;

D. In Category 4, Computers: ECCNs 4A94F, 4A96G, 4B94F, 4B96G, 4C94F, 4C96G, 4D92F, 4D93F, 4D94F, 4D96G, 4E92F, 4E93F, 4E94F and 4E96G;

E. In Category 5, Telecommunications and "Information Security": ECCNs 5A90A, 5A91F, 5A92F, 5A93F, 5A94F, 5A95F, 5A96G, 5B94F, 5B96G, 5C96G, 5D90F, 5D91F, 5D92F, 5D93F, 5D94F, 5D95F, 5D96G, 5E90F, 5E91F, 5E92F, 5E93F, 5E94F, 5E95F and 5E96G;

F. In Category 6, Sensors: 6A90F, 6A92F, 6A93F, 6A94F, 6A96G, 6B96G, 6C96G, 6D90F, 6D92F, 6D93F, 6D94F, 6D96G, 6E90F, 6E92F, 6E93F, 6E94F and 6E96G;

G. In Category 7, Avionics and Navigation: ECCNs 7A94F, 7B94F, 7D94F and 7E94F;

H. In Category 8, Marine Technology: 8A92F, 8A93F, 8A94F, 8A96G, 8B96G, 8C96G, 8D92F, 8D93F, 8D96G, 8E92F, 8E93F and 8E96G;

I. In Category 9, Propulsion Systems and Transportation Equipment: 9A90F, 9A91F, 9A92F, 9A93F, 9A94F, 9A96G, 9B94F, 9B96G, 9D90F, 9D91F, 9D93F, 9D94F, 9D96G, 9E90F, 9E91F, 9E93F, 9E94F and 9E96G; and

J. In Category 0, Miscellaneous: 0A18A, 0A84C, 0A86F, 0A95H, 0A96G, 0E18A, 0E84C and 0E96G.

1A96G Other materials, n.e.s.

Requirements

Validated License Required: SZ
Unit: $ value
Reason for Control: FP
GLV: $0
GCT: No
GFW: No

1B6G Other test, inspection, and production equipment for materials.

Requirements

Validated License Required: SZ
Unit: $ value
Reason for Control: FP
GLV: $0
GCT: No
GFW: No

1C94F Fluorocarbon electronic cooling fluids.

Requirements

Validated License Required: SZ, Iran, Syria
Unit: Kilograms
Reason for Control: FP
GLV: $0
GCT: No
GFW: No

* * * * *

1C96G Other materials for production of Category 1 items, n.e.s.

Requirements

Validated License Required: SZ
Unit: $ value
Reason for Control: FP
GLV: $0
GCT: No
GFW: No

1D93F "Software" specially designed for the "development", "production", or "use" of fibrous and filamentary materials controlled by 1C50.b or 1C93F.

Requirements

Validated License Required: SZ, Iran, Syria
Unit: $ value
Reason for Control: FP
GTDR: No
GTDU: Yes, except destinations listed under *Validated License Required*

1D94F "Software" specially designed for the "development" or "production" of fluorocarbon electronic cooling fluids controlled by 1C94F.

Requirements

Validated License Required: SZ, Iran, Syria
Unit: $ value
Reason for Control: FP
GTDR: No
GTDU: Yes, except destinations listed under *Validated License Required*

1D96G Other software specially designed or modified for the "development", "production", or "use" of equipment controlled by Category 1, n.e.s.

Requirements

Validated License Required: SZ
Unit: $ value
Reason for Control: FP
GTDR: No
GTDU: Yes, except destinations listed under *Validated License Required*

1E02A Other technology.

Requirements

Validated License Required: QSTVWYZ
Reason for Control: NS
GTDR: Yes, except Iran and Syria
GTDU: No

* * * * *

1E94F Technology for the "development", "production", or "use" of fibrous and filamentary materials controlled by 1C93F or fluorocarbon electronic cooling fluids controlled by 1C94F.

Requirements

Validated License Required: SZ, Iran, Syria
Reason for Control: FP
GTDR: No
GTDU: Yes, except destinations listed under *Validated License Required*

1E96G Other technology, n.e.s., for the "development", "production", or "use" of items controlled by Category 1.

Requirements

Validated License Required: SZ
Reason for Control: FP
GTDR: No
GTDU: Yes, except destinations listed under *Validated License Required*

2A94F Portable electric generators and specially designed parts.

Requirements

Validated License Required: SZ, Iran
Unit: $ value
Reason for Control: FP
GLV: $0
GCT: No
GFW: No

2A96G Other equipment, assemblies, and components in Category 2A, n.e.s.

Requirements

Validated License Required: SZ
Unit: $ value
Reason for Control: FP
GLV: $0
GCT: No
GFW: No

2B85F Equipment specially designed for manufacturing shotgun shells; and ammunition hand-loading equipment for both cartridges and shotgun shells.

Requirements

Validated License Required: SZ
Unit: $ value
Reason for Control: FP
GLV: $0
GCT: No
GFW: No

2B91F "Numerical control" units for machine tools and numerically controlled machine tools, n.e.s.

Requirements

Validated License Required: SZ, Iran, Syria
Unit: Number
Reason for Control: FP
GLV: $0
GCT: No
GFW: No

* * * * *

2B92F Manual dimensional inspection machines with two or more axes, and measurement uncertainty equal to or less (better) than (3 + L/300) micrometer in any axes (L measured length in mm).

Requirements

Validated License Required: SZ, Iran, Syria
Unit: Number
Reason for Control: FP
GLV: $0
GCT: No
GFW: No

2B93F Gear making and/or finishing machinery not controlled by 2B03A capable of producing gears to a quality level of better than AGMA 11.

Requirements

Validated License Required: SZ, Iran, Syria
Unit: $ value
Reason for Control: FP
GLV: $0
GCT: No
GFW: No

2B94F Robots not controlled by 2B07A that are capable of employing feedback information in real-time processing from one or more sensors to generate or modify "programs" or to generate or modify numerical program data.

Requirements

Validated License Required: SZ, Iran, Syria
Unit: $ value
Reason for Control: FP
GLV: $0
GCT: No
GFW: No

2B96G Other test, inspection, and production equipment in Category 2B, n.e.s.

Requirements

Validated License Required: SZ
Unit: $ value
Reason for Control: FP
GLV: $0
GCT: No
GFW: No

2D92F "Software" specially designed for the "development" or "production" of portable electric generators controlled by 2A94F.

Requirements

Validated License Required: SZ, Iran
Unit: $ value
Reason for Control: FP
GTDR: No
GTDU: Yes, except destinations listed under Validated License Required

2D93F "Software" specially designed for the "development" or "production" of manual dimensional inspection machines controlled by 2B92F.

Requirements

Validated License Required: SZ, Iran, Syria
Unit: $ value
Reason for Control: FP
GTDR: No
GTDU: Yes, except destinations listed under *Validated License Required*

2D94F "Software" specially designed for the "development", "production", or "use" of "numerical control" units and numerically controlled machine tools controlled by 2B91F, gear making and/or finishing machinery controlled by 2B93F, or robots controlled by 2B94F.

Requirements

Validated License Required: SZ, Iran, Syria
Unit: $ value
Reason for Control: FP
GTDR: No
GTDU: Yes, except destinations listed under *Validated License Required*

2D96G "Software", n.e.s., for the "development", "production", or "use" of commodities controlled under Category 2.

Requirements

Validated License Required: SZ
Unit: $ value
Reason for Control: FP
GTDR: No
GTDU: Yes, except destinations listed under *Validated License Required*

2E93F—Technology for the "development", "production", or "use" of portable electric generators controlled by 2A94F.

Requirements

Validated License Required: SZ, Iran
Reason for Control: FP
GTDR: No
GTDU: Yes, except destinations listed under *Validated License Required*

2E94F Technology for the "development", "production", or "use" of "numerical control" units and numerically controlled machine tools controlled by 2B91F, manual dimensional inspection machines controlled by 2B92F, gear making and/or finishing machinery controlled by 2B93F, or robots controlled by 2B94F.

Requirements

Validated License Required: SZ, Iran, Syria
Reason for Control: FP
GTDR: No
GTDU: Yes, except destinations listed under *Validated License Required*

2E96G Technology, n.e.s., for the "development", "production", or "use" of commodities controlled under Category 2.

Requirements

Validated License Required: SZ
Reason for Control: FP
GTDR: No
GTDU: Yes, except destinations listed under *Validated License Required*

3A92F Electronic devices and components not controlled by 3A01.

Requirements

Validated License Required: SZ, Iran, Syria
Unit: Number
Reason for Control: FP
GLV: $0
GCT: No
GFW: No

* * * * *

3A93F Electronic test equipment in Category 3A, n.e.s.

Requirements

Validated License Required: SZ, Iran, Syria
Unit: $ value
Reason for Control: FP
GLV: $1,000 for Syria only
GCT: No
GFW: No

3A94F General purpose electronic equipment not controlled by 3A02.

Requirements

Validated License Required: SZ, Iran, Syria
Unit: Number
Reason for Control: FP
GLV: $0
GCT: No
GFW: No

* * * * *

3A96G Other equipment, assemblies, and components in Category 3A, n.e.s.

Requirements

Validated License Required: SZ
Unit: Number
Reason for Control: FP
GLV: $0
GCT: No
GFW: No

3B91F Equipment not controlled by 3B01 for the manufacture or testing of electronic components and materials, and specially designed components and accessories therefor.

Requirements

Validated License Required: SZ, Iran, Syria
Unit: Number
Reason for Control: FP
GLV: $0
GCT: No
GFW: No

* * * * *

3B96G Other test, inspection, and production equipment in Category 3B, n.e.s.

Requirements

Validated License Required: SZ
Unit: Number
Reason for Control: FP
GLV: $0
GCT: No
GFW: No

3C96G Other materials in Category 3C, n.e.s.

Requirements

Validated License Required: SZ
Unit: $ value
Reason for Control: FP
GLV: $0
GCT: No
GFW: No

3D94F "Software" specially designed for the "development", "production", or "use" of electronic devices or components controlled by 3A92, electronic test equipment controlled by 3A93, general purpose electronic equipment controlled by 3A94, or manufacturing and test equipment controlled by 3B91.

Requirements

Validated License Required: SZ, Iran, Syria
Unit: $ value
Reason for Control: FP
GTDR: No
GTDU: Yes, except destinations listed under *Validated License Required*

3D96G "Software", n.e.s., for the "development", "production", or "use" of commodities controlled under Category 3.

Requirements

Validated License Required: SZ
Unit: $ value
Reason for Control: FP
GTDR: No
GTDU: Yes, except destinations listed under *Validated License Required*

3E94F Technology for the "development", "production", or "use" of electronic devices or components controlled by 3A92, electronic test equipment controlled by 3A93, general purpose electronic equipment controlled by 3A94, or manufacturing and test equipment controlled by 3B91.

Requirements

Validated License Required: SZ, Iran, Syria
Reason for Control: FP
Unit: $ value
GTDR: No
GTDU: Yes, except destinations listed under *Validated License Required*

3E96G Technology, n.e.s., for the "development", "production", or "use" of commodities controlled under Category 3.

Requirements

Validated License Required: SZ
Unit: $ value
Reason for Control: FP
GTDR: No
GTDU: Yes, except destinations listed under *Validated License Required*

4A94F Computers, "assemblies" and related equipment not controlled by 4A01, 4A02, or 4A03, and specially designed components therefor.

Requirements

Validated License Required: SZ, Iran, Syria
Unit: Computers and Peripherals in Number, parts and accessories in $ value
Reason For Control: FP
GLV: $0
GCT: No
GFW: No

* * * * *

4A96G Other computer equipment, "assemblies" and components, n.e.s.

Requirements

Validated License Required: SZ
Unit: Computers and Peripherals in Number, parts and accessories in $ value
Reason For Control: FP
GLV: $0
GCT: No
GFW: No

4B94F Equipment for the "development" and "production" of magnetic and optical storage equipment, as described in this entry.

Requirements

Validated License Required: SZ, Iran, Syria
Unit: $ value
Reason for Control: FP
GLV: $0
GCT: No
GFW: No

* * * * *

4B96G Computer test, production and inspection equipment, n.e.s.

Requirements

Validated License Required: SZ
Unit: $ value
Reason For Control: FP
GLV: $0
GCT: No
GFW: No

4C94F Materials specially formulated for and "required" for the fabrication of head/disk assemblies for controlled magnetic and magneto-optical hard disk drives.

Requirements

Validated License Required: SZ, Iran, Syria
Unit: $ value
Reason for Control: FP
GLV: $0
GCT: No
GFW: No

4C96G Materials, n.e.s., specially formulated for and "required" for the fabrication of computer equipment, "assemblies" and components.

Requirements

Validated License Required: SZ
Unit: $ value
Reason For Control: FP
GLV: $0
GCT: No
GFW: No

4D92F "Software" specially designed or modified for the "development", "production", or "use" of equipment controlled by 4B94 and materials controlled by 4C94.

Requirements

Validated License Required: SZ, Iran, Syria
Unit: $ value
Reason for Control: FP
GTDR: No
GTDU: Yes, except destinations listed under *Validated License Required*

4D93F "Program" proof and validation "software", "software" allowing the automatic generation of "source codes", and operating systems not controlled by 4D03 that are specially designed for "real time processing" equipment.

Requirements

Validated License Required: SZ, Iran, Syria
Unit: $ value
Reason for Control: FP
GTDR: No
GTDU: Yes, except destinations listed under *Validated License Required*

* * * * *

4D94F "Software" specially designed for the "development", "production", or "use" of "digital computers", "assemblies" and related equipment therefor controlled by 4A94.

Requirements

Validated License Required: SZ, Iran, Syria
Unit: $ value
Reason for Control: FP
GTDR: No
GTDU: Yes, except destinations listed under *Validated License Required*

4D96G "Software", n.e.s., specially designed or modified for the "development", "production", or "use" of computer equipment or materials controlled by 4A, 4B, or 4C, and other "software", n.e.s.

Note: Certain "software" must also be evaluated against the performance characteristics of the telecommunications or "information security" entries in Category 5. See Notes 1 and 2 following the heading of Category 4.

Requirements

Validated License Required: SZ
Unit: $ value
Reason for Control: FP
GTDR: No
GTDU: Yes, except destinations listed under *Validated License Required*

4E92F Technology for the "development", "production", or "use" of equipment controlled by 4B94, materials controlled by 4C94, or "software" controlled by 4D92, 4D93, or 4D94.

Requirements

Validated License Required: SZ, Iran, Syria
Unit: $ value
Reason for Control: FP
GTDR: No
GTDU: Yes, except destinations listed under *Validated License Required*

4E93F Technology for the "development" or "production" of graphics accelerators or equipment designed for "multi-data-stream processing" and technology "required" for the "development" or "production" of magnetic hard disk drives.

Requirements

Validated License Required: SZ, Iran, Syria
Unit: $ value
Reason for Control: FP
GTDR: No
GTDU: Yes, except destinations listed under *Validated License Required*

* * * * *

4E94F Technology for the "development", "production", or "use" of "digital computers", "assemblies" and related equipment therefor controlled by 4A94F.

Requirements

Validated License Required: SZ, Iran, Syria
Unit: $ value
Reason for Control: FP
GTDR: No
GTDU: Yes, except destinations listed under *Validated License Required*

4E96G Technology, n.e.s., for the "development", "production", or "use" of items controlled by Category 4.

Note: Technology for certain equipment or "software" must also be evaluated against the performance characteristics of the telecommunications or "information security" entries in Category 5. See Notes 1 and 2 following the heading of Category 4.

Requirements

Validated License Required: SZ
Unit: $ value
Reason for Control: FP
GTDR: No
GTDU: Yes, except destinations listed under *Validated License Required*

5A90A Any type of telecommunications equipment, not controlled by 5A01, specially designed to operate outside the temperature range from 219 K (−54° C) to 397 K (124° C).

Requirements

Validated License Required: SZ, Iran, Syria
Unit: $ value
Reason for Control: FP
GLV: $0
GCT: No
GFW: No

5A91F Transmission equipment, not controlled by 5A02, containing items set forth below.

Requirements

Validated License Required: SZ, Iran, Syria
Unit: $ value
Reason for Control: FP
GLV: $0
GCT: No
GFW: No

* * * * *

5A92F Mobile communications equipment, n.e.s., and "assemblies" and components therefor.

Requirements

Validated License Required: SZ, Iran, Syria
Unit: $ value
Reason for Control: FP
GLV: $0
GCT: No
GFW: No

5A93F Radio relay communications equipment designed for use at frequencies equal to or exceeding 19.7 GHz and "assemblies" and components therefor, n.e.s.

Requirements

Validated License Required: SZ, Iran, Syria
Unit: $ value
Reason For Control: FP
GLV: $0
GCT: No
GFW: No

5A94F "Data (message) switching" equipment or systems designed for "packet-mode operation" and assemblies and components therefor, n.e.s.

Requirements

Validated License Required: SZ, Iran, Syria
Unit: $ value
Reason For Control: FP
GLV: $0
GCT: No
GFW: No

Notes: "Data (message) switching" is defined as the technique for:

(a) Accepting data groups (including messages, packets, or other digital or telegraphic information groups transmitted as a composite whole);

(b) Storing (buffering) data groups as necessary;

(c) Processing part of all the data groups, as necessary, for the purpose of:

(1) Control (routing, priority, formatting, code conversion, error control, retransmission or journaling);

(2) Transmission; or

(3) Multiplexing; and

(d) Retransmitting (processed) data groups when transmission or receiving facilities are available.

5A95F "Information security" equipment, n.e.s. (e.g., cryptographic, cryptoanalytic, and cryptologic equipment, n.e.s.), and components therefor.

Requirements

Validated License Required: SZ, Iran
Unit: $ value
Reason for Control: FP
GLV: $0
GCT: No
GFW: No

5A96G Telecommunications equipment, "assemblies", and components, n.e.s.

Requirements

Validated License Required: SZ
Unit: $ value
Reason for Control: FP
GLV: $0
GCT: No
GFW: No

5B94F Telecommunications test equipment, n.e.s.

Requirements

Validated License Required: SZ, Iran, Syria
Unit: $ value
Reason for Control: FP
GLV: $0
GCT: No
GFW: No

Note: General License G-DEST is available for shipment to Syria valued at $1,000 or less.

5B96G Telecommunications and "information security" production equipment, n.e.s.

Requirements

Validated License Required: SZ
Unit: $ value
Reason for Control: FP
GLV: $0
GCT: No
GFW: No

5C96G Other materials required for the manufacture of telecommunications or "information security" equipment, "assemblies" and components, n.e.s.

Requirements

Validated License Required: SZ
Unit: $ value
Reason for Control: FP
GLV: $0
GCT: No
GFW: No

5D90F "Software" specially designed or modified for the "development", "production", or "use" of equipment controlled by 5A90 or 5A91.

Requirements

Validated License Required: SZ, Iran, Syria
Unit: $ value
Reason for Control: FP
GTDR: No
GTDU: Yes, except destinations listed under *Validated License Required*

5D91F "Software" specially designed or modified for the "development", "production", or "use" of telecommunications test equipment controlled by 5B94.

Requirements

Validated License Required: SZ, Iran, Syria
Unit: $ value
Reason for Control: FP
GTDR: No
GTDU: Yes, except destinations listed under *Validated License Required*

5D92F "Software" specially designed or modified for the "development", "production" or "use" of mobile communications equipment controlled by 5A92.

Requirements

Validated License Required: SZ, Iran, Syria
Unit: $ value
Reason for Control: FP
GTDR: No
GTDU: Yes, except destinations listed under *Validated License Required*

5D93F "Software" specially designed or modified for the "development", "production" or "use" of radio relay communication equipment controlled by 5A93.

Requirements

Validated License Required: SZ, Iran, Syria
Unit: $ value
Reason for Control: FP
GTDR: No
GTDU: Yes, except destinations listed under *Validated License Required*

5D94F "Software" specially designed or modified for the "development", "production" or "use" of "data (message) switching" equipment controlled by 5A94.

Requirements

Validated License Required: SZ, Iran, Syria
Unit: $ value
Reason for Control: FP
GTDR: No

GTDU: Yes, except destinations listed under *Validated License Required*

5D95F "Software", n.e.s., specially designed or modified for the "development", "production", or "use" of "information security" or cryptologic equipment (e.g., equipment controlled by 5A95).

Requirements

Validated License Required: SZ, Iran
Unit: $ value
Reason for Control: FP
GTDR: No
GTDU: Yes, except destinations listed under *Validated License Required*

5D96G "Software", n.e.s., specially designed or modified for the "development", "production", or "use" of telecommunications equipment.

Requirements

Validated License Required: SZ
Unit: $ value
Reason for Control: FP
GTDR: No
GTDU: Yes, except destinations listed under *Validated License Required*

5E90F Technology for the "development", "production", or "use" of equipment controlled by 5A90 or 5A91 or "software" controlled by 5D90.

Requirements

Validated License Required: SZ, Iran, Syria
Unit: $ value
Reason for Control: FP
GTDR: No
GTDU: Yes, except destinations listed under *Validated License Required*

5E91F Technology for the "development", "production", or "use" of telecommunications test equipment controlled by 5B94, or "software" controlled by 5D91.

Requirements

Validated License Required: SZ, Iran, Syria
Reason for Control: FP
Unit: $ value
GTDR: No
GTDU: Yes, except destinations listed under *Validated License Required*

5E92F Technology for the "development", "production" or "use" of mobile communications equipment controlled by 5A92, or "software" controlled by 5D92.

Requirements

Validated License Required: SZ, Iran, Syria
Unit: $ value
Reason for Control: FP
GTDR: No
GTDU: Yes, except destinations listed under *Validated License Required*

5E93F Technology for the "development", "production" or "use" of radio relay communication equipment controlled by 5A93, or "software" controlled by 5D93.

Requirements

Validated License Required: SZ, Iran, Syria
Reason for Control: FP
GTDR: No
GTDU: Yes, except destinations listed under *Validated License Required*

5E94F Technology for the "development", "production" or "use" of "data (message) switching" equipment controlled by 5A94, or "software" controlled by 5D94.

Requirements

Validated License Required: SZ, Iran, Syria
Reason for Control: FP
Unit: $ value
GTDR: No
GTDU: Yes, except destinations listed under *Validated License Required*

5E95F Technology, n.e.s., for the "development", "production", or "use" of "information security" or cryptologic equipment (e.g., equipment controlled by 5A95), or "software" controlled by 5D95.

Requirements

Validated License Required: SZ, Iran
Reason for Control: FP
Unit: $ value
GTDR: No
GTDU: Yes, except destinations listed under *Validated License Required*

5E96G Technology, n.e.s., for the "development", "production", or "use" of telecommunications equipment.

Requirements

Validated License Required: SZ
Reason for Control: FP
GTDR: No
GTDU: Yes, except destinations listed under *Validated License Required*

6A90F Airborne radar equipment, n.e.s., and specially designed components therefor.

Requirements

Validated License Required: SZ, Iran, Syria
Unit: $ value
Reason for Control: FP
GLV: $0
GCT: No
GFW: No

6A92F Gravity meters (gravimeters) not controlled by 6A07A.

Requirements

Validated License Required: SZ, Iran, Syria
Unit: $ value
Reason for Control: FP
GLV: $0
GCT: No
GFW: No

* * * * *

6A93F "Magnetometers" having a "noise level" (sensitivity) lower (better) than 1.0 nT rms per square root Hz, but no lower than 0.05 nT rms per square root Hz.

Requirements

Validated License Required: SZ, Iran, Syria
Unit: $ value
Reason for Control: FP
GLV: $0
GCT: No
GFW: No

6A94F Marine or terrestrial acoustic equipment, n.e.s., capable of detecting or locating underwater objects or features or positioning surface vessels or underwater vehicles; and specially designed components, n.e.s.

Requirements

Validated License Required: SZ, Iran
Unit: $ value
Reason for Control: FP
GLV: $0
GCT: No
GFW: No

6A96G Other equipment in Category 6A, n.e.s.

Requirements

Validated License Required: SZ
Unit: $ value
Reason for Control: FP
GLV: $0
GCT: No
GFW: No

6B96G Other test, inspection, and production equipment in Category 6B, n.e.s.

Requirements

Validated License Required: SZ
Unit: $ value
Reason for Control: FP
GLV: $0
GCT: No
GFW: No

6C96G Other materials in Category 6C, n.e.s.

Requirements

Validated License Required: SZ
Unit: $ value

Reason for Control: FP
GLV: $0
GCT: No
GFW: No

6D90F "Software" specially designed for the "development", "production", or "use" of airborne radar equipment controlled by 6A90F.

Requirements

Validated License Required: SZ, Iran, Syria
Unit: $ value
Reason for Control: FP
GTDR: No
GTDU: Yes, except destinations listed under *Validated License Required*

6D92F "Software" specially designed for the "development", "production", or "use" of gravity meters (gravimeters) controlled by 6A92.

Requirements

Validated License Required: SZ, Iran, Syria
Unit: $ value
Reason for Control: FP
GTDR: No
GTDU: Yes, except destinations listed under *Validated License Required*

6D93F "Software" specially designed for the "development", "production", or "use" of "magnetometers" controlled by 6A94.

Requirements

Validated License Required: SZ, Iran, Syria
Unit: $ value
Reason for Control: FP
GTDR: No
GTDU: Yes, except destinations listed under *Validated License Required*

6D94F "Software" specially designed for the "development", "production", or "use" of marine or terrestrial acoustic equipment controlled by 6A94.

Requirements

Validated License Required: SZ, Iran
Unit: $ value
Reason for Control: FP
GTDR: No
GTDU: Yes, except destinations listed under *Validated License Required*

6D96G "Software", n.e.s., specially designed for the "development", "production", or "use" of equipment described in Category 6.

Requirements

Validated License Required: SZ
Unit: $ value
Reason for Control: FP
GTDR: No
GTDU: Yes, except destinations listed under *Validated License Required*

6E90F Technology for the "development", "production", or "use" of airborne radar equipment controlled by 6A90F.

Requirements

Validated License Required: SZ, Iran, Syria
Reason for Control: FP
GTDR: No
GTDU: Yes, except destinations listed under *Validated License Required*

6E92F Technology for the "development", "production", or "use" of gravity meters (gravimeters) controlled by 6A92F.

Requirements

Validated License Required: SZ, Iran, Syria
Reason for Control: FP
GTDR: No
GTDU: Yes, except destinations listed under *Validated License Required*

6E93F Technology for the "development", "production", or "use" of "magnetometers" controlled by 6A93F.

Requirements

Validated License Required: SZ, Iran, Syria
Reason for Control: FP
GTDR: No
GTDU: Yes, except destinations listed under *Validated License Required*

6E94F Technology for the "development", "production", or "use" of marine or terrestrial acoustic equipment controlled by 6A94F.

Requirements

Validated License Required: SZ, Iran
Reason for Control: FP
GTDR: No
GTDU: Yes, except destinations listed under *Validated License Required*

6E96G Technology, n.e.s., for the "development", "production", or "use" of equipment, materials or "software" controlled under Category 6.

Requirements

Validated License Required: SZ
Reason for Control: FP
GTDR: No
GTDU: Yes, except destinations listed under *Validated License Required*

7A94F Other navigation direction finding equipment, airborne communication equipment, all aircraft inertial navigation systems, and other avionic equipment, including parts and components, n.e.s.

Requirements

Validated License Required: SZ, Iran, Syria
Unit: $ Value
Reason for Control: FP
GLV: $0
GCT: No
GFW: No

Note: Global Positioning Satellite receivers having the following characteristics are under the jurisdiction of the Department of State, Office of Defense Trade Controls:

a. Designed for encryption or decryption (e.g., Y-code) of GPS precise positioning service (PPS) signal;

b. Designed for producing navigation results above 60,000 feet altitude and at 1,000 knots velocity or greater;

c. Specifically designed or modified for use with a null-steering antenna or including a null-steering antenna designed to reduce or avoid jamming signals; or

d. Designed or modified for use with unmanned air vehicle systems capable of delivering at least a 500 kg payload to a range of at least 300 km. (GPS receivers designed or modified for use with military unmanned air vehicle systems with less capability are considered to be specially designed, modified or configured for military use and therefore covered under Category XV, paragraph (c), of the ITAR).

N.B.: Manufacturers or exporters of equipment under DOC jurisdiction are advised that the U.S. Government does not assure the availability of the GPS P-code for civil navigation.

7B94F Other equipment for the test, inspection, or production of navigation and avionics equipment.

Requirements

Validated License Required: SZ, Iran, Syria
Unit: $ Value
Reason for Control: FP
GLV: $0
GCT: No
GFW: No

7D94F "Software", n.e.s., for the "development", "production", or "use" of navigation, airborne communication, and other avionics equipment.

Requirements

Validated License Required: SZ, Iran, Syria
Unit: $ value
Reason for Control: FP
GTDR: No
GTDU: Yes, except destinations listed under *Validated License Required*

7E94F Technology, n.e.s., for the "development", "production", or "use" of navigation, airborne communication, and other avionics equipment.

Requirements

Validated License Required: SZ, Iran, Syria
Unit: $ value
Reason for Control: FP
GTDR: No

GTDU: Yes, except destinations listed under *Validated License Required*

8A92F Other underwater camera equipment, n.e.s.; other submersible systems, n.e.s.; and specially designed parts therefor.

Requirements

Validated License Required: SZ, Iran, Syria
Unit: $ value
Reason for Control: FP
GLV: $0
GCT: No
GFW: No

8A93F Self-contained underwater breathing apparatus (scuba gear) and related equipment.

Requirements

Validated License Required: SZ, Iran
Unit: $ value
Reason for Control: FP
GLV: $0
GCT: No
GFW: No

* * * * *

8A94F Boats, n.e.s., including inflatable boats; marine engines (both inboard and outboard) and submarine engines, n.e.s.; and specially designed parts therefor, n.e.s.

Requirements

Validated License Required: SZ, Iran
Unit: $ value
Reason for Control: FP
GLV: $0
GCT: No
GFW: No

8A96G Other marine equipment, "assemblies" and components, n.e.s.

Requirements

Validated License Required: SZ
Unit: $ value
Reason for Control: FP
GLV: $0
GCT: No
GFW: No

8B96G Production and test equipment for marine equipment, "assemblies" and components, n.e.s.

Requirements

Validated License Required: SZ
Unit: $ value
Reason for Control: FP
GLV: $0
GCT: No
GFW: No

8C96G Materials for manufacture of marine equipment, "assemblies" and components, n.e.s

Requirements

Validated License Required: SZ
Unit: $ value
Reason for Control: FP
GLV: $0
GCT: No
GFW: No

8D92F "Software" specially designed or modified for the "development", "production" or "use" of commodities controlled by 8A92.

Requirements

Validated License Required: SZ, Iran, Syria
Unit: $ value
Reason for Control: FP
GTDR: No
GTDU: Yes, except destinations listed under *Validated License Required*

8D93F "Software" specially designed or modified for the "development", "production" or "use" of commodities controlled by 8A93 or 8A94.

Requirements

Validated License Required: SZ, Iran
Unit: $ value
Reason for Control: FP
GTDR: No
GTDU: Yes, except destinations listed under *Validated License Required*

8D96G "Software", n.e.s., specially designed or modified for the "development", "production", or "use" of marine equipment or materials.

Requirements

Validated License Required: SZ
Unit: $ value
Reason for Control: FP
GTDR: No
GTDU: Yes, except destinations listed under *Validated License Required*

8E92F Technology for the "development", "production" or "use" of commodities controlled by 8A92.

Requirements

Validated License Required: SZ, Iran, Syria
Unit: $ value
Reason for Control: FP
GTDR: No
GTDU: Yes, except destinations listed under *Validated License Required*

8E93F Technology for the "development", "production" or "use" of commodities controlled by 8A93 or 8A94.

Requirements

Validated License Required: SZ, Iran
Unit: $ value
Reason for Control: FP
GTDR: No
GTDU: Yes, except destinations listed under *Validated License Required*

8E96G Technology, n.e.s., for "development", "production" or "use" of items controlled by Category 8.

Requirements

Validated License Required: SZ
Reason for Control: FP
GTDR: No
GTDU: Yes, except destinations listed under *Validated License Required*

9A90F Diesel engines, n.e.s., for trucks, tractors, and automotive applications of continuous brake horsepower of 400 BHP (298 kW) or greater (performance based on SAE J1349 standard conditions of 100 kPa and 25°); pressurized aircraft breathing equipment, n.e.s.; and specially designed parts therefor, n.e.s.

Requirements

Validated License Required: SZ, Iran
Unit: $ value
Reason for Control: FP
GLV: $0
GCT: No
GFW: No

9A91F Other aircraft and certain gas turbine engines.

Requirements

Validated License Required: SZ, Iran, Syria
Unit: Number
Reason for Control: FP
GLV: $0
GCT: No
GFW: No

* * * * *

9A92F Off highway wheel tractors of carriage capacity 9t (10 tons) or more; and parts and accessories, n.e.s.

Requirements

Validated License Required: SZ, Iran, Syria
Unit: Tractors in number; parts and accessories in $ value
Reason for Control: FP
GLV: $0
GCT: No
GFW: No

9A93F On-Highway tractors, with single or tandem rear axles rated for 9t (20,000 lbs.) or greater and specially designed parts.

Requirements

Validated License Required: SZ, Iran, Syria
Unit: Tractors in number; parts and accessories in $ value
Reason for Control: FP
GLV: $0
GCT: No
GFW: No

Note: This entry controls highway tractors only. It does not control solid chassis

vehicles such as dump trucks, construction equipment, or panel/van type trucks.

9A94F Aircraft parts and components, n.e.s.

Requirements

Validated License Required: SZ, Iran, Syria
Unit: $ value
Reason for Control: FP
GLV: $0
GCT: No
GFW: No

9A96G Other propulsion and transportation equipment, n.e.s.

Requirements

Validated License Required: SZ
Unit: $ value
Reason for Control: FP
GLV: $0
GCT: No
GFW: No

9B94F Vibration test equipment and specially designed parts and components, n.e.s.

Requirements

Validated License Required: SZ, Iran, Syria
Unit: $ Value
Reason for Control: FP
GLV: $0
GCT: No
GFW: No

9B96G Other test, inspection, and production equipment for propulsion systems and transportation equipment, n.e.s.

Requirements

Validated License Required: SZ
Unit: $ value
Reason for Control: FP
GLV: $0
GCT: No
GFW: No

9D90F "Software", n.e.s., for the "development" or "production" of diesel engines and pressurized aircraft breathing equipment controlled by 9A90F.

Requirements

Validated License Required: SZ, Iran
Unit: $ value
Reason for Control: FP
GTDR: No
GTDU: Yes, except destinations listed under *Validated License Required*

9D91F "Software", n.e.s., for the "development" or "production" of "aircraft" and aero gas turbine engines controlled by 9A91F or aircraft parts and components controlled by 9A94F.

Requirements

Validated License Required: SZ, Iran, Syria
Unit: $ value
Reason for Control: FP
GTDR: No
GTDU: Yes, except destinations listed under *Validated License Required*

9D93F "Software" for the "production" or "development" of off-highway wheel tractors controlled by 9A92F or on-highway tractors controlled by 9A93F.

Requirements

Validated License Required: SZ, Iran, Syria
Unit: $ value
Reason for Control: FP
GTDR: No
GTDU: Yes, except destinations listed under *Validated License Required*

9D94F "Software" for the "development", "production", or "use" of vibration test equipment controlled by 9B94F.

Requirements

Validated License Required: SZ, Iran, Syria
Unit: $ value
Reason for Control: FP
GTDR: No
GTDU: Yes, except destinations listed under *Validated License Required*

9D96G "Software", n.e.s., specially designed or modified for the "development", "production", or "use" of propulsion systems or transportation equipment.

Requirements

Validated License Required: SZ
Unit: $ value
Reason for Control: FP
GTDR: No
GTDU: Yes, except destinations listed under *Validated License Required*

9E90F Technology, n.e.s., for the "development", "production", or "use" of diesel engines and pressurized aircraft breathing equipment controlled by 9A90F.

Requirements

Validated License Required: SZ, Iran
Reason for Control: FP
GTDR: No
GTDU: Yes, except destinations listed under *Validated License Required*

9E91F Technology, n.e.s., for the "development", "production", or "use" of "aircraft" and aero gas turbine engines controlled by 9A91F or aircraft parts and components controlled by 9A94F.

Requirements

Validated License Required: SZ, Iran, Syria
Reason for Control: FP
GTDR: No
GTDU: Yes, except destinations listed under *Validated License Required*

9E93F Technology for the "production", "development", or "use" of off-highway wheel tractors controlled by 9A92F or on-highway tractors controlled by 9A93F.

Requirements

Validated License Required: SZ, Iran, Syria
Reason for Control: FP
GTDR: No
GTDU: Yes, except destinations listed under *Validated License Required*

9E94F Technology for the "development", "production", or "use" of vibration test equipment controlled by 9B94F.

Requirements

Validated License Required: SZ, Iran, Syria
Reason for Control: FP
GTDR: No
GTDU: Yes, except destinations listed under *Validated License Required*

9E96G Technology, n.e.s., for the "development", "production", or "use" of items controlled by Category 9.

Requirements

Validated License Required: SZ
Reason for Control: FP
GTDR: No
GTDU: Yes, except destinations listed under *Validated License Required*

0A18A Items on the International Munitions List.

Requirements

Validated License Required: QSTVWYZ
Unit: 0A18.a through .c: § value; 0A18.d through .f: number
Reason for Control: NS, FP (see Notes)
GLV: 0A18.a and .b: $5000; 0A18.c: $3000 0A18.d through .f: $1500
GCT: No
GFW: No

Notes: 1. FP controls for regional stability apply to 0A18.c, except to NATO, Japan, Australia, and New Zealand.

2. Licenses for export to Iran and Syria will generally be denied.

* * * * *

0A84C Shotguns, barrel length 18 inches or over; buckshot shotgun shells; and arms, discharge type (for example, stunguns, shock batons, electric cattle prods, immobilization guns and projectiles, etc.) except equipment used exclusively to treat or tranquilize animals, and except arms designed solely for signal, flare, or saluting use; and parts, n.e.s., including optical sighting devices for firearms.

Requirements

Validated License Required: QSTVWYZ, except for Australia, Japan, New Zealand, and members of NATO (see Notes)
Unit: $ value
Reason for Control: FP
GLV: $0
GCT: No
GFW: No

Notes: 1. Shotguns with a barrel length 24 inches or over require a validated license for shipment to:

a. Country Groups QSWYZ, regardless of end-user;

b. Other destinations in Country Groups T & V, except for Australia, Japan, New Zealand, and members of NATO, *only* if for sale or resale to police or law enforcement agencies.

2. Shotguns with a barrel length of at least 18 inches but less than 24 inches require a validated license to all destinations except Australia, Japan, New Zealand, and members of NATO, regardless of end-user.

3. Shotguns with a barrel length of less than 18 inches are controlled by the Office of Defense Trade Control, Department of State.

0A86F Shotgun shells, except buckshot shotgun shells, and parts.

Requirements

Validated License Required: SZ
Unit: $ value
Reason for Control: FP (see Note)
GLV: $0
GCT: No
GFW: No

0A95H Food, medicines, medical supplies, and agricultural commodities.

Requirements

Validated License Required: Z
Unit: $ value
Reason for Control: FP
GLV: $0
GCT: No
GFW: No

0A96G Other commodities, n.e.s.; and parts and accessories, n.e.s.

Requirements

Validated License Required: SZ
Unit: $ value
Reason for Control: FP
GLV: $0
GCT: No
GFW: No

0E18A Technology for the "development," "production," or "use" of items controlled by 0A18.b through 0A18.e.

Requirements

Validated License Required: QSTVWYZ
Unit: $ value
Reason for Control: NS, FP
GTDR: Yes
GTDU: No

0E84C Technology for the "development" or "production" of shotguns controlled by 0A84 and shotgun shells.

Requirements

Validated License Required: SZ
Unit: $ value
Reason for Control: FP
GTDR: No
GTDU: Yes, except destinations listed under *Validated License Required*

0E96G Technology for the "development," "production," or "use" of items controlled by Category 0, n.e.s.

Requirements

Validated License Required: SZ
Unit: $ value
Reason for Control: FP
GTDR: No
GTDU: Yes, except destinations listed under *Validated License Required*

Dated: June 9, 1994.

Sue E. Eckert,

Assistant Secretary for Export Administration.

[FR Doc. 94–14486 Filed 6–14–94; 8:45 am]

BILLING CODE 3510–DT–P

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

National Highway Traffic Safety Administration

23 CFR Part 1260

[Docket No. 93–8; Notice 4]

RIN 2127–AE52

Certification of Speed Limit Enforcement; Revision of Procedures

AGENCY: Federal Highway Administration (FHWA) and National Highway Traffic Safety Administration (NHTSA), Department of Transportation.

ACTION: Final rule.

SUMMARY: This notice amends 23 CFR 1260 by establishing additional sanctions against a State having a compliance score exceeding the national maximum speed limit (NMSL) compliance score for any consecutive year after a year of non-compliance. The purpose of this revision is to encourage non-complying States to make efforts to reduce their scores in years succeeding any year in which they exceed the NMSL compliance score.

EFFECTIVE DATE: July 15, 1994.

FOR FURTHER INFORMATION CONTACT: In FHWA, Julie Anna Cirillo, Chief, Information Management and Analysis Branch, 202–366–2170. In NHTSA, J. Michael Sheehan, Chief, Police Traffic Services Division, 202–366–4295.

SUPPLEMENTARY INFORMATION:

Background

The 55 mph NMSL was first instituted in 1974. FHWA and NHTSA have shared responsibility for the enforcement of the NMSL. The Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA) required the Secretary of Transportation to change the regulation governing the NMSL. Because of this statutory mandate, FHWA and NHTSA published a notice of proposed rulemaking (NPRM) to amend this regulation in the **Federal Register** on January 4, 1993 (58 FR 186).

ISTEA required that the new rule establish speed limit compliance requirements on 65 mph roads, in addition to 55 mph roads, and include a formula for determining compliance by the States with such requirements.

On October 22, 1993, NHTSA and FHWA published a final rule in the **Federal Register** (58 FR 54812), which revised the NMSL procedures in 23 CFR 1260 to provide that the penalty transfer of highway construction funds to 23 U.S.C. § 402 programs would not exceed the greater of (i) one and one-half percent of the construction funds, or (ii) the total section 402 apportionment for the applicable fiscal year. A subsequent year penalty was not proposed in the NPRM and, therefore, was not incorporated into the final rule.

Some commenters, in response to the NPRM, objected to the absence of incentives in the NPRM for States to seek improvement in their NMSL compliance scores. One commenter suggested that a subsequent year penalty for non-compliance could provide such incentives.

As adopted, the regulation provided that a non-complying State would transfer the same amount of funds year after year, which would have a minimal impact, especially in view of the graduated penalty categories that were

utilized. The agencies therefore published a Supplemental Notice of Proposed Rulemaking which was published in the **Federal Register** on October 22, 1993 (58 FR 54832) (the SNPRM) on the same day as the final rule (58 FR 54812), to propose to add subsection (d) to 23 CFR § 1260.19, which would impose an additional one percent penalty on States that failed to comply in successive years. This change to the regulation would have the effect of transferring a maximum of two and one-half percent of the funds apportioned to the State for Federal-aid highways and highway safety construction programs under section 104(b) of Title 23, United States Code (other than paragraph (5)) to the State's apportionment under 23 U.S.C. 402 for the fiscal year.

Under the SNPRM, the maximum amount would be transferred if such State (1) was in the highest penalty category pursuant to § 1260.19(c) (i)–(iv) in the immediately previous fiscal year and (2) did not improve its score in the current fiscal year so as to be within the range of scores for the applicable second highest penalty category established in § 1260.19(c) (i)–(iv). A non-complying State could avoid the additional one percent penalty transfer if it improved its score into a lower penalty category. Such a State would then be subject only to the amount of penalty for that category under § 1260.19(c). If a non-complying State remained in its former penalty category, or had a worse score which moved it into a higher category, the State's penalty transfer would be the transfer amount for that category plus the additional one percent penalty.

The agencies also proposed to make a minor revision to § 1260.21(c) to clarify that the 23 U.S.C. § 402 apportionment amount could be exceeded for successive year penalty transfers.

Discussion of Comments

The agencies received responses from eleven commenters. Some of the comments concerned matters that were not specifically related to the subsequent year penalty issue and had been resolved in the final rule published on October 22, 1993. For example, comments from the Michigan State Police, the Department of California Highway Patrol and the Illinois Department of Transportation opposed altogether the imposition of economic sanctions. These commenters expressed the belief that these sanctions are counterproductive and misdirect excessive attention to speed compliance issues. As the agencies explained in their October 22, 1993 final rule, the requirement that sanctions be imposed to encourage speed limit control on NMSL roadways is statutorily mandated.

Similarly, Advocates for Highway and Auto Safety (Advocates) and the Michigan State Police recommended that transferred funds should be designated for a limited number of purposes. The agencies had proposed, in the January 3, 1993 NPRM that transferred funds would be used principally for speed limit enforcement, but decided in the October 1993 final rule, for the reasons described therein, not to specify the use of funds for speed limit enforcement or any other specific highway safety program.

The Michigan State Police also made a number of suggestions regarding the speed compliance criteria to be used to determine whether States would be subject to penalties. For example, Michigan recommended that the nationwide compliance threshold be revised to reflect the 85th percentile speed, that no transfer should take place if a State's fatal accident rate is below the national average, and that the agencies consider whether a State's noncompliance rate contributed to the State's fatality rate. Persons interested in reviewing a full discussion regarding the speed compliance criteria that the agencies decided to adopt, and the reasons for this decision, should read the October 22, 1993 final rule.

Among the commenters responding to the issues raised by the SNPRM, the Alaska Department of Public Safety, the California Highway Patrol, the Indiana Department of Transportation, the Nevada Department of Transportation and others opposed additional penalties for successive year non-compliance. The Virginia State Police questioned the use of the words "improvement incentive" to describe what the agencies had proposed in the SNPRM. These commenters argued that the final rule had already gone too far, and that additional sanctions were unnecessary and inappropriate.

The National Association of Governors' Highway Safety Representatives (NAGHSR) commented that the SNPRM was necessary to prevent States from being terminally out of compliance, and Advocates said the SNPRM didn't go far enough to penalize non-complying States.

The Indiana Department of Transportation, the Alaska Department of Public Safety and the Virginia State Police commented that additional funding sanctions would only serve to pit State road construction departments against the various State safety agencies.

Amount of Transfer and Section 402 Apportionment

The Department of California Highway Patrol, NAGHSR, the New York State Police and Advocates for Highway and Auto Safety had various views of the Congressional intent concerning the amount of the transfer to the section 402 apportionment being used as an additional penalty for successive year NMSL non-compliance. The Nevada Department of Transportation and others stated that a transfer of too much money could overburden and render ineffective a State's highway safety program.

Advocates proposed that the imposition of additional penalties should not be limited to successive year non-compliance. They recommended additional funds transfer penalties for any subsequent year non-compliance, and suggested that the penalties should accumulate, up to a maximum of ten percent of a State's Federal highway construction funds apportioned under 23 U.S.C. § 104(b). The California Highway Patrol commented that the preamble to the SNPRM seemed to indicate that the successive year sanctions would not accumulate, but expressed concerned that the proposed regulatory language could be read to provide for a penalty that exceeds two and one-half percent and requested clarification on this issue.

As explained in the SNPRM, section 1029(c)(1)(A) of ISTEA provides "* * * for the transfer of apportionments under section 104(b) of Title 23, United States Code (other than paragraph (5)), if a State fails to enforce speed limits in accordance with this section, [and the implementing regulation]." However, the legislation did not specify the amount of the apportionments to be transferred.

The House bill had provided that the amount to be transferred would range from one to five percent of the designated apportionments for the first year of non-compliance and from two to ten percent for two or more consecutive years of non-compliance. The amounts were to be transferred to the highway safety grant programs authorized under 23 U.S.C. § 402. The Senate bill did not provide for a transfer of apportionments. In adopting the House's transfer penalty without the House language pertaining to amounts, the conferees included the following statement on page 328 of the report accompanying the conference bill:

The Conference Substitute applies that same reprogramming provision and Secretarial discretion with regard to the

percentage transferred as in the House bill.

In reviewing the range of transfers in the House bill for the purpose of proposing a reasonable amount to be utilized by a non-complying State, the agencies determined that one and one-half percent of the designated apportionment for each State approximated the total amount of its 402 program. The NPRM therefore proposed a one and one-half percent transfer to the section 402 program, with the funds to be used principally for speed limit enforcement. In the final rule the agencies adopted the one and one-half percent transfer, but decided not to specify the use of funds for speed limit enforcement or any other specific highway safety program.

Since the final rule provided additional flexibility to States to use the transferred funds for speed enforcement and other highway safety activities, the agencies reconsidered their proposal to limit the amount transferred, and requested comments in the SNPRM about revising the regulation to provide that the amount transferred may exceed the total § 402 program fiscal year apportionment in years successive to a year in which a State's compliance score is greater than the maximum allowable compliance score. The agencies stated that this kind of penalty transfer, which would permit an increase to as high as two and one-half percent of the funds apportioned for highway construction, would more closely follow the intent of the House bill for States that fail to comply in successive years.

As proposed, the agencies have decided to impose an additional one percent penalty on any State that is out of compliance and does not make sufficient improvement to reduce its penalty in two or more consecutive years. The agencies believe that limiting the additional penalty to consecutive year non-compliance also closely follows Congressional intent.

The maximum penalty that could be imposed would be two and one-half percent of the funds apportioned to the State for Federal-aid highways and highway safety construction programs under section 104(b) of Title 23, United States Code (other than paragraph (5)). The additional one percent penalty would not accumulate from year to year.

Based on the arguments of some of the commenters regarding the amount of money that may be meaningfully spent on highway safety in any given year, the agencies have decided that the transferred funds in any fiscal year shall not exceed one and one-half times the total section 402 apportionment for that fiscal year. Increasing the penalty beyond this amount for subsequent year non-compliance could overwhelm any State's section 402 budget.

For example, if the penalty were not subject to a limitation, States like Connecticut and Wyoming could be subject to withholdings that amount to as much as 2.2 and 2.3 times their section 402 budget, respectively (based on fiscal year 1992 funding levels). By limiting the amount of the penalty to one and one-half times the State's section 402 apportionment, the maximum subsequent year penalty for these States would be 1.7 percent of highway construction fund apportionments and 1.6 percent, respectively (based on fiscal year 1992 funding levels). In order to avoid penalty funding levels that cannot be effectively spent on safety programs, the agencies have amended § 1260.21(c) to cap any subsequent year penalty transfer at one and one-half times the total section 402 apportionment.

The SNPRM contained a typographical error in the last line of § 1260.19(d), which referred to "(a)(1)" instead of "(c)(1)." This notice corrects the error.

Proportionate Penalty Reduction

The SNPRM solicited comments on whether States should be provided some relief from additional penalties if they show a specific amount of improvement in their compliance score even though their compliance score might not place them in a lower category. NAGHSR and the Illinois Department of Transportation generally supported this concept. However, other commenters did not express opinions about this approach. The Department of California Highway Patrol proposed Federal-State negotiations rather than a mathematical formula.

However, the agencies prefer a formula which avoids discretionary decisions and clearly shows the States what the result of non-compliance will be.

After considering an even more graduated penalty strategy, as suggested by NAGHSR and the Illinois Department of Transportation, the agencies have decided to reject the creation of additional categories, particularly since the current range between penalty categories approximates only 10 percent of the total score. The agencies have neither received nor seen any evidence that additional graduations in the categories would make the current scheme more fair, and further mathematical complications are therefore unnecessary.

Regulatory Analyses and Notices

Executive Order 12866 and DOT Regulatory Policies and Procedures; NHTSA and FHWA have considered the impact of this rulemaking action under E.O. 12866 and the Department of Transportation's regulatory policies and procedures. This rulemaking document was not reviewed by the Office of Management and Budget under E.O. 12866, "Regulatory Planning and Review." This final action has been determined to be not "significant" under the Department of Transportation's regulatory policies and procedures. The agencies prepared an addendum to the Final Regulatory Evaluation (AFRE) in June, 1993, for the SNPRM, and made it available in the public docket. A copy of the Final Regulatory Evaluation (FRE) and the AFRE may be obtained by writing to Docket 93–8, HCC–10, Federal Highway Administration, room 4232, 400 Seventh Street SW., Washington, DC 20590.

The FRE indicates that at least three States (Connecticut, Massachusetts and Wyoming) could be subject to the subsequent year penalty if they are not able to improve their compliance scores during subsequent years. The SNPRM proposed to establish a maximum penalty transfer of 2.5 percent for a non-complying State in a subsequent year. Under this final rule, any subsequent year penalty cannot exceed one and one-half times the 23 U.S.C. 402 apportionment of a non-complying State for that fiscal year. Based on fiscal year 1992 funding levels and the final rule, the maximum subsequent year penalty for that year would be 1.7 percent of highway construction fund apportionments for Connecticut, 2.5 percent for Massachusetts, and 1.6 percent for Wyoming. There would, of course, be no impact on complying States.

Regulatory Flexibility Act: NHTSA and FHWA have also considered the impacts of this final rule under the Regulatory Flexibility Act. We hereby certify that this rule will not have a significant economic impact on a substantial number of small entities. The FRE concludes that there is no significant impact on small businesses since the portion of the highway construction funds going to noncomplying States is not lost, but only transferred to highway safety programs. Accordingly, the preparation of a Regulatory Flexibility Analysis is unnecessary.

Paperwork Reduction Act: The requirement relating to this proposal, that each State must submit speed data

and related certification information necessary to calculate its compliance score, is considered to be an information collection requirement, as that term is defined by the Office of Management and Budget (OMB) in 5 CFR part 1320.

Accordingly, this information collection requirement has been previously submitted to and approved by OMB, pursuant to the provisions of the Paperwork Reduction Act (44 U.S.C. 3501, et seq.). The requirement has been approved through January 31, 1996, with the OMB control number 2125–0027. This revision to the regulation contains no additional information collection requirement.

National Environmental Policy Act: The agencies have analyzed this action for the purpose of compliance with the National Environmental Policy Act and have determined that it does not have a significant effect on the human environment.

Executive Order 12612 (Federalism): This action has been analyzed in accordance with Executive Order 12612, concerning Federalism. The rule's provisions are likely to affect the allocations of States' resources, the way they measure their success in traffic law enforcement, relationships among State agencies, and the distribution of Federal funds between States' highway construction and safety programs. All of these effects may fairly be regarded as Federalism impacts. However, the basic requirements of the rule (i.e., the potential redistribution of Federal funds) are mandated by statute, so the agencies do not have discretion to mitigate these impacts. The agencies have carefully considered the comments of State agencies in shaping the details of the rule.

Civil Justice Reform: This change to the regulation does not have any preemptive or retroactive effect. It imposes no requirements on the States, but rather encourages States to consider enacting and enforcing legislation requiring speed limits and speed limit enforcement through the potential redesignation of Federal highway construction funds to safety programs. Any redesignation of funds would not take place until FY 1997. If a non-complying State (1) submits data showing that its highway speeds are below certain national levels, and (2) a certification from the Governor reporting that the State is enforcing the speed limits on public highways in accordance with 23 U.S.C. 154, then it shall not be subject to the proposed subsequent year sanction which redesignates an additional amount of funds to the State's apportionment of safety grant programs. The transfer amount for first year non-compliance could be as high as two and one-half percent of a State's apportionment for Federal-aid highways and highway safety construction programs. However, any subsequent year penalty cannot exceed one and one-half times the 23 U.S.C. 402 apportionment of a non-complying State for that fiscal year. The authorizing legislation for the proposed rule does not establish a procedure for judicial review of final rules promulgated under its provisions. There is no requirement that individuals submit a petition for reconsideration or other administrative proceedings before they may file suit in court.

List of Subjects in 23 CFR Part 1260

Grant programs—Transportation, Highways and roads, Motor vehicles, Reporting and recordkeeping requirements, Speed limit, Traffic regulations.

(Catalog of Federal Domestic Assistance Program Number 20.205, Highway Planning and Construction. The regulations implementing Executive Order 12372 regarding intergovernmental consultation on Federal programs and activities apply to this program)

PART 1260—CERTIFICATION OF SPEED LIMIT ENFORCEMENT

In consideration of the foregoing, 23 CFR 1260 is amended to read as follows:

1. The authority citation for part 1260 continues to read as follows:

Authority: 23 U.S.C. 118, 141, 154, 315 and delegations of authority at 49 CFR 1.48 and 1.50.

2. Paragraph (d) is added to § 1260.19 as follows:

§ 1260.19 Effect of failure to certify or to meet compliance standards.

* * * * *

(d) An additional one percent of the funds apportioned to the State under 23 U.S.C. 104(b)(1), 104(b)(2), 104(b)(3), 104(b)(4) and 104(b)(6) shall be transferred pursuant to subsection (b) of this section to the State's highway safety grant program fund under 23 U.S.C. 402 for the fiscal year subsequent to the fiscal year in which the State submitted its compliance score if the Secretary determines that the State's compliance score calculated pursuant to § 1260.15(d) is in the same or a higher penalty category as the State's compliance score submitted in the prior fiscal year, as provided by paragraphs (c) (1) through (4) of this section.

* * * * *

3. Section 1260.21 is amended by revising paragraph (c) as follows:

§ 1260.21 Penalty reduction and notification of noncompliance.

* * * * *

(c) The State shall expend any transferred funds pursuant to §§ 1260.19(b) and 1260.19(d) for section 402 programs within that State. In no instance shall the transfer under § 1260.19(b) exceed the total section 402 apportionment for that fiscal year, prior to any penalty reduction, and in no instance shall the total transferred funds under §§ 1260.19(b) and 1260.19(d) exceed one and one-half times the total section 402 apportionment for any fiscal year.

* * * * *

Issued on: June 9, 1994.

Rodney E. Slater,

Administrator, Federal Highway Administration.

Christopher A. Hart,

Deputy Administrator, National Highway Traffic Safety Administration.

[FR Doc. 94–14463 Filed 6–14–94; 8:45 am]

BILLING CODE 4910–22–P

PENSION BENEFIT GUARANTY CORPORATION

29 CFR Parts 2619 and 2676

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

AGENCY: Pension Benefit Guaranty Corporation.

ACTION: Final rule.

SUMMARY: This final rule amends the Pension Benefit Guaranty Corporation's ("PBGC's") regulations on Valuation of Plan Benefits in Single-Employer Plans and Valuation of Plan Benefits and Plan Assets Following Mass Withdrawal. The former regulation contains the interest assumptions that the PBGC uses to value benefits under terminating single-employer plans. The latter regulation contains the interest assumptions for valuations of multiemployer plans that have undergone mass withdrawal. The amendments set out in this final rule adopt the interest assumptions applicable to single-employer plans with termination dates in July 1994, and to multiemployer plans with valuation dates in July 1994. The effect of these amendments is to advise the public of the adoption of these assumptions.

EFFECTIVE DATE: July 1, 1994.

FOR FURTHER INFORMATION CONTACT: Harold J. Ashner, Assistant General Counsel, Office of the General Counsel, Pension Benefit Guaranty Corporation,

1200 K Street, NW., Washington, DC 20005, 202–326–4024 (202–326–4179 for TTY and TDD). (These are not toll-free numbers.)

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

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

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

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

For annuity benefits, the interest rates will be 6.90% for the first 25 years following the valuation date and 5.25% thereafter. For benefits to be paid as lump sums, the interest assumptions to be used by the PBGC will be 5.50% for the period during which benefits are in pay status, 4.75% during the seven years directly preceding the benefit's placement in pay status, and 4.0% during any other years preceding the benefit's placement in pay status. (ERISA section 205(g) and Internal Revenue Code section 417(e) provide that private sector plans valuing lump sums not in excess of $25,000 must use interest assumptions at least as generous as those used by the PBGC for valuing lump sums (and for lump sums exceeding $25,000 must use interest assumptions at least as generous as 120% of the PBGC interest assumptions).) The above annuity interest assumptions represent an increase (from those in effect for June 1994) of .20 percent for the first 25 years following the valuation date and are otherwise unchanged. The lump sum interest assumptions represent an increase (from those in effect for June 1994) of .25 percent for the period during which benefits are in pay status and the seven years directly preceding that period; they are otherwise unchanged.

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

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

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

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

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

List of Subjects

29 CFR Part 2619

Employee benefit plans, Pension insurance, Pensions.

29 CFR Part 2676

Employee benefit plans, Pensions.

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

PART 2619—[AMENDED]

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

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

2. In appendix B, Rate Set 9 is added to Table I, and a new entry is added to Table II, as set forth below. The introductory text of both tables is republished for the convenience of the reader and remains unchanged.

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

Lump Sum Valuations

In determining the value of interest factors of the form $v^{0 \leq n}$ (as defined in § 2619.49(b)(1)) for purposes of applying the formulas set forth in § 2619.49 (b) through (i) and in determining the value of any interest factor used in valuing benefits under this subpart to be paid as lump sums (including the return of accumulated employee contributions upon death), the PBGC shall employ the

values of i_t set out in Table I hereof as follows:

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

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

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

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

TABLE I

[Lump Sum Valuations]

Rate set	For plans with a valuation date		Immediate annuity rate (percent)	Deferred annuities (percent)				
	On or after	Before		i_1	i_2	i_3	n_1	n_2
* * *	*	*	*	*	*	*	*	
9	7–1–94	8–1–94	5.50	4.75	4.00	4.00	7	8

Annuity Valuations

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

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

TABLE II

[Annuity Valuations]

For valuation dates occurring in the month—	The values of i_t are:					
	i_t	for t =	i_t	for t =	i_t	for t =
* * *	*		*		*	
July 1994	.0690	1–25	.0525	>25	N/A	N/A

PART 2676—[AMENDED]

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

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

4. In appendix B, Rate Set 9 is added to Table I, and a new entry is added to Table II, as set forth below. The introductory text of both tables is republished for the convenience of the reader and remains unchanged.

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

Lump Sum Valuations

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

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

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

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

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

TABLE I
[Lump Sum Valuations]

Rate set	For plans with valuation date		Immediate annuity rate (percent)	Deferred annuities (percent)				
	On or after	Before		i_1	i_2	i_3	n_1	n_2
* * *	*	*	*	*	*	*	*	*
9	7–1–94	8–1–94	5.50	4.75	4.00	4.00	7	8

Annuity Valuations

In determining the value of interest factors of the form $v^{0:\overline{n}|}$ (as defined in § 2676.13(b)(1)) for purposes of applying the formulas set forth in § 2676.13 (b) through (i) and in determining the value of any interest factor used in valuing annuity benefits under this subpart, the plan administrator shall use the values of i_{11} prescribed in the table below.

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

TABLE II
[Annuity Valuations]

For valuation dates occurring in the month—	The values of i_t are:					
	i_t	for t=	i_t	for t=	i_t	for t=
* * * *	*		*		*	
July 1994	.0690	1–25	.0525	>25	N/A	N/A

Issued in Washington, DC, on this 9th day of June 1994.

Martin Slate,

Executive Director, Pension Benefit Guaranty Corporation.

[FR Doc. 94–14564 Filed 6–14–94; 8:45 am]

BILLING CODE 7708–01–M

POSTAL SERVICE

39 CFR Part 111

Indemnity Claims

AGENCY: Postal Service.

ACTION: Final rule; correction.

SUMMARY: This notice corrects a typographical error in Domestic Mail Manual (DMM) Issue 47, issued on April 10, 1994. A typographical error was made in section S010.2.12a(3) of DMM Issue 47 which caused that section, as written, to incorrectly identify the maximum indemnity in the event of loss or damage to nonnegotiable documents that cannot be reconstructed (provided the sender establishes the value of the documents) as $50,000. Consistent with postal standards published in prior issues of the DMM, section S010.2.12a(3) should have shown the maximum indemnity is $5,000.

EFFECTIVE DATE: April 10, 1994.

FOR FURTHER INFORMATION CONTACT: Margaret Falwell, (202) 268–2472.

List of Subjects in 39 CFR Part 111

Postal Service.

PART 111—[AMENDED]

1. The authority citation for 39 CFR part 111 continues to read as follows:

Authority: 5 U.S.C. 552(a); 39 U.S.C. 101, 401, 403, 404, 3001–3011, 3201–3219, 3403–3406, 3621, 5001.

2. The Domestic Mail Manual is corrected as follows:

S010 Indemnity Claims

* * * * *

2.0 GENERAL FILING INSTRUCTIONS

* * * * *

2.12 Payable Express Mail Claims

In addition to the payable claims in 2.11, the following is payable for Express Mail:

a. For the purpose of insurance coverage for Express Mail, "document" is defined in S500. Indemnity for document reconstruction is paid as follows:

* * * * *

(3) Loss or damage to nonnegotiable documents that cannot be reconstructed, providing the sender establishes the value of the documents. Payment may not exceed $5,000.

* * * * *

A transmittal letter making the changes in the pages of the Domestic Mail Manual will be published and transmitted to subscribers automatically. Notice of issuance of the transmittal letter will be published in the **Federal Register** as provided by 39 CFR 111.3.

Stanley F. Mires,

Chief Counsel, Legislative.

[FR Doc. 94–14562 Filed 6–14–94; 8:45 am]

BILLING CODE 7710–12–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[WI32–01–5763a; FRL–4891–5]

Approval and Promulgation of Implementation Plan; Wisconsin

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: United States Environmental Protection Agency (USEPA) approves Wisconsin's 1990 base year ozone (O_3) emission inventory as a revision to the Wisconsin State Implementation Plan (SIP) for O_3. The inventory was submitted by the State of Wisconin to satisfy a Federal requirement that those States containing O_3 nonattainment areas (NAAs) classified as marginal to extreme submit inventories of actual O_3 season and emissions from all sources in accordance with USEPA guidance. Wisconsin's O_3 NAAs are the counties of Walworth, Door, Kewaunee, Manitowoc, Sheboygan, and the six county Milwaukee area (counties Washington, Ozaukee, Waukesha, Milwaukee, Racine, and Kenosha). The rationale for the approval is set forth in this final rule; additional information is available at the address indicated below in the supporting Technical Support Document (TSD).

DATES: This final rule will be effective August 15, 1994, unless notice is received by July 15, 1994, that someone wishes to submit adverse comments. If the effective date is delayed, timely notice will be published in Federal Register.

ADDRESSES: Copies of the SIP revision and USEPA's analyses are available for inspection at the following address: (It is recommended that you telephone Charles Hatten at (312) 886–6031 before visiting the Region 5 Office.) United States Environmental Protection Agency, Region 5, Air and Radiation Division, 77 West Jackson Boulevard, Chicago, Illinois 60604.

Written comments can be mailed to Carlton T. Nash, Chief, Regulation Development Section, Air Toxics and Radiation Branch (AT–18J), United States Environmental Protection Agency, Region 5, Air and Radiation Division, 77 West Jackson Boulevard, Chicago, Illionis 60604.

FOR FURTHER INFORMATION CONTACT:

Charles Hatten (312) 886–6031.

SUPPLEMENTARY INFORMATION:

I. Background

Under the Clean Air Act as amended (including the 1990 Amendments) (the Act), States have the responsibility to inventory emissions contributing to the National Ambient Air Quality Standards nonattainment, to track these emissions over time, and to ensure that control strategies are being implemented that reduce emissions and move areas towards attainment. Section 182(b) of the Act, 42 U.S.C. 7511a(b)(1), requires States with O_3 NAAs designated as moderate, serious, severe, and extreme to submit a plan within 3 years of 1990 to reduce VOC emissions by 15 percent with 6 years after 1990. The baseline level of emissions, from which the 15 percent reduction is calculated, is determined by adjusting the base year inventory to exclude biogenic emissions and to exclude certain emission reductions not creditible towards the 15 percent. The 1990 base year emissions inventory is the primary inventory from which the periodic inventory, the Reasonable Further Progress (RFP) projection inventory, and the modeling inventory are derived. See General Preamble to title I, 57 FR 13502 (April 16, 1992). Further information on these inventories and their purpose can be found in the "Emission Inventory Requirements for Ozone State Implementation Plans," U.S. Environmental Protection Agency, Office of Air Quality Planning and Standards, Research Triangle Park, North Carolina, (March 1991).

The air quality planning requirements for marginal to extreme O_3 NAAs are set out in section 182(a)-(e) of the Act. The General Preamble to title I of the 1990 Amendments to the Act describes the bases for reviewing SIP revisions submitted under title I of the 1990 Amendments, including requirements for the preparation of the 1990 base year inventories. *See* 57 FR 13502 (April 16, 1992) and 57 FR 18070 (April 28, 1992). A more detailed discussion of the interpretations of title I of the 1990 Amendments to the Act, as well as detailed policy guidance on the development of the emission inventory is contained in the General Preamble. See 57 FR 18070, appendix B (April 28, 1992).

Those States containing O_3 NAAs classified as marginal to extreme are required under section 182(a)(1) of the Act to submit a final, comprehensive, accurate, and current inventory of the actual O_3 season and weekday emissions from all sources within 2 years of enactment (November 15, 1992). The inventory must include both anthropogenic (man-made) and biogenic (natural) sources of volatile organic compound (VOC), nitrogen oxides (NO_X), and carbon monoxide (CO). The inventory is to address actual VOC, NO_X, and CO emissions for the area during peak O_3 season, which is generally comprised of the summer months. All stationary point and area sources, as well as highway mobile sources within the nonattainment area, are to be included in the compilation. Available guidance for preparing emission inventories is provided in the General Preamble. See 57 FR 13498 (April 16, 1992).

Summary of the SIP Revision and Criteria for This Action

A. Procedural Background

USEPA must determine whether a submittal is complete and therefore warrants further USEPA review and action. See section 110(k)(1) and 57 FR 13565 (April 16, 1992). USEPA's completeness criteria for SIP submittals are set out at 40 CFR part 51, appendix V (1991), as amended by 57 FR 42216 (August 26, 1991). USEPA attempts to make completeness determinations within 60 days of receiving a submission. However, a submittal is deemed complete by operation of law if a completeness determination is not made by USEPA 6 months after receipt of the submission.

USEPA reviewed Wisconsin's emission inventory to determine completeness shortly after its submittal, in accordance with the completeness criteria set out at 40 CFR part 51, appendix V (1991), as amended by 57 FR 42216 (August 26, 1991). USEPA found the January 15, 1993, submittal to be complete on March 16, 1993, and sent a letter dated March 24, 1993 to the Governor indicating the completeness of the submittal and the next steps to be taken in the review process.

The Act requires States to observe certain procedural requirements in developing emission inventory submissions to USEPA. Section 110(a)(2) of the Act provides that each emission inventory submitted by a State must be adopted after reasonable notice and public hearing.[1] Section 110(a)(2) of the Act similarly provides that each revision to an implementation plan submitted by a State under the Act must be adopted by such State after reasonable notice and public hearing.[2]

[1] Also, section 172(c)(7) of the Act requires that plan provisions for nonattainment areas meet the applicable provisions of section 110(a)(2).

[2] Memorandum from John Calcagni, Director, Air Quality Management Division, and William Laxton, Director, Technical Support Division, to Regional

The State of Wisconsin held public hearings on January 12 and 13, 1993, to hear public comment on the 1990 base year emission inventory for all six areas in Wisconsin designated nonattainment for O_3. Following the public hearing, the inventory was adopted by the State and signed by the Governor's Designee, Donald F. Theiler, Director, Bureau of Air Management, Wisconsin Department of Natural Resource (WDNR) on January 15, 1993, and submitted to USEPA as a formal request for revision to the SIP.

WDNR sent supplemental information to USEPA on July 21, 1993 and December 10, 1993, in response to USEPA's preliminary comments on the inventory.

When reviewing the final inventory, USEPA used the Level I, II, and III, O_3 nonattainment inventory quality review checklists provided by the OAQPS to determine the acceptance and approvability of the final emission inventory.

USEPA's initial Level I review determined whether the basic inventory requirements set forth in the "Emission Inventory Requirements for Ozone State Implementation Plans," EPA–450/4–91–010 (March 1991) were present. The Level II review evaluated the emission inventory in more detail expanding on many of the questions found in the Level I review for each of the four general source types: stationary point and area sources, highway and non-highway (or non-road) mobile sources. USEPA's Level II review evaluated the level of supporting documentation provided by the State for completeness, procedures and consistency for each of the emission source types according to current USEPA guidance, as well as data quality. A more detailed discussion of USEPA's Level I and II review findings are presented in the TSD.[3]

The Level III review process outlined below consists of ten points that the inventory must include.[4] For a base year emission inventory to be approvable it must pass all the following acceptance criteria:

1. An approved Inventory Preparation Plan (IPP) was provided and the Quality Assurance (QA) Program contained in the IPP implemented was performed and its implementation documented.

2. Adequate documentation was provided that enabled the reviewer to determine the estimation procedures and data sources used to develop the inventory.

3. The point source inventory must be complete.

4. Point source emissions must have been prepared or calculated according to USEPA guidance.

5. The area source inventory must be complete.

6. The area source emissions must have been prepared or calculated according to USEPA guidance.

7. Biogenic emissions must have been prepared according to current EPA guidance or another approved technique.

8. The method (e.g., Highway Performance Monitoring System (HPMS) or a network transportation planning model) used to develop VMT estimates must follow EPA guidance, which is detailed in the document, "Procedures for Emission Inventory Preparation, Volume IV: Mobile Sources", U.S. Environmental Protection Agency, Office of Mobile Sources and Office of Air Quality Planning and Standards, Ann Arbor, Michigan, and Research Triangle Park, North Carolina, December 1992. The VMT development methods were adequately described and documented in the inventory report.

9. The MOBILE model (or EMFAC model for California only) was correctly used to produce emission factors for each of the vehicle classes.

10. Non-road mobile emissions were prepared according to current EPA guidance for all of the source categories.

Based on USEPA's level III review findings, WDNR has satisfied all of USEPA's requirements for purposes of providing a comprehensive, accurate, and current inventory of actual emissions in the O_3 NAA. A summary of USEPA's Level III findings is given below:

1. The IPP and QA program have been approved and implemented. These were approved by a August 28, 1992, letter from Gary Gulezian, Region 5 to Larry Bruss, WDNR.

2. The documentation was adequate for all emission types (stationary point and area sources, and mobile sources) for the reviewer to determine the estimation procedures and data sources used to develop the inventory.

3. The point source inventory was found to be complete.

4. The point source emissions were estimated according to USEPA guidance.

5. The area source inventory was found to be complete.

6. The area source emissions were estimated according to USEPA guidance.

7. The biogenic emissions were estimated using the BIOgenic Model for Emissions (BIOME), an equivalent technique approved by USEPA.

8. The method used to development VMT estimates was adequately described and documented.

9. The MOBILE model was used correctly.

10. The non-road mobile emission estimates were correctly prepared according to current EPA guidance.

B. Emission Inventory

The State of Wisconsin has met the requirements of section 182(a)(1) of the Act by submitting a O_3 SIP revision that includes a comprehensive, accurate, and current inventory of actual emissions from all sources of relevant pollutants in the NAAs, classified marginal to extreme. This section of the notice describes the adequacy of Wisconsin's inventory of actual emissions as required by section 182(a)(1).

The State of Wisconsin Department of Natural Resources (WDNR) submitted a 1990 base year emission inventory for six areas designated nonattainment for O_3. Wisconsin's six areas designated nonattainment for O_3 include a total of eleven (11) counties: Walworth (marginal), and Door (rural transport) counties; Kewaunee, Manitowoc, and Sheboygan counties (moderate); and the Milwaukee area which include the counties of Washington, Ozaukee, Waukesha, Milwaukee, Racine, and Kenosha (severe). The nonattainment boundaries for these areas are described in **Federal Register** notices dated November 6, 1991 (56 FR 56852), and November 30, 1992 (57 FR 56778).

The emissions inventory contains stationary point and area sources, highway and non-highway (or non-road) mobile source, and biogenic sources within the NAA. Emissions from these groupings of emission source types for the six O_3 NAAs are presented below in the following tables, by pollutant (VOC, CO, and NO_X), in units of tons per summer weekday:

Air Directors, Region I–X, "Public Hearing Requirements for 1990 Base-Year Emission Inventories for Ozone and Carbon Monoxide Nonattainment Areas," (September 29, 1992).

[3] See USEPA guidance document, "Quality Review Guidelines for 1990 Base Year Emissions Inventories," Office of Air Quality Planning and Standards (OAQPS), Research Triangle Park, NC, August 1992.

[4] Memorandum from John S. Seitz, Director, Office of Air Quality Planning and Standards, to Regional Air Division Directors, Region I–X, "Emission Inventory Issues," June 24, 1993.

VOC EMISSIONS FROM ALL SOURCES—TONS/SUMMER WEEKDAY

Ozone NAA	Point source emissions	Area source emissions	Highway mobile emissions	Non-road mobile emissions	Biogenic	Total emissions
Door	0.00	5.62	2.35	4.24	26.02	38.23
Kewaunee	0.86	1.76	1.33	0.83	20.97	25.75
Manitowoc	1.16	8.82	5.71	2.54	33.69	51.92
Sheboygan	6.74	9.69	6.11	3.07	26.76	52.37
Milwaukee	40.38	133.39	147.22	39.86	68.98	429.83
Walworth	1.51	7.59	8.16	3.99	11.06	32.31
Total Emissions	50.65	166.87	170.88	54.53	187.48	630.14

DAILY CO EMISSIONS FROM ALL SOURCES—TONS/SUMMER WEEKDAY

Ozone NAA	Point source emissions	Area source emissions	Highway mobile emissions	Non-road mobile emissions	Total emissions
Door	0.00	1.8	18.56	20.53	40.17
Kewaunee	0.02	0.66	9.02	4.66	14.36
Manitowoc	1.16	2.50	51.58	15.95	71.19
Sheboygan	10.51	3.42	52.47	19.17	85.57
Milwaukee	20.26	35.52	976.31	300.12	1,332.21
Walworth	0.19	2.15	64.39	22.35	89.08
Total Emissions	32.14	45.33	1172.33	382.78	1,632.58

DAILY NO_X EMISSIONS FROM ALL SOURCES—TONS/SUMMER WEEKDAY

Ozone NAA	Point source emissions	Area source emissions	Highway mobile emissions	Non-road mobile emissions	Total emissions
Door	0.00	0.33	4.20	1.45	5.98
Kewaunee	0.03	0.14	1.85	0.93	2.95
Manitowoc	3.20	0.98	11.48	3.84	19.50
Sheboygan	56.35	1.37	11.12	5.20	74.04
Milwaukee	130.51	19.09	111.98	42.15	303.73
Walworth	0.54	0.78	8.19	3.68	13.19
Total Emissions	190.63	22.69	148.82	57.25	419.39

In developing of these emission estimates, WDNR closely followed methodologies recommended by USEPA for the preparation of O_3 inventories. A more detailed discussion of how emission estimates were derived for the above groupings of emission source type is presented in the supporting TSD and inventory documentation.

II. Final Rulemaking Action

USEPA approved the 1990 base year O_3 emission inventory as meeting the requirements of section 182(a)(1) of the Act, as a revision to the O_3 State Implementation Plan (SIP) for all areas in Wisconsin designated as nonattainment, classified marginal to extreme. These areas include counties of the Walworth, Door, Kewaunee, Manitowoc, Sheboygan, and the six county Milwaukee area (which includes Washington, Ozaukee, Waukesha, Milwaukee, Racine, and Kenosha).

Because USEPA considers this action noncontroversial and routine, we are approving it without prior proposal. This action will become effective on August 15, 1994. However, if we receive adverse comments by July 15, 1994, then USEPA will publish:

(1) A document that withdraws the action; and

(2) Address the comments received in a subsequent final rule based on the proposal for approval of the requested SIP revision in the proposed rules section of this **Federal Register**. The public comment period will not be extended or reopened.

Under the Regulatory Flexibility Act, 5 U.S.C. 600 *et al.*, USEPA must prepare a regulatory flexibility analysis assessing the impact of any proposed or final rule on small entities. 5 U.S.C. 603 and 604. Alternatively, USEPA may certify that the rule will not have a significant economic impact on a substantial number of small entities. Small entities include small businesses, small not-for-profit enterprises, and government entities with jurisdiction over populations of less than 50,000.

The SIP approvals under section 110 and subchapter I, part D, of the Act do not create any new requirements, but simply approve requirements that the State is already imposing. Therefore, because the Federal SIP-approval does not impose any new requirements, I certify that it does not have a significant impact on small entities affected. Moreover, due to the nature of the Federal-State relationship under the Act, preparation of a regulatory flexibility analysis would constitute Federal inquiry into the economic reasonableness of State action. The Act forbids USEPA to base its actions concerning SIPs on such grounds. *Union Electric Co.* v. *U.S. E.P.A.*, 427 U.S. 246, 256–66 (1976).

This action has been classified as a Table 2 action by the Regional Administrator under the procedures published in the **Federal Register** on January 19, 1989 (54 FR 2214–2225). On

January 6, 1989 the OMB waived Table 2 and Table 3 SIP revisions (54 FR 2222) from the requirements of section 3 of Executive Order 12291 for a period of 2 years. The USEPA has submitted a request for a permanent waiver for Table 2 and 3 SIP revisions. The OMB has agreed to continue the waiver until such time of USEPA's request. This request continues in effect under Executive Order 12866 which superseded Executive Order 12291, on September 30, 1993.

Nothing in this action should be construed as permitting or allowing or establishing a precedent for any future request for revision to any SIP. Each request for revision to any SIP shall be considered separately in light of specific technical, economic, and environmental factors and in relation to relevant statutory and regulatory requirements.

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Carbon monoxide, Hydrocarbons, Nitrogen dioxide, Ozone, Volatile organic compounds.

Dated: May 11, 1994.

Michelle D. Jordan,

Acting Regional Administrator.

40 CFR Part 52 is amended as follows:

PART 52—[AMENDED]

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

Authority: 42 U.S.C. 7401–7671q.

Subpart YY—Wisconsin

2. Section 52.2585 is amended by adding paragraph (e) to read as follows:

§ 52.2585 Control strategy: Ozone.

* * * * *

(e) Approval—On January 15, 1993, the Wisconsin Department of Natural Resources submitted a revision to the ozone State Implementation Plan for the 1990 base year inventory. The inventory was submitted by the State of Wisconsin to satisfy Federal requirements under section 182(a)(1) of the Clean Air Act as amended in 1990 (the Act), as a revision to the ozone State Implementation Plan (SIP) for all areas in Wisconsin designated nonattainment, classified marginal to extreme. These areas include counties of Walworth, Door, Kewaunee, Manitowoc, Sheboygan, and the six county Milwaukee area (counties of Washington, Ozaukee, Waukesha, Milwaukee, Racine, and Kenosha).

* * * * *

[FR Doc. 94–14533 Filed 6–14–94; 8:45 am]

BILLING CODE 6560–50–M

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 64

[Docket No. FEMA–7597]

Suspension of Community Eligibility

AGENCY: Federal Emergency Management Agency, FEMA.

ACTION: Final rule.

SUMMARY: This rule identifies communities, where the sale of flood insurance has been authorized under the National Flood Insurance Program (NFIP), that are suspended on the effective dates listed within this rule because of noncompliance with the floodplain management requirements of the program. If the Federal Emergency Management Agency (FEMA) receives documentation that the community has adopted the required floodplain management measures prior to the effective suspension date given in this rule, the suspension will be withdrawn by publication in the **Federal Register**.

EFFECTIVE DATES: The effective date of each community's suspension is the third date ("Susp.") listed in the third column of the following tables.

ADDRESSES: If you wish to determine whether a particular community was suspended on the suspension date, contact the appropriate FEMA Regional Office or the NFIP servicing contractor.

FOR FURTHER INFORMATION CONTACT: Robert F. Shea, Jr., Division Director, Program Implementation Division, Mitigation Directorate, 500 C Street SW., room 417, Washington, DC 20472, (202) 646–3619.

SUPPLEMENTARY INFORMATION: The NFIP enables property owners to purchase flood insurance which is generally not otherwise available. In return, communities agree to adopt and administer local floodplain management aimed at protecting lives and new construction from future flooding. Section 1315 of the National Flood Insurance Act of 1968, as amended, 42 U.S.C. 4022, prohibits flood insurance coverage as authorized under the National Flood Insurance Program, 42 U.S.C. 4001 et seq., unless an appropriate public body adopts adequate floodplain management measures with effective enforcement measures. The communities listed in this document no longer meet that statutory requirement for compliance with program regulations, 44 CFR part 59 et seq. Accordingly, the communities will be suspended on the effective date in the third column. As of that date, flood insurance will no longer be available in the community. However, some of these communities may adopt and submit the required documentation of legally enforceable floodplain management measures after this rule is published but prior to the actual suspension date. These communities will not be suspended and will continue their eligibility for the sale of insurance. A notice withdrawing the suspension of the communities will be published in the **Federal Register**.

In addition, the Federal Emergency Management Agency has identified the special flood hazard areas in these communities by publishing a Flood Insurance Rate Map (FIRM). The date of the FIRM, if one has been published, is indicated in the fourth column of the table. No direct Federal financial assistance (except assistance pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act not in connection with a flood) may legally be provided for construction or acquisition of buildings in the identified special flood hazard area of communities not participating in the NFIP and identified for more than a year, on the Federal Emergency Management Agency's initial flood insurance map of the community as having flood-prone areas (section 202(a) of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4106(a), as amended). This prohibition against certain types of Federal assistance becomes effective for the communities listed on the date shown in the last column.

The Deputy Associate Director finds that notice and public comment under 5 U.S.C. 553(b) are impracticable and unnecessary because communities listed in this final rule have been adequately notified.

Each community receives a 6-month, 90-day, and 30-day notification addressed to the Chief Executive Officer that the community will be suspended unless the required floodplain management measures are met prior to the effective suspension date. Since these notifications have been made, this final rule may take effect within less than 30 days.

National Environmental Policy Act. This rule is categorically excluded from the requirements of 44 CFR part 10, Environmental Considerations. No environmental impact assessment has been prepared.

Regulatory Flexibility Act. The Deputy Associate Director has determined that this rule is exempt from the requirements of the Regulatory Flexibility Act because the National Flood Insurance Act of 1968, as amended, 42 U.S.C. 4022, prohibits flood insurance coverage unless an

appropriate public body adopts adequate floodplain management measures with effective enforcement measures. The communities listed no longer comply with the statutory requirements, and after the effective date, flood insurance will no longer be available in the communities unless they take remedial action.

Regulatory Classification. This final rule is not a significant regulatory action under the criteria of section 3(f) of Executive Order 12866 of September 30, 1993, Regulatory Planning and Review, 58 FR 51735.

Paperwork Reduction Act. This rule does not involve any collection of information for purposes of the Paperwork Reduction Act, 44 U.S.C. 3501 et seq.

Executive Order 12612, Federalism. This rule involves no policies that have federalism implications under Executive Order 12612, Federalism, October 26, 1987, 3 CFR, 1987 Comp., p. 252.

Executive Order 12778, Civil Justice Reform. This rule meets the applicable standards of section 2(b)(2) of Executive Order 12778, October 25, 1991, 56 FR 55195, 3 CFR, 1991 Comp., p. 309.

List of Subjects in 44 CFR Part 64

Flood insurance, Floodplains.

Accordingly, 44 CFR part 64 is amended as follows:

PART 64—[AMENDED]

1. The authority citation for part 64 continues to read as follows:

Authority: 42 U.S.C. 4001 *et seq.;* Reorganization Plan No. 3 of 1978, 3 CFR, 1978 Comp., p. 329; E.O. 12127, 44 FR 19367, 3 CFR, 1979 Comp., p. 376.

§ 64.6 [Amended]

2. The tables published under the authority of § 64.6 are amended as follows:

State/location	Community No.	Effective date of authorization/cancellation of sale of flood insurance in community	Current effective map date	Date certain Federal assistance no longer available in special flood hazard areas
Regular Program Conversions				
Region I:				
Maine:				
Augusta, city of, Kennebec County	230067	May 16, 1974, Emerg.; April 1, 1981, Reg.; June 15, 1994, Susp.	6–15–94	June 15, 1994.
Chelsea, town of, Kennebec County	230234	October 1, 1975, Emerg.; June 4, 1980, Reg.; June 15, 1994, Susp.	6–15–94	Do.
Strong, town of, Franklin County	230061	August 21, 1975, Emerg.; July 2, 1980, Reg.; June 15, 1994, Susp.	6–15–94	Do.
Region II				
New York:				
Hebron, town of, Washington County	361443	February 2, 1976, Emerg.; April 17, 1985, Reg.; June 15, 1994, Susp.	6–15–94	Do.
Dexter, village of, Jefferson County	360333	May 27, 1975, Emerg.; June 5, 1985, Reg.; June 15, 1994, Susp.	6–15–94	Do.
Region V:				
Michigan: Kalamazoo, town of, Kalamazoo County.	260429	December 27, 1977, Emerg.; June 15, 1982, Reg.; June 15, 1994, Susp.	6–15–94	Do.
Region VII:				
Iowa: Remsem, city of, Plymouth County	190480	November 4, 1982, Emerg.; August 1, 1986, Reg.; June 15, 1994, Susp.	8–1–86	Do.
Region X:				
Washington:				
Benton County, unincorporated areas	530011	August 2, 1974, Emerg.; August 15, 1979, Reg.; June 15, 1994, Susp.	6–15–94	Do.
Kennewick, city of, Benton County	530237	April 11, 1974, Emerg.; July 19, 1982, Reg.; June 15, 1994, Susp.	6–15–94	Do.
Region I:				
Maine:				
Hartford, town of, Kennebec County	230334	May 21, 1976, Emerg.; November 1, 1985, Reg.; July 5, 1994, Susp.	7–5–94	July 5, 1994.
Randolph, town of, Kennebec County	230244	August 5, 1975, Emerg.; September 5, 1979, Reg.; July 5, 1994, Susp.	7–5–94	Do.
Region II:				
New York: New York, city of, Bronx, Queens, Kings, New York and Richmond.	360497	April 8, 1975, Emerg.; November 16, 1983, Reg.; July 5, 1994, Susp.	7–5–94	Do.
Region IV:				
Mississippi: Flowood, town of, Rakin County.	280289	May 28, 1975, Emerg.; December 15, 1982, Reg.; July 5, 1994, Susp.	7–5–94	Do.
North Carolina: Monroe, city of, Union County.	370236	April 21, 1975, Emerg.; January 19, 1983, Reg.; July 5, 1994, Susp.	7–5–94	Do.
Region VI:				
Texas: Hardin County, unincorporated areas.	480284	November 12, 1973, Emerg.; September 29, 1978, Reg.; July 5, 1994, Susp.	7–5–94	Do.
Region I:				
Maine:				
Gardiner, city of, Kennebec County	230068	February 27, 1975, Emerg.; May 15, 1980, Reg.; July 18, 1994, Susp.	7–18–94	July 18, 1994.

State/location	Community No.	Effective date of authorization/cancellation of sale of flood insurance in community	Current effective map date	Date certain Federal assistance no longer available in special flood hazard areas
Hallowell, city of, Kennebec County	230069	January 13, 1975, Emerg.; November 15, 1979, Reg.; July 18, 1994, Susp.	7–18–94	Do.
Region V:				
Minnesota:				
Ada, city of, Norman County	270323	April 30, 1974, Emerg.; August 2, 1982, Reg.; July 18, 1994, Susp.	7–18–94	Do.
Hendrum, city of, Norman County	270325	July 5, 1974, Emerg.; December 18, 1979, Reg.; July 18, 1994, Susp.	7–18–94	Do.
Norman County, unincorporated areas	270322	January 23, 1974, Emerg.; September 2, 1981, Reg.; July 18, 1994, Susp.	7–18–94	Do.
Minnesota:				
Perley, city of, Norman County	270326	April 26, 1974, Emerg.; June 15, 1999, Reg.; July 18, 1994, Susp.	7–18–94	Do.
Shelly, city of, Norman County	270327	August 16, 1974, Emerg.; September 2, 1981, Reg.; July 18, 1994, Susp.	7–18–94	Do.
Region VIII				
Wyoming: Baggs, town of, Carbon County	560009	December 16, 1975, Emerg.; August 16, 1988, Reg.; July 18, 1994, Susp.	8–16–88	Do.

Code for reading third column: Emerg.—Emergency; Reg.—Regular; Rein.—Reinstatement; Susp.—Suspension.

(Catalog of Federal Domestic Assistance No. 83.100, "Flood Insurance.")

Issued: June 6, 1994.

Richard T. Moore,

Associate Director for Mitigation.

[FR Doc. 94–14280 Filed 6–14–94; 8:45 am]

BILLING CODE 6718–21–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

45 CFR Parts 95 and 205

Elimination of Enhanced Funding for Family Assistance Management Information Systems

AGENCY: Administration for Children and Families, HHS.

ACTION: Final rule.

SUMMARY: This final rule implements provisions of the Omnibus Budget Reconciliation Act of 1993 (OBRA–93), which eliminate enhanced Federal funding for Family Assistance Management Information Systems (FAMIS). Technical changes are also made to update the list of automated systems subject to enhanced funding and to provide the current title of the agency.

DATES: *Effective Date:* April 1, 1994. For States whose legislatures meet biennially and do not have a regular session scheduled in calendar year 1994, this final rule applies no later than the first day of the first calendar quarter beginning after the close of the first regular session of the State legislature convening after August 10, 1993.

FOR FURTHER INFORMATION CONTACT: Bill Davis, State Data Systems Staff, 370 L'Enfant Promenade SW., Washington, DC 20447, telephone (202) 401–6404.

SUPPLEMENTARY INFORMATION:

Paperwork Reduction Act

This final rule does not contain any information collection activities and, therefore, no approvals are necessary under section 3504(h) of the Paperwork Reduction Act of 1980 (Pub. L. 96–511).

Statutory Authority

These regulations are published under the general authority of section 1102 of the Social Security Act (the Act) which requires the Secretary to publish such rules and regulations as may be necessary for the efficient administration of the functions for which she is responsible under the Act.

Justification for Dispensing With Notice of Proposed Rulemaking and 30-Day Delayed Effective Date Requirement

The amendments to these regulations are being published in final form. The Administrative Procedure Act (APA), 5 U.S.C. 553(b)(B), provides that if the Department has good cause for finding that a Notice of Proposed Rulemaking is unnecessary, impracticable or contrary to the public interest, it may dispense with such notice if it incorporates a brief statement in the final regulation of the reasons for doing so. Section 553(d)(3) of the APA permits the Department to bypass a 30-day waiting period prior to a rule's effective date for similar reasons.

The Department finds that there is good case to dispense with Notice of Proposed Rulemaking and a 30-day waiting period with respect to the current regulatory changes. A notice and comment period and a 30-day waiting period are unnecessary as the amendments simply implement statutory provisions and do not involve administrative discretion. Moreover, the States have previously been notified by the Department (via ACF–AT–93–16 issued November 1, 1993) that OBRA–93 has eliminated enhanced Federal funding for FAMIS, and that the lower Federal funding rate is effective, in most cases, on April 1, 1994.

Background and Description of Regulatory Provisions

Section 13741 of OBRA–93 amended section 403 of the Social Security Act by eliminating enhanced Federal financial funding for certain categories of AFDC expenditures, including AFDC program expenditures pertaining to the planning, design, and development or installation of an approved Family Assistance Management Information System (FAMIS).

The current enhanced Federal matching rate for FAMIS is 90 percent. This rate is reduced to 50 percent under OBRA–93. Accordingly, the funding provisions at 45 CFR 205.38(a) are revised to stipulate that the availability of 90 percent funding is terminated effective March 31, 1994, after which time the rate is reduced to 50 percent.

While 50 percent is the only Federal financial participation rate available for FAMIS activities beginning April 1, 1994, those system developments efforts

already in progress and approved at the enhanced rate continue to be subject to the requirements of § 205.35 through § 205.38 until the system is completed and certified by the Administration for Children and Families. The Department will continue to recover pursuant to section 402(e)(2)(C) of the Social Security Act the 40 percent incentive portion of Federal financial participation expended should the state fail to meet the statewide implementation date specified in its approved Advance Planning Document.

We have also made technical changes to reflect a 1991 agency reorganization by replacing references to the "Family Support Administration (FSA)" with "the Administration for Children and Families (ACF)" each time they appear in § 205.35 through § 205.38.

Conforming changes have also been made to 45 CFR part 95, subpart F, Automatic Data Processing Equipment and Services—Conditions for Federal Financial Participation, § 95.605 (pertaining to definitions) and §§ 95.611 and 95.625 (pertaining to FFP) to remove references to the availability of enhanced funding under title IV–A. At the same time, we are adding references in §§ 95.611 and 95.625 to title IV–E relevant to the availability of enhanced funding since section 13713 of OBRA–93 made such funding available for Statewide Automated Child Welfare Information Systems from October 1, 1993 through September 30, 1996 (see 58 FR 67939, December 22, 1993).

Technical changes have also been made to this section to reflect the current agency designation as explained above and to correct a typographical error. The reference at 45 CFR 96.625(b), with respect to regulations governing title XIX should be 42 CFR part 433, subpart C, rather than 45 CFR part 433, subpart C.

Regulatory Impact Analysis

Executive Order 12866 requires that regulations be reviewed to ensure that they are consistent with the priorities and principles set forth in the Executive Order. The Department has determined that this rule is consistent with these priorities and principles. No costs are associated with this rule as it merely ensures consistency between the statute and regulations.

Regulatory Flexibility Act

Consistent with the Regulatory Flexibility Act (Pub. L. 96–354) which requires the Federal government to anticipate and reduce the impact of rules and paperwork requirements on small businesses and other small entities, the Secretary certifies that this rule has no significant effect on a substantial number of small entities. Therefore, a regulatory flexibility analysis is not required.

List of Subjects

45 CFR Part 95

Claims, Computer technology, Grant programs—health, Grant programs, Social programs, Social security.

45 CFR Part 205

Computer technology, Grant programs—social programs, Privacy, Public assistance programs, Reporting and recordkeeping requirements, Wages.

(Catalog of Federal Domestic Assistance Program Numbers 13.645 Child Welfare Services—State Grants; Foster Care Maintenance; 13.659, Adoption Assistance; 13.679, Child Support Enforcement Program; 13.174, Medical Assistance Program; 13.808, Assistance Payments—Maintenance Assistance; 13.810, Assistance Payments—State and Local Training)

Dated: April 1, 1994.

Mary Jo Bane,

Assistant Secretary for Children and Families.

Approved: June 5, 1994.

Donna E. Shalala,

Secretary.

PART 95—GENERAL ADMINISTRATION—GRANT PROGRAMS (PUBLIC ASSISTANCE AND MEDICAL ASSISTANCE)

1. The authority citation for part 95 continues to read as follows:

Authority: Secs. 402(a)(5), 452(a)(1), 1102, and 1902(a)(4) of the Social Security Act, 42 U.S.C. 602(a)(5), 652(a)(1), 1302, 1396a(a)(4); 5 U.S.C. 301 and 8 U.S.C. 1521.

2. Section 95.605 is amended by revising the definition of "Enhanced matching rate" to read as follows:

§ 95.605 Definitions.

* * * * *

Enhanced matching rate means the higher than regular rate of FFP authorized by Title IV–D, IV–E, and XIX of the Social Security Act for acquisition of services and equipment that conform to specific requirements designed to improve administration of the Child Support Enforcement, Foster Care and Adoption Assistance, and Medicaid programs.

* * * * *

3. Section 95.611 is amended by revising paragraphs (a)(2) and (a)(5) to read as follows:

§ 95.611 Prior approval conditions.

(a) * * *

(2) A State shall obtain prior written approval from the Department as specified in paragraph (b) of this section, when the State plans to acquire ADP equipment or services with proposed FFP at the enhanced matching rate authorized by 45 CFR part 307, 45 CFR 1355.55 or 42 CFR part 433, subpart C, regardless of the acquisition cost, except as specified in paragraph (a)(3) of this section.

* * * * *

(5) Except as provided for in paragraph (a)(6) of this section, the State shall submit requests for Department approval, signed by the appropriate State official, to the Director, Administration for Children and Families, Office of Information Management Systems. The State shall send to ACF one copy of the request for each HHS component, from which the State is requesting funding, and one for the State Data Systems Staff, the coordinating staff for these requests. The State must also send one copy of the request directly to each Regional program component and one copy to the Regional Director.

* * * * *

4. Section 95.625 is revised to read as follows:

§ 96.625 Increased FFP for certain ADP systems.

(a) *General.* FFP is available at enhanced matching rates for the development of individual or integrated systems and the associated computer that support the administration of State plans for Titles IV–D, IV–E and/or XIX provided the systems meet the specifically applicable provisions referenced in paragraph (b) of this section.

(b) *Specific reference to other regulations.* The applicable regulations for the Title IV–D program are contained in 45 CFR part 307. The applicable regulations for the Title IV–E program are contained in 45 CFR 1355.55. The applicable regulations for the Title XIX program are contained in 42 CFR part 433, subpart C.

PART 205—GENERAL ADMINISTRATION—PUBLIC ASSISTANCE PROGRAMS

1. The authority citation for part 205 continues to read as follows:

Authority: 42 U.S.C. 602, 603, 606, 607, 611, 1302, 1306(a), 1320b–7.

§ 205.35 [Amended]

2. Section 205.35 is amended by removing in the introductory text "Family Support Administration (FSA)." and adding, in its place "Administration for Children and Families (ACF)."

§ 205.37 [Amended]

3. Section 205.37 is amended by revising the heading of the section to read: "Responsibilities of the Administration for Children and Families (ACF).", and by removing the initials "OFA" in the third sentence of paragraph (a)(5) and adding in its place, the initials "ACF".

4. Section 205.38 is amended by revising paragraph (a) to read as follows:

§ 205.38 Federal financial participation (FFP) for establishing a statewide mechanized system.

(a) Effective July 1, 1981 through March 31, 1994, FFP is available at 90 percent of expenditures incurred for planning, design, development or installation of a statewide automated application processing and information retrieval system which are consistent with an approved APD. (Beginning April 1, 1994 the match rate available for development of Title IV–A automated systems is 50 percent.) The 90 percent FFP includes the purchase or rental of computer equipment and software directly required for and used in the operation of this system.

* * * * *

§§ 205.37 and 205.38 [Amended]

5. In addition to the amendments set forth above, in 45 CFR part 205 remove the initials "FSA" and add, in its place, the initials "ACF" in the following places:

(a) Section 205.37(a), (b), (c), (d) and (e); and

(b) Section 205.38(b), (c) and (e).

[FR Doc. 94–14326 Filed 6–14–94; 8:45 am]

BILLING CODE 4110–60–M

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

45 CFR Parts 2525, 2526, 2527, 2528, and 2529

National Service Trust

AGENCY: Corporation for National and Community Service.

ACTION: Interim final rule.

SUMMARY: The Corporation for National and Community Service (the Corporation) is issuing this interim final rule implementing requirements of subtitle D of the National and Community Service Act of 1990 (the Act). This rule describes the following: the National Service Trust (the Trust); who is eligible to receive education awards from the Trust; how the amount of the education awards is determined; the purposes for which the education awards may be used; and the circumstances under which AmeriCorps participants will receive forbearance and payment of interest expenses on qualified student loans. This rule is intended to allow for the provision of educational benefits to AmeriCorps participants.

DATES: Interim rule effective June 15, 1994; comments must be received on or before August 1, 1994.

ADDRESSES: Comments must be mailed to the Corporation for National and Community Service, P.O. Box 34680, Washington, DC 20034–4680 or hand delivered to the Office of the General Counsel, room 9200, 1100 Vermont Avenue, Washington, DC 20525. Comments received may be inspected at the Corporation for National and Community Service, Office of the General Counsel, room 9200, 1100 Vermont Avenue NW., Washington, DC 20525, between 9 a.m. and 5 p.m. Eastern daylight savings time.

FOR FURTHER INFORMATION CONTACT: Terry Russell, (202) 606–4949 (Voice) or (202) 606–5256 (TDD), between the hours of 9 a.m. and 6 p.m. Eastern daylight savings time. For individuals with disabilities, information will be made available in alternative formats upon request.

SUPPLEMENTARY INFORMATION: The Corporation has published this rule as an interim final rule rather than as a proposed rule pursuant to 44 U.S.C. 553(b)(3)(B). The Corporation is making grants to AmeriCorps programs that will operate over the summer of 1994 and whose participants will need to receive education awards under the terms and conditions of this rule. Since it would be contrary to the public interest to publish this rule as a proposed rule, it is published as an interim final rule to take effect immediately.

On March 23, 1994, the Corporation published final regulations governing the Corporation's grantmaking programs and various support and investment activities authorized by the Act (59 FR 13772). This rule establishes regulations to implement sections 145 through 148 of subtitle D of the Act, which requires the Corporation to make payments from the National Service Trust for education awards for AmeriCorps participants and for interest expenses that accrue on qualified student loans for which participants have obtained forbearance during a term of service in an AmeriCorps program.

Overview of This Interim Final Rule and Discussion of Policy Decisions

In general, this rule incorporates, without substantive change, the statutory requirements regarding the eligibility of AmeriCorps participants to receive and use education awards, the standards for determining the amount of the education award, the possible uses of and procedures for using education awards, the procedures for obtaining forbearance in repaying qualified student loans while serving in an AmeriCorps program, and the procedures for making interest payments from the National Service Trust.

Some sections of the regulations interpret and elaborate on provisions in the statute. Those sections are discussed below.

AmeriCorps participants who are released for cause are not eligible to receive any portion of the education award. However, participants who are released for compelling personal circumstances, at the discretion of their respective programs, either may have their service suspended and return at a later date to complete their terms or may receive a pro-rated education award. Sections 2526.20 and 2527.10 of this rule set some guidelines for programs to make these determinations.

First, the corporation encourages programs—whenever possible and appropriate—to suspend a participant's term of service rather than offer a pro-rated education award. The intent is to always encourage participants to complete their terms of service if at all possible. Second, the regulations further clarify that participants who are released for compelling personal circumstances only may receive a pro-rated education award if they have completed at least 15% of their terms of service. There are a number of reasons for this policy. From a logistical standpoint, 15% of a full-time term of service equates to approximately six weeks; similarly, programs are allowed to fill an approved AmeriCorps position left vacant due to attrition only within the first six weeks of a term of service. Programs that offered pro-rated education awards within this first six weeks would forfeit those AmeriCorps positions—an outcome that is desirable neither for the programs nor for the Corporation. From an economic standpoint, the value of a pro-rated education award for significantly less than 15% of a term of service would be insufficient to pay for most educational expenses and, in many cases, would be less than the administrative costs of providing that award. Finally, the Corporation did not set the limit at a higher percentage because it recognizes that there may be compelling cases in which participants legitimately would be unable to continue service even after

a period of suspension but would benefit from and should receive a relatively small, pro-rated education award.

Section 2526.50 clarifies that the suspension of an individual's eligibility to use an education award as a result of the conviction of the possession or sale of a controlled substance does not constitute a valid reason for the extension of the seven-year period for using an education award.

The sections in part 2528 describe the uses of and the procedures for using education awards. The regulations in these sections are designed to ensure that the necessary documentation and verification are obtained at each stage of the process without imposing too great a burden on holders of qualified student loans, institutions of higher education, participants, or the Corporation.

Part 2529 describes the procedures for participants to obtain forbearance in the repayment of qualified student loans and for the Corporation to pay interest expenses that accrue during such periods of forbearance. Similar to the regulations in part 2528, the regulations in this part are designed to ensure that the necessary documentation and verification is obtained while minimizing administrative burdens. Section 2529.20 clarifies that individuals who are eligible for a pro-rated education awards or for pro-rated Stafford Loan Forgiveness also are eligible for pro-rated payments of interest expenses based on the portion of the term of service that was completed. The Corporation will not, however, pay interest expenses that accrue during a period of suspension of a term of service. Section 2529.30 clarifies that different repayment requirements apply to VISTA volunteers.

Invitation to Comment

The Corporation invites written comments on the text of this interim final rule and requests that the comments identify the specific sections of the regulations to which they relate and provide reasons for any suggested changes.

Miscellaneous Requirements

Interested parties should be advised that because the assistance provided under the authority of this rule constitutes Federal financial assistance for the purposes of title VI of the Civil Rights Act of 1964 (which bars discrimination based on race, color, or national origin), title IX of the Education Amendments of 1972 (which bars discrimination on the basis of gender), the Rehabilitation Act of 1973 (which bars discrimination on the basis of disability), and the Age Discrimination Act of 1975 (which bars discrimination on the basis of age), grantees will be required to comply with the aforementioned provisions of Federal law.

Grant recipients will be expected to expend Corporation grants in a judicious and reasonable manner, consistent with pertinent provisions of Federal law and regulations. Grantees must keep records according to Corporation guidelines, including records that fully disclose the amount and disposition of the proceeds of a Corporation grant. The Inspector General of the Corporation (or other authorized official) shall have access, for the purpose of audit and examination, to the books and records of grantees that may be related or pertinent to the Corporation grant.

Grantees should further be advised that Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments, and Administrative Requirements for Grants and Cooperative Agreements to other than State and Local Governments, as well as regulations for the Privacy Act, freedom of Information Act, Sunshine Act, Government-wide Debarment and Suspension, and Government-wide Requirements for Drug-Free Workplace will also be published.

As required by the Regulatory Flexibility Act, it is hereby certified that this rule will not have a significant impact on small business entities.

As required by the Paperwork Reduction Act of 1980, the Corporation will submit the information collection requirements contained in this rule to the Office of Management and Budget for its review (44 U.S.C. 3504(h)). The information collection requirements are needed in order to provide assistance to parties affected by these regulations, in accordance with statutory mandates.

(Catalog of Federal Domestic Assistance Numbers: 94.003 for State Commissions, Alternative Administrative Entities, and Transitional Entities; 94.004 for K–12 Service-Learning Programs; 94.005 for Higher Education Service-Learning Programs; 94.006 for AmeriCorps Programs; 94.007 for Investment for Quality and Innovation Programs)

List of Subjects

45 CFR Part 2525

Grant programs—social programs, Student aid, Volunteers.

45 CFR Part 2526

Grant programs—social programs, Student aid, Volunteers.

45 CFR Part 2527

Grant programs—social programs, Student aid, Volunteers.

45 CFR Part 2528

Grant programs—social programs, Student aid, Volunteers

45 CFR Part 2529

Grant programs—social programs Student aid, Volunteers

Dated: June 7, 1994

Terry Russell,

General Counsel.

Accordingly, the Corporation amends title 45, chapter XXV of the Code of Federal Regulations by adding parts 2525 through 2529 to read as follows:

PART 2525—NATIONAL SERVICE TRUST: PURPOSE AND DEFINITIONS

Sec.

2525.10 What is the National Service Trust?
2525.20 Definitions.

Authority: 42 U.S.C. 12601–12604

§ 2525.10 What is the National Service Trust?

The National Service Trust is an account in the Treasury of the United States from which the Corporation makes payments of education awards, Stafford loan forgiveness awards, and pays interest that accrue on qualified student loans for AmeriCorps participants during terms of service in approved AmeriCorps positions.

§ 2525.20 Definitions.

In addition to the definitions in § 2510.20 of this chapter, the following definitions apply to terms used in parts 2525 through 2529 of this chapter:

Approved school-to-work program. The term *approved school-to-work program* means a school-to-work program officially approved by the Secretaries of the Departments of Education and Labor.

Cost of attendance. The term *cost of attendance* has the same meaning as in title IV of the Higher Education Act of 1965, as amended (20 U.S.C. 1070 et. seq.).

Education award. The term *education award* means the financial assistance available under parts 2526 through 2528 of this chapter for which an individual in an approved AmeriCorps position—except for an individual in a Stafford Loan Forgiveness program (SLF program)—may be eligible.

Holder. The term *holder* means—

(1) The original lender; or

(2) Any other entity to whom a loan is subsequently sold, transferred, or assigned if such entity acquires a legally

enforceable right to receive payments from the borrower.

Institution of higher education. For the purposes of parts 2525 through 2529 of this chapter, the term *institution of higher education* has the same meaning given the term in section 481(a) of the Higher Education Act of 1965, as amended (20 U.S.C. 1088(a)).

Qualified student loan. The term *qualified student loan* means any loan made, insured, or guaranteed pursuant to title IV of the Higher Education Act of 1965 (20 U.S.C. 1070 et. seq.), other than a loan to a parent of a student pursuant to section 428B of such Act (20 U.S.C. 1078–2), and any loan made pursuant to title VII or VIII of the Public Service Health Act (42 U.S.C. 292a et. seq.).

Term of service. The term *term of service* means—

(1) For AmeriCorps participants other than VISTA volunteers, any of the terms of service specified in § 2522.220 of this chapter; and

(2) For VISTA volunteers, not less than a full year of service as a VISTA volunteer.

PART 2526—ELIGIBILITY TO RECEIVE AND USE EDUCATIONAL BENEFITS

Sec.

2526.10 What types of AmeriCorps educational benefits are available?
2526.20 Who is eligible to receive a full education award from the National Service Trust?
2526.30 Who is eligible to receive a full Stafford loan forgiveness award from the National Service Trust?
2526.40 Is an AmeriCorps participant who does not complete a term of service eligible to receive a pro-rated education or Stafford loan forgiveness award?
2526.50 What conditions must an AmeriCorps participant who has received an education award meet in order to use that education award?
2526.60 How do convictions for the possession or sale of controlled substances affect an education award recipient's ability to use that award?
2526.70 What is the time period during which an individual must use an education award?
2526.80 How many education or Stafford loan forgiveness awards may an individual receive?
2526.90 May an individual receive an education or Stafford loan forgiveness award and loan cancellations for the same service?
2526.100 How are education and Stafford loan forgiveness awards treated in determining eligibility for financial assistance under the Higher Education Act of 1965, as amended?

Authority: 42 U.S.C. 12601–12604.

§ 2526.10 What types of AmeriCorps educational benefits are available?

Individuals serving in approved AmeriCorps positions may be eligible to receive either AmeriCorps education awards or Stafford loan forgiveness awards, but may not receive both awards for the same term of service.

§ 2526.20 Who is eligible to receive a full education award from the National Service Trust?

(a) *General.* To receive a full education award from the National Service Trust, an AmeriCorps participant must meet the eligibility requirements for, and successfully complete the required term of service in, an approved AmeriCorps position, including approved AmeriCorps positions in the VISTA program established by the Domestic Volunteer Service Act of 1973 (42 U.S.C. 4950 et. seq.) and the National Civilian Community Corps program established by the National and Community Service Act of 1990.

(b) *Conditions.* (1) For any term of service, a VISTA Volunteer who successfully completes his or her required term of service is only eligible to receive an education award from the National Service Trust if he or she does not accept the postservice stipend authorized under section 105(a)(1) of the Domestic Volunteer Service Act of 1973.

(2) For any term of service, a National Civilian Community Corps participant who successfully completes his or her required term of service is only eligible to receive an education award from the National Service Trust if he or she does not accept the alternative benefit described in section 158(g) of the National and Community Service Act of 1990.

§ 2526.30 Who is eligible to receive a full Stafford loan forgiveness award from the National Service Trust?

An individual who successfully completes a term of service in an approved AmeriCorps position in a Stafford Loan Forgiveness program is eligible to receive a full Stafford loan forgiveness award.

§ 2526.40 Is an AmeriCorps participant who does not complete a term of service eligible to receive a pro-rated education or Stafford loan forgiveness award?

(a) An individual who is released from a term of service for compelling personal circumstances, in accordance with § 2522.230(a) of this chapter, is eligible to receive a pro-rated education or Stafford loan forgiveness award as determined according to § 2527.10(d)(1) of this chapter if—

(1) The individual completed at least fifteen percent of his or her required term of service prior to the release; and

(2) The program chooses to provide the individual with a pro-rated education or Stafford loan forgiveness award pursuant to § 2522.230(a)(1) of this chapter rather than permitting the individual to complete the remainder of the term of service after a temporary suspension of service pursuant to § 2522.230(a)(2) of this chapter.

(b) Programs are encouraged, when appropriate, to suspend service rather than offer prorated educational benefits.

(c) An individual who is released from a term of service for cause in accordance with § 2522.230(b) of this chapter is not eligible for any portion of an education or Stafford loan forgiveness award.

(d) A VISTA volunteer who does not complete a term of service as a result of the early closure of the project in which he or she is serving is eligible to receive a pro-rated education award as determined according to § 2527.10(d)(1) of this chapter.

§ 2526.50 What conditions must an individual who has received an education award meet in order to use that education award?

An individual who receives an education award is eligible to use the award if the individual—

(a) Has received a high school diploma or its equivalent, is enrolled at an institution of higher education, or has received a waiver based on an individual education assessment conducted by the AmeriCorps program in which the individual participated;

(b) Is a citizen, national, or permanent resident alien of the United States; and

(c) Is not eligible to use the education award under § 2526.40 as a result of a conviction of the possession or sale of a controlled substance.

§ 2526.60 How do convictions for the possession or sale of controlled substances affect an education award recipient's ability to use that award?

(a) Except as provided in paragraph (b) of this section, a recipient of an education award who is convicted under pertinent Federal or State law of the possession or sale of a controlled substance is not eligible to use his or her education award from the date of the conviction until the end of a specified time period, which is determined based on the type of conviction as follows:

(1) For conviction of the possession of a controlled substance, the ineligibility periods are—

(i) One year for a first conviction;

(ii) Two years for a second conviction; and

(iii) For a third or subsequent conviction, indefinitely, as determined by the Corporation according to the following factors—

(A) Type of controlled substance;

(B) Amount of controlled substance;

(C) Whether firearms or other dangerous weapons were involved in the offense;

(D) Nature and extent of any other criminal record;

(E) Nature and extent of any involvement in trafficking of controlled substances;

(F) Length of time between offenses;

(G) Employment history;

(H) Service to the community;

(I) Recommendations from community members and local officials, including experts in substance abuse and treatment; and

(J) Any other relevant aggravating or ameliorating circumstances.

(2) For conviction of the sale of a controlled substance, the ineligibility periods are—

(i) Two years for a first conviction; and

(ii) Two years plus such additional time as the Corporation determines as appropriate for second and subsequent convictions, based on the factors set forth in paragraphs (a)(1)(iii) (A) through (J) of this section.

(b) (1) If the Corporation determines that an individual who has had his or her eligibility to use the education award suspended pursuant to paragraph (a) of this section has successfully completed a legitimate drug rehabilitation program, or in the case of a first conviction that the individual has enrolled in a legitimate drug rehabilitation program, the individual's eligibility to use the education award will be restored.

(2) In order for the Corporation to determine that the requirements of paragraph (b)(1) of this section have been met—

(i) The drug rehabilitation program must be recognized as legitimate by appropriate Federal, State or local authorities; and

(ii) The individual's enrollment in or successful completion of the legitimate drug rehabilitation program must be certified by an appropriate official of that program.

§ 2526.70 What is the time period during which an individual must use an education award?

(a) *General requirement.* An individual must use an education award within seven years of the date on which the individual successfully completes a term of service, unless the individual applies for and receives an extension in accordance with the requirements of paragraph (b) of this section.

(b) *Extensions.* In order to receive an extension of the seven-year time period for using an education award, an individual must apply to the Corporation for an extension prior to the end of that time period. The Corporation will grant an application for an extension under the following circumstances:

(1) If the Corporation determines that an individual was performing another term of service in an approved AmeriCorps position during the seven-year period, the Corporation will grant an extension for a time period that is equivalent to the time period during which the individual was performing the other term of service.

(2) If the Corporation determines that an individual was unavoidably prevented from using the education award during the seven-year period, the Corporation will grant an extension for a period of time that the Corporation deems appropriate. An individual who is ineligible to use an education award as a result of the individual's conviction of the possession or sale of a controlled substance under § 2526.40 is not considered to be unavoidably prevented from using the education award for the purposes of this paragraph.

§ 2526.80 How many education or Stafford loan forgiveness awards may an individual receive?

An individual may receive an education or Stafford loan forgiveness award for each of up to two terms of service. For the purposes of this section, full-time, part-time and reduced part-time terms of service described in § 2522.220 of this chapter are each considered terms of service.

§ 2526.90 May an individual receive an education or Stafford loan forgiveness award and loan cancellations for the same service?

No. Although an education award may be used to repay qualified student loans pursuant to § 2528.20 of this chapter, an individual may not receive an education or Stafford loan forgiveness award for a term of service and have that same service credited toward repayment of other student loans.

§ 2526.100 How are education and Stafford loan forgiveness awards treated in determining eligibility for financial assistance under the Higher Education Act of 1965, as amended?

Institutions of higher education shall consider education and Stafford loan forgiveness awards neither as income in calculating expected family contributions nor as estimated financial assistance in packaging assistance under the Higher Education Act of 1965, as amended (20 U.S.C. 1070 et seq.).

PART 2527—AMOUNT OF AMERICORPS EDUCATIONAL BENEFITS

Sec.

2527.10 How are the amounts of the education and Stafford loan forgiveness awards determined?

Authority: 42 U.S.C. 12601–12604.

§ 2527.10 How are the amounts of the education and Stafford loan forgiveness awards determined?

(a) *Education awards for full-time service.* The education award for full-time service is equal to 90 percent of—

(1) One-half of an amount equal to the aggregate basic educational assistance allowance provided in 38 U.S.C. 3015(b)(1) (as in effect on July 28, 1993), for the period referred to in 38 U.S.C. 3013(a)(1) (as in effect on July 28, 1993), for a member of the Armed forces who is entitled to such an allowance under 38 U.S.C. 3011 and whose initial obligated period of active duty is two years; less

(2) One-half of the aggregate basic contribution required to be made by the member in 38 U.S.C. 3011(b) (as in effect on July 28, 1993).

(b) *Stafford loan forgiveness awards for full-time service.* The Stafford loan forgiveness award for a full-time participant in a Stafford Loan Forgiveness program is equal to 15 percent of that greater of—

(1) That participant's current Stafford loan obligations that were incurred during the final two years of that participant's undergraduate education; or

(2) That participant's current Stafford loan obligations that were incurred during the most recent two years of that participant's graduate education in a teaching program.

(c) *Part-time service.* The education and Stafford loan forgiveness awards for part-time terms of service are equal to one-half of the corresponding full-time education and Stafford loan forgiveness awards described in paragraphs (a) and (b) of this section.

(d) *Incomplete or reduced terms of service.* (1) The education or Stafford loan forgiveness awards for individuals who are released from a term of service for compelling personal circumstances and are eligible for a pro-rated full- or part-time education or Stafford loan forgiveness award in accordance with the requirements in § 2526.40 of this chapter, or for VISTA volunteers who

are released due to the early of a project, are equal to the product of—

(i) The ratio of the portion of the term of service completed to the required term of service; and

(ii) The amount of the full- or part-time education award available for that term of service as determined pursuant to paragraph (a), (b) or (c) of this section.

(2) The education award for individuals serving in a reduced part-time term of service described in § 2522.220 of this chapter is equal to the product of—

(i) The ratio of the number of hours of service required for the reduced part-time term of service to 900; and

(ii) The amount of the part-time education or Stafford loan forgiveness award as determined pursuant to paragraph (c) of this section.

(e) *Authority to aggregate awards.* An individual who serves two terms of service in a Stafford loan forgiveness program(s) may elect (prior to the end of the first such term of service) to aggregate the two Stafford loan forgiveness awards that the individual receives such that the individual receives a single Stafford loan forgiveness award at the end of the second term of service that is equal to the sum of the awards for each of the terms. An individual who wishes to aggregate his or her Stafford loan forgiveness awards must comply with the procedural requirements of § 2528.60 of this chapter.

PART 2528—USES OF AND PROCEDURES FOR USING EDUCATIONAL BENEFITS

Sec.

2528.10 For what purposes may education awards be used?
2528.20 What are the procedural requirements for using education awards to repay qualified student loans?
2528.30 What are the procedural requirements for using education awards to pay for all or part of the cost of attendance at an institution of higher education or to pay for expenses incurred in participating in an approved school-to-work program?
2528.40 Is there a limit on the amount of an individual's education award that the Corporation will disburse to an institution of higher education for a given period of enrollment?
2528.50 What happens if an individual withdraws or fails to complete the period of enrollment in an institution of higher education or school-to-work program for which the Corporation has disbursed all or part of that individual's education award?
2528.60 What are the procedural requirements for using a Stafford loan forgiveness award to repay Stafford loans?

Authority: 42 U.S.C. 12601–12604.

§ 2528.10 For what purposes may education awards be used?

(a) Education awards may be used—

(1) To repay qualified student loans or portions thereof in accordance with § 2528.20;

(2) To pay all or part of the cost of attendance at an institution of higher education in accordance with §§ 2528.30 through 2528.50; and

(3) To pay expenses incurred in participating in approved school-to-work programs in accordance with § 2528.60.

(b) Education awards are divisible and may be applied to any combination of those loans, costs and expenses described in paragraph (a) of this section.

§ 2528.20 What are the procedural requirements for using education awards to repay qualified student loans?

(a) In order to use an education award to repay qualified student loans, the recipient of the award must submit an application to the Corporation, in a manner prescribed by the corporation that:

(1) Identifies, or permits the Corporation to identify, the holder or holders of the loans;

(2) Indicates, or permits the Corporation to determine, the amounts of principal and interest outstanding on the loans;

(3) Specifies, if the outstanding balance of the principal on the loans is greater than the amount to be disbursed by the Corporation, which of the loans the individual prefers to have paid; and

(4) Contains whatever other information the Corporation may require.

(b) Upon receipt of an application under paragraph (a) of this section, the Corporation will notify each holder of a loan that has been designated for payment in the individual's application and will identify any information or documentation that the holder must provide to the corporation before the Corporation will make payment.

(c) When the Corporation receives all required information from the holder of the loan, the Corporation will pay the holder of the loan in accordance with the instructions in the application of the education award recipient and will notify the recipient of the payment.

(d) The Corporation may establish procedures to aggregate payments to holders of loans for more than a single individual.

§ 2528.30 What are the procedural requirements for using education awards to pay for all or part of the cost of attendance at an institution of higher education or to pay for expenses incurred in participating in an approved school-to-work program?

(a) In order to use an education award to pay for the cost of full-time or part-time attendance at an institution of higher education or to pay for expenses incurred in participating in an approved school-to-work program, the recipient of an award must submit an application to the institution of higher education or school-to-work program in which the individual is or will be enrolled, on a form prescribed by the Corporation, that contains such information as the Corporation may require to verify that the individual is a recipient of and eligible to use an education award.

(b) An institution of higher education or approved school-to-work program that receives one or more applications submitted in accordance with the requirements of paragraph (a) of this section shall submit to the Corporation, in a manner prescribed by the Corporation, a statement that—

(1) Identifies each eligible individual filing an application;

(2) Specifies the amounts for which such eligible individuals are qualified;

(3)(i) For institutions of higher education, certifies that—

(A) The institution of higher education has in effect a program participation agreement under section 487 of the Higher Education Act of 1965;

(B) The institution's eligibility to participate in any of the programs under title IV of such Act has not been limited, suspended, or terminated; and

(C) Individuals using education awards to pay for the cost of attendance at that institution do not comprise more than 15 percent of the total student population of the institution;

(ii) For school-to-work programs, certifies that the program has been approved by the Departments of Education and Labor;

(4) Indicates the costs of attendance or participation for any period(s) of enrollment for which the individual(s) are applying the education award(s); and

(5) Contains such provisions concerning financial compliance as the Corporation may require in the application.

(c) When the Corporation receives a statement from an institution of higher education or a school-to-work program in accordance with the requirements of paragraph (b) of this section, the Corporation will pay a first installment for the first period of enrollment, which

shall be not more than half of the total monetary value of the education awards that the individuals identified on the institution's statement are scheduled to receive. The Corporation will pay installments for each subsequent period of enrollment upon receipt of statements updating the information required under paragraph (b) of this section for the relevant period of enrollment.

§ 2528.40 Is there a limit on the amount of an individual's education award that the Corporation will disburse to an institution of higher education for a given period of enrollment?

Yes. The Corporation's disbursement from an individual's education award for any period of enrollment may not exceed the difference between—

(a) The individual's cost of attendance for that period of enrollment, determined in accordance with section 472 of the Higher Education Act of 1965; and

(b) The sum of—

(1) The student's estimated financial assistance for that period under part A of title IV of such Act; and

(2) The student's veterans' education benefits, determined in accordance with section 480(c) of such Act.

§ 2528.50 What happens if an individual withdraws or fails to complete the period of enrollment in an institution of higher education or school-to-work program for which the Corporation has disbursed all or part of that individual's education award?

(a) (1) An institution of higher education or school-to-work program that receives a disbursement of education award funds from the Corporation must have in effect a fair and equitable refund policy that includes procedures for providing a refund to the Corporation if an individual for whom the Corporation has disbursed education award funds withdraws or otherwise fails to complete the period of enrollment at that institution or program for which the assistance was provided.

(2) (i) For purposes of this section, an institution of higher education's refund policy is deemed "fair and equitable" if it is consistent with the requirements of paragraphs (b) and (c) of section 484B of the Higher Education Act of 1965, as amended.

(ii) For the purposes of this section, a school-to-work program's refund policy is deemed "fair and equitable" if it complies with any standards that may be developed by the Departments of Education and Labor.

(b) The Corporation credits to the individual's education award allocation in the National Service Trust the amount of any refund received for that individual under paragraph (a) of this section.

§ 2528.60 What are the procedural requirements for using a Stafford loan forgiveness award to repay Stafford loans?

(a) In order to apply a Stafford loan forgiveness award to the repayment of a Stafford loan(s), a participant in an AmeriCorps Stafford Loan Forgiveness program must submit an application to the Corporation that—

(1) Identifies the holder or holders of the participant's Stafford loans as described in § 2527.10(b) of this chapter;

(2) Indicates the amounts of outstanding principal and the rates of interest on those loans;

(3) Indicates, where appropriate, to which of the loans the individual would prefer to apply the Stafford loan forgiveness award;

(4) If the participant serves two terms of service in a Stafford Loan Forgiveness program, indicates whether the participant wishes to aggregate the Stafford loan forgiveness awards pursuant to § 2527.10(e) of this chapter; and

(5) Contains whatever other information the Corporation may require.

(b) When a participant receives a Stafford loan forgiveness award, the Corporation will notify each holder of a Stafford loan identified in the participant's application of the portion of the loan that the Corporation will repay and will identify any information or documentation that the holder must provide to the Corporation.

(c) When the Corporation receives all required information from the holder of the loan(s) pursuant to paragraph (b) of this section, the Corporation will pay the holder(s) an amount determined according to § 2527.10 of this chapter and will notify the participant of the payment.

(d) The Corporation may establish procedures to aggregate payments to holders of Stafford loans for more than one individual.

PART 2529—FORBEARANCE AND INTEREST PAYMENT PROCEDURES

Sec.

2529.10 What are the procedural requirements for obtaining forbearance in the repayment of a qualified student loan during an individual's term of service in an approved AmeriCorps position?
2529.20 What are the procedural requirements for using National Service Trust funds to pay interest that accrues on a qualified student loan for which an individual has obtained forbearance?
2529.30 What additional student loan forbearance benefits are available for VISTA volunteers?

Authority: 42 U.S.C. 12601–12604.

§ 2529.10 What are the procedural requirements for obtaining forbearance in the repayment of a qualified student loan during an individual's term of service in an approved AmeriCorps position?

(a) In order to obtain forbearance in the repayment of a qualified student loan during a term of service in an approved AmeriCorps position, an individual, other than a VISTA volunteer, must submit a written request to the holder of the loan.

(b) Upon receipt of a request under paragraph (a) of this section, the holder of a qualified student loan must contact the Corporation to verify that the individual is serving in an approved AmeriCorps position and to determine the period for which the holder must grant forbearance.

(c) The holder shall grant forbearance in the repayment of a qualified student loan for the period of an individual's required term of service after obtaining the verification required under paragraph (b) of this section.

(d) The holder shall promptly report to the Corporation each individual and loan for which it grants forbearance, the period for which it has granted forbearance, and the projected amount of interest that will accrue on the loan during the period of forbearance.

(e) If an individual who has obtained forbearance on a qualified student loan(s) does not complete his or her term of service, or if that individual's term of service is suspended, the Corporation will promptly notify the holder(s) of that loan(s).

(f) The holder is not required to grant forbearance in the repayment of qualified student loans for any period during which an individual's service in an approved AmeriCorps position has been suspended.

§ 2529.20 What are the procedural requirements for using National Service Trust funds to pay interest that accrues on a qualified student loan for which an individual has obtained forbearance?

The Corporation will make payments from the National Service Trust for interest that accrues on qualified student loans for which an individual, other than a VISTA volunteer, has obtained forbearance under § 2529.10 in accordance with the following requirements:

(a) *Completed terms of service.* (1) If an individual successfully completes a term of service, the Corporation will notify the holder of the individual's loan of the date of completion; the holder shall document the accrued interest expense to the Corporation; and the Corporation will pay all or a portion of the accrued interest and notify the individual and the holder of the loan of the payment.

(2) The percentage of the accrued interest that the Corporation will pay pursuant to paragraph (a)(1) of this section is equal to the lesser of—

(i) The product of—

(A) The required number of hours for the term of service divided by the total number of days for which forbearance was granted; and

(B) 365 divided by 17; and

(ii) 100.

(b) *Incomplete terms of service.* (1) If an individual does not successfully complete a term of service, but is eligible for a pro-rated educational benefits under § 2527.10(c) of this chapter or pro-rated Stafford Loan Forgiveness under § 2522.650(c) of this chapter, the Corporation will notify the holder of the loan if the date of the individual's release, the holder of the loan shall document to the Corporation the amount of accrued interest as of the date of the release, and the Corporation will pay all or a portion of such interest and notify the individual and the holder of the loan of the payment.

(2) The percentage of the accrued interest that the Corporation will pay pursuant to paragraph (b)(1) of this section is equal to lesser of—

(i) The product of—

(A) The number of hours of service completed divided by the number of days for which forbearance was granted; and

(B) 365 divided by 17; and

(ii) 100.

(3) The individual is responsible for the repayment of any accrued interest that is not paid by the Corporation pursuant to paragraph (b)(2) of this section.

(4) If the individual does not successfully complete the required term of service and is not eligible for a pro-rated education award under § 2527.10(c) of this chapter or pro-rated Stafford Loan Forgiveness under § 2522.605(c) of this chapter, the Corporation will notify the holder of the loan of the circumstances and date of the individual's release but will pay no portion of the accrued interest.

(c) *Suspended service.* The Corporation will not pay any interest expenses that accrue on an individual's qualified student loan(s) during a period of suspended service.

§ 2529.30 What additional student loan forbearance benefits are available for VISTA volunteers?

(a) VISTA volunteers may be eligible to have periodic installment payments of principal deferred for up to three years during periods of economic hardship, in accordance with the Higher Education Act of 1965, as amended.

(b) VISTA volunteers also may qualify for interest benefits on Stafford loans from the Department of Education under 34 CFR 682.301.

[FR Doc. 94–14231 Filed 6–14–94; 8:45 am]
BILLING CODE 6820–BA–M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 226

[Docket No. 940663–4163; I.D. 040694A]

Designated Critical Habitat; Steller Sea Lion

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

ACTION: Final rule; technical amendment.

SUMMARY: NMFS announces a technical amendment to the final rule that designated Steller sea lion critical habitat under the Endangered Species Act (ESA). The technical amendment revises regulations by changing the name of one designated haulout site from Ledge Point to Gran Point and by correcting the longitude and latitude of 12 haulout sites, including Gran Point. The purpose of this action is to correct errors in the published regulations. These corrections are consistent with the goals and objectives of the ESA.

EFFECTIVE DATE: June 14, 1994.

FOR FURTHER INFORMATION CONTACT: Susan Mello, Protected Resources Management Division, Alaska Region, NMFS, (907) 586–7235.

SUPPLEMENTARY INFORMATION:

Background

In late 1990, NMFS listed Steller sea lions as a threatened species under the ESA because of a drastic population decline (55 FR 49204, November 26, 1990). Coincident with, and subsequent to, the listing, NMFS implemented protective regulations under the ESA and the Magnuson Fishery Conservation and Management Act to aid recovery of the species. On August 27, 1993, NMFS designated critical habitat for Steller sea lions, which includes all rookeries within U.S. borders, major haulouts in Alaska, aquatic areas associated with these terrestrial habitats, and aquatic foraging habitats in waters off Alaska (58 FR 53138).

The purpose of this technical amendment is to correct earlier transcription errors in the regulations, and to incorporate improved locational data from NMFS and Alaska Department of Fish and Game surveys.

Revisions to 50 CFR part 226 regulations include:

1. Changing the name of one designated haulout site from Ledge Point to Gran Point.

2. Correcting the latitude and longitude of Seguam Island-South, Bird Island, Ushagat Island, Cape Fairweather, Graves Rock, Biorka Island, Cape Addington, Cape Cross, Cape Ommaney, Coronation Island, Gran Point, and Lull Point haulout sites.

Classification

This technical amendment makes minor corrections to existing rules. Therefore, notice and public comment thereon and a delay in making these corrections effective would serve no purpose. Accordingly, under 5 U.S.C. 553(b)(3)(B), notice and public comment thereon are unnecessary. In addition, under 5 U.S.C.(d), good cause exists to waive a delay in the effective date.

This technical amendment is being issued without prior comment. It is not subject, therefore, to the Regulatory Flexibility Act requirement for a regulatory flexibility analysis and none has been prepared.

This technical amendment makes minor corrections to a rule that has been determined to be "not significant" for purposes of E.O. 12866.

List of Subjects in 50 CFR Part 226

Endangered and threatened species.

Dated: June 6, 1994.

Charles Karnella,

Acting Program Management Officer, National Marine Fisheries Service.

[FR Doc. 94–14468 Filed 6–14–94; 8:45 am]
BILLING CODE 3510–22–P

For the reasons set out in the preamble, 50 CFR part 226, is amended as follows:

PART 226—DESIGNATED CRITICAL HABITAT

1. The authority citation for part 226 continues to read as follows:

Authority: 16 U.S.C. 1533.

2. Table 2 to part 226 is amended by revising the following entries and footnote 2, and by removing the entry for "Ledge Point" under "Southeast Alaska" and adding in its place the entry for "Gran Point", to read as follows:

* * * * *

TABLE 2 TO PART 226

State/region/site	Boundaries to—			
	Latitude	Longitude	Latitude	Longitude
Alaska:				
* * * *	*	*	*	
Central Aleutians:				
* * * *	*	*	*	
Seguam I:				
South[1]	52°19.5N	172°18.0W	52°15.0N	172°37.0W
* * * *	*	*	*	
Western Gulf of Alaska:				
Bird I[1]	54°40.5N	163°18.0W		
* * * *	*	*	*	
Central Gulf of Alaska:				
* * * *	*	*	*	
Ushagat I[1]	58°55.0N	152°22.0W		
Eastern Gulf of Alaska:				
Cape Fairweather	58°47.5N	137°56.3W		
* * * *	*	*	*	
Graves Rock	58°14.5N	136°45.5W		
* * * *	*	*	*	
Southeast Alaska:				
* * * *	*	*	*	
Biorka I	56°50.0N	135°34.0W		
Cape Addington	55°26.5N	133°49.5W		
Cape Cross	57°55.0N	136°34.0W		
Cape Ommaney	56°10.5N	134°42.5W		
Coronation I	55°56.0N	134°17.0W		
Gran Point	59°08.0N	135°14.5W		
Lull Point	57°18.5N	134°48.5W		
* * * *	*	*	*	

[1] Includes an associated 20 nm aquatic zone.
[2] Associated 20 nm aquatic zone lies entirely within one of the three special foraging areas.

[FR Doc. 94–14468 Filed 6–14–94; 8:45 am]
BILLING CODE 3510–22–P

Proposed Rules

Federal Register
Vol. 59, No. 114
Wednesday, June 15, 1994

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

OFFICE OF PERSONNEL MANAGEMENT

5 CFR Part 300

RIN 3206–AG06

Time-In-Grade Rule Eliminated

AGENCY: Office of Personnel Management.

ACTION: Proposed rulemaking.

SUMMARY: The Office of Personnel Management (OPM) is proposing to abolish the time-in-grade restriction on advancement to positions in the General Schedule. This proposal would implement recommendations of the President's National Performance Review and National Partnership Council. Abolishment of the restriction would eliminate the 1-year service requirement for promotions (but employees would have to meet qualification requirements).

DATES: Written comments will be considered if received no later than July 15, 1994.

ADDRESSES: Send or deliver written comments to Leonard R. Klein, Associate Director for Career Entry, Office of Personnel Management, room 6F08, 1900 E Street, NW., Washington, DC 20415.

FOR FURTHER INFORMATION CONTACT: Leota Shelkey Edwards on 202–606–0830 (FAX 202–606–2329).

SUPPLEMENTARY INFORMATION: Since the early 1950's, Federal employees in General Schedule positions at GS–5 and above have been required to serve at least 1 year in grade before being promoted. The restriction originated in statute with the "Whitten Amendment," a series of controls on expansion of the Federal work force during the Korean conflict. The intent of the restriction was to prevent excessively rapid promotions. Since expiration of the Whitten Amendment in 1978, OPM has continued the time-in-grade restriction in regulation but limited its application to General Schedule positions in the competitive service.

In its report *From Red Tape to Results: Creating a Government That Works Better & Costs Less*, the National Performance Review (NPR) recommended abolishing the time-in-grade restriction. The restriction can limit open competition by eliminating candidates who have the proven ability to perform the duties of higher grade positions, but have not served at least one year in lower graded Government positions.

The National Partnership Council, established by Executive Order 12871 of October 1, 1993, was responsible for developing legislative proposals for the President to implement the NPR recommendations. The Council, too, recommended abolishing the time-in-grade restriction (see *A Report to the President on Implementing Recommendations of the National Performance Review by the National Partnership Council, January 1994*). The Council further recommended that, as a condition of employment, the current time-in-grade requirement remain in effect for bargaining unit employees until the parties agree to modify it through either consensus or collective bargaining.

This document proposes to implement the NPR and Council recommendations and abolish the time-in-grade restriction. Eliminating the restriction would mean that employees' promotion eligibility will be based on their meeting qualification requirements. Also, agencies no longer would need OPM approval of training agreements that provide for consecutive accelerated promotions, as discussed in former Federal Personnel Manual subchapter 7, chapter 338 (provisionally retained through December 31, 1994, in the FPM Sunset Document.)

Regulatory Flexibility Act

I certify that this regulation will not have a significant economic impact on a substantial number of small entities because if affects only certain Federal employees.

List of Subjects in 5 CFR Part 300

Government employees, Personnel Management Office.

Office of Personnel Management.

James B. King,

Director.

Accordingly, OPM proposes to amend 5 CFR Part 300, as follows:

PART 300—EMPLOYMENT (GENERAL)

The authority citation for part 300 is revised to read as follows:

Authority: 5 U.S.C. secs. 552, 3301, 3302; E.O. 10577, 3 CFR, 1954–1958 Comp., page 218, unless otherwise noted.

Secs. 300.101 through 300.104 also issued under 5 U.S.C. secs. 7201, 7204, 7701; E.O. 11478, 3 CFR, 1966–1970 Comp., page 803.

Secs. 300.401 through 300.408 also issued under 5 U.S.C. secs. 1302(c), 2301, and 2302.

Secs. 300.501 through 300.507 also issued under 5 U.S.C. 1103(a)(5).

Subpart F—[Removal and Reserved]

2. In Part 300, Subpart F, consisting of §§ 300.601 through 300.606, is removed and reserved.

[FR Doc 94–14519 Filed 6–14–94; 8:45 am]
BILLING CODE 6325–01–M

DEPARTMENT OF AGRICULTURE

Farmers Home Administration

7 CFR Parts 1942, 1948, 1951, and 1980

RIN 0575–AB77

Loans and Grants to Rural Associations and Public Bodies

AGENCY: Farmers Home Administration, USDA.

ACTION: Proposed rule.

SUMMARY: The Farmers Home Administration (FmHA) proposes to amend its regulations to increase the loan size threshold for requiring interim financing, clarify instructions governing the preparation of Community Program notes and bonds, modify the procedures for monitoring graduation of existing borrowers to other credit, clarify procedures for servicing loans to borrowers whose loans were sold in the 1987 Community Program Asset Sale, implement use of an applicant's Internal Revenue Service (IRS) Taxpayer Identification Number (TIN), and provide consistency in docket preparation through the use of a checklist. This action is necessary to reduce the burden on the public, comply with the OMB Circular A–129 and simplify procedures for the agency's field staff.

The intended effect of this change is to bring the agency in compliance with OMB Circular A–129, and to clarify and

simplify the agency regulations to provide better service to the public.

In the Food, Agriculture, Conservation and Trade Act of 1990, Congress transferred certain community and business programs administered by FmHA to the newly created Rural Development Administration (RDA). Until further notice, RDA programs continue to be administered under FmHA programs regulations.

DATES: Comments must be submitted on or before August 15, 1994.

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

FOR FURTHER INFORMATION CONTACT: Bill Barrett, Senior Loan Specialist, Community Facilities Division, Rural Development Administration, U.S. Department of Agriculture, room 6310, South Agriculture Building, 14th Street and Independence Avenue SW., Washington DC 20250–0700, telephone (202) 720–1498.

SUPPLEMENTARY INFORMATION:

Paperwork Reduction Act

The reporting and recordkeeping requirements contained in these regulations have been submitted to the Office of Management and Budget for review under section 350(h) of the Paperwork Reduction Act of 1980. The public reporting burden for this collection of information is estimated to vary from 10 minutes to 15 hours per response, with an average of 2.47 hours 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 this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to Department of Agriculture, Clearance Officer, OIRM, room 404–W, Attention: Desk Officer for Farmers Home Administration, Washington, DC, 20503.

Classification

We are issuing this proposed rule in conformance with Executive Order 12866, and we have determined that it is not a "significant regulatory action." Based on information compiled by the Department, we have determined that this proposed rule: (1) Would have an effect on the economy of less than $100 million; (2) would not adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities; (3) would not create a serious inconsistency or otherwise interfere with an action taken or planned by another agency; (4) would not alter the budgetary impact of entitlements, grants, user fees, or loan programs or rights and obligations of recipients thereof; and (5) would not raise novel legal or policy issues arising out of legal mandates, the President's priorities, or principles set forth in Executive Order 12866.

Intergovernmental Review

The programs/activities are listed in the Catalog of Federal Domestic Assistance under numbers 10.764, Resource Conservation and Development Loans; 10.760, Water and Waste Disposal Systems for Rural Communities; 10.770, Water and Waste Disposal Loans and Grants (Section 306C); 10.766, Community Facilities Loans; and 10.434, Nonprofit National Corporation Loan and Grant Program. The Section 601—Energy Impacted Area Development Assistance Program is not in the Catalog of Federal Domestic Assistance because it is not funded. All programs listed are subject to the provisions of Executive Order 12372 which requires intergovernmental consultation with State and local officials. FmHA conducts intergovernmental consultation in the manner delineated in FmHA Instructions 1901–H and 1940–J.

Environmental Impact Statement

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

Compliance with Executive Order 12778

The regulation has been reviewed in light of Executive Order 12778 and meets the applicable standards provided in sections 2(a) and 2(b)(2) of that Order. Provisions within this part which are inconsistent with state law are controlling. All administrative remedies pursuant to 7 CFR Part 1900 Subpart B must be exhausted prior to filing suit.

The Agency regulations require the use of interim construction financing for all Community Program loans of $50,000 or more to encourage the participation of local lenders and to reduce the need for multiple draws of FmHA loan funds. Interim financing is not cost effective for very small loans and for those projects that have a short construction period due to the duplication of much of the financing costs for the two issues. The Agency proposes to raise the loan size threshold from $50,000 to $100,000 to reduce the burden on smaller issues, and give the State Director additional authority to waive the interim financing requirement for larger issues, projects with a construction period of 6 months or less, and under other circumstances when the cost is considered prohibitive.

1. The proposed changes will assist FmHA field employees, attorneys, and bond counsel in preparing promissory notes and bonds for Community Programs loans. The section of the regulations used by bond counsels and others in drafting debt instruments for Community Programs loans has been found to be incomplete, vague, or poorly organized.

2. FmHA proposes to amend its regulations to incorporate and require the use of Guide 28, "Community Programs Lender Contact Worksheet," of subpart A of part 1942 and exhibit D, "Community Programs Thorough Review Worksheet," of subpart F of part 1951 to strengthen the documentation on which loanmaking and graduation review decisions are made. FmHA regulations require that applicants who may be able to finance projects through commercial sources be referred to those sources. In addition, when it appears that a borrower can refinance its loan(s) (graduate), the borrower will be required to seek other financing. Exhibit D will provide a systematic method to evaluate each thorough review conducted during the graduation review process regarding the borrower's ability to refinance its loan(s). This action is needed to encourage stronger documentation on which decisions are made by FmHA during loanmaking and graduation reviews.

The proposed changes will provide a system for collecting and evaluating lending, applicant, and borrower data, and a basis for referring applicants and borrowers to other lending sources. The new Guides 28 and 29 of subpart A of part 1942 and Exhibit D of subpart F of part 1951 are available in any FmHA Office but are not published in the Federal Register.

The Office of Inspector General (OIG) Review of FmHA Graduation of Community Programs Loans to Commercial Lenders, dated June 22, 1989, found, in part, that State and District Office surveys of lender refinancing criteria were not always adequate. (Guide 28 will be used to record the lending criteria of commercial lenders and serve as a basis for applicant referrals to other sources of credit, as well as resource material for requesting a borrower to refinance.) The OIG report also found that inadequate or poorly documented graduation reviews were performed and recommended that a guide be developed to serve as a basis for making decisions.

3. OMB Circular A–129 requires Federal agencies to obtain the IRS TIN from all applicants to assist in debt collection. The Agency proposes to amend its regulations to require the use of the applicant's TIN as part of its case number.

4. In accordance with the loan sale agreements for the 1987 Community Programs Asset Sale, applicants whose loans were sold are required to obtain consent from the purchaser of the loans whenever additional financing is requested. The Agency proposes to incorporate the purchaser's requirements into its regulations to assist applicants and FmHA field offices in the orderly processing of such requests for consent. The proposed Guide 29 of subpart A of part 1942 will provide detailed and complete instructions to loan applicants and FmHA field offices to ensure the orderly processing of requests for consent.

5. Community Programs regulations currently include the use of Forms FmHA 1942–39, FmHA 1942–40, and Guide 15 of subpart A of part 1942 to assist in orderly project development, which have been found to be ineffective. FmHA proposes to replace Forms FmHA 1942–39, FmHA 1942–40, and Guide 15 with a comprehensive loan processing checklist. A general lack of consistency in docket preparation has been observed. The checklist will provide additional guidance to field offices and loan/grant applicants in orderly docket preparation and improve the consistency and quality of Community Programs loans. The revised Guide 15 of subpart A of part 1942 is not published in the Federal Register, but is available in any State and District Office.

List of Subjects

7 CFR Part 1942

Business and industry, Community facilities, Fire prevention, Loan programs—housing and community development, Loan programs—natural resources, Reporting and recordkeeping requirements, Rural areas, Soil conservation, Waste treatment and disposal, Water supply.

7 CFR Part 1948

Coal, Community facilities, Loan programs—housing and community development, Reporting and recordkeeping requirements, Rural areas.

7 CFR Part 1951

Accounting, Agriculture, Community facilities, Credit, Housing, Loan programs—housing and community development, Low and moderate income housing, Reporting and recordkeeping requirements, Rural areas.

7 CFR Part 1980

Administrative practice and procedure, Business and industry, Community facilities, Credit, Loan programs—agriculture, loan programs—business, Loan programs—housing and community development, Low and moderate income housing, Reporting and recordkeeping requirements, Rural areas.

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

PART 1942—ASSOCIATIONS

1. The authority citation for part 1942 is revised to read as follows:

Authority: 5 U.S.C. 301; 7 U.S.C. 1989; 16 U.S.C. 1005; 7 CFR 2.23 and 2.70.

Subpart A—Community Facility Loans

2. Section 1942.2 is amended by revising paragraphs (a)(2)(i) and (c)(3) to read as follows:

§ 1942.2 Processing applications.

(a) * * *

(2) * * *

(i) State Directors should maintain files containing criteria from commercial lenders to be used in determining the preapplications which should be referred to those lenders. In order to provide a basis for such referrals, State and District Directors should maintain liaison with representatives of banks, bond dealers, financial consultants, and other lender representatives who are interested in financing Water and Waste and Community Facility projects. State Directors will contact lenders having potential statewide or multidistrict interest in Community Programs lending. District Directors will contact lenders having a potential interest in Community Programs lending primarily within their District. Guide 28 (available in any State and District Office), or other locally developed worksheet containing similar information, will be used to document the contacts with commercial lenders. The State and District Directors will keep each other informed of lender criteria by forwarding copies of completed Guide 28 and/or worksheets to each other.

* * * * *

(c) * * *

(3) When an applicant is notified to proceed with an application, the District Director should arrange for a conference with the applicant to provide copies of appropriate appendices and forms; furnish guidance necessary for orderly application processing; and to initiate a processing checklist for establishing a time schedule for completing items. Guide 15 (available in any State or District Office) will be used by the State Director to develop a processing checklist that includes all applicable items in the guide and any other items that may be unique to the individual State. The checklist will be updated during the application conference based upon decisions reached with the applicant. The District Director will give the applicant a copy and explain the updating process. The original will be retained in the District Office official file and will be updated as the application is processed and the project develops to completion. A copy will be sent to the State Program Chief who is responsible for keeping the copy current. The District Director will arrange for additional conferences with the applicant as needs arise. The applicant's copy of the processing checklist should be updated during these meetings.

* * * * *

3. Section 1942.5 is amended by adding paragraph (d)(8) to read as follows:

§ 1942.5 Application review and approval.

* * * * *

(d) * * *

(8) The case number will be the applicant's or transferee's Internal Revenue Service TIN, preceded by State and county code numbers. Only one case number will be assigned to each applicant regardless of the number of loans or grants or number of separate facilities, unless an exception is authorized by the National Office. When an applicant has not received a TIN, the State Office will assign a temporary identification number. See the Forms Manual Insert for Form FmHA 1940–1

for specific instructions. Any temporary number assigned must be replaced with the TIN prior to loan or grant closing unless prior approval of the National Office is received.

4. Section 1942.17 is amended by adding paragraph (m)(8) and by amending the introductory text in paragraph (n)(3) by revising "$50,000 to "$100,000" in the first sentence, by adding the words "(available in any State or District Office)" between the words "Guide 1a" and the comma in the second sentence, and by adding a new sentence after the first sentence, to read as follows:

§ 1942.17 Community facilities.

* * * * *

(m) * * *

(8) *Applicants indebted to the Community Programs Loan Trust 1987–A (Trust).* Applicants indebted to the Trust must obtain consent from the Trust prior to incurring additional debt. Guide 29 (available in any State or District Office) outlines the information normally required by the Trust.

* * * * *

(n) * * *

(3)

(3) * * * However, the State Director may authorize exceptions when the cost of issuance of both temporary and permanent debt instruments is considered prohibitive, or the planned construction period does not exceed 6 months. * * *

* * * * *

5. Section 1942.19 is revised to read as follows:

§ 1942.19 Information pertaining to preparation of notes or bonds and bond transcript documents for public body applicants.

(a) *General.* This section includes information for use by public body applicants in the preparation and issuances of evidence of debt (bonds, notes, or debt instruments, herein referred to as bonds) and other necessary loan documents.

(b) *Policies related to use of bond counsel.* The applicant is responsible for preparation of bonds and bond transcript documents. The applicant will obtain the services and opinion of recognized bond counsel experienced in municipal financing with respect to the validity of a bond issue, except as provided in paragraphs (b)(1) through (3) of this section. Bond counsel services may be obtained either directly or through the applicant's local counsel.

(1) *Issues of $50,000 or less.* With prior approval of the FmHA State Director, the applicant may elect not to use bond counsel. Such issues will be closed in accordance with the following:

(i) The applicant must recognize and accept the fact that application processing may require additional legal and administrative time;

(ii) It must be established that not using bond counsel will produce significant savings in total legal costs;

(iii) The local attorney most be able and experienced in handling this type of legal work;

(iv) The applicant must understand that it will likely have to obtain an opinion from bond counsel at its expenses if FmHA requires refinancing of its loan pursuant to statutory refinancing requirements;

(v) Bonds will be prepared in accordance with this regulation and conform as closely as possible to the preferred methods of preparation stated in paragraph (e) of this section; and

(vi) Specific closing instructions must be issued by OGC.

(2) *Issues of over $50,000 to $250,000.* The applicant may elect to use bond counsel only to issue a final opinion, and not to prepare the bond transcript and other documents, when the applicant, FmHA, and bond counsel agree in advance on the method of preparing the bond transcript documents. In such circumstances, the applicant will be responsible for preparation of the bond transcript.

(3) *Issues of over $250,000 to $500,000.* The applicant may elect not to use bond counsel in a straight note and mortgage situation if competitive bidding is not required for the sale unless a complicated financial situation exists. If there is a known backlog in the OGC Regional Office, FmHA will advise the applicant and suggest that using bond counsel may be more expeditious. If bond counsel is not used, the applicant must comply with paragraphs (b)(1)(iii) through (vi) of this section.

(c) *Bond transcript documents.* Any questions relating to FmHA requirements should be discussed with FmHA representatives. Bond counsel or local counsel, as appropriate, must furnish at least two complete sets of the following to the applicant, who will furnish one complete set to FmHA:

(1) Copies of all organization documents;

(2) Copies of general incumbency certificate;

(3) Certified copies of minutes or excerpts from all meetings of the governing body at which action was taken in connection with authorizing and issuing the bonds;

(4) Certified copies of documents evidencing that the applicant has complied fully with all statutory requirements incident to calling and holding a bond election, if one is necessary.

(5) Certified copies of resolutions, ordinances, or other documents such as bond authorizing resolutions or ordinance and any resolution establishing rates and regulating use of the facility, if such documents are not included in the minutes furnished;

(6) Copies of the official Notice of Sale and the affidavit of publication of the Notice of Sale when State statute requires a public sale;

(7) Specimen bond, with any attached coupons;

(8) Attorney's no-litigation certificate;

(9) Certified copies of resolutions or other documents pertaining to the bond award;

(10) Any additional or supporting documents required by bond counsel;

(11) For loans involving multiple advances of FmHA loan funds, a preliminary approving opinion of bond counsel, or local counsel if no bond counsel is involved, if a final unqualified opinion cannot be obtained until all funds are advanced. The preliminary opinion for the entire issue shall be delivered at or before the time of the first advance of funds. It will state that the applicant has the legal authority to issue the bonds, construct, operate and maintain the facility, and repay the loan, subject only to changes during the advance of funds, such as litigation resulting from the failure to advance loan funds, and receipt of closing certificates; and

(12) Preliminary approving opinion, if any, and final unqualified approving opinion of bond counsel, or local counsel if no bond counsel is involved, including an opinion as to whether interest on bonds will be exempt from Federal and State income taxes. With approval of the Administrator, a final opinion may be qualified to the extent that litigation is pending relating to Indian claims that may affect title to land or validity of the obligation. It is permissible for such options to contain:

(i) Language referring to the last sentence of section 306(a)(1) or to section 309A(h) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1926(a)(1) or 1929a(h)); or

(ii) Language providing that, if the bonds are acquired by the Federal Government and sold on an insured basis from the Agriculture Credit Insurance Fund or the Rural Development Insurance Fund, interest on such bonds will be included in gross income for the purpose of Federal income tax statutes.

(d) *Interim construction financing from commercial sources for loans of*

$100,000 or more. When funds can be borrowed from commercial sources on an interim basis at reasonable interest rates, such interim financing will be obtained so as to preclude the necessity for multiple advances of FmHA funds. The State Director may authorize exceptions when:

(1) The cost of issuance of both temporary and permanent debt instruments is considered prohibitive; or

(2) The planned construction period does not exceed 6 months.

(e) *Permanent instruments for FmHA loans.* FmHA loans will be evidenced by an instrument determined legally permissible and in accordance with the following order of preference:

(1) *First preference—Form FmHA 440–22.* Refer to paragraph (e)(2) of this section for methods of various frequency payment calculations.

(2) *Second preference—single instruments with amortized installments.* A single instrument providing for amortized installments which follows Form FmHA 440–22 as closely as possible. The full amount of the loan must show on the face of the instrument, and there must be provisions for entering the date and amount of each advance on the reverse or an attachment. When principal payments are deferred, the instrument will show that "interest only" is due on interest-only installment dates, rather than specific dollar amounts. The payment period including the "interest only" installment cannot exceed 40 years, the useful life of the facility, or State statute of limitations, whichever occurs first. The amortized installment, computed as follows, will be shown as due on installment dates thereafter.

(i) *Monthly payments.* Multiply by twelve the number of years between the due date of the last interest-only installment and the final installment to determine the number of monthly payments. When there are no interest-only installments, multiply by twelve the number of years over which the loan is amortized. Then multiply the loan amount by the amortization factor and round to the next higher dollar:

Example of Computation of Monthly Payment:
Date of Loan Closing.....7–5–1986
Loan Amount.....$100,000.00
Interest Rate.....5%
Amortization Period.....40 years
Interest Only Installments.....7–5–1987 and 7–5–1988
First Regular Installment.....7–5–1989
Final Installment.....7–5–2026
Computation: 2026–1988 $38 \times 12 = 456$ monthly payments
$100,000.00 × .00491 = $491.00 monthly payment due

(ii) *Semiannual payments.* Multiply by two the number of years between the due date of the last interest-only installment and the due date of the final installment to determine the correct number of semiannual periods. When there are no interest only installments, multiply by two the number of years over which the loan is amortized. Then multiply the loan amount by the applicable amortization factor:

Example:
Date of Loan Closing.....7–5–1986
Loan Amount.....$100,000.00
Interest Rate.....5%
Amortization Period.....40 years
Interest Only Installments.....7–5–1987 and 7–5–1988
First Regular Installment.....7–5–1989
Final Installment.....7–5–2026
Computation: 2026–1988=38 × 2 = 76 semiannual periods
$100,000.00 × .02952 = $2,950.00 semiannual payment due

(iii) *Annual payments.* Subtract the due date of the last interest-only installment from the due date of the final installment to determine the number of annual payments. When there are no interest-only installments, the number of annual payments will equal the number of years over which the loan is amortized. Then multiply the loan amount by the applicable amortization factor and round to the next higher dollar:

Example:
Date of Loan Closing.....7–5–1986
Loan Amount.....$100,000.00
Interest Rate.....5%
Amortization Period.....40 years
Interest Only Installments.....7–5–1987 and 7–5–1988
First Regular Installment.....7–5–1989
Final Installment.....7–5–2026
Computation: 2026–1988=38 annual payments
$100,000.00 × .05929 = $5,929.00 annual payment due

(3) *Third preference-single instrument with installments of principal plus interest.* If a single instrument with amortized installments is not legally permissible, use a single instrument providing for installments of principal plus interest accrued on the principal balance. For bonds with semiannual interest and annual principal, the interest is calculated by multiplying the principal balance times the interest rate and dividing this figure by two. Principal installments are to be scheduled so that total combined interest and principal payments closely approximate amortized payments.

(i) The repayment terms concerning interest-only installments described in paragraph (e)(2) of this section apply.

(ii) The instrument shall contain in substance provisions indicating:

(A) Principal maturities and due dates;

(B) Regular payments shall be applied first to interest due through the next principal and interest installment due date and then to principal due in chronological order stipulated in the bond; and

(C) Payments on delinquent accounts will be applied in the following sequence:

(*1*) Billed delinquent interest;

(*2*) Past due interest installments;

(*3*) Past due principal installments;

(*4*) Interest installment due; and

(*5*) Principal installment due.

(4) *Fourth preference—serial bonds with installments of principal plus interest.* If instruments described under the first, second, and third preferences are not legally premissible, use serial bonds with a bond or bonds delivered in the amount of each advance. Bonds will be numbered consecutively and delivered in chronological order. Such bonds will conform to the minimum requirements of paragraph (h) of this section. Provisions for application of payments will be the same as those set forth in paragraph (e)(3)(ii) (B) and (C) of this section.

(5) *Coupon bonds.* Coupon bonds will not be used unless required by State statute. Such bonds will conform to the minimum requirements of paragraph (h) of this section. Provisions for application of payments will be the same as those set forth in paragraph (e)(3)(ii) (B) and (C) of this section.

(i) To compute the value of each coupon when the bond denomination is consistent:

(A) Multiply the amount of the loan or advance by the interest rate and divide the product by 365 days to determine the daily accrual factor;

(B) Multiply the daily accrual factor by the number of days from the date of advance or last installment date to the next installment date; and

(C) Divide the interest computed in paragraph (e)(5)(i)(B) of this section by the number of bonds securing the advance to determine the individual coupon amount.

(ii) To compute the value of each coupon when the bond denomination varies:

(A) Multiply the denomination of the bond by the interest rate and divide the product by 365 days; and

(B) Multiply the daily accrual factor by the number of days from the date of advance or last installment date to the next installment due date; to determine the individual coupon amount.

(f) *Multiple advances of FmHA funds using permanent instruments.* Where interim financing from commercial

sources is not used, FmHA loan proceeds will be disbursed on an "as needed by borrower" basis in amounts not to exceed the amount needed during the 30-day periods.

(g) *Multiple advances of FmHA funds using temporary debt instruments.* When none of the instruments described in paragraph (e) of this section are legally permissible or practical, a bond anticipation note or similar temporary debt instrument may be used. The debt instrument will provide for multiple advances of FmHA loan funds and will be for the full amount of the FmHA loan. The instrument will be prepared by bond counsel, or local counsel if bond counsel is not involved, and approved by the State Director and OGC. At the same time FmHA delivers the last advance, the borrower will deliver the permanent bond instrument and the canceled temporary instrument will be returned to the borrower. The approved debt instrument will show at least the following:

(1) The date from which each advance will bear interest;

(2) The interest rate as determined by § 1942.17(f)(1) of this subpart;

(3) A payment schedule providing for interest on outstanding principal at least annually; and

(4) A maturity date which shall be no earlier than the anticipated issuance date of the permanent instrument(s) and no longer than the 40-year statutory limit.

(h) *Minimum bond specifications.* The provisions of this paragraph are minimum specifications only and must be followed to the extent legally permissible.

(1) *Type and denominations.* Bond resolutions or ordinances will provide that the instrument(s) be either a bond representing the total amount of the indebtedness or serial bonds in denominations customarily accepted in municipal financing (ordinarily in multiples of not less than $1,000). Single bonds may provide for repayment of principal plus interest or amortized installments. Amortized installments are preferred by FmHA.

(2) *Bond registration.* Bonds will contain provisions permitting registration for both principal and interest. Bonds purchased by FmHA will be registered in the name of "United States of America, Farmers Home Administration," and will remain so registered at all times while the bonds are held or insured by the Government. The FmHA address for registration purposes will be that of the Finance Office.

(3) *Size and quality.* Size of bonds and coupons should conform to standard practice. Paper must be of sufficient quality to prevent deterioration through ordinary handling over the life of the loan.

(4) *Date of bond.* Bonds will normally be dated as of the day of delivery. However, the borrower may use another date if approved by FmHA. Bonds may or may not be delivered at the same time funds are delivered; however, loan closing is the date of delivery of the bonds or the date of delivery of the first fond when utilizing serial bonds, regardless of the date of delivery of the funds. The date of delivery will be stated in the bond if different from the date of the bond. In all cases, interest will accrue from the date of delivery of the funds.

(5) *Payment date.* Loan payments will be scheduled to coincide with income availability and be in accordance with State law.

(i) If income is available monthly, monthly payments will be required unless precluded by State law. If income is available quarterly or otherwise more frequently than annually, payments must be scheduled on such basis. However, if State law only permits principal plus interest (P&I) type bonds, annual or semiannual payments will be used.

(ii) The payment schedule will be enumerated in the evidence of debt, or if that is not feasible, in a supplemental agreement.

(iii) Unless infeasible, the first payment will be scheduled one full month, or other period as appropriate, from the date of loan closing or any deferment period. Due dates falling on the 29th, 30th, or 31st day of the month will be avoided. When principal payments are deferred, interest-only payments will be scheduled at least annually.

(6) *Extra payments.* Extra payments are derived from the sale of basic chattel or real estate security, refund of unused loan funds, cash proceeds of property insurance as provided in § 1806.5(b) of this chapter (paragraph V.B. of FmHA Instruction 426.1), and similar actions which reduce the value of basic security. At the option of the borrower, regularly facility revenue may also be used as extra payments when regular payments are current. Unless otherwise established in the note or bond, extra payments will be applied as follows:

(i) For loans with amortized debt instruments, extra payments will be applied first to interest accrued through the date of receipt of the payment and second to principal last to become due.

(ii) For loans with debt instruments with P&I installments, the extra payment will be applied to the final unpaid principal installment.

(iii) For borrowers with more than one loan, the extra payment will be applied to the account secured by the lowest priority of lien on the property from which the extra payment was obtained. Any balance will be applied to other FmHA loans secured by the property from which the extra payment was obtained.

(iv) For assessment bonds, see paragraph (h)(13) of this section.

(7) *Place of payment.* Payments on bonds purchased by FmHA are to be submitted to the FmHA District Office. The District Office will process payments in accordance with part 1951, subpart B, of this chapter.

(8) *Redemptions.* Bonds will normally contain customary redemption provisions. However, no premium will be charged for early redemption on any bonds held by the Government.

(9) *Additional revenue bonds.* Parity bonds may be issued to complete the project. Otherwise, parity bonds may not be issued unless acceptable documentation is provided establishing that net revenues for the fiscal year following the year in which such bonds are to be issued will be at least 120 percent of the average annual debt service requirements on all bonds outstanding, including the newly-issued bonds. For purposes of this section, net revenues are, unless otherwise defined by State statute, gross revenues less essential operation and maintenance expenses. This limitation may be waived or modified by the written consent of bondholders representing 75 percent of the then-outstanding principal indebtedness. Junior and subordinate bonds may be issued in accordance with the loan agreement.

(10) *Scheduling of FmHA payments when joint financing is involved.* When FmHA participates with another lender in joint financing of the project, the FmHA principal and interest payments should approximate amortized installments.

(11) *Precautions.* The following types of provisions in debt instruments should be avoided:

(i) Provisions for the holder to manually post each payment to the instrument;

(ii) Provisions for returning the permanent or temporary debt instrument to the borrower in order that it, rather than FmHA, may post the date and amount of each advance or repayment on the instrument; or

(iii) Provisions that amend covenants contained in Forms FmHA 1942–47 or FmHA 1942–9.

(12) *Defeasance provisions in loan or bond resolutions.* When a bond issue is defeased, a new issue is sold which supersedes the contractual provisions of the prior issue, including the refinancing requirement and any lien on revenues. Since defeasance in effect precludes FmHA from requiring graduation before the final maturity date, it represents a violation of the statutory refinancing requirement; therefore, it is disallowed. No loan shall include a provision of defeasance.

(13) *Assessment bonds.* When security includes special assessment to be collected over the life of the loan, the instrument should address the method of applying any payments made before they are due. It may be desirable for such payments to be distributed over remaining payments due, rather than to be applied in accordance with normal procedures governing extra payments, so that the account does not become delinquent.

(14) *Multiple debt instruments.* The following will be adhered to when preparing debt instruments:

(i) When more than one loan type is used in financing a project, each type of loan will be evidenced by a separate debt instrument or series of debt instruments;

(ii) Loans obligated in different fiscal years and those obligated with different terms in the same fiscal year will be evidenced by separate debt instruments;

(iii) Loans obligated in for the same loan type in the same fiscal year with the same terms may be combined in the same debt instrument;

(iv) Loans obligated in the same fiscal year with different interest rates that can be closed at the same interest rate may be combined in the same debt instrument.

(i) *Bidding by FmHA.* Bonds offered for public sale shall be offered in accordance with State law and in such a manner to encourage public bidding. FmHA will not submit a bid at the advertised sale unless required by state law nor will reference to FmHA's rates and terms be included. If no acceptable bid is received, FmHA will negotiate the purchase of the bonds.

Subpart C—Fire and Rescue Loans

6. Section 1942.111 is amended by revising paragraph (b) to read as follows:

§ 1942.111 Applicant eligibility.

* * * * *

(b) *Credit elsewhere determination.* District Directors should maintain files with criteria from commercial lenders to be used in determining the preapplications which should be referred to those lenders. If credit elsewhere is indicated, the District Director should inform the applicant and recommend that they apply to commercial sources for financing. In order to provide a basis for such referrals, District Directors should maintain liaison with representatives of banks, bond dealers, financial consultants, and other lender representatives who are interested in receiving applicant referrals. State Directors will contact lenders having a potential statewide or multidistrict interest in Community Programs lending. District Directors will contact lenders having a potential interest in Community Programs lending primarily within their District. Guide 28 (available in any State or District Office) or locally developed worksheet containing similar information will be used to document the contacts with commercial lenders. The State Director and District Director will keep each other informed of lender criteria by forwarding copies of completed Guide 28 and/or worksheets to each other.

* * * * *

Subpart I—Resource Conservation and Development (RCD) Loans and Watershed (WS) Loans and Watershed Advances

7. Section 1942.419 is amended by revising the introductory text of paragraph (a) to read as follows:

§ 1942.419 Approval, closing, and cancellation.

(a) Approval and closing actions will be taken in accordance with the applicable provisions of FmHA regulations including part 1901, subpart A, of this chapter and §§ 1942.5, 1942.6, 1942.7, 1942.8, and 1942.12, of subpart A of this part, and the following:

* * * * *

PART 1948—RURAL DEVELOPMENT

8. The authority citation for part 1948 is revised to read as follows:

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

Subpart B—Section 601 Energy Impacted Area Development Assistance Program

9. Section 1948.92 is amended by removing paragraphs (d) through (g) and revising paragraph (c) to read as follows:

§ 1948.92 Grant approval and fund obligation.

* * * * *

(c) Grants must be approved and obligated in accordance with § 1942.5(d) of this chapter.

§ 1948.94 [Amended]

10. Section 1948.94 (b) is amended in the second sentence by revising the reference "FmHA Instruction 402.1 (available in any FmHA Office)" to part 1902, subpart A, of this chapter".

PART 1951—SERVICING AND COLLECTIONS

11. The authority citation for part 1951 is revised to read as follows:

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

Subpart E—Servicing of Community and Insured Business Programs Loans and Grants

12. Subsection 1951.230 (c)(3) is amended by revising the last sentence to read as follows:

§ 1951.230 Transfer of security and assumption of loans.

* * * * *

(c) * * *

(3) * * * If applicable, 1942.19 (h)(14) of this chapter will govern the preparation of any new debt instruments required.

* * * * *

Subpart F—Analyzing Credit Needs and Graduation of Borrowers

13. Section 1951.261 is amended by revising the fourth and fifth sentences of the introductory text of paragraph (c), and by adding two new sentences at the end of paragraph (e)(5) to read as follows:

§ 1951.261 Graduation of FmHA borrowers to other sources of credit.

* * * * *

(c) * * * (The servicing official, in lieu of writing a narrative for all programs, may use Exhibit A for Farmer Program loans, Exhibit B for Rural Housing loans, and Guide 28 (available in any State or District Office) for Community Programs loans.) For Community Programs, the servicing official will request the assistance of the State Director pursuant to § 1942.2(a)(2)(i) of this chapter. * * *

* * * * *

(e) * * *

(5) * * * Exhibit D "Community Programs Thorough Review Worksheet" (available in any State or District Office) will be completed for each Community Programs borrower for whom a thorough review is conducted. The original will be placed in the borrower's file and a copy will be forwarded to the State Director for each borrower recommended for graduation.

* * * * *

PART 1980—GENERAL

14. The authority citation for part 1980 is revised to read as follows:

Authority: 5 U.S.C. 301; 7 U.S.C. 1989; 42 U.S.C. 1480; Pub. L. 100–387, 102 Stat 924; Pub. L. 101–82, 103 Stat 564 (7 U.S.C. 1421 Note); 7 CFR 2.23 and 2.70.

Subpart A—General

15. Section 1890.,12 is revised to read as follows:

§ 1980.12 Case and identification (ID) numbers.

(a) *Case number.* The case number will be the proposed borrower's or transferee's Social Security or Internal Revenue Service (IRS) Taxpayer Identification Number (TIN), whichever is appropriate, preceded by State and County code numbers. The County Supervisor will provide the lender with these numbers, except for Business and Industry and Community Programs cases where the State Director or District Director, respectively, will provide them. Only one case number will be assigned to each borrower regardless of the number of loans or grants or number of separate facilities, unless an exception is authorized by the National Office.

(1) If such party is an individual, his or her Social Security number will be used. If such party is husband and wife, the Social Security number of either one, as designated by the spouses, will be used.

(2) If such party is a legal entity, its TIN will be used.

(b) *Temporary ID numbers.* When a proposed borrower has not received a TIN, the State Office will assign a temporary ID number. See the Forms Manual Insert for Form FmHA 1940–3, "Request for Obligation of Funds," for specific instructions. Any temporary ID number assigned must be replaced with the TIN prior to issuing the Loan Note Guarantee unless prior approval of the National Office is received.

(c) *ID number of lender and holder.* The lender's and holder's IRS TIN will be used as its ID number in correspondence and FmHA forms relating to the guarantee.

Subpart I—Community Programs Guaranteed Loans

16. Section 1980.856 is amended by adding paragraph (i) to read as follows:

§ 1980.856 Conditions precedent to issuance of the Loan Note Guarantee (Form FmHA 449–34).

* * * * *

(i) *Proposed borrowers indebted to the Community Program Loan Trust 1987–A (Trust).* Proposed borrowers indebted to the Trust must obtain consent from the Trust prior to incurring additional debt. Guide 29 (available in any State or District Office) outlines the information normally required by the Trust.

Dated: December 9, 1993.

Bob J. Nash,

Under Secretary, Small Community and Rural Development.

[FR Doc. 94–13743 Filed 6–14–94; 8:45 am]

BILLING CODE 3410–07–M

NUCLEAR REGULATORY COMMISSION

10 CFR Parts 20 and 35

RIN 3150–AE41

Criteria for the Release of Patients Administered Radioactive Material

AGENCY: Nuclear Regulatory Commission.

ACTION: Proposed rule.

SUMMARY: The Nuclear Regulatory Commission (NRC) is proposing to amend its regulations concerning the criteria for the release of patients administered radioactive material. The new criteria for patient release would be dose-based rather than activity-based and would be consistent with the recommendations of the International Commission on Radiological Protection (ICRP). The proposed rule would require the licensee to maintain a record for 3 years if the quantity of radioactive material is likely to result in an annual total effective dose equivalent to an individual exposed to the patient that exceeds 1 millisievert (0.1 rem) from a single administration. The proposed rule responds to two petitions for rulemaking regarding the criteria for release of patients administered radioactive material.

DATES: The comment period expires August 29, 1994. Comments received after this date will be considered if it is practicable to do so, but the Commission is able to assure consideration only for comments received on or before this date.

ADDRESSES: Send comments to: Secretary, U.S. Nuclear Regulatory Commission, Washington, DC 20555. Attn: Docketing and Service Branch.

Hand deliver comments to 11555 Rockville Pike, Rockville, Maryland between 7:45 a.m. and 4:15 p.m. Federal workdays.

Examine comments received, the environmental assessment and finding of no significant impact, and the regulatory analysis at: The NRC Public Document Room, 2120 L Street NW. (Lower Level), Washington, DC.

Obtain single copies of the environmental assessment and finding of no significant impact and the regulatory analysis (NUREG–1492) from: Jayne McCausland, Office of Nuclear Regulatory Research, U.S. Nuclear Regulatory Commission, Washington, DC 20555, telephone: (301) 415–6219.

Obtain single copies of the draft regulatory guide, "Release of Patients Administered Radioactive Material," which is related to this rulemaking, by writing to: Distribution and Mail Services Section, Office of Administration, U. S. Nuclear Regulatory Commission, Washington, DC 20555.

FOR FURTHER INFORMATION CONTACT: Stewart Schneider, Office of Nuclear Regulatory Research, U.S. Nuclear Regulatory Commission, Washington, DC 20555, telephone (301) 415–6225.

SUPPLEMENTARY INFORMATION:

Table of Contents

I. Background
II. Petitions for Rulemaking
III. Public Comments Received on the Petitions
IV. Coordination with NRC Agreement States
V. Coordination with the Advisory Committee on Medical Uses of Isotopes
VI. Issues and Their Resolution
VII. Summary of the Proposed Changes
VIII. Consistency with 1979 Medical Policy Statement
IX. Issue of Compatibility for Agreement States
X. Finding of No Significant Environmental Impact: Availability
XI. Paperwork Reduction Act Statement
XII. Regulatory Analysis
XIII. Regulatory Flexibility Certification
XIV. Backfit Analysis

I. Background

Each year in the United States, radioactive pharmaceuticals or radioactive implants are administered to approximately 8 to 9 million patients for the diagnosis or treatment of disease (hereinafter this group will be referred to as patient(s)). These patients can expose others around them to radiation until the radioactive material has been excreted from their bodies or has decayed away. As discussed below, most of these exposures would be much less than 1 millisievert (0.1 rem) total effective dose equivalent per year.

NRC's current patient release criteria in 10 CFR 35.75, "Release of patients containing radiopharmaceuticals or permanent implants," are as follows: "(a) A licensee may not authorize release from confinement for medical care any patient administered a radiopharmaceutical until either: (1)

The measured dose rate from the patient is less than 5 millirems per hour at a distance of one meter; or (2) The activity in the patient is less than 30 millicuries; (b) A licensee may not authorize release from confinement for medical care of any patient administered a permanent implant until the measured dose rate is less than 5 millirems per hour at a distance of one meter."

On May 21, 1991 (56 FR 23360), the NRC published a final rule that amended 10 CFR part 20, "Standards for Protection Against Radiation." The rule contained limits on the radiation dose for members of the public in 10 CFR 20.1301. However, when 10 CFR part 20 was issued, there was no discussion in the supplementary information on whether or how the provisions of 10 CFR 20.1301 were intended to apply to the release of patients, thereby creating the need to address this issue.

To determine the potential number of patients that could be affected by this issue, the NRC performed a screening analysis to determine how many patients administered radioactive materials could cause the exposure of an individual to a dose exceeding 1 millisievert (0.1 rem) total effective dose equivalent in a year if there were no restrictions on patient release. The screening analysis indicated that none of the diagnostic administrations were likely to result in a dose to an individual exposed to the patient exceeding 1 millisievert (0.1 rem), except for a few diagnostic procedures using iodine-131. The therapeutic administrations that the screening analysis indicated needed consideration were: (1) The treatment of hyperthyroidism with iodine-131 (50,000 per year); (2) the treatment of thyroid cancer with iodine-131 (10,000 per year); and (3) the treatment of a variety of cancers (e.g., prostate cancer) with the permanent implantation of iodine-125 seeds (2,000 per year). Other radionuclides may also warrant consideration. For example, doses to individuals exposed to a patient administered ytterbium-169 and gold-198 for therapy might result in radiation exposures exceeding 1 millisievert (0.1 rem) to individuals exposed to the patient. However, these radionuclides are seldom used. In addition, procedures involving radiolabeled antibodies might result in doses exceeding 1 millisievert (0.1 rem), although no such procedures using byproduct material are yet approved for routine use. (For further information see the regulatory analysis for the proposed rule. Single copies of the draft regulatory analysis are available as indicated in the ADDRESSES heading.)

II. Petitions for Rulemaking

Because some licensees were uncertain about what effect the revised 10 CFR part 20 would have on patient release criteria, two petitions were received on the issue.

On June 12, 1991 (56 FR 26945), the NRC published in the **Federal Register** a notice of receipt of, and request for comment on, a petition for rulemaking (PRM–20–20) from Dr. Carol S. Marcus. In addition, Dr. Marcus submitted a letter dated June 12, 1992, further characterizing her position. Dr. Marcus requested that the NRC amend the revised 10 CFR part 20 and 10 CFR part 35 to—

(1) Raise the annual radiation dose limit in 10 CFR 20.1301(a) for individuals exposed to radiation from patients receiving radiopharmaceuticals for diagnosis or therapy from 1 millisievert (0.1 rem) to 5 millisieverts (0.5 rem).

(2) Amend 10 CFR 35.75(a)(2) to retain the 1,110-megabecquerel (30-millicurie) limit for iodine-131, but provide an activity limit for other radionuclides consistent with the calculational methodology employed in the National Council on Radiation Protection and Measurements (NCRP) Report No. 37, "Precautions in the Management of Patients Who Have Received Therapeutic Amounts of Radionuclides." [1]

(3) Delete 10 CFR 20.1301(d) which requires licensees to comply with provisions of Environmental Protection Agency's environmental regulations in 40 CFR part 190 in addition to complying with the requirements of 10 CFR part 20.

On March 9, 1992 (57 FR 8282), the NRC published a notice of receipt and request for comment in the **Federal Register** on another petition for rulemaking (PRM–35–10) on patient release criteria from the American College of Nuclear Medicine (ACNM). On May 18, 1992 (57 FR 21043), the NRC published in the **Federal Register** notice of an amendment submitted by the ACNM to its original petition (PRM–35–10A). In addition, the ACNM submitted two letters dated September 24, 1991, and October 8, 1991, on the issues in their petition. The ACNM requested (considering the contents of all four letters) that the NRC revise 10 CFR part 35 to—

(1) Adopt a dose limit of 5 millisieverts (0.5 rem) for individuals exposed to patients who have been administered radiopharmaceuticals.

(2) Permit licensees to authorize release from hospitalization any patient administered a radiopharmaceutical regardless of the activity in the patient by defining "confinement" to include not only confinement in a hospital, but also confinement in a private residence.

Because the petitions submitted by Dr. Marcus and the ACNM both address the patient release criteria set forth in 10 CFR 35.75, the NRC has decided to resolve both petitions with this single rulemaking. The proposed actions, if adopted in final form, would constitute the partial granting of these petitions as set forth in this notice. All other portions of petitions PRM–20–20 and PRM–35–10 would be denied.

III. Public Comments Received on the Petitions

There were 140 comment letters received on PRM–20–20 and 88 comment letters on PRM–35–10 and PRM–35–10A. Commenters represented hospitals and clinics, professional associations, citizens' groups, Agreement States and Government agencies, State radiation advisory boards, universities, consulting firms, public utilities, a utility association, and a labor union. The majority of the commenters were physicians who expressed concerns primarily related to the cost of hospitalization. Other commenters included health and medical physicists, pharmacists, nuclear medicine technicians, professors, and one former nuclear medicine patient. Overall, the majority of all comments supported a dose limit of 5 millisieverts (0.5 rem) for individuals exposed to patients released with radioactive material.

IV. Coordination with NRC Agreement States

The NRC conducted a public workshop with representatives of the Agreement States on July 15 and 16, 1992, to discuss a variety of medical issues, including the proposals for amending 10 CFR parts 20 and 35. The workshop was held in Atlanta, Georgia. Twenty-one of the Agreement States were represented, as well as a representative from the City of New York. The major recommendations on the rule provided by the representatives may be summarized as follows:

(1) Revise 10 CFR part 20 to exclude doses to individuals exposed to patients released under 10 CFR 35.75.

(2) In 10 CFR 35.75, retain the dose rate limit of 0.05 millisievert (5

[1] National Council on Radiation Protection and Measurements (NCRP), "Precautions in the Management of Patients Who Have Received Therapeutic Amounts of Radionuclides," NCRP Report No. 37 (October 1, 1970). (Available for sale from the NCRP, 7910 Woodmont Avenue, suite 800, Bethesda, MD 20814–3095.)

millirems) per hour at a distance of 1 meter and add a dose limit of 5 millisieverts (0.5 rem) in 1 year for individuals exposed to patients.

(3) Retain the current 1,110-megabecquerel (30-millicurie) activity limit for iodine-131 but provide activity limits for other radionuclides based on the recommendations of NCRP Report No. 37, "Precautions in the Management of Patients Who Have Received Therapeutic Amounts of Radionuclides."

(4) Do not define "confinement" in 10 CFR part 35 because the present wording gives regulatory agencies the prerogative to confine patients by means other than hospitalization.

(5) Require that written instructions on how to maintain doses to other individuals as low as reasonably achievable be given to the released patient and any individual likely to spend significant time in close proximity with the patient.

The NRC staff presented a status report on the requirements of the proposed rule to the Agreement States at another public meeting in October 1993, in Tempe, Arizona. The Agreement States were generally supportive of the approach in this proposed rule. Transcripts of both meetings have been placed in and are available for examination at the NRC Public Document Room, 2120 L Street NW. (Lower Level), Washington, DC.

In addition, in July 1993, the NRC requested the Agreement States to provide comments on a previous version of the proposed rule. Of those responding, 14 Agreement States were generally supportive of the approach in this proposed rule, one was in opposition, and one was uncertain of its support without further study. The Agreement State that opposed the annual dose limit of 5 millisieverts (0.5 rem) (total effective dose equivalent) believed that instructions on how to maintain doses as low as reasonably achievable to household members and other individuals would not be followed, radioactive contamination would be a problem, and permanent implants could dislodge.

V. Coordination With the Advisory Committee on Medical Uses of Isotopes

The NRC staff presented their suggestions for a proposed rule to the Advisory Committee on Medical Uses of Isotopes (ACMUI) during a public meeting held in Rockville, Maryland, on October 22 and 23, 1992. The ACMUI is an advisory body established to advise the NRC staff on matters that involve the administration of radioactive material and radiation from radioactive material. The major ACMUI recommendations on the proposed rule were to—

(1) Add a dose limit of 5 millisieverts (0.5 rem) in 1 year for individuals exposed to a patient released with radionuclides.

(2) Retain both the 1,110-megabecquerel (30-millicurie) activity limit and the maximum dose rate of 0.05 millisieverts (5 millirems) per hour for patient release in 10 CFR 35.75 because they are a simple means to show compliance without assumptions or calculations.

(3) Develop a regulatory guide that includes a set of standardized calculations with factors (e.g., occupancy factor) for licensees to determine compliance with patient release criteria on an individual basis. Provide tables of acceptable release activities that are radionuclide specific, based on exposure at 1 meter for routine patient releases, with built-in safety factors to avoid doses to individuals near the 5-millisievert (0.5-rem) limit.

(4) Require that written instructions on how to maintain doses to other individuals as low as reasonably achievable be provided to the patient upon release from confinement.

The NRC staff presented status reports on the requirements of the proposed rule to the ACMUI at two other public meetings in May 1993, in Bethesda, Maryland, and in November 1993, in Reston, Virginia. The ACMUI was generally supportive of the approach in this proposed rule. Transcripts of all meetings have been placed in and are available for examination at the NRC Public Document Room, 2120 L Street NW. (Lower Level), Washington, DC.

VI. Issues and Their Resolution

There are seven issues that arise in responding to the two petitions. These issues and their resolution are discussed below.

Issue 1: Should the limits in 10 CFR 35.75 or in 20.1301(a) govern patient release? The petitioners requested an annual dose limit of 5 millisieverts (0.5 rem) for individuals exposed to radiation from a released patient.

Supporting Comments

The majority of commenters favored a dose limit of 5 millisieverts (0.5 rem) per year for individuals exposed to released patients rather than the 1 millisievert (0.1 rem) in 10 CFR 20.1301(a). The representatives from Agreement States who attended the public meeting held in Atlanta, Georgia, on July 15 and 16, 1992, and the ACMUI public workshop held in October 1992 in Rockville, Maryland, also favored the 5-millisievert (0.5-rem) limit. Some commenters stated that a dose limit of 5 millisieverts (0.5 rem) per year for individuals exposed to a patient is in line with the recommendations of the ICRP and the NCRP.

Some commenters believed that the 5-millisievert (0.5-rem) limit is beneficial to both the patient and the family because patients are able to return home earlier than would be permitted if a 1-millisievert (0.1-rem) limit were used. One commenter believed that the case could be made that no limit should be applied to the patient's family, just maintain doses as low as reasonably achievable, because there is a benefit to the family from the patient's being home. A physician commented that many patients come from homes in which no member of the family is under the age of 30, and therefore, contended that there was less risk from radiation exposure. Other comments in favor included: (1) Hospitalization can be a distressing experience for many cancer patients; (2) patients can develop hospital acquired infections if kept in the hospital too long; and (3) confining patients in a hospital until the release criteria are met increases the dose to hospital personnel and other patients.

Controlling the cost of medical care was one of the most cited reasons in favor of the 5-millisievert (0.5-rem) limit. Concern was expressed that the costs to all parties involved (i.e., patients, hospitals, insurance companies, etc.) would dramatically rise if a 1-millisievert (0.1-rem) limit were used. Commenters said a 1-millisievert (0.1-rem) limit would require longer periods of hospitalization, that many outpatients would become inpatients, and that this would be extremely expensive.

Comments from nuclear power utilities supported the 5-millisievert (0.5-rem) limit requested by PRM–20–20. These commenters stated further that if the limit for annual dose to the public exposed to patients were 5 millisieverts (0.5 rem), then the dose limit should be 5 millisieverts (0.5 rem) for all exposures to the public, including those from nuclear power plants, because no demonstrable health effects have been observed at chronic exposure levels of 5 millisieverts (0.5 rem).

Opposing Comments

A citizens' group commented that any amount of radiation, no matter how small, carries a risk to the recipient. Thus, decisions that affect the public health should be made strictly on the basis of health, not economic considerations. A second citizens' group expressed similar concerns.

A few commenters stated that the licensee already has the requested relief because the Commission has made provision in 10 CFR 20.1301(c) for approval of a licensee's request to increase the annual dose limit to 5 millisieverts (0.5 rem) for individuals exposed to a patient.

Response

The NRC has determined that patient release should be governed by 10 CFR 35.75, not 10 CFR 20.1301(a). 10 CFR 35.75 of the NRC's regulations adopted in 1986 (51 FR 36932; October 16, 1986) prohibits an NRC licensee from authorizing patient release until the measured dose rate from the patient is less than 0.05 millisievert (5 millirems) per hour at 1 meter or the activity in the patient is less than 1,110 megabecquerels (30 millicuries). 10 CFR 20.1301(a) of the revised standards for protection against radiation, adopted in 1991 (56 FR 23360; May 21, 1991), requires a licensee to limit the radiation dose of any individual member of the public from licensed activities to less than 0.1 rem (1 millisievert) (total effective dose equivalent) in a year.

The NRC's view that 10 CFR 35.75 governs patient release represents a reasonable interpretation of the Commission's regulations on this subject. As a general rule, requirements in 10 CFR part 35 are "in addition to," rather than "in substitution for," compliance with other NRC requirements including 10 CFR part 20. However, in this case, the dose limit of 10 CFR 20.1301(a), if it were interpreted to apply to patient release, could require a license to continue confinement of a patient whose release would be permitted under 10 CFR 35.75. The NRC will not adopt this interpretation because that would make 10 CFR 35.75 essentially meaningless.

When the NRC proposed 10 CFR 35.75 (50 FR 30627; July 25, 1985), it said, "The Commission believes that either limit (i.e., 30 millicuries of activity or the 6 milliroentgen per hour exposure rate at 1 meter) provides an adequate measure of safety for the general public and that further reductions in public exposure are not reasonably achievable considering the cost and potential for detrimental effect from an unnecessarily long hospital confinement." Further, when it approved 10 CFR 35.75 in final form, the NRC again said, "The NRC believes that a 30-millicurie release limit provides an adequate measure of public health and safety." See 51 FR 36932. The NRC's conclusion was based on an independent NRC public health and safety judgement that is specific to patient release. This conclusion was neither tied to nor designed to implement the more general considerations in the 10 CFR part 20 dose limits that had already been proposed when the conclusion of adequacy was reached.

The NRC maintains that the public health and safety judgement specific to patient release in 10 CFR part 35 should prevail over the more general 10 CFR part 20. The criterion in the proposed 10 CFR part 35, 5 millisieverts (0.5 rem) total effective dose equivalent per year, excluding background or any occupational exposure, is consistent with: The Commission's provision in 10 CFR 20.1301(c) for authorizing a licensee to operate up to this limit for limited periods of time; the recommendations of the International Commission on Radiological Protection (ICRP) in ICRP Publication 60,[2] "1990 Recommendations of the International Commission on Radiological Protection;" and the recommendations of the National Council on Radiation Protection and Measurements (NCRP) in NCRP Report No. 116,[3] "Limitation of Exposure to Ionizing Radiation." Each of these provides a basis for allowing individuals to receive annual doses up to 5 millisieverts (0.5 rem) under certain circumstances. Both the ICRP and NCRP recommend that an individual be allowed to receive a dose up to 5 millisieverts (0.5 rem) in a given year in situations where exposure to radiation is not expected to result in doses above 1 millisievert (0.1 rem) per year for long periods of time, as would be the case for doses from released patients. The recommendations of the ICRP and NCRP are based on their findings that annual exposures in excess of 1 millisievert (0.1 rem) to a small group of people, provided that they do not occur often to the same group, need not be regarded as especially hazardous. Therapeutic treatments with radioactive materials are limited to a relatively small proportion of the population and are not often repeated for the same patient.

Although the NRC adopted 10 CFR 20.1301(a) after 10 CFR 35.75, it did not intend to supersede 10 CFR 35.75. There is no indication in the associated statements of consideration or response to comments that NRC intended to supersede 10 CFR 35.75 criteria when 10 CFR part 20 was amended. Because the NRC finalized 10 CFR 35.75 after proposing revisions to 10 CFR part 20 in 1986, the NRC's silence should indicate that it did not intend the revised standards for protection against radiation to supersede either 10 CFR 35.75 or the NRC's underlying adequacy judgement.

As reflected in the above discussion, the NRC's finding of adequacy with respect to patient release criteria does not apply to or set a precedent for the operations of nuclear power plants. The basis for the limit for patient release is justified by the considerations that specifically apply to patient release.

To codify the policy regarding the issue of the applicability of 10 CFR 20.1301 to patient release, the NRC is proposing to amend 10 CFR 20.1301(a)(1) to explicitly exclude doses to individuals exposed to released patients. In addition, 10 CFR 20.1301(a)(2) would be amended by adding the words "exclusive of the dose contributions from patients administered radioactive material and released in accordance with § 35.75" to make it clear that the limit on dose in unrestricted areas does not include dose contributions from patients administered radioactive material and released in accordance with 10 CFR 35.75.

Issue 2: Should the patient release criteria in 10 CFR 35.75 be expressed as a dose-based limit instead of being expressed in terms of activity retained in the patient and dose rate at 1 meter from the patient?

Supporting Comments

While the choice of a dose-based vs. an activity-based limit was not presented as an issue in the petitions, many commenters supported a dose-based limit of 5 millisieverts (0.5 rem), although those same commenters also generally supported retaining an activity limit.

Some commenters and the ACNM discussed the inadequacy of the current activity-based limit in 10 CFR part 35 to deal with new techniques such as the use of radiolabeled antibodies.

Supporting Comments

PRM–20–20 requested that patients given 1,110 megabecquerels (30 millicuries) of iodine–131, or more, be hospitalized and released in accordance with the guidelines of NCRP Report No. 37, and that the maximum activity that a patient can be released with for a specific nuclide be consistent with the calculations methodology of NCRP Report No. 37. Many commenters and

[2] International Commission on Radiological Protection (ICRP), "1990 Recommendations of the International Commission on Radiological Protection," ICRP Publication No. 60 (November 1990). Available for sale from Pergamon Press, Inc., Elmsford, NY 10523.

[3] National Council on Radiation Protection and Measurements, "Limitation of Exposure to Ionizing Radiation," NCRP Report No. 116 (March 31, 1993). Available for sale from the NCRP, 7910 Woodmont Avenue, suite 800, Bethesda, MD 20814–3095.

representatives from the Agreement States that attended the public workshop held in Atlanta, Georgia, on July 15 and 16, 1992, also agreed with this reqiuest.

Opposing Comments

No comments opposing the methodology in NCRP Report No. 37 were received.

Response

The NRC agrees that the calculational methodology of NCRP Report No. 37 can be used to calculate external doses from patients. Although NCRP Report No. 37 is dated, it still contains an appropriate method to calculate the integrated dose at 1 meter from a patient following administration of certain radionuclides. This methodology is modified in the draft regulatory guide to calculate activities to meet the 5-millisievert (0.5-rem) (total effective dose equivalent) limit.

Opposing Comments

Several commenters, as well as representatives from the Agreement States and the ACMUI, noted that the 1,110-megabecquerel (30-millicurie) activity limit is a simple method to demonstrate compliance with NRC regulations and should be retained.

PRM–20–20 requested that the NRC specify an activity for each specific radionuclide consistent with the calculational methodology of NCRP Report No. 37, "Precautions in the Management of Patients Who Have Received Therapeutic Amounts of Radionuclides."

Response

The NRC's primary concern is the public's health and safety. Doses are a measure of degree of protection, whereas activity of different radionuclides is not related in any consistent way to the level of protection. For this reason, the NRC proposes to establish a dose limit as the only patient release criterion in 10 CFR 35.75. The proposed dose limit is 5 millisieverts (0.5 rem) total effective dose equivalent in a year. This dose limit is consistent with the underlying risk basis of the current 10 CFR 35.75 (50 FR 30627), the recommendations of the ICRP, and the provisions in 10 CFR 20.1301(c), pertaining to temporary situations in which there is requisite justification for a dose limit higher than 1 millisievert (0.1 rem).

Unlike the current 10 CFR 35.75, the proposed 10 CFR 35.75 does not specify an activity or dose rate for authorizing patient release. The 1,110-megabecquerel (30-millicurie) requirement was not retained because the doses from a released patient are different for different radionuclides that have the same activity. Likewise, a release criterion based on dose rate from the patient is not a uniform indicator of dose because the total dose depends on the effective half-life of the radioactive material in the body of the patient and other factors, which will differ for different materials.

In most cases, the dose received by an individual exposed to the patient will be from external exposure. However, in the case of a breast-feeding mother, the infant could be exposed following ingestion of breast milk. In this case, the 5-millisievert (0.5-rem) limit applies to the infant as the individual likely to receive the highest exposure.

To help licensees easily determine if they may authorize the release of a patient, a draft regulatory guide, published concurrently with this proposed rule, contains a table that specifies the activity of commonly used radionuclides with which a patient can be released in compliance with the proposed dose limit. The table in the draft guide provides a simple method to demonstrate compliance that assumes no biological elimination of the radioactive material. For example, in the case of iodine-131, the value specified is 1,200 megabecquerels (33 millicuries). The draft regulatory guide also offers guidance for the licensee who chooses to calculate activities at which patient release may be authorized based upon case specific information. Single copies of the draft regulatory guide are available as indicated in the ADDRESSES heading.

The 0.05 millisievert (5 millirems) per hour at 1 meter dose rate limit was not retained in the regulation because, in essence, consideration of the dose rate is included in calculating the activity for each of the radionuclides specified in the draft regulatory guide. In addition, the draft regulatory guide now relates the dose rate with the release criteria in the proposed 10 CFR 35.75.

Newer techniques, such as the therapeutic use of radiolabeled antibodies, involve the administration of perhaps as much as several gigabecquerels (hundreds of millicuries). These newer techniques require that a patient remain under the control of the licensee for a much longer period of time before the current release criteria can be met. By changing the basis for the release of patients in the proposed rule to an annual dose limit, the activity or resulting dose rate are no longer the only limiting factors upon which a patient release is based. Under the proposed rule, the dose would be the determining criteria, irrespective of the amount of radioactive material administered or the potential pathways of exposure of individuals as a result of contact with the patient. This is particularly important for proper control of some types of materials, such as strong beta emitters, which do not pose a large external dose hazard. In these cases, dose through inhalation or ingestion of contamination could be significant pathways and must be accounted for in a calculation for compliance. To demonstrate compliance with the proposed rule in this situation, the optional calculational method described in the draft regulatory guide could be used, potentially resulting in an earlier patient release than would otherwise have been allowed, while still providing the specified level of protection.

Issue 3. Should the calculational methodology in NCRP Report No. 37, "Precautions in the Management of Patients Who Have Received Therapeutic Amounts of Radionuclides," be an acceptable means to demonstrate compliance with the proposed rule?

Issue 4. Should, as the ACNM requested, the word "confinement" be defined to include confinement in a private residence?

Supporting Comments

The ACNM petitions stated that 10 CFR 35.75 seems to mandate hospitalization as the only place of confinement for patients receiving radiopharmaceutical therapy for compliance with 10 CFR 35.75. The ACNM petitions also stated that 10 CFR 35.75 overlooks the merits of a necessary option, temporary home confinement, for outpatient radiopharmaceutical therapy at levels exceeding 1,110 megabecquerels (30 millicuries). This petition further stated that patients containing quantities up to 14,800 megabecquerels (400 millicuries) of iodine-131 could be confined in a private residence, as justified by published scientific papers that contend that home confinement of such patients would not adversely affect public health and safety.

Another commenter supported home confinement because it would greatly improve patient comfort while reducing medical expenditures by a considerable amount, and that this can be accomplished without any significant risk to the public. Some commenters believed that patients confined at home with as much as 14,800 megabecquerels (400 millicuries) of iodine-131 would not create a safety hazard to the public if simple precautions were followed.

Several commenters believed that they had been told by the NRC that the use of the term confinement in 10 CFR 35.75 provided for a nonhospital option.

A couple of commenters suggested that if a patient is medically capable of self-care, informed and cooperative, release in amounts greater than 1,110 megabecquerels (30 millicuries) is sensible.

Opposing Comments

The Conference of Radiation Control Program Directors (CRCPD) commented that confinement should not be defined in 10 CFR part 35 because the present wording already provides the option to confine patients by means other than hospitalization.

An Agreement State representative remarked that it is not realistic to believe that a person will go home and lock themselves in a room for two to three days with limited contact with family and friends. Another Agreement State representative maintained it is difficult to control actions of an ambulatory patient and difficult to ensure that the patient has remained in confinement. This commenter also noted that the ACNM definition does not address transportation to a confined area in a private residence that would prohibit a patient from using public transportation.

A former radiopharmaceutical therapy patient opposed the changing of the existing requirements. He said that cutting hospital costs by releasing highly radioactive patients may afford short-term economic benefits for health care providers but it carries serious health and safety risks to the family and the public. He also indicated that some people would have a difficult time following the extensive advice that is given as to the precautions to be taken on returning home.

Some commenters expressed the belief that release from a hospital with activities as high as 14,800 megabecquerels (400 millicuries) of iodine-131 is dangerous to public health and safety

Response

The NRC has decided that the term "confinement" should be deleted from the proposed revision to 10 CFR 35.75. Instead, the proposed rule language now uses the phrase "licensee control." The NRC believes that the phrase "licensee control" more clearly reflects the NRC's intent.

The phrase "licensee control" refers to the ability of the licensee to demonstrate that it can control doses to other individuals from the patient, as well as the spread of radioactive material. The licensee maintains control both from the location of patients and by the actions the licensee takes to control doses. Although licensee control does not necessarily restrict a patient to a hospital, the location of the patient must be listed as a place of use on the license or a license amendment must be issued pursuant to 10 CFR 35.13(e). Additional choices would be available (e.g., hospices or nursing homes) as long as the licensee can demonstrate that it can control doses to other individuals as well as the spread of radioactive material.

The NRC believes that there is a distinct difference between a patient being "confined" in a hospital and "confined" in a home. In hospital confinement, the licensee has control over access to the patient as well as having trained personnel and instrumentation available for making radiation measurements not typically available at the patient's home. In addition, while under licensee control, a licensee has control over the dose by limiting the amount of time that individuals are in close proximity to the patient. Therefore, as a general practice, the NRC does not want licensees to use a patient's home for the purpose of confining the patient.

Issue 5. Should 10 CFR 20.1301(d) require compliance with Environmental Protection Agency (EPA) regulations? PRM–20–20 stated that compliance with the EPA's Clean Air Act air effluent standards would cost medical facilities $100,000,000 per year, which would be added to national health care costs.

Supporting Comments

Most comments from physicians and medical associations expressed concern over redundant NRC and EPA regulations contained in 40 CFR 61 resulting from the EPA's limitation on air effluent from NRC-licensed facilities.

Opposing Comments

No opposing comments were received.

Response

The EPA regulations referenced in 10 CFR 20.1301(d) are contained in 40 CFR part 190, which deals only with doses and airborne emissions from uranium fuel cycle facilities. 40 CFR part 190 does not apply to hospitals or to the release of patients. Furthermore, 10 CFR 20.1301(d) does not incorporate the EPA's Clean Air Act standards in 40 CFR part 61 that apply to hospitals. The NRC is separately pursuing actions with the EPA to minimize the impact of dual regulation under the Clean Air Act.

Because the reference to EPA regulations in 10 CFR 20.1301(d) has nothing to do with the patient release issue and has no impact on the petitioner, the NRC will not grant this request of the petitioner.

Issue 6. Should the regulations require that patients, upon release, receive written instructions on how to maintain doses to other individuals as low as reasonably achievable?

Supporting Comments

PRM–20–20 recommended education of the patient and the care provider. Some commenters supported written instructions for the patient upon release. Representatives from the Agreement States who attended the public workshop held in Atlanta, Georgia, on July 15 and 16, 1992, and the ACMUI public workshop held in October 1992 in Rockville, Maryland, also agreed with this concept.

Opposing Comments

A physician stated that instructions regarding patient activities significantly increase apprehension needlessly.

Response

The NRC agrees that written instructions on how to maintain doses as low as reasonably achievable to people exposed to released patients should be provided. These written instructions would specify what actions should or should not be taken by the released patients and by the individuals potentially exposed. In fact, written instructions are already required under 10 CFR 35.315(a)(6) and 35.415(a)(5). Under the proposed 10 CFR 35.75(b), when the total effective dose equivalent to any individual other than the released patient is likely to exceed 1 millisievert (0.1 rem) from a single administration, the licensee would be required to provide written instructions to the patient on how to maintain doses as low as reasonably achievable to household members and other individuals. If the dose to any individual exposed to the patient is not likely to exceed 1 millisievert (0.1 rem), instructions are not required but the physician could give any instructions that he or she considers desirable.

Written instructions provide an available reference after the patient's release, if questions regarding patient care arise. Written instructions reduce the chance of misunderstanding the licensee's instructions as verbal instructions may not be properly conveyed to persons not present at the time of release. The NRC also believes that providing written instructions will

help relieve apprehensions of the patient, primary care-giver, and family.

The draft regulatory guide published concurrently with this proposed rule includes recommended contents of the written instructions. The instructions should be specific to the type of treatment given, such as radioiodine for hyperthyroidism or thyroid carcinoma, or permanent implants; and may include additional information regarding individual situations. The instructions should include a contact and phone number in case the patient has any questions. Written instructions should include, as appropriate: (1) maintaining distance from individuals, including sleeping arrangements and the need to avoid public transportation; (2) the need to stop breast-feeding if appropriate; (3) avoidance of public places (such as grocery stores, shopping centers, theaters, restaurants, and sporting events); (4) hygiene; and (5) the length of time precautions should be taken. Not all of these precautions are necessary for every patient; therefore, patients should be given specific instructions that are applicable to their situation.

Issue 7. Should records of patients released containing radioactive materials be required?

Although the issue of records did not arise in the petitions or the comments on the petitions, proposed 10 CFR 35.75(b) would require the licensee to maintain a record of the basis for the patient's release and the calculations performed to determine the total effective dose equivalent if an individual is likely to receive a dose in excess of 1 millisievert (0.1 rem) in a year from a single administration. It is anticipated that this requirement will be met by either a notation, such as a reference to the Regulatory Guide, or calculation(s) to be retained in the patient's file. This record would provide a basis for assuring that the maximum dose to an individual exposed to the patient is below 5 millisieverts (0.5 rem) for any single administration. This record also provides the basis for ensuring that doses from multiple administrations greater than 1 millisievert (0.1 rem) each do not total more than 5 millisieverts (0.5 rem) in any year.

The 1-millisievert (0.1-rem) threshold for recordkeeping is based on the public dose limit of 1 millisievert (0.1 rem) specified in 10 CFR part 20. This threshold would not result in an undue recordkeeping burden for the majority of diagnostic administrations because these administrations are well below 1-millisievert (0.1-rem). Based on the regulatory analysis, the majority of administrations requiring records involve iodine-131 therapeutic administrations and a few diagnostic procedures using iodine-131. Recordkeeping would affect less than one percent of all administrations. (For further information, see the regulatory analysis for the proposed rule. Single copies of the draft regulatory analysis are available as indicated in the ADDRESSES heading.)

The proposed record retention period of 3 years is consistent with similar recordkeeping requirements in 10 CFR parts 20 and 35.

VII. Summary of the Proposed Changes

This section summarizes the regulation changes that are being proposed. The NRC proposes to amend 10 CFR 20.1301(a)(1) to specifically state that the dose to individual members of the public from a licensed operation does not include doses received by individuals exposed to patients who were released by the licensed operation under the provisions of 10 CFR 35.75. This is not a substantive change but clarifies the NRC policy that patient release is governed by 10 CFR 35.75, not 10 CFR 20.1301, as discussed above under Issue 1.

The NRC proposes to amend 10 CFR 20.1301(a)(2) to specifically state that the limit on dose in unrestricted areas does not include dose contributions from patients administered radioactive material and released in accordance with 10 CFR 35.75. The purpose of this change is to clarify that licensees are not required to control areas, such as a waiting room, simply because of the presence of a patient released pursuant to 10 CFR 35.75. If a patient is not required to be confined pursuant to 10 CFR 35.75, licensees are not required to limit the radiation dose to members of the public (e.g., visitor in a waiting room) from a patient to 0.02 millisievert (2 millirems) in any one hour. Patient waiting rooms or hospital rooms need only be controlled for those patients not meeting the release criteria in 10 CFR 35.75.

The NRC proposes to adopt a new 10 CFR 35.75(a) to change the patient release criteria from 30 millicuries of activity in a patient or a dose rate of 5 millirems per hour at 1 meter from a patient to a dose limit of 5 millisieverts (0.5 rem) in any one year, excluding background or any occupational exposure, to an individual from exposure to a released patient. The reasons for this change were discussed above under Issue 2. In brief, a dose-based limit provides a single limit that can be used to provide an equivalent level of risks from all radionuclides. Also, the proposed changes are supported by the recommendations of the ICRP and NCRP that an individual can be allowed to receive an annual dose up to 5 millisieverts (0.5 rem) in temporary situations where exposure to radiation is not expected to result in doses above 1 millisievert (0.1 rem) for long periods of time.

Doses among individuals who may come in contact with a released patient are highly variable and reflect the crucial, but difficult to define, parameters of time, distance, and shielding. Although all members of society have the potential for exposure to a released patient, based on time and distance considerations, it is reasonable to conclude that for the overwhelming majority of released patients, the maximally exposed individual is likely to be one who is aware of the patient's condition such as the primary care-giver, a family member, or any other individual who spends significant time close to the patient.

The NRC proposes to adopt a new 10 CFR 35.75(b)(1) to require that the licensee provide released patients with written instructions on how to maintain as low as reasonably achievable doses to other individuals if the total effective dose equivalent to any individual other than the released patient is likely to exceed 1 millisievert (0.1 rem) in any one year. A requirement for written instructions for certain patients was already contained in 10 CFR 35.315(a)(6) and 35.415(a)(5). The proposed requirement would add approximately 50,000 patients per year who are administered iodine-131 for the treatment of hyperthyroidism. The purpose of the written instructions is to maintain as low as reasonably achievable doses to individuals exposed to patients, as discussed in more detail under Issue 6.

The NRC proposes to revise 10 CFR 35.75(b)(2) to require that licensees maintain a record of the basis for the patient's release for three years. These records must include the calculations performed to determine the total effective dose equivalent of the individual likely to receive the highest dose if the total effective dose equivalent to any individual other than the released patient is likely to exceed 1 millisievert (0.1 rem) in a year from a single administration. It is anticipated that this requirement will be met by either a notation, such as a reference to the applicable regulatory guide or calculation(s) to be retained in the patient's file. The major purpose of the change is to provide the basis for controlling the dose to individuals exposed to a patient who may receive

more than one administration in a year, as discussed above under Issue 7.

Finally, the NRC proposes to amend its requirements on written instructions in 10 CFR 35.315(a)(6) and 35.415(a)(5). These regulations already required written instructions in certain cases, but the phrase "if required by § 35.75(b)" was added. The purpose of this change was to ensure internal consistency within 10 CFR part 35 on when written instructions must be provided.

VIII. Consistency with 1979 Medical Policy Statement

On February 9, 1979 (44 FR 8242), the NRC published a Statement of General Policy on the Regulation of the Medical Uses of Radioisotopes. The first statement of this policy states that, "The NRC will continue to regulate the medical uses of radioisotopes as necessary to provide for the radiation safety of workers and the general public." The proposed rule is consistent with this statement because its purpose is to provide for the safety of individuals exposed to patients who are administered radioactive materials.

The second statement of the policy states that, "The NRC will regulate the radiation safety of patients where justified by the risk to patients and where voluntary standards, or compliance with these standards, are inadequate." This statement is not relevant to the proposed rule because the proposed rule does not affect the safety of patients themselves but affects the safety of individuals exposed to patients.

The third statement of the policy states that, "The NRC will minimize intrusion into medical judgements affecting patients and into other areas traditionally considered to be a part of the practice of medicine." The proposed rule is consistent with this statement because it places no requirements on the administration of radioactive materials to patients and because the release of patients administered radioactive materials has long been considered a matter of regulatory concern rather than solely a matter of medical judgement.

Thus, the proposed rule is considered to be consistent with the 1979 medical policy statement.

IX. Issue of Compatibility for Agreement States

The NRC believes that the proposed modifications to 10 CFR 20.1301(a) and 10 CFR 35.75 should be Division 1 and 2 items of compatibility, respectively, because the patient release criteria required by the rule are the minimum requirements necessary to ensure adequate protection of public health and safety. However, representatives of the Agreement States who attended the public workshop held in Atlanta, Georgia, on July 15 and 16, 1992, have recommended that the proposed changes to 10 CFR part 35 should not be a matter of compatibility (i.e., Division 3) for the Agreement States. In addition, two Agreement States in their written comments on the draft rule reviewed in July 1993 addressed the issue of patient release under 10 CFR part 35 as a Division 3 matter. Under Division 2 status, the Agreement States must address the changes and may adopt more stringent requirements, but may not adopt less stringent provisions.

X. Finding of No Significant Environmental Impact: Availability

The NRC has determined under the National Environmental Policy Act of 1969, as amended, and the Commission's regulations in Subpart A of 10 CFR part 51, that the proposed amendments, if adopted, would not be a major Federal action significantly affecting the quality of the human environment and therefore, an environmental impact statement is not required. The proposed amendment would clarify the pertinent regulatory language to reflect explicitly the relationship between 10 CFR part 20 and part 35 with respect to release of patients, and revise the release criteria for patients receiving radioactive material for medical use from an activity-based standard to a dose basis. Because the risk basis of the current regulation remains unchanged, it is expected that there would be no significant change in radiation dose to the public as a result of the revised regulation.

The draft environmental assessment and finding of no significant impact on which this determination is based is available for inspection at the NRC Public Document Room, 2120 L Street NW. (Lower Level), Washington, DC. Single copies of the draft environmental assessment and the finding of no significant impact are available as indicated in the FOR FURTHER INFORMATION CONTACT heading.

XI. Paperwork Reduction Act Statement

This proposed rule amends information collection requirements that are subject to the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*). This rule has been submitted to the Office of Management and Budget for review and approval of the information collection requirements.

The public reporting burden for this collection of information is estimated to average 0.42 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. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Information and Records Management Branch (MNBB–7714), U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; and to the Desk Officer, Office of Information and Regulatory Affairs, NEOB–3019 (3150–0010), Office of Management and Budget, Washington, DC 20503.

XII. Regulatory Analysis

The NRC has prepared a regulatory analysis (NUREG–1492) for the proposed amendment. The analysis examines the benefits and impacts considered by the NRC. The regulatory analysis is available for inspection at the NRC Public Document Room at 2120 L Street NW. (Lower Level), Washington, DC. Single copies are available as indicated under the FOR FURTHER INFORMATION CONTACT heading.

XIII. Regulatory Flexibility Certification

As required by the Regulatory Flexibility Act of 1980, 5 U.S.C. 605(b), the NRC certifies that, if adopted, this proposed rule would not have a significant economic impact on a substantial number of small entities. As a result of the revised regulation, the impact would not be significant because the revised regulation basically represents a continuation of current practice.

The NRC is seeking public comment on the initial regulatory flexibility certification. The NRC is particularly seeking comment from small entities as defined under the NRC's size standards published on November 6, 1991 (56 FR 56672), as to how the regulations will affect them and how the regulations may be tiered or otherwise modified to impose less stringent requirements on small entities while still adequately protecting the public health and safety. Any small entity subject to this regulation who determines that, because of its size, it is likely to bear a disproportionate adverse economic impact should offer comments that specifically discuss the following items:

(a) The licensee's size and how the proposed regulation would result in a significant economic burden or whether the resources necessary to implement this amendment could be more effectively used in other ways to

optimize public health and safety, as compared to the economic burden on a larger licensee;

(b) How the proposed regulation could be modified to take into account the licensee's differing needs or capabilities;

(c) The benefits that would accrue, or the detriments that would be avoided, if the proposed regulation were modified as suggested by the licensee;

(d) How the proposed regulation, as modified, could more closely equalize the impact of NRC regulations or create more equal access to the benefits of Federal programs as opposed to providing special advantages to any individual or group; and

(e) How the proposed regulation, as modified, would still adequately protect the public health and safety.

The comments should be sent to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555. ATTN: Docketing and Service Branch. Hand deliver comments to 11555 Rockville Pike, Rockville, Maryland, between 7:45 a.m. and 4:15 p.m. Federal workdays.

XIV. Backfit Analysis

The NRC has determined that the backfit rule, 10 CFR 50.109, does not apply to this proposed rule and, therefore, that a backfit analysis is not required for this proposed rule, because these amendments do not involve any provisions which would impose backfits as defined in 10 CFR 50.109(a)(1).

XV. List of Subjects

10 CFR part 20

Byproduct material, Licensed material, Nuclear materials, Nuclear power plants and reactors, Occupational safety and health, Packaging and containers, Penalty, Radiation protection, Reporting and recording requirements, Special nuclear material, Source material, Waste treatment and disposal.

10 CFR part 35

Byproduct material, Criminal penalty, Drugs, Health facilities, Health professions, Incorporation by reference, Medical devices, Nuclear materials, Occupational safety and health, Penalty, Radiation protection, Reporting and recordkeeping requirements.

For the reasons set out in the preamble and under the authority of the Atomic Energy Act of 1954, as amended; the Energy Reorganization Act of 1974, as amended; and 5 U.S.C. 553; the NRC is proposing to adopt the following amendments to 10 CFR parts 20 and 35.

PART 20—STANDARDS FOR PROTECTION AGAINST RADIATION

1. The authority citation for part 20 is revised to read as follows:

Authority: Secs. 53, 63, 65, 81, 103, 104, 161, 182, 186, 68 Stat. 930, 933, 935, 936, 937, 948, 953, 955, as amended (42 U.S.C. 2073, 2093, 2095, 2111, 2133, 2134, 2201, 2232, 2236), secs. 201, as amended, 202, 206, 88 Stat. 1242, as amended, 1244, 1246 (U.S.C. 5841, 5842, 5846).

2. In § 20.1301, paragraph (a) is revised to read as follows:

§ 20.1301 Dose limits for individual members of the public.

(a) Each licensee shall conduct operations so that—

(1) The total effective dose equivalent to individual members of the public from the licensed operation does not exceed 0.1 rem (1 mSv) in a year, exclusive of the dose contributions from the licensee's disposal of radioactive material into sanitary sewerage in accordance with § 20.2003 and from patients administered radioactive material and released in accordance with § 35.75, and

(2) The dose in any unrestricted area from external sources, exclusive of the dose contributions from patients administered radioactive material and released in accordance with § 35.75, does not exceed 0.002 rem (0.02 mSv) in any one hour.

* * * * *

PART 35—MEDICAL USE OF BYPRODUCT MATERIAL

3. The authority citation for part 35 continues to read as follows:

Authority: Secs. 81, 161, 182, 183, 68 Stat. 935, 948, 953, 954, as amended (42 U.S.C. 2111, 2201, 2232, 2233); sec. 201, 88 Stat. 1242, as amended (42 U.S.C. 5841).

4. In § 35.8, paragraph (b) is revised to read as follows:

§ 35.8 Information collection requirements: OMB approval.

* * * * *

(b) The approved information collection requirements contained in this part appear in §§ 35.12, 35.13, 35.14, 35.21, 35.22, 35.23, 35.27, 35.29, 35.13, 35.50, 35.51, 35.53, 35.59, 35.60, 35.61, 35.70, 35.75, 35.80, 35.92, 35.204, 35.205, 35.310, 35.315, 35.404, 35.406, 35.410, 35.415, 35.606, 35.610, 35.615, 35.630, 35.632, 35.634, 35.636, 35.641, 35.643, 35.645, and 35.647.

* * * * *

5. Section 35.75 is revised to read as follows:

§ 35.75 Release of patients containing radiopharmaceuticals or permanent implants.

(a) A licensee may authorize release from licensee control any patient administered radiopharmaceuticals or permanent implants containing radioactive material if the total effective dose equivalent to an individual from exposure to the released patient is not likely to exceed 5 millisieverts (0.5 rem) in any one year.

(b) If the total effective dose equivalent to any individual other than the released patient is likely to exceed 1 millisievert (0.1 rem) in a year from a single administration, upon release the licensee shall:

(1) Provide the patient with written instructions on how to maintain doses to other individuals as low as reasonably achievable; and

(2) Maintain, for three years, a record of the released patient and the calculated total effective dose equivalent to the individual likely to receive the highest dose.

6. In § 35.315, paragraph (a)(6) is revised to read as follows:

§ 35.315 Safety precautions.

(a) * * *

(6) Provide the patient with radiation safety guidance, if required by § 35.75(b), that will help to keep radiation dose to household members and the public as low as reasonably achievable before authorizing release of the patient.

* * * * *

7. In § 35.415, paragraph (a)(5) is revised to read as follows:

§ 35.415 Safety precautions.

(a) * * *

(5) Provide the patient with radiation safety guidance, if required by § 35.75(b), that will help to keep radiation dose to household members and the public as low as reasonably achievable before releasing the patient if the patient was administered a permanent implant.

* * * * *

Dated at Rockville, MD, this 9th day of June, 1994.

For the Nuclear Regulatory Commission.

John C. Hoyle,

Acting Secretary of the Commission.

[FR Doc. 94–14544 Filed 6–14–94; 8:45 am]

BILLING CODE 7590–01–P

FEDERAL TRADE COMMISSION

16 CFR Part 423

Request for Comments Concerning Trade Regulation Rule on Care Labeling of Textile Wearing Apparel and Certain Piece Goods

AGENCY: Federal Trade Commission.

ACTION: Request for public comments.

SUMMARY: The Federal Trade Commission (the "Commission") is requesting public comments on its Trade Regulation Rule on Care Labeling of Textile Wearing Apparel and Certain Piece Goods ("the Care Labeling Rule" or "the Rule"). The Commission is requesting comments about the overall costs and benefits of the Rule and its overall regulatory and economic impact as a part of its systematic review of all current Commission regulations and guides. The Commission also is requesting comment on whether the Rule should be modified so as to (1) permit the use of care symbols in lieu of words; (2) revise the requirements for care instructions in order to provide consumers with information about whether a garment can be both washed and dry cleaned; and (3) clarify the "reasonable basis" requirements of the Rule. All interested persons are hereby given notice of the opportunity to submit written data, views and arguments concerning this proposal.

DATES: Written comments will be accepted until August 15, 1994.

ADDRESSES: Comments should be directed to: Secretary, Federal Trade Commission, room H–159, Sixth and Pennsylvania Ave., NW., Washington, DC 20580. Comments about the Care Labeling Rule should be identified as "16 CFR Part 423—Comment."

FOR FURTHER INFORMATION CONTACT: Constance M. Vecellio, Attorney, Federal Trade Commission, Washington, DC 20580, (202) 326–2966.

SUPPLEMENTARY INFORMATION: The Commission has determined, as part of its oversight responsibilities, to review Rules and guides periodically. These reviews will seek information about the costs and benefits of the Commission's Rules and guides and their regulatory and economic impact. The information obtained will assist the Commission in identifying Rules and guides that warrant modification or rescission.

The Commission is also seeking comment on several issues specific to the Care Labeling Rule. The North American Free Trade Agreement (NAFTA) has created industry interest in being permitted to use symbols in lieu of words to provide care instructions, and the Commission seeks comment on the costs and benefits of such a change. In addition, there is currently interest by the Environmental Protection Agency (EPA) and others in reducing the use of dry cleaning solvents, because some evidence indicates that the solvents may be damaging to the environment. The Care Labeling Rule currently only requires either a washing instruction or a dry cleaning instruction; it does not require both. Thus, some garments that are labeled "dry clean" also may be washable, although the Commission does not know the incidence of such labeling. If the Rule required both washing and dry cleaning instructions for such garments, consumers and professional cleaners could make more informed choices. The Commission seeks comment on the desirability of such a change and, in general, on the extent to which the current Rule is consistent with the goal of reducing the use of dry cleaning solvents. The Commission also seeks comment on whether it is desirable to clarify the "reasonable basis" provision of the Rule. Finally, the Commission seeks comment on the extent to which garments are being sold with incorrect or incomplete care instructions.

A. Background

The Rule was promulgated by the Commission on December 16, 1971, 36 FR 23883 (1971), and amended on May 20, 1983, 48 FR 22733 (1983). The Rule makes it an unfair or deceptive act or practice for manufacturers and importers of textile wearing apparel and certain piece goods to sell these items without attaching care labels stating "what regular care is needed for the ordinary use of the product." (16 CFR 423.6(a) and (b)) The Rule also requires that the manufacturer or importer possess, prior to sale, a reasonable basis for the care instructions. (16 CFR 423.6(c))

B. Issues for Comment

The Care Labeling Rule currently requires that care instructions be stated in "appropriate terms," though it also states that "any appropriate symbols may be used on care labels or care instructions, *in addition to the required appropriate terms* so long as the terms fulfill the requirements of this regulation." 16 CFR 423.2(b) (emphasis added). Although the Rule does not specifically state that the instructions must be in English, they usually are in English. The goal of the North American Free Trade Agreement (NAFTA) is to establish a trade zone in which goods can flow freely between Canada, Mexico, and the United States. However, Canada requires that garments containing instructions in English also contain instructions in French, and Mexico requires that they also contain instructions in Spanish. Members of the textile industry are concerned that care labels in three languages would be too lengthy. Although manufacturers could separately label inventory destined for each of the three countries, this would increase costs and reduce the advantages to be gained from a large free trade zone.

The Commission solicits comment on whether it is desirable to allow the use of symbols in lieu of written language on care labels. However, the Commission recognizes that consumer use and acceptance of symbols may not be feasible without consumer education about the meaning of the symbols, which also would impose costs. Moreover, there are several existing systems of care symbols, and various issues arise concerning what system would be most feasible and appropriate.[1] The Commission requests comment on the costs and benefits of allowing the use of care symbols in lieu of words and of the specific systems of care symbols currently in existence.

Second, the Care Labeling Rule currently only requires either a washing instruction or a dry cleaning instruction; it does not require both. Thus, although garments that are labeled "dry clean" also may be washable, consumers and professional cleaners cannot be certain that items labeled "dry clean" can be washed without damage. If the Rule required both washing and dry cleaning instructions for such garments, consumers would be informed that they have a choice between these cleaning methods.

Perchloroethylene (PCE) is the most commonly used dry cleaning solvent.

[1] *E.g.*, a system developed by the International Association for Textile Care Labeling ("Ginetex") and adopted by the International Standards Organization as International Standard 3758; system developed by the American Society for Testing and Materials (ASTM) and designated as ASTM D5489 Guide to Care Symbols for Care Instructions on Consumer Textile Products. Some of the symbols in the Ginetex system are trademarked. One issue to be resolved is what payment, if any, United States companies would have to make if the Commission were to approve the Ginetex system for use in the United States and what payment, if any, United States companies would have to make if they exported goods with these symbols to European countries. The ASTM system uses the same basic symbols as the Ginetex system but provides more detail. (For example, the ASTM system provides a symbol for non-chlorine bleach, while the Ginetex system does not.) However, because some of the basic symbols used in the ASTM system are trademarked by Ginetex, United States companies may not be able to export goods using these symbols to certain European countries.

PCE has been designated as a hazardous air pollutant under section 112 of the Clean Air Act and under many state air toxics regulations. On September 15, 1993, the EPA set national emission standards for new and existing dry cleaning facilities using PCE. EPA's Office of Pollution Prevention and Toxics has been working with the dry cleaning industry to reduce exposure to PCE. As part of this process, EPA has published a summary of a process referred to as "Multiprocess Wet Cleaning." In this summary, EPA stated that it has "formed a partnership with the dry cleaning industry to compare the costs and performance of a potential alternative cleaning process that relies on the controlled application of heat, steam and natural soaps to clean clothes that are typically dry cleaned."[2]

Amendment of the Care Labeling Rule to require that care instructions state both whether a garment can be washed as well as whether it can be dry cleaned might enable both consumers and professional cleaners to choose options that would reduce risks to the environment. The Commission does not know the extent to which such labeling currently occurs. However, such a change might impose increased costs on manufacturers and importers. The Commission solicits comment on whether it is desirable to require that care instructions be provided for both washing and dry cleaning on garments where either method is appropriate.

Finally, the Commission solicits comment on the reasonable basis requirement of the Rule. The Rule now says that a reasonable basis can consist of "(1) Reliable evidence that the product was not harmed when cleaned reasonably often according to the instructions * * * (2) Reliable evidence that the product or a fair sample of the product was harmed when cleaned by methods warned against on the label * * *. (3) Reliable evidence, like that described in paragraph (c)(1) or (2) of this section, for each component part * * * (4) Reliable evidence that the product or a fair sample of the product was successfully tested * * *; (5) Reliable evidence of current technical literature, past experience, or the industry expertise supporting the care information on the label; or (6) Other reliable evidence." 16 CFR 423.6(c). The intent of this provision is to make clear that a variety of types of evidence, alone or in combination, might provide a reasonable basis in specific instances.[3] At the same time, however, the Statement of Basis and Purpose to the Care Labeling Rule does not indicate that this provision is meant to suggest that a seller will be deemed to possess a reasonable basis whenever it possesses evidence of any one type of basis. In some instances, testing of garments may be the only acceptable basis, for example. This must be determined case-by-case, just as the minimum "reasonable basis" in advertising substantiation cases must be determined case-by-case.[4]

Accordingly, the Commission solicits comment on whether it is desirable to change the Rule itself to clarify that the criteria used to determine the level of substantiation required under the FTC Policy Statement on Advertising Substantiation are applicable in the care labeling context as well.[5] The Commission also solicits comment on whether the definition of a "reasonable basis" in the Rule should be changed to provide members of the industry with additional guidance about the level of substantiation required in specific circumstances. In particular, the Commission solicits comment on whether the existing Rule needs to be clarified to indicate that in certain circumstances test results may be the only way to establish a reasonable basis for care instructions because of the peculiarity of some components of the garment or because reliable expert testimony states that such tests are necessary.

C. Request for Comment

At this time, the Commission solicits written public comments on the following questions:

(1) Is there a continuing need for the Rule?

(a) What benefits has the Rule provided to purchasers of the products or services affected by the Rule?

(b) Has the Rule imposed costs on purchasers?

(2) What changes, if any, should be made to the Rule to increase the benefits of the Rule to purchasers?

(a) How would these changes affect the costs the Rule imposes on firms subject to its requirements?

(3) What significant burdens or costs, including costs of compliance, has the Rule imposed on firms subject to its requirements?

(a) Has the Rule provided benefits to such firms?

(4) What changes, if any, should be made to the Rule to reduce the burdens or costs imposed on firms subject to its requirements?

(a) How would these changes affect the benefits provided by the Rule?

(5) Does the Rule overlap or conflict with other federal, state, or local laws or regulations?

(6) Since the Rule was issued, what effects, if any, have changes in relevant technology or economic conditions had on the Rule?

(7) Should the Commission amend the Rule to allow care symbols to be used in lieu of language in care instructions? If so, is there an existing set of care symbols that would provide all or most of the information required by the current Rule? What are the advantages and disadvantages of the existing systems of care symbols?

(a) In particular, what are the advantages and disadvantages of the system of care symbols developed by the International Association for Textile Care Labeling ("Ginetex") and adopted by the International Standards Organization as International Standard 3758?

(b) What are the advantages and disadvantages of the system of care symbols developed by the American Society for Testing and Materials (ASTM) and designated as ASTM D5489 Guide to Care Symbols for Care Instructions on Consumer Textile Products?

(8) Does the current Rule pose an impediment to the EPA's goal of reducing the use of dry cleaning solvents? What is the actual incidence of labeling that fails to include both washing and dry cleaning instructions? With regard to a garment that can be

---

[2] EPA Document 744–R–93–004, "Multiprocess Wet Cleaning: Cost and Performance Comparison of Conventional Dry Cleaning and an Alternative Process," Executive Summary, pp. ES–i and ES–ii.

[3] In the Statement of Basis and Purpose accompanying the publication of the amended Rule on May 20, 1983, the Commission indicated that it viewed the reasonable basis requirement for care labeling claims to be the same as the reasonable basis requirement for any claim. It described the reasonable basis requirement as "implicit but not directly stated" in the original rule. 48 FR 22736. It also stated that it believed that an explicit reasonable basis requirement "may benefit consumers to the extent that manufacturers are not already aware of their obligation to have a reasonable basis for care instructions." 48 FR 22740. The Commission also stated that the enumeration in the amended Rule of types of evidence that can constitute a reasonable basis would "enable manufacturers to adopt *efficient, as well as effective* methods of obtaining a reasonable basis for care instructions." *Id.* (Emphasis added.)

[4] In the *FTC Policy Statement Regarding Advertising Substantiation*, 104 F.T.C. 839 (1984), the Commission set forth criteria to consider in establishing the minimum required basis for objective advertising claims, where no specific basis was stated or implied: "These factors include: The type of claim, the product, the consequences of a false claim, the benefits of a truthful claim, the cost of developing substantiation for the claim, and the amount of substantiation experts in the field believe is reasonable." 104 F.T.C. at 840.

[5] See 48 FR 22733, 22737 (May 20, 1983).

either washed or dry cleaned, should the Commission amend the Rule to require that care instructions be provided for both washing and dry cleaning? What are the costs and benefits, including environmental benefits, of such an amendment?

(9) Should the Commission amend the Rule to specify under what conditions a manufacturer or importer must possess a particular type of basis among those listed in § 423.6(c) of the Rule, such as test results? Should the "reasonable basis" requirements of the Rule be modified in any other way?

(10) Are there garments in the marketplace that contain inaccurate or incomplete care instructions?

(a) To what extent is this a problem with respect to washing instructions?

(b) To what extent is this a problem with respect to dry cleaning instructions?

(c) To what extent are there problems with respect to shrinkage?

(d) To what extent are there problems with respect to colorfastness?

(e) Are there any other significant problems that occur because of inaccurate or incomplete care label instructions?

List of Subjects in 16 CFR Part 423

Care labeling of textile wearing apparel and certain piece goods; Trade practices.

Authority: 15 U.S.C. 41–58.

By direction of the Commission.

Donald S. Clark,

Secretary.

[FR Doc. 94–14523 Filed 6–14–94; 8:45 am]

BILLING CODE 6750–01–P

CONSUMER PRODUCT SAFETY COMMISSION

16 CFR Part 1640

Upholstered Furniture; Advance Notice of Proposed Rulemaking; Request for Comments and Information

AGENCY: Consumer Product Safety Commission.

ACTION: Advance notice of proposed rulemaking.

SUMMARY: Based on currently available information, the Commission finds that a new flammability standard or other regulation may be needed for products of upholstered furniture and for fabrics and related materials used in, or intended for use in, upholstered furniture, to protect the public against the unreasonable risk of fire leading to death, personal injury, or significant property damage. The specific risk of fire is from the ignition of upholstered furniture from small open-flame sources.

This advance notice of proposed rulemaking ("ANPR") initiates a rulemaking proceeding under the authority of the Flammable Fabrics Act ("FFA"). One result of the proceeding could be the promulgation of a standard or other regulation mandating performance and/or labeling requirements for these products. Another possible outcome could be a voluntary standard that adequately addresses the identified risk of injury.

The Commission solicits written comments from interested persons concerning the risk of injury and death associated with the ignition of upholstered furniture from small open flames, data on small open-flame testing of upholstered furniture, the regulatory alternatives discussed in this notice, other possible means to address these risks, and the economic impacts of the various regulatory alternatives. The Commission also invites interested persons to submit an existing standard, or a statement of intent to modify or develop a voluntary standard, to address the risk of injury described in this notice.

DATES: Written comments and submissions in response to this notice must be received by the Commission by August 15, 1994.

ADDRESSES: Comments should be mailed, preferably in five (5) copies, to the Office of the Secretary, Consumer Product Safety Commission, Washington, DC 20207–0001, or delivered to the Office of the Secretary, Consumer Product Safety Commission, room 502, 4330 East West Highway, Bethesda, Maryland 20814; telephone (301) 504–0800.

FOR FURTHER INFORMATION CONTACT: Dale R. Ray, Directorate for Economic Analysis, Consumer Product Safety Commission, Washington, DC 20207; telephone (301) 504–0962, ext. 1323.

SUPPLEMENTARY INFORMATION:

A. Background

1. *The Petition.* In 1993, the National Association of State Fire Marshals ("NASFM") petitioned the Commission (Petition FP 93–1) to issue a flammability standard for upholstered furniture incorporating the requirements of three standards now in effect in the State of California. Specifically, the petition urged the Commission to issue a flammability standard incorporating the requirements of Technical Bulletins 116, 117, and 133, issued by the Bureau of Home Furnishings and Thermal Insulation of the State of California.

These standards specify tests to measure the (a) resistance of components of upholstered furniture to ignition by small open-flame sources and cigarettes; (b) resistance of finished items of upholstered furniture to ignition by cigarettes; and (c) resistance of finished items of furniture to ignition from large open-flame sources. The California standards also contain labeling requirements.

In support of the petition, NASFM provided information about deaths and injuries from fires involving upholstered furniture in California and in the rest of the United States. The petition asserted that although deaths and injuries from fires involving upholstered furniture in the United States declined appreciably from 1980 through 1989, during the same period the numbers of deaths and injuries from upholstered furniture fires declined at a much faster rate in California.

The petitioner provided data showing that the rate of fire deaths associated with upholstered furniture in the United States, excluding California, decreased from 4.97 per million people in 1980 to 3.04 per million in 1989, a decline of 39 percent. By comparison, in 1980 the rate of fire deaths associated with upholstered furniture in California was 1.14 per million people and in 1989 it was 0.41 per million, a decline of 64 percent.

The Commission published a notice in the **Federal Register** on August 9, 1993 (58 FR 42301), announcing that the submission from NASFM had been docketed as a petition and soliciting written comments on the petition from all interested parties. Seventy-two comments were received in response to that notice. The Commission staff prepared a briefing package on the petition discussing information relevant to the decision to grant or deny the petition. The briefing package, dated April 8, 1994, contains a discussion of the comments received and other relevant information. It is available upon request from the Office of the Secretary of the Commission. The staff presented an oral briefing to the Commission on the petition on May 3, 1994.

2. *Commission Action.* At a decision meeting on May 12, 1994, the Commission voted 2–1 to grant that part of the petition requesting development of a flammability standard to address risks of death, injury, and property damage from small open-flame ignition of upholstered furniture.[1] The Commission also voted (unanimously) (i) to defer action on that part of the

[1] Commissioner Gall dissented from this vote.

petition requesting development of a flammability standard addressing risks of death, injury, and property damage from cigarette ignition of upholstered furniture, and (ii) to direct the staff to conduct an additional, limited investigation of the cigarette ignition issue. Finally, the Commission voted 2–1 to deny that portion of the petition requesting development of a flammability standard to address risks of death, injury, and property damage from large open-flame ignition of upholstered furniture.[2]

The information presently available to the Commission demonstrates that in 1991 approximately 150 deaths, 580 injuries, and $66 million in property losses resulted from the ignition of upholstered furniture by small open flames. Although the upholstered furniture industry has implemented a voluntary program to improve the resistance of upholstered furniture to ignition by cigarettes, that program has no provisions to address risks of small open-flame ignition.

The State of California enforces mandatory requirements for upholstered furniture components. These requirements are intended to improve resistance of upholstered furniture to ignition by small open-flame sources. Information available to the Commission indicates that almost all of the furniture produced for sale in California meets that State's mandatory requirements to address risks of small open-flame ignition of upholstered furniture. This information suggests that a Federal standard to address those risks may be effective and technologically and economically practicable.

As noted, the Commission unanimously voted to defer a decision on the part of the petition dealing with cigarette ignition of upholstered furniture. Despite a significant number of reported incidents, since 1980, deaths associated with upholstered furniture fires ignited by cigarettes have declined by almost 60 per cent. As noted above, the upholstered furniture industry has implemented a voluntary plan to improve resistance of upholstered furniture to cigarette ignition. However, the Commission has not assessed the resistance of currently-produced upholstered furniture to cigarette ignition or determined the extent to which upholstered furniture conforms to the industry voluntary program.

If most currently manufactured upholstered furniture resists cigarette ignition, the benefits to be derived from issuing mandatory requirements to address that risk may be small. However, if a large proportion of currently manufactured upholstered furniture can be ignited by a smoldering cigarette, a mandatory standard to address that risk may be needed.

For these reasons, the Commission decided to defer a decision on that portion of the petition requesting development of a mandatory standard to address risks of death, injury, and property damage associated with upholstered furniture ignited by cigarettes until the staff obtains certain additional information. This may include the extent to which currently manufactured upholstered furniture resists cigarette ignition and conforms to the industry's voluntary plan.

After examining all available information about deaths, injuries, and property losses associated with fires resulting from ignition of upholstered furniture, the Commission voted to deny that portion of the petition requesting development of a flammability standard to address risks of death, injury, and property damage associated with ignition of upholstered furniture by large open-flame sources. The State of California enforces a flammability standard to address risks of large open-flame ignition of upholstered furniture used in public occupancies without automatic sprinkler systems. However, that standard does not apply to furniture intended for residential use. Therefore, the Commission has no specific information about the extent to which a Federal flammability standard similar to the California large open-flame requirements could be expected to reduce deaths, injuries, or property damage from residential fires originating with ignition of upholstered furniture by a large open-flame source.

The Commission also considered information indicating that if the California requirements intended to address large open-flame ignition of upholstered furniture were applicable to all residential furniture sold in the United States, the total annual cost of compliance could exceed $2 billion, and could add an estimated $75 to the average price of items of upholstered furniture.

In view of the absence of information indicating the likelihood of a substantial reduction in deaths, injury, and property damage from large open-flame ignition of upholstered furniture, and estimates of substantial costs resulting from the imposition of requirements to address risks from upholstered furniture fires ignited by large open-flame sources, the Commission decided to deny that portion of the petition requesting issuance of a standard to address those risks.

[2] Chairman Brown dissented from this vote.

B. Statutory Authority

This proceeding is conducted under provisions of the FFA, 15 U.S.C. 1191–1204. An item of upholstered furniture is a "product" of "interior furnishing" as those terms are defined in sections 2(e) and (h) of the FFA. 15 U.S.C. 1191(e) and (h). The Commission has authority under section 4(a) of the FFA to issue a "flammability standard or other regulation, including labeling," for a product of interior furnishing if the Commission determines that such a standard "is needed to adequately protect the public against unreasonable risk of the occurrence of fire leading to death or personal injury, or significant property damage." 15 U.S.C. 1193(a).

A proceeding to promulgate a regulation establishing a flammability standard for upholstered furniture begins by publication of this advance notice of proposed rulemaking as provided in section 4(g) of the FFA. 15 U.S.C 1193(g). If the Commission decides to continue the rulemaking proceeding after considering responses to the ANPR, the Commission must publish the text of the proposed rule, along with a preliminary regulatory analysis, in accordance with section 4(i) of the FFA. 15 U.S.C. 1193(i).

If the Commission then wishes to issue a final rule, it must publish the text of the final rule and a final regulatory analysis that includes the elements stated in section 4(j)(1) of the FFA. 15 U.S.C. 1193(j)(1). Before the Commission may issue a final regulation, it must make findings concerning voluntary standards, the relationship of the costs and benefits of the rule, and the burden imposed by the regulation. FFA section 4(j)(2), 15 U.S.C. 1193(j)(2).

C. The Product

The items within the scope of this ANPR include: (1) Products of interior furnishing that are used in homes, offices, and other places of assembly and public accommodation that consist in whole or in part of resilient materials (such as polyurethane foam, cotton batting, or related materials) enclosed within a covering consisting of fabric or related materials, and (2) fabric or related materials used or intended for use in the production of upholstered furniture.

D. The Upholstered Furniture Industry

The Commission estimates that there are over 1,000 manufacturers, and a small number of importers, of upholstered furniture in the United States, accounting for an estimated 25–30 million pieces shipped annually.

Shipments are concentrated among the major producers; the 50 largest firms reportedly account for over half of all upholstered furniture sales. Most of the remaining manufacturers are small firms, none of which accounts for a significant proportion of sales.

E. Risks of Injury and Death

In 1991, about 16,600 residential fires involving ignition of upholstered furniture resulted in 700 deaths, over 2,000 injuries and nearly $300 million in property damage in the United States. Two-thirds (470) of the deaths and more than half (1,160) of the injuries resulted from smoldering-ignition smoking fires; about one-fifth (150) of the deaths and one-fourth (580) of the injuries resulted from open-flame-ignition fires (often identified as involving matches and lighters). Nearly half ($137 million) of the property damage was from smoking fires; about one-fifth ($66 million) was from open-flame fires. The total annual societal cost of upholstered furniture fire losses is estimated at about $2 billion, including about $1.25 billion from smoking fires and nearly $0.5 billion from open-flame fires.

Since 1980, total furniture fire deaths in the United States declined by slightly over half. Smoking fire deaths declined by 59 percent, while open-flame fire deaths declined by 25 percent. Injuries and property damage also declined by 34 and 28 percent, respectively.

A number of factors probably contributed to the decrease in furniture fire losses over time. These factors may include the use of more ignition-resistant fabrics and filling materials (due in part to or accelerated by the adoption of voluntary and mandatory safety standards); reductions in smoking, and accompanying reductions in the use of small open-flame sources (e.g., lighters and matches); improvements in fire fighting methods, response times, and equipment; and increases in the use of smoke detectors and sprinklers.

The above data indicate that the injury, death, and property losses attributable to both cigarette-ignition and open-flame-ignition of upholstered furniture remain very large. Although significant reductions in fire losses associated with ignition of upholstered furniture have occurred in recent years, particularly in the area of cigarette-ignition, the opportunity to achieve substantial, further reductions remains. While this proceeding is limited to risks from open-flame ignitions, the Commission can reassess the scope of its inquiry if it determines that further action may be warranted.

F. Existing Standards

The Commission is aware of some existing standards that may be relevant to this proceeding. These standards are described below.

1. *California standards.* The Bureau of Home Furnishings & Thermal Insulation in California's Department of Consumer Affairs began developing upholstered furniture and mattress flammability standards in the early 1970's, at approximately the same time as federal government efforts were initiated. Three standards—Technical Bulletins 116, 117, and 133—apply to upholstered furniture offered for sale in California. These standards contain labeling requirements and performance tests to measure the resistance to cigarette and open-flame ignition of components (TB–117) and finished items (TB–116 for cigarettes and TB–133 for open flames). TB–117 is mandatory for all upholstered furniture offered for sale in California; TB–116 is a voluntary standard routinely used for compliance screening tests; and TB–133 is mandatory only for items of upholstered furniture intended for use in public occupancies (excluding residences) not protected by automatic sprinklers.

This proceeding is limited to small open-flame ignitions. Thus, it does not cover TB–116 or TB–133, which apply respectively to cigarette ignition and large open flames. The standard relevant to this proceeding, TB–117, measures flammability performance by char length, flame spread, or weight loss, when a lit cigarette or a small open flame is applied to test surfaces of filling components. Under TB–117, upholstery fabrics must also meet the flaming ignition requirements of the CPSC's general wearing apparel regulations, which are codified at 16 CFR part 1610. (Virtually all upholstery materials comply with this provision.) Fire retardant-treated foam—so-called "California Foam"—is used to meet TB–117. There is no California standard for small open flames incorporating a composite test for finished items or full-scale mockups.

2. *Other Standards.* The Upholstered Furniture Action Council ("UFAC") adopted, in 1978, a Voluntary Action Program and voluntary test method, which incorporates cigarette ignition tests for furniture components. In addition, ASTM, Inc.—formerly the American Society for Testing & Materials—and the National Fire Protection Association ("NFPA") have adopted elements of a previously-developed draft CPSC standard and the UFAC cigarette ignition test methods. Neither organization, however, has adopted standards for small open-flame ignitions, the subject of this ANPR.

Other existing standards include those promulgated in 1988 by the British government, known as the "Furniture and Furnishings (Fire) (Safety) Regulations 1988 (Amended 1989)." These regulations supplemented a 1980 cigarette ignition regulation by adding a series of open-flame performance requirements. In addition, the regulations essentially banned all polyurethane foams—other than highly ignition-resistant "combustion-modified" foams—for use as filling materials in residential upholstered furniture. The regulations apply to most used upholstered furniture manufactured after 1950 as well as to new items.

G. Regulatory Alternatives Under Consideration

The Commission will consider the following alternatives to reduce the number of injuries and deaths and the amount of property damage from fires associated with small open-flame ignition of upholstered furniture.

1. *Flammability Standard.* If the Commission finds that a standard is needed to adequately protect the public against an unreasonable risk of the occurrence of fire leading to death, injury, or significant property damage, it may promulgate a flammability standard. Any such standard would be stated in objective terms that are reasonable, technologically practicable, and appropriate. It would also be limited to such fabrics, related materials, or products which have been determined to present the unreasonable risk found to exist.

2. *Labeling Regulation.* Either separately or as part of a flammability standard, the Commission may consider issuance of a labeling regulation as part of this proceeding.

3. *Voluntary standards.* The Commission could terminate this proceeding and rely upon a voluntary standard submitted in response to this notice if the standard would likely result in the elimination or adequate reduction of the risk of injury identified in the notice, and if there would likely be substantial compliance with such standard.

H. Solicitation of Information and Comments

Based on information currently available to the Commission from investigations, research, and other sources, the Commission, in accordance with section 4(a) of the FFA, 15 U.S.C. 1193(a), finds that a new flammability standard, or other regulation, may be

needed for products of upholstered furniture made from fabrics and related materials, and for fabrics and related materials used in, or intended for use in upholstered furniture, to protect the public against the unreasonable risk of the occurrence of fire leading to death, personal injury, or significant property damage. The specific risk of the occurrence of fire is from the ignition of upholstered furniture from small open-flame sources.

This ANPR is the first step of a proceeding which could result in a mandatory flammability standard and/or labeling regulation, or a voluntary standard, for upholstered furniture that presents an unreasonable risk of the occurrence of fire leading to death or personal injury or significant property damage. To assist the Commission in reaching an informed decision in this matter, the Commission invites all interested persons to submit to the Commission their comments on any aspect of the alternatives discussed above. Specifically, in accordance with section 4(g) of the FFA, the Commission solicits:

(1) Written comments with respect to the risk of injury identified by the Commission, the regulatory alternatives being considered (including the potential effectiveness and economic impacts of such alternatives), and other possible alternatives for addressing the risk.

(2) Any existing standard or portion of a standard which could be issued as a proposed regulation.

(3) A statement of intention to modify or develop a voluntary standard to address the risk of injury discussed in this notice, along with a description of a plan to do so.

In addition, the Commission would like to receive from interested parties data on open-flame ignition tests of upholstered furniture.

Comments should be mailed, preferably in five (5) copies, to the Office of the Secretary, Consumer Product Safety Commission, Washington, D.C. 20207–0001, or delivered to the Office of the Secretary, Consumer Product Safety Commission, Room 502, 4330 East West Highway, Bethesda, Maryland 20814–4408; telephone (301) 504–0800. All comments and submissions should be received no later than August 15, 1994.

Dated: June 9, 1994.

Sadye E. Dunn,

Secretary, Consumer Product Safety Commission.

[FR Doc. 94–14573 Filed 6–14–94; 8:45 am]

BILLING CODE 6355–01–P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

21 CFR Part 1301

Exemption of Agents and Employees; Affiliated Practitioners

AGENCY: Drug Enforcement Administration (DEA), Justice.

ACTION: Proposed rule.

SUMMARY: DEA proposes to amend the language under title 21, Code of Federal Regulations (21 CFR) regarding the exemption of agents and employees from the requirement for individual registration when administering, dispensing, or prescribing controlled substances in the course of their official duties or business. The amendments will make the exemption granted to agents and employees of a registrant more consistent with the recent regulatory changes involving Mid-Level Practitioners (MLP) and the fee exemption for practitioners employed by Federal, state and local government hospitals or other institutions.

DATES: Written comments or objections must be received on or before August 15, 1994.

ADDRESSES: Comments and objections should be submitted in quintuplicate to the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration, Washington, DC 20537, Attention: DEA Federal Register Representative/CCR.

FOR FURTHER INFORMATION CONTACT: G. Thomas Gitchel, Chief, Liaison and Policy Section, Office of Diversion Control, Drug Enforcement Administration, Washington, DC 20537, Telephone (202) 307–7297.

SUPPLEMENTARY INFORMATION: DEA is proposing to amend the language under 21 CFR, § 1301.24 regarding the circumstances under which agents or employees of a DEA registrant may administer, dispense, or prescribe controlled substances in the course of their official duties or business without being required to obtain an individual registration. Specifically, § 1301.24(b) is proposed to be amended to allow that an individual practitioner who acts as an agent or employee of another individual practitioner, other than a mid-level practitioner (MLP), may administer and dispense (other than by prescription) controlled substances in the normal course of his/her official duties or business under the registration of the employer or principal practitioner.

Section 1301.24(c) is proposed to be amended to allow an individual practitioner who is an agent or employee of a hospital or other institution to administer, dispense, or prescribe controlled substances under the registration of the hospital or other institution in lieu of becoming individually registered. The provisions outlined under § 1301.24(c)(1) through (c)(6) set forth the procedures under which an individual practitioner could prescribe utilizing the hospital or other institution's registration number.

These changes are being proposed to make the circumstances under which agents or employees of a DEA registrant may administer, dispense, or prescribe controlled substances more consistent with recent developments with respect to MLPs and Federal, state or local government practitioners. During and immediately following the development of regulatory revisions concerning MLPs and persons exempt from the registration or reregistration application fees, DEA received a number of comments and questions from both individual practitioners and associations regarding the exemption of agents and employees of other DEA registrants. The comments and questions made it apparent that the current language in § 1301.24 is not entirely consistent with the intent of the new developments. The proposed revisions to § 1301.24 will allow that, (1) an individual practitioner who acts as an agent or employee of another individual registered practitioner (other than an MLP) may administer or dispense controlled substances, to the extent authorized under the laws of the jurisdiction in which he or she practices, under the registration of the principal practitioner, in lieu of being registered him/himself; and (2) an individual practitioner who is an agent or employee of a hospital or other institution which is registered with DEA may administer, dispense, or prescribe controlled substances under the registration of the hospital or other institution in lieu of being registered individually, provided that the requirements regarding prescribing as set forth in § 1301.24(c)(1) through (c)(6) are complied with.

The Deputy Assistant Administrator, Office of Diversion Control, hereby certifies that this proposed rulemaking will have no significant impact upon entities whose interests must be considered under the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.* This proposed rule expands an existing regulatory provision to accommodate recent changes regarding MLPs and government practitioners. This proposed rule is not a significant regulatory action and therefore has not

been reviewed by the Office of Management and Budget pursuant to Executive Order 12866.

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

List of Subjects in 21 CFR Part 1301

Administrative practice and procedure, Drug Enforcement Administration, Drug Traffic Control, Security measures.

For reasons set out above, it is proposed that 21 CFR part 1301 be amended as follows:

PART 1301—[AMENDED]

1. The authority citation for part 1301 continues to read as follows:

Authority: 21 U.S.C. 821, 822, 823, 824, 871(b), 875, 877.

2. Section 1301.24 is proposed to be amended by revising paragraphs (b), (c) introductory text and (c)(5) to read as follows:

§ 1301.24 Exemption of agents and employees; affiliated practitioners.

* * * * *

(b) An individual practitioner, as defined in § 1304.02 of this chapter, who is an agent or employee of another individual practitioner (other than a mid-level practitioner) registered to dispense controlled substances may, when acting in the normal course of business or employment, administer or dispense (other than by issuance of prescription) controlled substances if and to the extent that such individual practitioner is authorized or permitted to do so by the jurisdiction in which he or she practices, under the registration of the employer or principal practitioner in lieu of being registered him/herself.

(c) An individual practitioner, as defined in Section 1304.02 of this chapter, who is an agent or employee of a hospital or other institution may, when acting in the normal course of business or employment, administer, dispense, or prescribe controlled substances under the registration of the hospital or other institution which is registered in lieu of being registered him/herself, provided that:

* * * * *

(5) The hospital or other institution authorizes the individual practitioner to dispense or prescribe under the hospital registration and designates a specific internal code number for each individual practioner so authorized. The code number shall consist of numbers, letters, or a combination thereof and shall be a suffix to the institution's DEA registration number, preceded by a hyphen (e.g., AP0123456–10 or AP0123456–A12; and

* * * * *

Dated: June 6, 1994.

Gene R. Haislip,

Deputy Assistant Administrator, Office of Diversion Control.

[FR Doc. 94–14470 Filed 6–14–94; 8:45 am]

BILLING CODE 4410–09–M

POSTAL SERVICE

39 CFR Parts 262 and 266

Conforming Postal Regulations to the Computer Matching and Privacy Protection Act of 1988

AGENCY: Postal Service.

ACTION: Proposed rule.

SUMMARY: The Postal Service proposes to amend its Privacy Act regulations to incorporate changes made by the Computer Matching and Privacy Protection Act of 1988 (Pub. L. 100–503). That Act amended the Privacy Act of 1974 to establish procedures affecting agencies' use of Privacy Act records in performing certain types of computerized matching programs. The proposed rules follow the guidelines issued by the Office of Management and Budget (54 FR 25818, June 19, 1989).

DATES: Comments must be received on or before July 15, 1994.

ADDRESSES: Comments may be mailed or delivered to: Records Office, U.S. Postal Service, 475 L'Enfant Plaza SW., room 8831, Washington, DC 20260–5240. Comments may also be delivered to Room 8831 at the above address between 8:15 a.m. and 4:45 p.m., Monday through Friday. Copies of all written comments will be available for inspection and photocopying during the above hours in Room 8831.

FOR FURTHER INFORMATION CONTACT: Sheila Allen, (202) 268–4869.

SUPPLEMENTARY INFORMATION: The Computer Matching and Privacy Protection Act of 1988 requires an agency to meet certain procedural requirements when using one or more of its Privacy Act systems of records in conducting computer matching programs. Included is the requirement that an agency Data Integrity Board review and approve certain computer matching activities of the agency. The following changes define computer matching under the Act; incorporate some of the Act's procedural requirements, including Federal Register publication, submission of matching proposals to the Postal Service, and execution of matching agreements; and describe the responsibilities and makeup of the USPS Data Integrity Board.

List of Subjects in 39 CFR Parts 262 and 266

Definitions, Privacy, Records and information management.

For the reasons set out in this notice, the Postal Service proposes to amend parts 262 and 266 of Title 39 of the Code of Federal Regulations as follows:

PART 262—RECORDS AND INFORMATION MANAGEMENT

1. The authority citation for part 262 continues to read as follows:

Authority: 39 U.S.C. 401; 5 U.S.C. 552a.

2. Paragraphs (c) and (d) are added to § 262.5 as follows:

§ 262.5 Systems (Privacy).

* * * * *

(c) *Computer matching program.* A "matching program," as defined in the Privacy Act, 5 U.S.C. 552a(a)(8), is subject to the matching provisions of the Act, published guidance of the Office of Management and Budget, and these regulations. The term "matching program" includes any computerized comparison of:

(1) A Postal Service automated system of records with an automated system of records of another Federal agency, or with non-Federal records, for the purpose of:

(i) Establishing or verifying the eligibility of, or continuing compliance with, statutory and regulatory requirements by, applicants for, recipients or beneficiaries of, participants in, or providers of, services with respect to cash or in-kind assistance or payments under Federal benefit programs; or

(ii) Recouping payments or delinquent debts under such Federal benefit programs;

(2) A Postal Service automated personnel or payroll system of records with another automated personnel or payroll system of records of the Postal Service or other Federal Agency or with non-federal records.

(d) *Other computer matching activities.* (1) The following kinds of computer matches are specifically excluded from the term "matching program":

(i) Statistical matches whose purpose is solely to produce aggregate data stripped of personal identifiers.

(ii) Statistical matches whose purpose is in support of any research or statistical project.

(iii) Law enforcement investigative matches whose purpose is to gather evidence against a named person or persons in an existing investigation.

(iv) Tax administration matches.

(v) Routine administrative matches using Federal personnel records, provided that the purpose is not to take any adverse action against an individual.

(vi) Internal matches using only records from Postal Service systems of records, provided that the purpose is not to take any adverse action against any individual.

(vii) Matches performed for security clearance background checks or for foreign counterintelligence.

(2) While these and other matching activities that fall outside the definition of "matching program" are not subject to the matching provisions of the Privacy Act or OMB guidance, other provisions of the Act and of these regulations may be applicable. No matching program or other matching activity may be conducted without the prior approval of the Records Officer.

* * * * *

PART 266—PRIVACY OF INFORMATION

3. The authority citation for part 266 continues to read as follows:

Authority: 39 U.S.C. 401; 5 U.S.C. 552a.

§ 266.2 [Amended]

4. Section 266.2 is amended by removing "and" before "(f)" and the period at the end of the paragraph and adding ", and (g) of the establishment or revision of a computer matching program."

5. Paragraph (d) is added to § 266.3 as follows:

§ 266.3 Responsibility.

* * * * *

(d) *Data Integrity Board*—(1) *Responsibilities.* The Data Integrity Board oversees Postal Service computer matching activities. Its principal function is to review, approve, and maintain all written agreements for use of Postal Service records in matching programs to ensure compliance with the Privacy Act and all relevant statutes, regulations, and guidelines. In addition, the Board annually reviews matching programs and other matching activities in which the Postal Service has participated during the preceding year to determine compliance with applicable laws, regulations, and agreements; compiles a biennial matching report of matching activities; and performs review and advisement functions relating to records accuracy, recordkeeping and disposal practices, and other computer matching activities.

(2) *Composition.* The Privacy Act requires that the senior official responsible for implementation of agency Privacy Act policy and the Inspector General serve on the Board. The Records Officer, as administrator of Postal Service Privacy Act policy, serves as Secretary of the Board and performs the administrative functions of the Board. The Board is composed of these and other members designated by the Postmaster General, as follows:

(i) Vice President/Controller (Chairman).

(ii) Chief Postal Inspector in his or her capacity as Inspector General.

(iii) Vice President, Employee Relations.

(iv) General Counsel.

(v) Records Officer (Secretary).

6. Paragraph (b)(6) is added to § 266.4 as follows:

§ 266.4 Collection and disclosure of information about individuals.

* * * * *

(b) * * *

(6) *Computer matching purposes.* Records from a Postal Service system of records may be disclosed to another agency for the purpose of conducting a computer matching program or other matching activity as defined in paragraphs (c) and (d) of § 262.5, but only after a determination by the Data Integrity Board that the procedural requirements of the Privacy Act, the guidelines issued by the Office of Management and Budget, and these regulations as may be applicable are met. These requirements include:

(i) *Routine use.* Disclosure is made only when permitted as a routine use of the system of records. The USPS Records Officer determines the applicability of a particular routine use and the necessity for adoption of a new routine use.

(ii) *Notice.* Publication of new or revised matching programs in the Federal Register and advance notice to Congress and the Office of Management and Budget must be made pursuant to paragraph (f) of § 266.5.

(iii) *Computer matching agreement.* The participants in a computer matching program must enter into a written agreement specifying the terms under which the matching program is to be conducted (see § 266.10). The Records Officer may require that other matching activities be conducted in accordance with a written agreement.

(iv) *Data Integrity Board approval.* No record from a Postal Service system of records may be disclosed for use in a computer matching program unless the matching agreement has received approval by the Postal Service Data Integrity Board (§ 266.10). Other matching activities may, at the discretion of the Records Officer, be submitted for Board approval.

* * * * *

7. Paragraph (f) is added to § 266.5 as follows:

§ 266.5 Notification.

* * * * *

(f) *Notification of computer matching program.* The Postal Service publishes in the Federal Register and forwards to Congress and the Office of Management and Budget advance notice of its intent to establish, substantially revise, or renew a matching program, unless such notice is published by another participant agency. In those instances in which the Postal Service is the "recipient" agency, as defined in the Act, but another participant agency sponsors and derives the principal benefit from the matching program, the other agency is expected to publish the notice. The notice must be published at least 30 days, and sent to Congress and OMB 40 days, prior to (1) initiation of any matching activity under a new or substantially revised program, or (2) expiration of the existing matching agreement in the case of a renewal of a continuing program.

8. Paragraph (e) is added to § 266.8 as follows:

§ 266.8 Schedule of fees.

* * * * *

(e) The Postal Service may, at its discretion, require reimbursement of its costs as a condition of participation in a computer matching program or activity with another agency. The agency to be charged is notified in writing of the approximate costs before they are incurred. Costs are calculated in accordance with the schedule of fees at § 265.9.

* * * * *

9. Section 266.10 is added as follows:

§ 266.10 Computer matching.

(a) *General.* Any agency or Postal Service component that wishes to use records from a Postal Service automated system of records in a computerized comparison with other postal or non-postal records must submit its proposal to the USPS Records Officer. Computer matching programs as defined in paragraph (c) of § 262.5 must be conducted in accordance with the Privacy Act, implementing guidance issued by the Office of Management and Budget and these regulations. Records

may not be exchanged for a matching program until all procedural requirements of the Act and these regulations have been met. Other matching activities must be conducted in accordance with the Privacy Act and with the approval of the Records Officer. See paragraph (b)(6) of § 266.4.

(b) *Procedure for submission of matching proposals.* A proposal must include information required for the matching agreement discussed in paragraph (d)(1) of this section. The Inspection Service must submit its proposals for matching programs and other matching activities to the USPS Records Officer through:

Independent Counsel, Inspection Service, U.S. Postal Service, 475 L'Enfant Plaza SW., Rm. 3417, Washington DC 20260–2181.

All other matching proposals, whether from postal organizations or other government agencies, must be mailed directly to:

USPS Records Officer, U.S. Postal Service, 475 L'Enfant Plaza SW., Rm. 8831, Washington DC 20260–5240.

(c) *Lead time.* Proposals must be submitted to the USPS Records Officer at least 3 months in advance of the anticipated starting date to allow time to meet Privacy Act publication and review requirements.

(d) *Matching agreements.* The participants in a computer matching program must enter into a written agreement specifying the terms under which the matching program is to be conducted. The Records Officer may require similar written agreements for other matching activities.

(1) *Content.* agreements must specify:

(i) The purpose and legal authority for conducting the matching program;

(ii) The justification for the program and the anticipated results, including, when appropriate, a specific estimate of any savings in terms of expected costs and benefits, in sufficient detail for the Data Integrity Board to make an informed decision;

(iii) A description of the records that are to be matched, including the data elements to be used, the number of records, and the approximate dates of the matching program;

(iv) Procedures for providing notice to individuals who supply information that the information may be subject to verification through computer matching programs;

(v) Procedures for verifying information produced in a matching program and for providing individuals an opportunity to contest the findings in accordance with the requirement that an agency may not take adverse action against an individual as a result of information produced by a matching program until the agency has independently verified the information and provided the individual with due process;

(vi) Procedures for ensuring the administrative, technical, and physical security of the records matched; for the retention and timely destruction of records created by the matching program; and for the use and return or destruction of records used in the program;

(vii) Prohibitions concerning duplication and redisclosure of records exchanged, except where required by law or essential to the conduct of the matching program;

(viii) Assessments of the accuracy of the records to be used in the matching program; and

(ix) A statement that the Comptroller General may have access to all records of the participant agencies in order to monitor compliance with the agreement.

(2) *Approval.* Before the Postal Service may participate in a computer matching program or other computer matching activity that involves both USPS and non-USPS records, the Data Integrity Board must have evaluated the proposed match and approved the terms of the matching agreement. To be effective, the matching agreement must receive approval by each member of the Board. Votes are collected by the USPS Records Officer. Agreements are signed on behalf of the Board by the Chairman. If a matching agreement is disapproved by the Board, any party may appeal the disapproval in writing to the Director, Office of Management and Budget, Washington, DC 20503–0001, within 30 days following the Board's written disapproval.

(3) *Effective dates.* No matching agreement is effective until 40 days after the date on which a copy is sent to Congress. The agreement remains in effect only as long as necessary to accomplish the specific matching purpose, but no longer than 18 months, at which time it expires unless extended. The Data Integrity Board may extend an agreement for one additional year, without further review, if within 3 months prior to expiration of the 18-month period it finds that the matching program is to be conducted without change, and each party to the agreement certifies that the program has been conducted in compliance with the matching agreement. Renewal of a continuing matching program that has run for the full 30-month period requires a new agreement that has received Data Integrity Board approval.

Stanley F. Mires,

Legislative Division.

[FR Doc. 94–14561 Filed 6–14–94; 8:45 am]

BILLING CODE 7710–12–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[WI32–01–5763b; FRL–4892–2]

Approval and Promulgation of Implementation Plan; Wisconsin

AGENCY: Environmental Protection Agency.

ACTION: Proposed rule.

SUMMARY: United States Environmental Protection Agency (USEPA) proposes full approval of Wisconsin's 1990 base year ozone (O_3) emission inventory as a revision to the Wisconsin State Implementation Plan (SIP) for O_3. The inventory was submitted by the State of Wisconsin to satisfy a Federal requirement that those States containing O_3 nonattainment areas (NAAs) classified as marginal to extreme submit inventories of actual O_3 season emissions from all sources in accordance with USEPA guidance. In the final rules section of this **Federal Register**, USEPA is approving the State's SIP revision as a direct final rule without prior proposal, because the Agency views this as a noncontroversial revision amendment and anticipates no adverse comments. A detailed rationale for the approval is set forth in the direct final rule. If no adverse comments are received on this direct final rule, no further activity is contemplated in relation to this proposed rule. If USEPA receives adverse comments, the direct final rule will be withdrawn and all public comments received will be addressed in a subsequent final rule based on this proposed rule. USEPA will not institute a second comment period on this document. Any parties interested in commenting on this document should do so at this time.

DATES: Comments on this proposed rule must be received before July 15, 1994

ADDRESSES: Written comments can be mailed to Carlton T. Nash, Chief, Regulation Development Section, Air Toxics and Radiation Branch (AT–18J), United States Environmental Protection Agency, Region 5, Air and Radiation Division, 77 West Jackson Boulevard, Chicago, Illinois 60604. Copies of the SIP revision and USEPA's analyses are available for inspection at the following

address: (It is recommended that you telephone Charles Hatten at (312) 886–6031 before visiting the Region 5 Office.) United States Environmental Protection Agency, Region 5, Air and Radiation Division, 77 West Jackson Boulevard, Chicago, Illinois 60604.

FOR FURTHER INFORMATION CONTACT: Charles Hatten (312) 886–6031.

SUPPLEMENTARY INFORMATION: See the information provided in the direct final rule which is located in the rules section of this **Federal Register.**

Authority: 42 U.S.C. 7401–7671q.

Dated: May 18, 1994.

Valdas V. Adamkus,

Regional Administrator.

[FR Doc. 94–14534 Filed 6–14–94; 8:45 am]

BILLING CODE 6560–50–P

---

40 CFR Part 52

[MI19–01–5990; FRL–4999–2]

Disapproval of Clean Air Act PM Implementation Plan for Michigan

AGENCY: United States Environmental Protection Agency (USEPA).

ACTION: Notice of proposed rulemaking.

SUMMARY: The USEPA today proposes disapproval of the State Implementation Plan (SIP) submitted by the State of Michigan for the purpose of bringing about the attainment of the National Ambient Air Quality Standards (NAAQS) for particulate matter with an aerodynamic diameter less than or equal to a nominal 10 micrometers (PM), because USEPA finds unapprovable provisions in the consent orders submitted as part of the SIP revision. The implementation plan was submitted by the State to satisfy certain Federal requirements for an approvable nonattainment area PM SIP for Wayne County, Michigan.

DATES: Comments on this proposed action must be received in writing by July 15, 1994.

ADDRESSES: Comments should be addressed to: Carlton T. Nash, Chief, Regulation Development Section, Air Toxics and Radiation Branch (AT–18J), United States Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604–3590.

Copies of the State's submittal and other information are available for inspection during normal business hours at the following location: (It is recommended that you telephone Christos Panos at (312) 353–8328, before visiting the Region 5 office.) United States Environmental Protection Agency, Region 5, Air and Radiation Division, Air Toxics and Radiation Branch, 77 West Jackson Boulevard, Chicago, Illinois 60604–3590.

FOR FURTHER INFORMATION CONTACT: Christos Panos, Environmental Engineer, Regulation Development Section, Air Toxics and Radiation Branch (AT–18J), United States Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604–3590, (312) 353–8328.

SUPPLEMENTARY INFORMATION:

I. Background

Michigan was previously required to modify its particulate matter SIP by the Clean Air Act Amendments of 1977. On May 22, 1981 (46 FR 27923), USEPA conditionally approved portions of Michigan's part D Total Suspended Particulates (TSP) SIP. In response to USEPA's conditional approval the Michigan Department of Natural Resources (MDNR) submitted on May 17, 1985 revised rules, which were effective at the State level on February 22, 1985 to control TSP from iron and steel sources and from other sources in the State.

On August 7, 1987 (52 FR 29383), USEPA categorized areas of the Nation into three groups based on the likelihood that protection of the PM NAAQS would require revision of the existing SIP. The USEPA identified the entire Wayne County, Michigan area as a PM "Group I" area of concern, i.e., an area with a strong likelihood of violating the PM NAAQS and requiring substantial SIP revision. This Group I area was reduced in size on October 31, 1990 and was subsequently designated nonattainment for PM (55 FR 45799), and classified as moderate under sections 107(d)(4)(B) and 188(a) of the Clean Air Act, upon enactment of the Clean Air Act Amendments of 1990.[1] See 56 FR 56694 (November 6, 1991).

On June 11, 1992 (57 FR 24752), USEPA published a final rule which approved certain sections of the State's May 17, 1985 submittal, because the submittal represented an overall strengthening of the existing Michigan SIP and would contribute to general improvement of ambient air quality statewide, and disapproved other sections.

The amended Act required moderate PM nonattainment area SIP submittals by November 15, 1991. On November 19, 1991 USEPA received revisions to the Michigan SIP for the Wayne County PM nonattainment area. The USEPA reviewed the submittal for completeness and found the submittal to be incomplete. The USEPA made a finding pursuant to section 110(k)(1)(C) of the Act that the State failed to submit a complete SIP and notified the Governor in a letter dated December 17, 1991. See 57 FR 19906 (May 8, 1992). The USEPA's finding of incompleteness activated the 18-month clock which could have resulted in the imposition of sanctions pursuant to section 179 of the Act. On June 11, 1993 the State submitted to USEPA new revisions for the Wayne County PM nonattainment area SIP. The submittal was found to be complete pursuant to section 110(k)(1) of the Act and USEPA notified the State accordingly. This completeness determination corrected the State's deficiency under section 179 of the Act and, therefore, discharged the 18-month sanctions clock.

On April 7, 1994 the State submitted to USEPA a SIP revision for the Marblehead Lime Company, River Rouge, Michigan. This submittal supersedes the portion of the June 11, 1993 Wayne County PM nonattainment area SIP submittal applicable to the Marblehead Lime, River Rouge facility.

The air quality planning requirements for moderate PM nonattainment areas are set out in subparts 1 and 4 of title I of the Act.[2] The USEPA has issued a "General Preamble" describing USEPA's preliminary views on how USEPA intends to review SIP's and SIP revisions submitted under title I of the Act, including those State submittals containing moderate PM nonattainment area SIP requirements (see generally 57 FR 13498 (April 16, 1992) and 57 FR 18070 (April 28, 1992)). Because USEPA is describing its interpretations here only in broad terms, the reader should refer to the General Preamble for a more detailed discussion of the interpretations of title I advanced in today's proposal and the supporting rationale. In today's rulemaking action on the Michigan moderate PM SIP, USEPA is proposing to apply its interpretations taking into consideration the specific factual issues presented. Thus, USEPA will consider any timely

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

[2] Subpart 1 contains provisions applicable to nonattainment areas generally and subpart 4 contains provisions specifically applicable to PM–10 nonattainment areas. At times, subpart 1 and subpart 4 overlap or conflict. EPA has attempted to clarify the relationship among these provisions in the "General Preamble" and, as appropriate, in today's notice and supporting information.

submitted comments before taking final action on today's proposal.

Those States containing initial moderate PM nonattainment areas were required to submit, among other things, the following provisions by November 15, 1991:

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

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

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

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

Some provisions were due at a later date. States with initial moderate PM nonattainment areas were required to submit a permit program for the construction and operation of new and modified major stationary sources of PM by June 30, 1992 (see section 189(a)). Such States also were to submit contingency measures by November 15, 1993 which become effective without further action by the State or USEPA, upon a determination by USEPA that the area has failed to achieve RFP or to attain the PM NAAQS by the applicable statutory deadline. See section 172(c)(9) and 57 FR 13543–13544. These provisions will be addressed in separate rulemaking actions.

II. In This Action

Section 110(k) of the Act sets out provisions governing USEPA's review of SIP submittals (see 57 FR 13565–113566). In this action, USEPA is proposing to disapprove the SIP revision submitted by the State of Michigan to USEPA on June 11, 1993 which completed the attainment plan for Wayne County, because it does not meet all of the applicable requirements of the Act. The USEPA will consider any comments submitted during the public comment period before taking final action on today's proposal.

A. Analysis of State Submission

The State's June 11, 1993 submittal consisted primarily of 31 consent orders between the State and PM sources. The air quality dispersion modeling conducted is based upon control measures, limitations, and conditions contained in these orders. The USEPA is proposing to disapprove the State's submittal because USEPA finds unacceptable language in the consent orders submitted for approval into the Michigan SIP. If the State removes the unacceptable language, or replaces it with the previously approved version as detailed below, and submits revised consent orders, the proposed disapproval will be changed to an approval when USEPA takes final action on this submittal.

1. Procedural Background

The Act requires States to observe certain procedural requirements in developing implementation plans and plan revisions for submission to USEPA. Section 110(a)(2) of the Act provides that each implementation plan submitted by a State must be adopted after reasonable notice and public hearing.[3] See also section 110(l) of the Act. The USEPA also must determine whether a submittal is complete and therefore warrants further USEPA review and action (see section 110(k)(1) and 57 FR 13565). The USEPA's completeness criteria for SIP submittals are set out at 40 CFR part 51, appendix V (1991), as amended by 57 FR 42216 (August 26, 1991). The USEPA attempts to make completeness determinations within 60 days of receiving a submission. However, a submittal is deemed complete by operation of law if a completeness determination is not made by USEPA 6 months after receipt of the submission.

The State of Michigan held a public hearing on March 30, 1993 to receive public comment on the implementation plan for the Wayne County nonattainment area. Following the public hearing the plan was adopted by the State and signed by the Governor's designee and submitted to USEPA on June 11, 1993 as a proposed revision to the SIP.

The SIP revision was reviewed by USEPA to determine completeness shortly after its submittal, in accordance with the completeness criteria set out at 40 CFR part 51, appendix V (1991), as amended by 57 FR 42216 (August 26, 1991). The submittal was found to be complete and a letter dated June 30, 1993 was forwarded to the Director, Michigan Department of Natural Resources, indicating the completeness of the submittal and the next steps to be taken in the review process. The State's submittal of a complete SIP stopped the sanctions clock triggered by USEPA's December 17, 1991 finding that Michigan's November 15, 1991 submittal was incomplete. As noted in today's action USEPA proposes to disapprove the Michigan PM SIP submittal for Wayne County.

In addition, the State of Michigan held a public hearing on February 16, 1994 to receive public comment on the implementation plan revision for the Marblehead Lime Company, River Rouge, Michigan. Following the public hearing the plan was adopted by the State and signed by the Governor's designee and submitted to USEPA on April 7, 1994 as a proposed revision to the June 11, 1993 SIP submittal applicable to the Marblehead Lime, River Rouge facility.

2. Emissions Inventory

Section 172(c)(3) of the Act requires that nonattainment plan provisions include a comprehensive, accurate, current inventory of actual emissions from all sources of relevant pollutants in the nonattainment area. The emissions inventory should also include a comprehensive, accurate, and current inventory of allowable emissions in the area. Because the submission of such inventories are necessary to an area's attainment demonstration (or demonstration that the area cannot practicably attain), the emissions inventories must be received with the submission (see 57 FR 13539).

The State provided thorough documentation of its emissions estimates for all sources in the nonattainment area for a 1985 base year. The Wayne County area was shown to include 31 facilities. The allowable emission rates were calculated based on limits contained in Michigan's part 3 Air Pollution Particulate Regulations, limits contained in State permits, and limits contained in State consent orders. Emissions from roadways and other area source types are estimated in accordance with procedures specified in AP–42 and USEPA's guidance document, "Control of Open Fugitive Dust Sources", using inputs that are judged to provide reasonable estimates of these emissions.

[3] Also section 172(c)(7) of the Act requires that plan provisions for nonattainment areas meet the applicable provisions of section 110(a)(2).

The significant sources in the nonattainment area are: (1) Stack sources; (2) process fugitive emissions; and (3) area sources such as roadways and storage piles. The majority of the facilities in the nonattainment area were able to demonstrate attainment of the PM NAAQS with RACT level of control. For facilities where this RACT level of control was insufficient to demonstrate attainment, certain limits were lowered, and various operating conditions were modified to secure enough additional reductions to demonstrate attainment. Refinements to existing fugitive dust plans were made according to the control efficiencies predicted by USEPA's "Open Fugitive Dust Source Computer Model". These emission limits, production limits, and fugitive dust plans are incorporated into the consent orders submitted for approval into the Michigan SIP. For further details see the Technical Support Document (TSD).

The USEPA finds that the emissions inventory generally appears to be accurate and comprehensive, and provides a sufficient basis for determining the adequacy of the attainment demonstration for this area consistent with the requirements of sections 172(c)(3) and 110(a)(2)(K) of the Act.[4]

3. RACM (Including RACT)

As noted, the initial moderate PM nonattainment areas must submit provisions to assure that RACM (including RACT) are implemented no later than December 10, 1993 (see sections 172(c)(1) and 189(a)(1)(C)). The General Preamble contains a detailed discussion of USEPA's interpretation of the RACM (including RACT) requirement (see 57 FR 13539–13545 and 13560–13561).

The USEPA has previously judged that existing TSP regulations applicable to point sources and contained in part 3 of Michigan's Air Pollution Control Commission Rules provide for RACT and have already been incorporated into the Michigan SIP (57 FR 24752, June 11, 1992). The attainment needs of this area are such that additional measures as provided in the current submittal may be considered reasonably available. At the same time, further controls beyond those required in the submittal and necessary for assuring attainment would not be considered reasonable, unless those measures would provide for earlier attainment. (See the General Preamble at 57 FR 13560).

For fugitive dust sources, generic RACT control efficiencies were applied to potential emissions based on whether a facility had, and was implementing, a fugitive dust plan submitted to and approved by the Air Pollution Control Commission[5]. The generic RACT efficiencies and their percent control, as recommended by the Wayne County Air Pollution Control Division, are: unpaved roads and lots, 75 percent; paved roads and lots, 35 percent; and storage piles and storage pile activities, 50 percent.

The USEPA has reviewed the State's explanation and associated documentation and concluded that it adequately justifies the control measures to be implemented. The consent orders in Michigan's submittal provide for compliance by October 1, 1993 and the implementation of the nonattainment plan control strategy will result in the attainment of the PM NAAQS by December 31, 1994, therefore satisfying the requirements of sections 172(c)(1) and 189(a)(1)(C) of the Act.

4. Demonstration of Attainment

As noted, the initial moderate PM nonattainment areas must submit a demonstration (including air quality modeling) showing that the plan will provide for attainment as expeditiously as practicable but no later than December 31, 1994 (See section 189(a)(1)(B) of the Act). Alternatively, the State must show that attainment by December 31, 1994 is impracticable.

The MDNR conducted an attainment demonstration using dispersion modeling for the Wayne County nonattainment area. This demonstration indicates that the NAAQS for PM will be attained by 1994 in Wayne County and maintained in future years. The 24-hour PM NAAQS is 150 micrograms/cubic meter ($\mu g/m^3$), and the standard is attained when the expected number of days per calendar year with a 24-hour average concentration above 150 $\mu g/m^3$ is equal to or less than one. See 40 CFR 50.6. The annual PM NAAQS is 50 $\mu g/m^3$, and the standard is attained when the expected annual arithmetic mean concentration is less than or equal to 50 $\mu g/m^3$. The dispersion modeling in the demonstration predicted 146.3 $\mu g/m^3$ as the 24-hour design concentration, thus demonstrating attainment of the 24-hour PM NAAQS. The dispersion modeling in the demonstration predicted 49.5 $\mu g/m^3$ as the annual design concentration, thus demonstrating attainment of the annual PM NAAQS. The control strategy used to achieve these design concentrations is summarized in the section titled "RACM (including RACT)".

Several factors help assure that the Wayne County nonattainment area will maintain as well as attain the standard. First, a substantial majority of emissions in the area are from industrial sources and were modeled either with maximum allowable emissions (for point sources) or with emissions at the sources' full capacity operation (for area sources). Thus, the only opportunities for growth in the inventory beyond the modeled inventory are new source construction and growth in public area sources. The new source review program assures that new sources will not create violations of the air quality standards. For public area source emissions, the Southeast Michigan Council of Governments (SEMCOG) compiled estimates of daily vehicle miles traveled (VMT) in Wayne County for a 1985 base year. To account for VMT growth in Wayne County, SEMCOG reran their transportation models for the year 2005. The resulting VMT projections were compared to the 1985 base year case and showed a net increase in PM emissions. The increase in emissions, however, has already been accounted for in the attainment demonstration. Michigan's modeling analysis, reflecting emissions in 2005, yielded a design value of 146.3 $\mu g/m^3$. Extrapolating back to 1994 would yield a design value of 146.1 $\mu g/m^3$. Therefore, the State of Michigan has demonstrated maintenance of the air quality standard of 150 $\mu g/m^3$ through the year 2005. See the TSD for a more detailed description of the attainment demonstration and the control strategy used.

5. PM Precursors

The control requirements which are applicable to major stationary sources of PM, also apply to major stationary sources of PM precursors unless USEPA determines such sources do not contribute significantly to PM levels in excess of the NAAQS in that area (see section 189(e) of the Act).

An analysis of air quality and emissions data for the Wayne County nonattainment area indicates that exceedances of the NAAQS are attributable solely to direct PM emissions from stack sources, process fugitive emissions, and area sources such as roadways and storage piles, and not sources of PM precursors. Consequently, USEPA is proposing to find that major sources of precursors of

[4] The EPA issued guidance on PM–10 emissions inventories prior to the enactment of the Clean Air Act Amendments in the form of the 1987 PM–10 SIP Development Guideline. The guidance provided in this document appears to be consistent with the Act.

[5] Michigan eliminated the Air Pollution Control Division in a recent reorganization. MDNR now handles the responsibilities of the former division.

PM do not contribute significantly to PM levels in excess of the NAAQS. The consequences of this finding are to exclude these sources from the applicability of PM nonattainment area control requirements. Note that while USEPA is making a general finding for this area, today's finding is based on the current character of the area including, for example, the existing mix of sources in the area. It is possible, therefore, that future growth could change the significance of precursors in the area. The USEPA intends to issue future guidance addressing such potential changes in the significance of precursor emissions in an area.

6. Quantitative Milestones and Reasonable Further Progress (RFP)

The PM nonattainment area plan revisions demonstrating attainment must contain quantitative milestones which are to be achieved every 3 years until the area is redesignated attainment and which demonstrate RFP, as defined in section 171(1), toward attainment by December 31, 1994 (see section 189(c) of the Act). Reasonable further progress is defined in section 171(1) as such annual incremental reductions in emissions of the relevant air pollutant as are required by part D or may reasonably be required by the Administrator for the purpose of ensuring attainment of the applicable NAAQS by the applicable date.

As discussed in the General Preamble (57 FR 13539), attainment plans for moderate areas which demonstrate attainment by December 31, 1994 will satisfy the initial quantitative milestone requirement. The consent orders included in Michigan's SIP submittal require compliance by October 1, 1993. Given this requirement and the fact that Wayne County demonstrates attainment by 1994, USEPA believes the State's submission clearly satisfies the initial quantitative milestone requirement and demonstrates RFP.

7. Enforceability Issues

Sections 110(a)(2)(A) and 172(c)(6) of the Act, 42 U.S.C. 7410(a)(2)(A) and 7502(c)(6), require that each SIP include emission limitations and other control measures, means or techniques, and schedules or timetables for compliance which are enforceable by the State and by USEPA. See also 57 FR 13556. In addition, States must include in their nonattainment area SIPS a program to provide for the enforcement of the measures described in the SIP. 42 U.S.C. 7410(a)(2)(C). The USEPA criteria addressing the enforceability of SIPs and SIP revisions were provided in a September 23, 1987 memorandum (with attachments) from Craig Potter, Assistant Administrator for Air and Radiation, et al. (see 57 FR 13541).

The State of Michigan identified in its submittal particular control measures for stack sources, process fugitive dust emissions, and area sources such as roadways and storage piles. These control measures are addressed in the section entitled "RACM (including RACT)," above. In its submittal, the State specifies how each control measure or limit is made enforceable. The majority of the control measures are contained in the existing TSP regulations and, therefore, are enforceable as part of the existing Michigan SIP. Some of the control measures and applicable recordkeeping requirements, particularly those dealing with area sources of PM, are contained in the 31 consent orders which the State has requested that USEPA approve as part of the Michigan SIP.

The USEPA finds the consent orders are not approvable as part of the Michigan SIP for two reasons. First, each of the 31 consent orders contains a provision (paragraph 11) which allows for the substitution of "equivalent" particulate and fugitive dust control measures. The consent orders provide that a company subject to an order may revise the control programs contained in the order provided that, among other things, neither MDNR nor USEPA objects to the revision within 45 days of receipt of the proposal. The USEPA finds that this means of modifying the control requirements contained in a consent order, which would also (if approved) become part of the Michigan SIP, is inappropriate because it bypasses the Act's substantive and procedural requirements for SIP revisions. See sections 110(a)(2) and 110(i) of the Act, 42 U.S.C. 7410(a)(2) and 7410(i).[6]

By letter dated October 5, 1992 USEPA Region 5 informed MDNR that it could provide sources some flexibility by revising paragraph 11 to permit use of those measures specifically outlined in USEPA's PM–10 Open Fugitive Dust Source Computer Model Package (EPA–450/3–90–010). More details on this mechanism are provided in the October 5, 1992 letter and USEPA's TSD. In its submission, however, Michigan did not revise the orders to include this suggested approach.

Consistent with the above, if, during the public comment period, MDNR revises paragraph 11 to delete the provision for substitution of "equivalent" measures, this portion of the consent orders may be approved. In the alternative, MDNR may permit the use of the measures identified in the Agency's fugitive dust model, in lieu of the provision for substitution of "equivalent" measures, in accordance with USEPA's October 5, 1992 letter.

In addition, each of the 31 consent orders provides for termination upon the issuance of an operating permit pursuant to title V of the Act (paragraph 12). Each title V operating permit, however, must include all Clean Air Act provisions necessary to assure compliance with the applicable requirements of the Act, including those in the SIP. See 42 U.S.C. 7661c(a). Therefore, the requirements contained in the title V operating permit are to be those substantive requirements applicable under other provisions of the Act, such as the SIP. For that reason, the consent orders must not expire, even following issuance of the operating permits.[7] The TSD contains further information on the enforceability of the consent orders.

8. Ligninsulfonate Dust Suppressant

As stated earlier, MDNR used USEPA's "Open Fugitive Dust Source Computer Model" to determine control efficiencies for various combinations of chemical application rates and treatment frequencies applicable to fugitive dust roadway emissions. The model lists watering or chemical suppressants as two possible control options for unpaved roads. Average efficiency curves were generated for four chemical dust suppressants and, because there was little data available at the time, the program was designed to be very general without any reference to a specific chemical or brand name. The model allows for comparisons between watering and chemicals, and between the chemicals originally considered in the generation of the model, but not for the substitution of suppressants other than the four types originally considered by the model. Ligninsulfonate was not one of the four chemicals originally evaluated by USEPA's model.

[6] It should be noted that USEPA regulations promulgated pursuant to title V of the Act contain provisions under which alternative, equivalent emission limits may be incorporated in a title V permit. See 40 CFR 70.6(a)(iii). However, these provisions are applicable solely in the context of title V permits, and then only if the specific requirements in that rule have been met. The USEPA further notes that Michigan does not presently have a federally approved title V program.

[7] The USEPA would not consider a valid termination of the consent orders included in the SIP to have occurred unless and until: The State issues a title V permit that contains the provisions in the consent order; the State submits to USEPA a SIP revision providing for replacement of the consent order with the substitute permit; and USEPA approves the permit provisions as a SIP revision.

Ligninsulfonate has been utilized as a dust suppressant since the early 1900's in Sweden and its use in this country dates to the 1940's. Only one company in the nonattainment area (Levy, at five locations) currently uses ligninsulfonate for dust suppression. The MDNR investigated the relationship between the control efficiencies for lignin suppressants relative to the ones considered in the computer model to correlate the use of lignins to the use of the original four suppressants. MDNR determined that if lignins are applied at a chemical rate 2.3 times that of the chemicals considered in USEPA's computer model, then the efficiency predicted by the model can be applied to uncontrolled emission rates from unpaved roads being treated with ligninsulfonate given equal treatment frequencies. The USEPA believes that the data that has been submitted by the State of Michigan is comparable to the original data used to determine the control efficiencies of the dust suppressants included in the model, and, therefore, is adequate to technically support the use of ligninsulfonate as an alternative suppressant. See the TSD for further details.

9. Contingency Measures

As provided in section 172(c)(9) of the Act, all moderate nonattainment area SIP's that demonstrate attainment must include contingency measures. See generally 57 FR 13543–13544. These measures should consist of other available measures that are not part of the area's control strategy and must take effect without further action by the State or USEPA, upon a determination by USEPA that the area has failed to make RFP or attain the PM NAAQS by the applicable statutory deadline. As noted, States with initial moderate nonattainment areas were not required to submit the contingency measures required in section 172(c)(9), until November 15, 1993. The USEPA will determine the adequacy of such submittal as appropriate in a separate rulemaking.

III. Implications of This Action

The USEPA is proposing to disapprove in its entirety the SIP revision submitted by the State of Michigan on June 11, 1993 for the Wayne County PM nonattainment area because USEPA finds unapprovable provisions in each of the 31 consent orders submitted as part of the SIP revision. If the State removes the unacceptable language in paragraph 11, or replaces it with the previously approved version mentioned above, and removes paragraph 12 in each of the 31 consent orders, and submits revised consent orders which USEPA finds acceptable, the proposed disapproval would be changed to an approval when USEPA takes final action on this submittal. If finalized, this disapproval would constitute a disapproval under section 179(a)(2) of the Act (see generally 57 FR 13566–13567). As provided under section 179(a) of the Act, the State of Michigan would have up to 18 months after a final SIP disapproval to correct the deficiency that is the subject of the disapproval before USEPA is required to impose either the highway funding sanction or the requirement to provide two-to-one new source review offsets. If the State has not corrected its deficiency within 6 months thereafter, USEPA must impose the second sanction. Any sanction USEPA imposes must remain in place until USEPA determines that the State has come into compliance.

IV. Request for Public Comments

The USEPA is requesting comments on all aspects of today's proposal, including USEPA's proposed decision to impose the two to one new source review offset requirement as the first sanction should USEPA ultimately disapprove this submittal in whole or in part and the State fails to timely remedy the deficiency. As indicated at the outset of this document, USEPA will consider any comments received by July 15, 1994.

V. Executive Order 12866

This action has been classified as a Table 2 action by the Regional Administrator under the procedures published in the **Federal Register** on January 19, 1989 (54 FR 2214–2225), as revised by an October 4, 1993 memorandum from Michael H. Shapiro, Acting Assistant Administrator for Office of Air and Radiation. A future document will inform the general public of these tables. On January 6, 1989 the Office of Management and Budget (OMB) waived Table 2 and 3 SIP revisions (54 FR 2222) from the requirements of section 3 of Executive Order 12291 for 2 years. The USEPA has submitted a request for a permanent waiver for Table 2 and 3 SIP revisions. The OMB has agreed to continue the waiver until such time as it rules on USEPA's request. This request continues in effect under Executive Order 12866 which superseded Executive Order 12291 on September 30, 1993. OMB has exempted this regulatory action from E.O. 12866 review.

VI. Regulatory Flexibility

Under the Regulatory Flexibility Act, 5 U.S.C. 600 *et seq.*, USEPA must prepare a regulatory flexibility analysis assessing the impact of any proposed or final rule on small entities. 5 U.S.C. 603 and 604. Alternatively, USEPA may certify that the rule will not have a significant economic impact on a substantial number of small entities. Small entities include small businesses, small not-for-profit enterprises, and government entities with jurisdiction over populations of less than 50,000.

The USEPA's disapproval of the State request under section 110 and subchapter I, part D of the Act does not affect any existing requirements applicable to small entities. Any pre-existing Federal requirements remain in place after this disapproval. Federal disapproval of the State submittal does not affect its state-enforceability. Moreover, USEPA's disapproval of the submittal does not impose any new Federal requirements. Therefore, USEPA certifies that this disapproval action does not have a significant impact on a substantial number of small entities because it does not impose any new Federal requirements.

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Intergovernmental relations, Particulate matter, Reporting and recordkeeping requirements.

Authority: 42 U.S.C. 7401–7671q.

Dated: June 2, 1994.

Michelle D. Jordan,

Acting Regional Administrator.

[FR Doc. 94–14538 Filed 6–14–94; 8:45 am]

BILLING CODE 6560–50–F

---

40 CFR Part 180

[OPP–300339/FRL–4780–6]

RIN No. 2070–AC18

Definitions and Interpretations; Oriental Radish

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: This document proposes that 40 CFR 180.1(h) be amended to add EPA's interpretation for the application of tolerances and exemptions from the requirement of a tolerance established for pesticide chemicals in or on the raw agricultural commodity oriental radish. The proposed amendment to 40 CFR 180.1(h) is based, in part, on recommendations of the Interregional Research Project No. 4 (IR-4).

DATES: Comments, identified by the document control number [OPP-300339], must be received on or before July 15, 1994.

ADDRESSES: By mail, submit written comments to: Public Response and Program Resources Branch, Field Operations Division (7506C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. In person, bring comments to: rm. 1132, CM #2, 1921 Jefferson Davis Hwy., Arlington, VA 22202.

Information submitted as a comment concerning this notice may be claimed confidential by marking any part or all of that information as "Confidential Business Information" (CBI). Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2. A copy of the comment that does not contain CBI must be submitted for inclusion in the public record. Information not marked confidential may be disclosed publicly by EPA without prior notice. All written comments will be available for public inspection in Rm. 1132 at the address given above, from 8 a.m. to 4 p.m., Monday through Friday, excluding legal holidays.

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

SUPPLEMENTARY INFORMATION: Paragraph (h) of 40 CFR 180.1 provides a listing of general commodity terms and EPA's interpretation of those terms as they apply to tolerances and exemptions from the requirement of a tolerance for pesticide chemicals under section 408 of the Federal Food, Drug, and Cosmetic Act, 21 U.S.C. 346a. General commodities are listed in column A of 40 CFR 180.1(h), and the corresponding specific commodities, for which tolerances and exemptions from the requirement of a tolerance established for the general commodity apply, are listed in column B. The Interregional Research Project No. 4 (IR-4), New Jersey Agricultural Experiment Station, P.O. Box 231, Rutgers University, New Brunswick, NJ 08903, has requested that 40 CFR 180.1(h) be amended to add the commodity term "oriental radish (root and tops)" to the general category of commodities in column A and to add the corresponding specific commodities "*Raphanus sativus* var. *longipinnatus* (root and tops), including Chinese or Japanese radish (both white and red), winter radish, daikon, lobok, lo pak, and other cultivars and/or hybrids of these" to column B.

The amendment is being requested to establish a commodity definition for oriental radishes for tolerance-setting purposes and to identify the specific commodities which comprise the general category of oriental radishes. In February 1990, in response to a request from the Hawaii Department of Agriculture for EPA to establish a commodity definition for radish to include Japanese and other oriental radishes, the Agency determined that tolerances set for the common radish will not apply to oriental radishes but that it would be appropriate to add a general commodity definition for "oriental radish" for tolerance purposes to cover the wide variety of forms and cultivars which constitute oriental radishes.

The crop group regulations in 40 CFR 180.34(f) enable the establishment of tolerances for a group of related crops. Once the crop group tolerance is established, the tolerance level applies to all raw agricultural commodities within the group, unless a crop is specifically excluded. Currently, Japanese radish (daikon) is included in the Root and Tuber Vegetables group (40 CFR 180.34(f)(9)(i)) and in the Leaves of Root and Tuber Vegetables group (40 CFR 180.34(f)(9)(ii)), but is not covered by individual tolerances for radishes. If this proposed action to amend 40 CFR 180.1(h) is finalized, EPA will initiate revisions to 40 CFR 180.34(f)(9)(i) and (ii) and to any existing tolerance regulations for Chinese or Japanese radishes to reflect the change in nomenclature to "oriental radish."

EPA has completed an evaluation of the proposed amendment and concludes that pesticide residues in the various cultivars of *Raphanus sativus* var. *longipinnatus* are expected to be similar when equal amounts of pesticide are applied for control of a common pest. Radishes are generally affected by the same pest and disease problems as other members of the mustard (Cruciferae) family, such as the cabbages. The major insect pest of radishes is root maggots that attack the roots.

All radishes are forms and species of the genus *Raphanus* and members of the Cruciferae family. Radishes are cool season crops grown as annuals. Seeds are planted in the fall, and the roots enlarge in the cool months.

Most oriental radishes have roots weighing between 3 and 5 pounds; however, Japanese radishes may produce large roots up to 40 to 50 pounds, and their leafy tops can spread to more than 2 feet. They also require a longer growing season (50 to 60 days) than the common radish.

Chinese radish roots can weigh up to 100 pounds, but most are 10 to 20 pounds at maturity, and in Florida the average is 20 pounds. Other oriental radishes have an average weight of 1 to 2-1/2 pounds. Roots range in length from 18 to 24 inches and vary in shape from round to elongated and cylindrical. Colors include white, pink, red, purple, black, and occasionally dark brown.

Cultivars of radishes are classified into three types, depending on the number of days it takes the root to mature: (1) spring cultivars, ready to harvest in 20 to 30 days; (2) summer cultivars, ready to harvest in 35 to 40 days; and (3) winter cultivars, ready to harvest in 50 to 60 days and as high as 90 days.

Oriental radishes are usually available all year, mostly from Hawaii and California, with smaller amounts from Florida. The fall and winter roots are milder than the spring and summer radish production which are more pungent. The oriental radishes are eaten fresh (raw) or pickled like cucumbers or grated, chopped, or sliced for use in stir-fry or sushi dishes. Leaves are used like turnip tops as a salad or soup green.

At present, the most common type of oriental radish planted in the U.S. is the daikon or Japanese radish. There are presently many cultivars, plus several new and improved cultivars and hybrids being developed for increased disease resistance, earlier production, and better winter hardiness that will give the grower several options to respond to consumer demand.

Based on the above information, the Agency concludes that it is appropriate that the general commodity "oriental radish (root and tops)" should be interpreted for tolerance purposes to include the corresponding specific commodities "*Raphanus sativus* var. *longipinnatus* (root and tops), including Chinese or Japanese radish (both white and red), winter radish, daikon, lobok, lo pak, and other cultivars and/or hybrids of these." Therefore, it is proposed that the changes to 40 CFR 180.1(h) be made as set forth below.

Interested persons are invited to submit written comments on the proposed regulation. Comments must bear a notation indicating the document control number, [OPP-300339]. All written comments filed in response to this proposal will be available in the Public Response and Program Resources Branch, at the address given above from

8 a.m. to 4 p.m., Monday through Friday, except legal holidays.

The Office of Management and Budget has exempted this rule from the requirements of section 3 of Executive Order 12866.

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

Although this regulation does not establish or raise a tolerance level or establish an exemption from the requirement of a tolerance, the impact of the regulation would be the same as establishing new tolerances or exemptions from the requirement of a tolerance. Therefore, the Administrator concludes that this rule would not have a significant economic impact on a substantial number of small entities.

List of Subjects in 40 CFR Part 180

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

Dated: May 31, 1994.

Stephanie R. Irene,

Acting Director, Registration Division, Office of Pesticide Programs.

Therefore, it is proposed that 40 CFR part 180 be amended as follows:

PART 180—[AMENDED]

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

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

2. Section 180.1(h) is amended by adding and alphabetically inserting the general commodity "oriental radish (root and tops)" in column "A" and the corresponding specific commodities "*Raphanus sativus* var. *longipinnatus* (root and tops), including Chinese or Japanese radish (both white and red), winter radish, daikon, lobok, lo pak, and other cultivars and/or hybrids of these" in column "B" to read as follows:

§ 180.1 Definitions and interpretations.

* * * * *

(h) * * *

A	B
* * * * * * *	
Oriental radish (root and tops)	*Raphanus sativus* var. *longipinnatus* (root and tops), including Chinese or Japanese radish (both white and red), winter radish, daikon, lobok, lo pak, and other cultivars and/or hybrids of these.
* * * * * * *	

* * * * *

[FR Doc. 94-14421 Filed 6-14-94; 8:45 am]

BILLING CODE 6560-50-F

40 CFR Part 180

[PP 2E4070/P581; FRL-4780-5]

RIN 2070-AC18

Pesticide Tolerances for Benomyl

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA proposes to recodify tolerances for combined residues of the fungicide benomyl and its metabolites in or on the raw agricultural commodities avocado, dandelion, and papaya. This amendment, which was requested in a petition submitted by the Interregional Research Project No. 4 (IR-4), would establish tolerances for regionally restricted registration of the pesticide on these commodities.

DATES: Comments, identified by the document control number [PP 2E4070/P581], must be received on or before July 15, 1994.

ADDRESSES: By mail, submit written comments to: Public Response and Program Resources Branch, Field Operations Division (7506C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. In person, bring comments to: Rm. 1132, CM #2, 1921 Jefferson Davis Hwy., Arlington, VA 22202.

Information submitted as a comment concerning this document may be claimed confidential by marking any part or all of that information as "Confidential Business Information" (CBI). Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2. A copy of the comment that does not contain CBI must be submitted for inclusion in the public record. Information not marked confidential may be disclosed publicly by EPA without prior notice. All written comments will be available for public inspection in Rm. 1132 at the address given above, from 8 a.m. to 4 p.m., Monday through Friday, excluding legal holidays.

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

SUPPLEMENTARY INFORMATION: The Interregional Research Project No. 4 (IR-4), New Jersey Agricultural Experiment Station, P.O. Box 231, Rutgers University, New Brunswick, NJ 08903, has submitted pesticide petition (PP) 2E4070 to EPA on behalf of the Agricultural Experiment Stations of Florida and Puerto Rico. This petition requests that EPA recodify tolerances established pursuant to section 408(e) of the Federal Food, Drug, and Cosmetic Act (FFDCA), 21 U.S.C. 346a(e), for combined residues of the fungicide benomyl, methyl 1-(butylcarbamoyl)-2-benzimidazolecarbamate, and its metabolites containing the benzimidazole moiety (calculated as benomyl) in or on the raw agricultural commodities avocado and papaya at 3 parts per million (ppm) and dandelion at 10 ppm. Specifically, IR-4 proposes that EPA remove the tolerances for avocado, dandelion, and papaya from 40 CFR 180.294(a) and insert these tolerances under 40 CFR 180.294(b), which lists tolerances established in support of regional registration. This amendment would regionally restrict registration for use of benomyl on dandelion and papaya to Florida and use on avocado to Florida and Puerto Rico.

IR-4's request is in response to EPA's reregistration review of benomyl, which determined that the available residue data are adequate to support continued registration for use of benomyl on dandelion and papaya in Florida and

avocado in Florida and Puerto Rico. Additional residue data will be required to expand the area of usage. Persons seeking geographically broader registration should contact the Agency's Registration Division at the address provided above.

The scientific data submitted in the petition and other relevant material have been evaluated. The toxicological data considered in support of the proposed action include:

1. Metabolism studies in mice indicate that benomyl is primarily metabolized to methyl 2-benzimidazole carbamate (MBC), which is converted to 2-aminobenzamidole and 5-OH-MBC. Elimination of metabolites occurs rapidly in urine and feces, with no unusual localization of benomyl or its metabolites in animal tissues.

2. A 2-year feeding study in dogs with a no-observed-effect level (NOEL) of 500 ppm (equivalent to 12.5 milligrams (mg)/kilogram (kg)/day. Biochemical changes, hepatic cirrhosis, decreased weight gain and lower food consumption were observed at a feeding level of 2,500 ppm (equivalent to 125 mg/kg/day).

3. A three-generation reproduction study with rats fed diets containing 0, 100, 500, or 2,500 ppm (equivalent to 0, 5, 25, or 125 mg/kg/day) with a NOEL of 100 ppm based on decreased pup weanling weights at the 500 ppm and 2,500 ppm feeding levels.

4. Benomyl and MBC have been shown to cause developmental toxicity in rats. The most common abnormality in studies with rats was microphthalmia. With benomyl, anomalies observed in mice included short and/or kinky tail, fused vertebrae, fused ribs, and cleft palate. NOEL's for developmental toxicity are established at 30 mg/kg/day for rats and 50 mg/kg/day for mice for benomyl. For MBC the NOEL for developmental toxicity in rats is established at 10 mg/kg/day.

5. Mutagenicity studies indicate that benomyl and MBC have weak mutagenic activity that is primarily attributable to adverse effects on the cellular spindle apparatus. Both compounds produced positive effects in tests to assess structural chromosome aberrations, which is consistent with a cellular spindle effect. Equivocal results were obtained in studies performed to assess gene mutation, while tests for other genotoxic effects were negative.

6. A 2-year feeding/carcinogenicity study with rats fed diets containing 0, 100, 500, or 2,500 ppm of benomyl with a NOEL of 2,500 ppm (equivalent to 125 mg/kg/day). There were no carcinogenic or systemic effects observed under the conditions of the study.

7. A 2-year carcinogenicity study with rats fed diets containing 0, 100, 500, 2,500/10,000 or 5,000 ppm of MBC (equivalent to 0, 5, 25, 125/500 or 250 mg/kg/day). There were no carcinogenic effects observed under the conditions of the study.

8. Carcinogenicity studies for benomyl and MBC were conducted with CD-1 mice fed diets containing 0, 500, 1,500 or 7,500/5,000 ppm benomyl or 0, 500, 1,500, 7,500 (females) or 7,500/3,750 (males) ppm MBC. The high dose for benomyl was reduced to 5,000 ppm at 37 weeks in males and females due to weight loss, and the high dose for MBC was reduced to 3,750 at 66 weeks in males due to increased mortality; all males were sacrificed at 73 weeks. Both studies resulted in an increased incidence of benign or combined malignant and benign tumors of the liver. The tumorigenic responses were found to be compound related, e.g., they occurred with significant positive trends, and the elevated incidences exceeded historical rates for these tumor responses. The responses were also associated with foci of cellular alterations that are considered preneoplastic and imply that there is a progression of hepatic lesions.

9. Carcinogenicity studies for MBC were also conducted with Swiss SPF mice and HOE NMRKf mice. Liver tumors were observed in studies using Swiss SPF mice, but there were no carcinogenic effects observed with HOE NMRKf mice.

The Agency has classified benomyl and MBC as Group C carcinogens (possible human carcinogens). This classification is based on the Agency's "Guidelines for Carcinogen Risk Assessment," published in the **Federal Register** of September 24, 1986 (51 FR 33992). The decision supporting classification of benomyl and MBC as possible carcinogens (Group C) rather than probable carcinogens (Group B) is based primarily on the following:

1. The 2-year carcinogenicity study with rats was negative for carcinogenic effects.

2. The carcinogenic responses observed with benomyl and its metabolite MBC were confined to the mouse liver.

3. The liver tumors produced by benomyl and MBC were observed in two genetically related strains of mice (CD-1 and SPF Swiss), which are known to have high background incidence rates of liver tumors; there was no increased incidence of liver tumors observed in HOE NMRKf mice.

4. Benomyl produced weak mutagenic effects consistent with cellular spindle poison activity rather than gene mutation. This pattern of mutagenic activity correlates with the observed developmental toxicity of benomyl.

EPA announced in the **Federal Register** of December 6, 1977 (42 FR 61788), that a Special Review for benomyl had been initiated based on information indicating that benomyl posed risks of mutagenicity (point mutation and chromosomal aberrations), spermatogenic depression and teratogenic effects, acute toxicity to aquatic organisms, and significant population reduction in nontarget organisms.

In the **Federal Register** of August 30, 1979 (44 FR 51166), the Agency issued a Preliminary Notice of determination, which concluded that benomyl continued to pose the risks noted above with the exception of point mutations and significant population reductions in nontarget organisms. In the Notice and the accompanying Position Document 2/3, the Agency weighed the risks and benefits of use together and determined that certain modifications to the terms and conditions of use were necessary to reduce the risks to applicators.

Prior to the publication of the final benomyl regulatory decision, the Agency received new studies (the mice carcinogenicity studies discussed above), indicating that benomyl and its major metabolite MBC are carcinogenic. The Agency's position concerning the Special Review for benomyl was published in the **Federal Register** of October 20, 1982 (47 FR 46747). In the Notice of Determination Concluding the Special Review for benomyl, the Agency determined that the benefits exceed the risk from use of benomyl products if a dust mask is used when mixing and loading for aerial application. Registrants were required to amend their product labels to require use of a dust mask for persons who mix and load benomyl for aerial application.

More recently, dietary risk assessments have been conducted for benomyl in association with the requested recodification of tolerances for avocado, dandelion, and papaya. These risk assessments were conducted for MBC since benomyl readily hydrolyzes to MBC. Dietary risk assessments were conducted based on percent of the Reference Dose (RfD) utilized, carcinogenicity, and developmental toxicity. The results of these risk assessments are as follows:

Percent RfD utilized

An RfD for MBC was calculated at 0.033 mg/kg bwt/day by dividing the benomyl RfD of 0.05 mg/kg body weight (bwt)/day by 1.53, the ratio of the molecular weight of benomyl to the

molecular weight of MBC. The benomyl RfD is based on a NOEL of 5 mg/kg bwt/day from the three-generation rat reproduction study and an uncertainty factor of 100.

Available information on anticipated residues and percent of crop treated was incorporated into this analysis to estimate the Anticipated Residue Contribution (ARC). The ARC is generally considered a more realistic estimate than an estimate based on tolerance-level residues and 100 percent crop treated. The ARC from existing tolerances (including avocado, dandelion, and papaya) is estimated at 0.000248 mg/kg bwt/day and utilizes 0.8 percent of the RfD. The ARC for children aged 1 through 6 years old (the subgroup most highly exposed) utilizes 1.4 percent of the RfD.

Cancer Risk Assessment

The upper-bound carcinogenic risk from benomyl-derived MBC for the U.S. population from existing tolerances is estimated at 1×10^{-6}. The carcinogenic risk assessment was based on an upper-bound potency estimator (Q^*) for MBC of $4.2 \times 10^{-3*}$ and assumes a 70-year lifetime exposure. This estimate is within the range of carcinogenic risk that EPA generally considers negligible.

Developmental toxicity

The population group of interest for this assessment is females aged 13 and above, the subgroup that most closely approximates women of child-bearing age. EPA divided the calculated exposure of the highest exposed individual in this population subgroup (0.1 mg/kg bwt/day) into the developmental NOEL for MBC of 10 mg/kg bwt/day to get a Margin of Exposure of 100. This means that the persons most highly exposed to benomyl-derived MBC in their diet would receive 1/100 the dose that represents the NOEL from rat studies for developmental toxicity for MBC. Less than 1 percent of the population of females 13 or older are exposed through the diet to MBC at 0.1 mg/kg bwt/day or higher. For developmental toxicity, the Agency is not generally concerned unless the Margin of Exposure is below 100.

An adequate analytical method is available for enforcement purposes. The analytical method for enforcing this tolerance is available in the Pesticide Analytical Manual, Vol. II (PAM II).

There is no reasonable expectation that secondary residues will occur in milk, eggs, or meat of livestock and poultry since there are no livestock feed items associated with this action.

There are currently no actions pending against the continued registration of this chemical.

Based on the information and data considered, the Agency has determined that the tolerances established by amending 40 CFR part 180 would protect the public health. Therefore, it is proposed that the tolerances be established as set forth below.

Any person who has registered or submitted an application for registration of a pesticide, under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) as amended, which contains any of the ingredients listed herein, may request within 30 days after publication of this notice in the **Federal Register** that this rulemaking proposal be referred to an Advisory Committee in accordance with section 408(e) of the FFDCA.

Interested persons are invited to submit written comments on the proposed regulation. Comments must bear a notation indicating the document control number, [PP 2E4070/P581]. All written comments filed in response to this petition will be available in the Public Response and Program Resources Branch, at the address given above from 8 a.m. to 4 p.m., Monday through Friday, except legal holidays.

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

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

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

List of Subjects in 40 CFR Part 180

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

Dated: May 31, 1994.

Stephanie R. Irene,

Acting Director, Registration Division, Office of Pesticide Programs.

Therefore, it is proposed that 40 CFR part 180 be amended as follows:

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

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

2. In § 180.294, by amending paragraph (a) in the table therein by removing the commodities avocado, dandelion, and papaya and by amending paragraph (b) by adding and alphabetically inserting the same commodities, to read as follows:

§ 180.294 Benomyl; tolerances for residues.

* * * * *

(b) * * *

Commodity	Parts per million
Avocado	3
Dandelion	10
Papaya	3

* * * * *

[FR Doc. 94-14422 Filed 6-14-94; 8:45 am]

BILLING CODE 6560-50-F

40 CFR Part 180

[PP 3E4255/P583; FRL-4866-4]

RIN 2070-AC18

Pseudomonas Fluorescens Strain NCIB 12089; Exemption From the Requirement of a Tolerance

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA proposes to establish an exemption from the requirement of a tolerance for residues of *Pseudomonas*

fluorescens in or on the raw agricultural commodity mushrooms. This exemption from the requirement of a tolerance was requested in a petition submitted by the Interregional Research Project No. 4 (IR-4).

DATES: Comments, identified by the document control number [PP 3E4255/P583], must be received on or before July 15, 1994.

ADDRESSES: By mail, submit written comments to: Public Response and Program Resources Branch, Field Operations Division (7506C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW, Washington, DC 20460. In person, bring comments to: Rm. 1132, CM #2, 1921 Jefferson Davis Hwy., Arlington, VA 22202.

Information submitted as a comment concerning this notice may be claimed confidential by marking any part or all of that information as "Confidential Business Information" (CBI). Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2. A copy of the comment that does not contain CBI must be submitted for inclusion in the public record. Information not marked confidential may be disclosed publicly by EPA without prior notice. All written comments will be available for public inspection in Rm. 1132 at the address given above, from 8 a.m. to 4 p.m., Monday through Friday, excluding legal holidays.

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

SUPPLEMENTARY INFORMATION: The Interregional Research Project No. 4 (IR-4), New Jersey Agricultural Experiment Station, P.O. Box 231, Rutgers University, New Brunswick, NJ 08903, has submitted pesticide petition (PP) 3E4255 to EPA on behalf of the State Agricultural Experiment Stations and the United States Department of Agriculture. This petition requests that the Administrator, pursuant to section 408(e) of the Federal Food, Drug, and Cosmetic Act (FFDCA), 21 U.S.C. 346a(e), establish an exemption from the requirement of a tolerance for residues of the biological pesticide *Pseudomonas fluorescens* strain NCIB 12089, in or on the raw agricultural commodity mushrooms. The proposed use of the biological pesticide is to control bacterial blotch of cultivated mushrooms.

Pseudomonas fluorescens is a naturally occurring bacterium, is the dominant microflora found in mushroom caps, and is found in tap and fresh water, marine environments, and plants. It is reasonable to assume that most people are exposed daily to this bacterium. *Pseudomonas fluorescens* has been marketed for several years in Australia for mushroom blotch control.

The scientific data submitted in the petition and all other relevant material have been evaluated. An acute oral toxicity test indicated that *Pseudomonas fluorescens* strain NCIB 12089 was not toxic or pathogenic to rats by the oral route of exposure. Tests of various *Pseudomonas* strains closely related to those considered in the petition have been conducted. Acute oral, acute injection, and acute inhalation tests indicated that the related strains tested were not lethal or toxic to rats. Primary eye and primary dermal studies in rabbits using closely related strains showed no significant irritation effects.

Growth temperature studies were conducted for *Pseudomonas fluorescens* strain NCIB 12089 between 25 degrees and 37 degrees Centigrade (C). These studies demonstrated that this bacterial strain does not thrive at mammalian body temperatures (above 35 degrees C). This information, along with the toxicity infectivity tests, indicates that this organism is not a human pathogen. None of the members of this biotype of *Pseudomonas fluorescens* have been shown to be involved in mammalian pathogenicity or capable of forming toxic or sensitizing substances.

Reference Dose (RfD) considerations are not relevant to this petition; the available data indicate that this biological agent is not toxic to humans. Since no tolerance level will be set for this microbial control agent, the requirement for an analytical method for enforcement purposes is not applicable to this exemption from the requirement of a tolerance.

Based on the information and data considered, the Agency has determined that a tolerance is not needed to protect the public health. Therefore, it is proposed that the exemption from the requirement of a tolerance be established as set forth below.

Any person who has registered or submitted an application for registration of a pesticide, under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) as amended, which contains any of the ingredients listed herein, may request within 30 days after publication of this notice in the Federal Register that this rulemaking proposal be referred to an Advisory Committee in accordance with section 408(e) of the FFDCA.

Interested persons are invited to submit written comments on the proposed regulation. Comments must bear a notation indicating the document control number, [PP 3E4255/P583]. All written comments filed in response to this petition will be available in the Public Response and Program Resources Branch, at the address given above from 8 a.m. to 4 p.m., Monday through Friday, except legal holidays.

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

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

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

List of Subjects in 40 CFR Part 180

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

Dated: May 30, 1994.

Stephanie R. Irene,

Acting Director, Registration Division, Office of Pesticide Programs.

Therefore, it is proposed that 40 CFR part 180 be amended as follows:

PART 180—[AMENDED]

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

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

2. By adding new § 180.1129 to subpart D, to read as follows:

§ 180.1129 Pseudomonas fluorescens strain NCIB 12089; exemption from the requirement of a tolerance.

An exemption from the requirement of a tolerance is established for residues of the biological pesticide *Pseudomonas fluorescens* strain NCIB 12089 in or on mushrooms.

[FR Doc. 94–14423 Filed 6–14–94; 8:45 am]

BILLING CODE 6560–50–F

40 CFR Part 300

[FRL–4894–7]

National Oil and Hazardous Substances Pollution Contingency Plan; National Priorities List

AGENCY: Environmental Protection Agency.

ACTION: Notice of intent to delete Yakima Plating from the National Priorities List Update: request for comments.

SUMMARY: The Environmental Protection Agency (EPA) Region 10 announces its intent to delete the Yakima Plating Site from the National Priorities List (NPL) and requests public comment on this proposed action. The NPL constitutes appendix B to the National Oil and Hazardous Substances Pollution Contingency Plan (NCP), which EPA promulgated pursuant to section 105 of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) of 1980, as amended. EPA and the State of Washington Department of Ecology (Ecology) have determined that the site poses no significant threat to public health or the environment and, therefore, further remedial measures pursuant to CERCLA are not appropriate.

DATES: Comments concerning this site may be submitted on or before July 15, 1994.

ADDRESSES: Comments may be mailed to:

Sean Sheldrake, Environmental Protection Agency, 1200 Sixth Avenue, Mail Stop: HW–113, Seattle, Washington 98101.

Comprehensive information on this site is available through the Region 10 public docket which is available for viewing at the Yakima Site information repositories at the following locations:

Yakima Valley Regional Library, Attn. Cynthia Garrick, 102 N. Third Street, Yakima, WA 98901.

United States Environmental Protection Agency, Region 10 Hazardous Waste Division–Records Center, Attn: Lynn Williams, 1200 Sixth Avenue, Seattle, Washington 98101.

FOR FURTHER INFORMATION CONTACT: Sean Sheldrake, U.S. EPA Region 10, 1200 Sixth Avenue, Mail Stop: HW–113, Seattle, Washington 98101, (206) 553–1220.

SUPPLEMENTARY INFORMATION:

I. Introduction
II. NPL Deletion Criteria
III. Deletion Procedures
IV. Basis of Intended Site Deletion

I. Introduction

The Environmental Protection Agency (EPA) Region 10 announces its intent to delete a site from the National Priorities List (NPL), appendix B of the National Oil and Hazardous Substances Contingency Plan (NCP), 40 CFR part 300, and requests comments on this deletion. EPA identifies sites on the NPL that appear to present a significant risk to human health or the environment. As described in § 300.425(e)(3) of the NCP, sites deleted from the NPL remain eligible for Fund-financed remedial actions in the unlikely event that conditions at the site warrant such actions.

EPA plans to delete the Yakima Plating Site at 1804 ½ South Third Avenue, Yakima, Washington 98902, from the NPL.

EPA will accept comments on the plan to delete this site for thirty days after publication of this notice in the **Federal Register**.

Section II of this notice explains the criteria for deleting sites from the NPL. Section III discusses procedures that EPA is using for this action. Section IV discusses the Yakima Plating Site and explains how the site meets the deletion criteria.

II. NPL Deletion Criteria

Section 300.425(e) of the NCP provides that releases may be deleted from, or recategorized on the NPL where no further response is appropriate. In making a determination to delete a release from the NPL, EPA shall consider, in consultation with the state, whether any of the following criteria have been met:

(i) Responsible parties or other persons have implemented all appropriate response actions required;

(ii) All appropriate Fund-financed response under CERCLA have been implemented, and no further action by responsible parties is appropriate; or

(iii) The remedial investigation has shown that the release poses no significant threat to public health or the environment and, therefore, taking of remedial measures is not appropriate.

Even if a site is deleted from the NPL, where hazardous substances, pollutants, or contaminants remain at the site above levels that allow for unlimited use and unrestricted exposure, EPA's policy is that a subsequent review of the site will be conducted at least every five years after the initiation of the remedial action at the site to ensure that the site remains protective of public health and the environment. In the case of this site, where plating related hazardous substances are not above health based levels and future access does not require restriction, operation and maintenance activities and five-year reviews will not be conducted. However, if new information becomes available which indicates a need for further action, EPA may initiate remedial actions. Whenever there is a significant release from a site deleted from the NPL, the site may be restored to the NPL without the application of the Hazard Ranking System.

III. Deletion Procedures

The following procedures were used for the intended deletion of this site: (1) EPA Region 10 issued preliminary and final close out reports which documented the achievement of cleanup goals; (2) Ecology concurred with the proposed deletion decision; (3) A notice has been published in the local newspaper and has been distributed to appropriate Federal, state, and local officials and other interested parties announcing the commencement of a 30-day public comment period on EPA's notice of intent to delete; and (4) All relevant documents have been made available for public review in the local site information repositories.

Deletion of the site from the NPL does not itself create, alter, or revoke any individual rights or obligations. The NPL is designed primarily for informational purposes to assist Agency management. As mentioned in Section II of this notice, 40 CFR 300.425(e)(3) states that deletion of a site from the NPL does not preclude eligibility for future Fund-financed response actions.

For deletion of this site, EPA's Regional Office will accept and evaluate public comments on EPA's notice of

intent to delete before making a final decision to delete. If necessary, the Agency will prepare a Responsiveness Summary if any significant public comments are addressed.

A deletion occurs when the Regional Administrator places a final notice in the Federal Register. Generally, the NPL will reflect deletions in the final update following the Notice. Public notices and copies of the Responsiveness Summary will be made available to local residents by the Regional office.

IV. Basis for Intended Site Deletion

The following site summary provides the Agency's rationale for the intention to delete this site from the NPL.

A. Site Background

Yakima Plating was an electroplating facility located within the southern city limits of Yakima, at 1804 1/2 South Third Avenue in Yakima County, Washington. The area surrounding the site is primarily mixed residential and light commercial property.

B. History

The facility conducted plating operations of automobile bumpers from the early 1960's until 1990. During its operation, the facility discharged a number of plating wastes to an on-site sedimentation tank and drain field. These wastes contained a variety of metals including nickel, cadmium, and chromium.

In 1986, an EPA site investigation found evidence of heavy metals in the groundwater at Yakima Plating. On March 31, 1989, the site was placed on the NPL.

EPA completed the RI/FS and Human Health Risk Assessment in August, 1991. A Record of Decision (ROD) for the site was signed on September 30, 1991. The major components of the selected remedy included:

- Liquids and sludges that were in tanks and containers would be removed, treated, and disposed of off-site at a permitted RCRA hazardous waste facility.
- Underground tanks (sedimentation and septic tanks) would be excavated and decontaminated.
- Contaminated soils above cleanup levels would be excavated, treated, and disposed of.
- Institutional controls would be implemented.
- A groundwater monitoring program would be implemented until contaminant levels in all wells allowed for unlimited use and unrestricted exposure.

C. Characterization of Risk

Prior to remediation, the preliminary environmental pathways of concern related to the plating wastes were groundwater, on-site soils and possibly surface water.

To facilitate site remediation, a removal was formally initiated on June 15, 1992, and consisted of the following activities:

- Excavating 2,567 cubic yards of contaminated soil, gravels, and the drain field pipe to the cleanup levels specified in the ROD, followed by off-site disposal to a hazardous waste landfill.
- Excavation and removal to a hazardous waste landfill of three sedimentation tanks.
- Removal of three on-site buildings.
- Neutralization, and containerization of approximately 34 drums of miscellaneous plating-derived waste for off-site disposal.

Analytical data based on five quarters of groundwater monitoring following the completion of the removal indicate concentrations of plating related contamination do not exceed health-based criteria or ROD cleanup levels. Removal of soils, the source of contamination, has assured surface water quality as well.

In addition, no environmental risk has been identified for this site. For example, no critical habitats or endangered species or habitats of endangered species have been identified.

Confirmational monitoring of soil and groundwater demonstrate that no significant risk to public health or the environment is posed by residual materials remaining at the site, and operation and maintenance activities are not required. Based on the removal of contaminated equipment and excavation of contaminated soil, EPA and Ecology believe that hazardous substances have been removed from the site so as to allow for unlimited use and unrestricted exposure within the site, that the site is protective of public health and the environment, and that no further remedial action or institutional controls are needed at the site. Accordingly, EPA will not conduct "five-year reviews" at this site.

One of the three criteria for deletion specifies that EPA may delete a site from the NPL if "all appropriate Fund-financed response under CERCLA has been implemented, and no further action by responsible parties is appropriate." EPA, with concurrence of Ecology, believes that this criterion for deletion has been met. The groundwater and soil data confirm that the ROD goals have been met. It is concluded that there is no significant threat to public health or the environment and, therefore, no further remedial action is necessary. Subsequently, EPA is proposing deletion of this site from the NPL.

Documents supporting this action are available from the docket.

Dated: April 26, 1994

Jane S. Moore,

Acting Regional Administrator, Region 10.

[FR Doc. 94-14417 Filed 6-14-94; 8:45 am]

BILLING CODE 6560-50-F

---

40 CFR Part 455

[FRL-4998-7]

RIN 2040-AC21

Pesticide Chemicals Category, Formulating, Packaging and Repackaging Effluent Limitations Guidelines, Pretreatment Standards and New Source Performance Standards; Extension of Comment Period

AGENCY: Environmental Protection Agency.

ACTION: Proposed rule; extension of comment period.

SUMMARY: EPA is extending the comment period for the Pesticide Formulating, Packaging and Repackaging proposed effluent limitations guidelines and standards by 30 days. EPA has received numerous comments requesting an extension of the comment period.

DATES: Comments on the proposed rule must be received in writing by July 13, 1994.

ADDRESSES: Send comments in writing to Ms. Janet Goodwin, Engineering & Analysis Division (4303), U.S. EPA, 401 M Street SW., Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT: For additional technical information write Ms. Shari Zuskin at the above address or call at (202) 260-7130. For additional information on the economic impact analyses contact Dr. Lynne Tudor at the above address or by calling (202) 260-5834.

SUPPLEMENTARY INFORMATION: In a Notice of Proposed Rulemaking on April 14, 1994 (59 FR 17850), EPA proposed effluent limitations guidelines and standards for the control of wastewater pollutants from the Pesticide Formulating, Packaging and Repackaging (PFPR) industry and provided a 60 day comment period. Today's notice extends the comment period by 30 days to July 13, 1994. EPA has received numerous comments requesting an extension of the comment period. EPA recognizes that trade associations and individual PFPR facilities may need additional time to gather substantive data on the expanded scope of pesticide active ingredients

(i.e., the "non-272" PAIs). In particular, facilities may need time to gather data on or conduct treatability studies with the non-272 PAIs. In addition, many of the PFPR facilities are small business and are presently entering their busy-season. EPA recognizes that these facilities may have limited resources (i.e., manpower) and may not be able to comment as effectively as possible within the 60-day comment period. Further, EPA acknowledges that some PFPR facilities use contractor or toll formulating facilities and may need additional time to acquire technical/economic data from their contract facilities. In addition, for some facilities, in particular the agricultural chemical refilling establishments, there may be resource constraints due to the timing of two proposed regulations (i.e., the Office of Water's PFPR Effluent Guidelines and the Office of Pesticide Programs' Pesticide Container and Containment Rule) with overlapping comment periods. EPA believes that an additional 30 days will allow facilities to provide more meaningful and substantive comments.

EPA cannot extend the comment period for a time greater than 30 days because of a court-ordered date of August 1995 for promulgating a final rule. 57 FR 41000 (September 8, 1992) (Effluent Guidelines Plan for complying with consent decree in *NRDC* v. *Reilly*, Civ. No. 89–2980 (D.D.C. 1992)). Those persons who believe that they will be unable to submit comments by the new July 13, 1994 date should contact the Agency through the EPA personnel listed above in the ADDRESSES section. EPA will attempt to review such late comments as it can. Due to the scheduling constraints under the *NRDC* v *Reilly* consent decree, however, EPA cannot guarantee that it will be able to consider any information which is submitted beyond July 13, 1994.

Dated: June 9, 1994.

Robert Perciasepe,

Assistant Administrator for Water.

[FR Doc. 94–14420 Filed 6–14–94; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Parts 61, 64 and 69

[CC Docket No. 92–77, FCC 94–117]

Billed Party Preference for 0+ InterLATA Calls

AGENCY: Federal Communications Commission [FCC].

ACTION: Notice of proposed rulemaking.

SUMMARY: This Further Notice of Proposed Rulemaking seeks further comment on whether the Commission should mandate a system of "billed party preference (BPP)," whereby 0+ interLATA calls—that is, calls made by entering a "0" followed by a long distance number—would be routed automatically to the operator services provider preferred by the party to be billed for the call. While the Commission found that the available evidence indicated that the benefits of BPP—in the form of more competitive service of consumers by operator service providers—outweighed its costs, the Commission also found that some of the data underlying its cost/benefit analysis were not as precise or as current as it desired. Therefore, the Commission seeks additional updated data and further comment on its analysis, as well as on a number of aspects of how BPP might be implemented.

DATES: Interested parties may file comments on the Commission's billed party preference proposal on or before July 8, 1994 and reply comments on or before July 29, 1994.

ADDRESSES: Federal Communications Commission, 1919 M St., NW., Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: Mark S. Nadel, Policy and Program Planning Division, Common Carrier Bureau, (202) 632–1301.

SUPPLEMENTARY INFORMATION:

Background

In 1992, the Commission adopted Billed Party Preference for 0+ InterLATA Calls, CC Docket No. 92–77, Notice of Proposed Rulemaking, 7 FCC Rcd 3027, 57 FR 24574 (June 10, 1992), initiating a rulemaking proceeding to consider the merits of an automated "billed party preference" (BPP) routing methodology for 0+ interLATA traffic. The Commission tentatively concluded that BPP is, in concept, in the public interest, but sought comments on the costs and benefits of BPP as well as on a number of aspects of how BPP might be implemented.

Summary of Further Notice of Proposed Rulemaking

This is a summary of the Commission's Further Notice of Proposed Rulemaking in Billed Party Preference, CC Docket No. 94–77; FCC 94–117, adopted May 19, 1994, and released June 6, 1994. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (room 230), 1919 M St., NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, ITS, (202)–857–3800, 2100 M St., NW., suite 140, Washington, DC 20037.

Currently, interstate 0+ calls—that is, interstate calls that are made by entering a "0" followed by a telephone number—are routed to the operator services provider (OSP) selected by either the premises owner or the provider of the phone. Under a system of Billed Party Preference (BPP), such calls would be automatically routed to the OSP preferred by the party to be billed for the call. While the Commission found that the available evidence indicated that the benefits of BPP outweighed its costs, the Commission also found that some of the data underlying its cost/benefit analysis were not as precise or as current as it desired. Therefore, the Commission seeks further comment on BPP.

The Commission found that BPP would provide three principal benefits. First, it would facilitate access to the telephone network by simplifying operator service calling, while guaranteeing that calls are carried by the billed party's preferred carrier. Callers who currently use access codes would no longer need to do so. Callers who do not use access codes would no longer face the risk that their call would be carried by an unfamiliar operator service provider with rates considerably higher than the industry average. Based on data in the Commission's November 1992 report issued pursuant to the Telephone Operator Consumer Services Information Act, the Commission estimated that BPP would likely enable consumers to save about $280 million per year by avoiding operator service providers with rates higher than the AT&T/MCI/Sprint average.

Second, the Commission found that BPP would force OSPs to refocus their competitive efforts toward serving consumers rather than serving aggregators, such as premises owners or payphone providers. The Commission recognized that such a shift in competitive focus would almost certainly eliminate the commissions that OSPs now pay to aggregators for directing 0+ calls to them. Based on the available data, it estimated that the elimination of commissions could save operator service providers about $340 million per year on interLATA 0+ calls, thereby offsetting a substantial portion of the costs of BPP. The Commission found, further, that a shift in competitive focus could also foster lower prices and better service for consumers.

Third, the Commission noted that BPP would eliminate certain AT&T advantages in the operator services market. For example, it would enable AT&T's competitors to offer end users the same 0+ access as AT&T. Finally, the Commission observed that BPP would reduce regulatory costs, likely decrease the cost of collections and uncollectables, and enhance the communications infrastructure.

On the other hand, the Commission also noted that BPP is an expensive technology. It found that available data indicated that the net cost of BPP for local exchange carriers (LECs) would be approximately $380 million on an amortized unseparated cost basis, with an additional estimated $35 million per year for OSP expenses. It observed, however, that this estimate was based on data that was not as precise as it could be.

Therefore, the Commission seeks comment on this analysis and asks parties to submit additional, updated data to corroborate or refute it. In addition, the Commission seeks comment on whether some or all of the benefits of BPP could be achieved through alternative, less costly measures.

The Commission also addressed how BPP should be implemented in the event the Commission decides to mandate it. It tentatively concluded that, if ordered, BPP should generally apply on a nationwide basis to all interLATA 0+ and 0− calls. It seeks comment on the options available to independent LECs for participating in BPP and on the costs of such options. It also seeks additional comment on whether to exempt all inmate telephones from BPP or at least those OSPs serving inmate phones and charging rates below some designated level. It also asks whether those providing LIDB queries should be required to tariff some form of anti-fraud service.

The Commission continues to believe that BPP should be treated as a new service for the purposes of price caps, but it seeks further comments on whether the costs of BPP should be recovered solely from BPP calls or all operator services calls.

The Commission tentatively concluded that if BPP is implemented each LEC would be required to notify its subscribers of their right to choose a 0+ carrier and to provide all subscribers with ballots for doing so. Furthermore, it stated that it would permit such notification to be made by either a separate mailing or a prominent billing insert. It also tentatively concluded that customers who did not return a ballot would be defaulted to their 1+ carrier, although it seeks comments on this matter, particularly from consumers and their representatives. The Commission seeks further information and comment on how secondary carrier arrangements should be handled under BPP and how call branding requirements should apply in a BPP environment.

With respect to line number calling cards, the Commission stated that it would not be in the public interest to adopt a BPP design that gave LECs or OSPs the exclusive ability to issue line number cards. It seeks comment on the relative costs and benefits of permitting BPP to employ a shared line number card option that only required 10-digit screening in LIDB, versus a design that required 14-digit screening.

Finally, the Commission tentatively concluded that, if BPP is implemented, it should accommodate commercial credit cards. It also seeks comments on how soon BPP could be implemented if a final decision mandating BPP is adopted.

List of Subjects in 47 CFR Parts 61, 64 and 69

Communications common carriers, Reporting and recordkeeping requirements, Telephone.

Federal Communications Commission.

William F. Caton,

Acting Secretary.

[FR Doc. 94–14454 Filed 6–14–94; 8:45 am]

BILLING CODE 6712–01–M

DEPARTMENT OF TRANSPORTATION

Research and Special Programs Administration

49 CFR Part 194

[Docket PS–130B; Notice 2]

RIN 2137–AC34

Environmentally Sensitive Areas

AGENCY: Research and Special Programs Administration (RSPA), DOT.

ACTION: Notice of public meeting.

SUMMARY: RSPA invites representatives of industry, state and local government, and the public to an open meeting on "environmentally sensitive areas." The purpose of this meeting is to gather information which will allow RSPA to establish criteria for the identification of environmentally sensitive areas on or near hazardous liquid pipelines. Such criteria are needed to carry out the requirements of the Oil Pollution Act and the Pipeline Safety Act of 1992.

DATES: The meeting will be held on June 28, 1994, from 9:00 a.m.—4:00 p.m. Persons unable to attend may submit written comments in duplicate by August 1, 1994. Interested persons should submit as part of their written comments all of the material that is considered relevant to any statement of fact or argument made.

ADDRESSES: The meeting will be held at the U.S. Department of Transportation, Nassif Building, 400 Seventh Street SW., Room 2230, Washington, DC. Non-federal employee visitors are admitted into the DOT headquarters building through the southwest quadrant entrance at Seventh and E Streets.

Written comments must be submitted in duplicate and mailed or hand delivered to the Dockets Unit, Room 8421, U.S. Department of Transportation, 400 Seventh Street, SW., Washington, DC 20590–0001. Please identify the docket and notice numbers stated in the heading of this notice.

All comments and materials cited in this document will be available for inspection and copying in room 8421 between 8:30 a.m. and 4:30 p.m. each business day. The transcript of the meeting will be available approximately three weeks after the meeting.

FOR FURTHER INFORMATION CONTACT: Christina Sames, (202) 366–4561, regarding the subject matter of this notice, or the Dockets Unit, (202) 366–5046, regarding copies of this notice or other material referenced in this notice.

SUPPLEMENTARY INFORMATION:

The Oil Pollution Act of 1990

On January 5, 1993, RSPA published an Interim Final Rule (IFR) ("Response Plans for Onshore Oil Pipelines;" 58 FR 244; Docket No. PS–130; 49 CFR part 194), to implement the requirements of the Oil Pollution Act of 1990 (Pub. L. No. 101–380; 104 Stat. 484; OPA). The IFR requires operators of onshore pipelines that handle, store, or transport oil and, because of their location, could reasonably be expected to cause "substantial harm" or "significant and substantial harm" to the environment by discharging oil into or on any navigable waters or adjoining shorelines, to prepare and submit oil spill response plans for a worst case discharge or the substantial threat of a worst case discharge. The purpose of these requirements is to improve response capabilities and to reduce the environmental impact of oil discharged from onshore oil pipelines.

The IFR requires operators to identify the areas potentially affected by their pipeline which are of greatest

vulnerability to an oil discharge, including navigable waters, public drinking water intakes, and environmentally sensitive areas. The IFR defined environmentally sensitive areas as "an area of environmental importance which is in or adjacent to navigable waters." The IFR stated these areas may include wetlands, national parks, wilderness and recreational areas, wildlife refuges, marine sanctuaries, and conservation areas.

RSPA received ten comments to the docket on the part 194 definition of environmentally sensitive areas. The American Petroleum Institute submitted a proposed definition for environmentally sensitive areas. Three commenters requested that RSPA revise the part 194 definition to be consistent with definitions used elsewhere. Three commenters requested that RSPA revise the part 194 definition to define environmentally sensitive areas as areas where a release has the potential to cause significant long-term environmental harm or represents an imminent threat to human health. Two commenters requested that the definition of environmentally sensitive areas be more specific, and another commenter requested that RSPA broaden the definition to include wildlife habitats.

The Pipeline Safety Act of 1992

Section 202(a) of the Pipeline Safety Act of 1992 (Pub. L. 102–508; October 24, 1992; PSA) requires the Secretary, in consultation with the Administrator of the Environmental Protection Agency, to issue regulations establishing criteria for the identification, by operators of pipeline facilities and gathering lines, of all pipeline facilities and gathering lines that are located in an area that is "unusually sensitive to environmental damage in the event of a pipeline accident." In describing areas that are unusually sensitive to environmental damage, the Secretary is to consider including earthquake zones and areas subject to substantial ground movements, such as landslides; areas where ground water contamination would be likely in the event of the rupture of a pipeline facility; freshwater lakes, rivers, and waterways; and river deltas and other areas subject to soil erosion or subsidence from flooding or other water action, where pipeline facilities are likely to become exposed or undermined.

Section 202 of the PSA directs the Secretary to issue regulations requiring operators to carry out these identifications of environmentally sensitive areas through maps and a pipeline inventory. RSPA has scheduled a separate rulemaking on the creation of such inventories and maps (see Unified Agenda; 59 FR 20662; April 25, 1994).

Revised Definition: In view of the comments we received on the IFR and in view of the requirements of the PSA, RSPA invites comments on the following definition of an environmentally sensitive area:

"Environmentally sensitive area" means any of the following areas where the release of a hazardous liquid from a pipeline could create significant long-term environmental harm or represents an imminent threat to human health:

A. Community water intakes as defined by the Safe Drinking Water Act regulations, 40 CFR 141.2;

B. Freshwater lakes, rivers and waterways;

C. State or Federal wetlands, parks, natural areas, wilderness areas, wild or scenic rivers, wildlife refuges or wildlife sanctuaries specifically designated, identified, and located by the Area Contingency Plans; or

D. River deltas and other areas subject to soil erosion or subsidence from flooding or other water action, where pipeline facilities are likely to become exposed or undermined.

A public meeting will be held to collect information on any of the matters described above. RSPA is particularly requesting comment on the following questions:

(1) Is the above definition adequate for use under part 194?

(2) If the definition is not adequate, what other criteria should be used to identify environmentally sensitive areas?

(3) Would a definition adopted for use under part 194 be adequate for use in amending the requirements of 49 CFR part 195, as required under § 202 of the PSA?

(4) Are there standards, tests, or guidelines available to rank environmentally sensitive areas in terms of the risks posed to those areas by a release of a hazardous liquid ?

(5) Would the above definition change the cost of compliance with part 194? If yes, by what amount?

Interested persons are invited to attend the meeting and present oral or written statements on the matters set for the meeting. Any person who wishes to speak should notify Christina Sames at the above address and phone number. Please estimate the time that will be needed to speak. RSPA requests the right to limit the time of each speaker, if necessary, to ensure that everyone who requests an opportunity to speak is given one. Interested persons that are not scheduled to comment will have an opportunity to comment only after approval of the meeting officer. Written comments may be submitted either at the meeting or by mail to the above address.

Since this meeting concerns an open rulemaking on part 194, RSPA will consider all comments in developing a final definition of "environmentally sensitive areas" for part 194. The meeting is not intended to reopen the docket for comment on other subjects.

Issued in Washington, DC on June 9, 1994.

George W. Tenley, Jr.,

Associate Administrator for Pipeline Safety.

[FR Doc. 94–14465 Filed 6–14–94; 8:45 am]

BILLING CODE 4910–60–P

National Highway Traffic Safety Administration

49 CFR Part 571

[Docket No. 88–06, Notice 23]

RIN: 2127–AE49

Federal Motor Vehicle Safety Standards; Side Impact Protection—Light Trucks, Buses and Multipurpose Passenger Vehicles

AGENCY: National Highway Traffic Safety Administration (NHTSA), Department of Transportation (DOT).

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This notice proposes to extend Standard No. 214's dynamic side impact protection requirements to multipurpose passenger vehicles, trucks and buses with a gross vehicle weight rating of 8,500 pounds or less and an unloaded vehicle weight of 5,500 pounds or less. These proposed amendments would require that each of these vehicles must protect its occupants in a full-scale dynamic crash test in which the vehicle is struck on either side by a moving deformable barrier simulating another vehicle. The occupants would be represented by instrumented test dummies. The dummies would be positioned in the target vehicle to measure the potential for injuries to an occupant's thorax and pelvis. Given the differences between these vehicles and passenger cars and their respective crash experiences, the agency is proposing possible modifications in the test procedure for these vehicles.

DATES: Comments must be received on or before August 15, 1994.

ADDRESSES: Comments should refer to the docket and notice numbers set forth above and be submitted (preferably in 10 copies) to the Docket Section, National Highway Traffic Safety Administration, room 5109, 400 Seventh Street SW., Washington, DC 20590. Docket hours are from 9:30 a.m. to 4 p.m., Monday through Friday.

FOR FURTHER INFORMATION CONTACT: Dr. Joseph Kanianthra, Chief, Side and Rollover Crash Protection Division, Office of Vehicle Safety Standards, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590 (202–366–4924).

SUPPLEMENTARY INFORMATION:

Table of Contents

I. Background
IA. Existing Side Impact Requirements
IB. Statutory Requirements
IC. The June 1992 ANPRM
ID. Comments on the ANPRM
II. Overview of Proposal
III. The Safety Problem
IV. Rulemaking Rationale
V. Proposal
VA. Possible Test Procedure Modifications
VB. Performance Requirements
VC. Rear Seat Requirements
VI. Vehicles Covered by Proposal
VII. Benefits
VIII. Costs
IX. Leadtime/Phase-in
X. Reporting Requirements
XI. Rulemaking Analyses and Notices
XII. Submission of Comments

I. Background

IA. Existing Side Impact Requirements

NHTSA's side impact protection requirements are set forth in Federal Motor Vehicle Safety Standard No. 214, Side Impact Protection. The standard specifies two sets of requirements: (1) Quasi-static side door strength requirements for passenger cars and for "LTVs" (trucks, buses and multipurpose passenger vehicles (MPVs) with a gross vehicle weight rating (GVWR) of 10,000 pounds or less), and (2) dynamic requirements for passenger cars.

Standard No. 214's quasi-static side door strength requirements seek to mitigate occupant injuries in side impacts by reducing the extent to which the side structure of a vehicle is pushed into the occupant compartment during a side impact. Under the requirements, side doors must resist crush forces that are applied against the door's outside surface in a laboratory test. The requirements have applied to passenger cars since January 1, 1973, and were extended to LTVs by a final rule published in the **Federal Register** (56 FR 27427) on June 14, 1991. A phase-in for the extension of the requirements to LTVs began on September 1, 1993.

NHTSA added Standard No. 214's dynamic requirements for passenger cars in a final rule published in the **Federal Register** (55 FR 45722) on October 30, 1990. Under the requirements, a passenger car must provide protection to occupants' thoracic and pelvic regions as measured by the accelerations registered on instrumented side impact dummies (SID) in a full-scale crash test. In the test, the car (known as the "target" car) is struck in the side by a moving deformable barrier (MDB) simulating another vehicle. A phase-in for these new requirements also began on September 1, 1993.

The MDB specified in Standard No. 214's dynamic test procedure weighs about 3,000 pounds, and it is 33 inches high (measured from the ground to the top edge of the barrier face). Under the test procedure, the front and rear wheels of the MDB are "crabbed" at an angle of 27 degrees. With the MDB face oriented at a right angle to the target car, the MDB moves at an angle of 27 degrees and at a speed of 33.5 mph into the side of the target car. These aspects of the procedure were selected so that the test simulates the vehicle kinematics and crash forces in the struck car in a real world side crash in which a vehicle traveling at 30 mph perpendicularly strikes the side of a vehicle traveling at 15 mph. The agency determined that the 30 mph/15 mph combination represents the threshold speed of serious chest injury, and that countermeasures designed for the 30 mph/15 mph condition are likely to be effective in reducing chest injury potential over most of the range of impact speeds encountered in side crashes.

Standard No. 214's dynamic test procedure includes placing instrumented SIDs in the outboard front and rear seats on the struck side of the target car. For the thorax, the performance limit is expressed in terms of an injury criterion known as the Thoracic Trauma Index (dummy) or TTI(d). This injury criterion represents the average of peak acceleration values measured on the lower spine and the greater of the acceleration values of the upper and lower ribs of the test dummy. For the pelvis, the performance limit is specified in terms of the peak acceleration measured on the pelvis of the test dummy.

IB. Statutory Requirements

This notice is being issued pursuant to the NHTSA Authorization Act of 1991. Section 2503 of that Act requires the agency to address, through rulemaking, the possible extension of Standard No. 214's dynamic side impact protection requirements for passenger cars to MPVs and trucks with a GVWR of 8,500 pounds or less and an unloaded vehicle weight of 5,500 pounds or less. These vehicles comprise a large majority of LTVs. Under section 2502 of the Act, the rulemaking must be conducted under the general provisions of the National Traffic and Motor Vehicle Safety Act concerning safety standards.

Section 2502 required NHTSA to publish, by a specified date, either an advance notice of proposed rulemaking (ANPRM) or an NPRM concerning the extension of Standard No. 214's dynamic side impact requirements to LTVs. In accordance with this requirement, on June 5, 1992, NHTSA published in the **Federal Register** (57 FR 24009) an ANPRM on this subject.

Section 2502 also provides that this rulemaking action must be completed within 26 months of publishing the ANPRM. The rulemaking is considered completed when NHTSA either promulgates a final rule or decides not to promulgate a rule. In either case, the agency must publish its decision in the **Federal Register**.

IC. The June 1992 ANPRM

In the June 1992 ANPRM, NHTSA estimated that the number of LTV fatalities in side impact crashes will rise by about 11 percent between 1989 and the mid-1990's, with front seat fatalities totaling 1,683 to 1,753 annually, and rear seat fatalities totaling 58. The agency indicated that approximately 16 percent of the fatalities are expected to occur in heavy vehicle (GVWR above 10,000 pounds)-LTV side crashes, 39 percent in light vehicle (GVWR of 10,000 pounds or less)-LTV side crashes, and 45 percent in single vehicle LTV crashes. For the multi-vehicle side impacts, approximately 71 percent of the LTV fatalities and 78 percent of serious injuries are caused by passenger cars and LTVs, with LTVs being the dominant striking vehicles. A much smaller percentage of passenger car fatalities and injuries is caused by heavier vehicles in the light-duty vehicle fleet, in multi-vehicle side impacts.

NHTSA explained that the possible extension of Standard No. 214's dynamic requirements to LTVs would primarily address LTV occupant fatalities and serious injuries which result from contacts between the side interior of LTVs and the shoulder, chest, abdomen, back and pelvis of an occupant. The agency estimated that by the mid-1990's, this portion of the side impact problem will account for about 245 LTV occupant fatalities and an additional 825 non-fatal serious injuries (AIS–3 or greater) annually.

NHTSA stated that it believes that the same types of countermeasures that reduce the probability of these types of thoracic and pelvic injuries in passenger cars, i.e., the use of structural modifications in combination with padding or the use of padding alone,

can provide safety benefits for LTVs. The agency also indicated its belief that the approach used in Standard No. 214 for passenger cars of requiring a vehicle to protect its occupants in a full-scale side impact crash test, utilizing an MDB and instrumented test dummies, may be appropriate for LTVs.

The agency emphasized, however, that the possible extension of Standard No. 214's dynamic side impact requirements to LTVs presents the issue of whether those requirements should be extended with or without modification. Given the differences between passenger cars and LTVs and their crash experiences, changes in the dynamic test procedure might be desirable to make it more appropriate for LTVs. NHTSA requested responses to a number of questions in the ANPRM, including whether the weight and height of contact surface of the MDB for side impact testing of passenger cars should be modified to be more representative of the vehicles that cause injuries and fatalities in LTVs.

NHTSA also noted that it had conducted two series of LTV side impact tests similar to the dynamic Standard No. 214 passenger car test. In the first test series, the agency tested seven LTVs using an MDB that was modified to make it more representative of crash conditions causing fatalities and serious injuries in light trucks. The weight of the MDB was increased to 4,000 pounds, and the height of the barrier face was raised between four and 10 inches. In the second test series, NHTSA tested three small LTVs and a fourth vehicle representative of a small LTV, using the current dynamic test procedure, including the 3,000 pound MDB, specified in Standard No. 214 for passenger cars. (The fourth vehicle was a passenger car version of a vehicle which was then marketed in a four-wheel drive version as an LTV. The agency believes that both versions of the vehicle provide similar side impact protection.) The agency noted that the data from the two test series indicate that many current LTVs, especially heavier ones, already meet the performance criteria specified for passenger cars.

ID. Comments on the ANPRM

The three large domestic auto manufacturers were opposed to extending Standard No. 214's dynamic requirements to LTVs. General Motors (GM) stated that it is clear, from the examination of field accident data, that LTVs offer side impact protection superior to that of passenger cars. GM also argued that a dynamic side impact test for LTVs would address a very small percentage of LTV occupant serious injuries and an even smaller percentage of total passenger car and LTV occupant harm. GM believed that side impact resources would be diverted from passenger cars where they can be most productive to an area that would result in little benefit to LTV occupants and society in general.

Ford stated that it strongly believes that the dynamic side impact requirements should not be extended to LTVs. That company argued that such an extension would not meet the need for motor vehicle safety. Ford stated that real world traffic accident data show that LTV occupants are safer than passenger car occupants (1.01 fatalities per 1000 crashes for LTVs compared to 2.05 fatalities per 1000 crashes for passenger cars) for non-ejected, near-side occupants in vehicle-to-vehicle side impacts. That company noted that NHTSA research has found that the majority of LTVs tested to the passenger car dynamic side impact procedure would pass the passenger car requirements, supporting the field experience. Ford concluded that extending the dynamic side impact requirements to LTVs would represent rulemaking without any substantiated safety benefit. Ford also argued that the car test procedures define a scenario that applies to less than one percent of LTV fatalities, or about 0.2 percent of all motor vehicle occupant fatalities. That company argued that the use of scarce engineering resources to implement a rule with the potential to affect only about 0.2 percent of fatalities is not justified, even if proposed countermeasures were 100 percent effective in every crash.

Chrysler stated that it does not believe that there is support for the extension of the existing passenger car dynamic side impact requirements to LTVs, much less for the alternative of a more stringent test requirement. That company argued that NHTSA has failed to show that there would be a significant safety benefit from applying a dynamic side impact requirement to LTVs.

Mitsubishi also questioned the need for dynamic side impact requirements for LTVs. It argued that: (1) These vehicles are generally heavier and have higher sill structures which provide substantial side impact protection, (2) many of the larger LTVs probably already comply with such requirements without the need for any countermeasures, and (3) the recent extension of quasi-static side door strength requirements will provide improved side impact protection for LTVs.

Other vehicle manufacturers recommended that NHTSA extend Standard No. 214's dynamic requirements for passenger cars to LTVs but not adopt more stringent requirements. Toyota stated it believes the agency's regulations should require, when necessary and practical, equal levels of safety performance regardless of vehicle category. That company stated that while there are some LTVs whose construction allows them to comply already with the passenger car requirements, this is not true for all LTVs. According to Toyota, there are LTVs whose construction is similar to that of passenger cars that do not now comply with the passenger car requirements. Toyota stated that it believes that the effectiveness of extending the passenger car requirements to LTVs would be greater than the agency estimates. That company stated, however, that if the agency were to adopt a more stringent requirement for LTVs, e.g., by specifying a higher, heavier MDB, it would impose an unreasonable burden on manufacturers. Toyota also argued that if the agency were to adopt an LTV rule more stringent than that applicable to passenger cars, those LTVs whose construction is similar to passenger cars could be eliminated from the U.S. market.

Volkswagen stated that the dynamic side impact requirements should be extended to LTV class vehicles under 10,000 pounds GVWR. That company stated that the barrier was originally specified to represent the stiffness of light trucks, and that it should therefore remain as currently specified in Standard No. 214.

Nissan stated that it believes Standard No. 214's passenger car dynamic test procedure can be applied to LTVs, and that there is no need to establish a unique test procedure. That manufacturer stated that data indicate that the incidence of LTVs being struck by passenger cars is similar to the incidence of side impacts of passenger cars by other passenger cars. It stated further that these incidence rates indicate that the mass and dimensions of the MDB currently specified in Standard No. 214 realistically represent the majority of the striking vehicle population for both passenger cars and LTVs.

Two trade associations, the National Truck Equipment Association (NTEA) and the Recreation Vehicle Industry Association (RVIA) expressed concern about extending the applicability of Standard No. 214's dynamic requirements in light of potential impacts on their members, which

include final stage manufacturers and alterers of certified vehicles. NTEA stated that it is concerned that the small businesses which produce work-related vehicles in multiple stages would not be able to conduct the dynamic test which may be proposed. It requested that the agency not propose extending the dynamic requirements to work-related multi-stage produced vehicles which are not able to pass through an incomplete vehicle manufacturer's certification or which cannot be completed within the guidelines provided for completion by the incomplete vehicle manufacturer. RVIA urged NHTSA to exclude motor homes, van conversions and other altered vehicles and otherwise limit the scope of the proposed requirements to those vehicle types that have a poor side impact injury record.

The Insurance Institute for Highway Safety (IIHS) argued that extension of Standard No. 214's dynamic test requirements to LTVs is an obvious necessity after the decade-long growth of this vehicle class as a means of daily private transportation. IIHS stated that it disagrees strongly with the notion that there is no need to require that all vehicles in the LTV class provide a minimum level of protection to occupants if many vehicles in the class already provide that protection. That organization stated that such partial availability demonstrates that the proposed protection is feasible, practical, and easily implemented, and that it should encourage, not discourage, the extension of the test requirements to LTVs.

IIHS argued, however, that the ease with which LTVs are likely to be able to meet the current requirements for cars does suggest that the injury criteria should be different for them. That organization stated that the agency had adopted the existing TTI(d) and pelvic g limits because lower maximum accelerations might be difficult to achieve in the car fleet. IIHS argued that while it does not accept the premise that lower acceleration criteria are not achievable in passenger cars, the agency's concern about passenger cars in this area is not relevant to LTVs. IIHS urged the agency to adopt appropriate lower TTI(d) and pelvic g limits for LTVs.

With respect to the height and weight of the MDB, IIHS stated that it does not believe that the agency should specify different dynamic test conditions for cars and LTVs at this time. That organization stated that the goal of the current rulemaking should be to ensure that all vehicles likely to be used as light-duty passenger vehicles, whether cars or LTVs, meet a common, minimum standard of occupant protection in the crashes to which such vehicles are likely to be exposed. While IIHS stated that it does not believe that the test barrier specifications for cars and LTVs should differ at this time, it suggested that the current barrier (3,000 pounds) may be improperly specified for both types of vehicles. That organization stated that with increasing numbers of LTVs in the light vehicle fleet, many light vehicles struck in the side will be struck by other light vehicles weighing in excess of 3,000 pounds. IIHS stated that NHTSA should consider increasing the weight of the MDB to make it more representative of the vehicle fleet.

The Advocates for Highway and Auto Safety (Advocates) stated that it supports dynamic side impact requirements for LTVs. That organization emphasized, however, that it is convinced that the agency must (1) raise the bumper height of the LTV MDB face above 30 inches, (2) raise the weight, and commensurate mass, of the LTV MDB to 5,000 pounds or more, and (3) increase the test speed of impacts above median levels to represent more of a worst case impact of a LTV by larger, heavier vehicles and some fixed objects. Advocates also argued that the agency should adopt lower TTI(d) and pelvic g limits than it established for cars, a quantified maximum intrusion standard, and coordinate this rulemaking with ones on rollover, roof strength and head injury.

II. Overview of Proposal

After considering the comments on the ANPRM and other available information, NHTSA has decided to propose extending Standard No. 214's dynamic side impact protection requirements to LTVs with a GVWR of 8,500 pounds or less and an unloaded vehicle weight of 5,500 pounds or less. Given the differences between passenger cars and LTVs and their crash experiences, the agency is proposing possible modifications in the test procedure that would make it more representative of the crash conditions causing fatalities and serious injuries in LTVs.

NHTSA is proposing two possible modifications: (1) Raising the height of the MDB, and (2) increasing the weight of the MDB. The agency is proposing to specify the MDB height within a range of 33 inches to 45 inches as measured from the ground to the top edge of the barrier face. This would represent up to a 12-inch increase in MDB height as compared to the height specified for passenger car testing.

Within the 33 inch to 45 inch proposed range, NHTSA is proposing two alternative methods for specifying MDB height, one of which would be selected by the agency for a final rule. Under the first method, the MDB height would be raised to match the driver H-point of the tested vehicle. Under the second method, the MDB height would be at the same level for all LTVs, or at the same level for all LTV's within a particular sub-group, e.g., pickups, vans and utility vehicles, with different levels specified for different sub-groups. The agency is proposing to specify the MDB's weight within a range of 3,000 pounds, the current weight, and 3,800 pounds.

Under the proposal, LTVs, like passenger cars, would be required to meet specified TTI(d) and pelvic acceleration limits. NHTSA is proposing to specify a TTI(d) limit of 85 g and a pelvic acceleration limit of 130 g. In considering a possible extension, NHTSA is considering whether the requirements should apply to the front and rear seats of these additional vehicles (as is the case for passenger cars), or whether they should apply to the front seats only of these vehicles.

To provide manufacturers with sufficient leadtime to design their LTVs to meet the proposed performance requirements, NHTSA is proposing two compliance schedules, the choice of which would be at the option of the manufacturer. Under the first schedule, the standard would be phased-in in accordance with the following implementation schedule:

- 10 percent of all LTVs manufactured during the first full production year (September 1 to August 31) beginning approximately two years after the issuance of a final rule;
- 25 percent of all LTVs manufactured during the second full year after that two-year period;
- 40 percent of all LTVs manufactured during the third full year after that two-year period; and
- 100 percent of all LTVs manufactured on or after the beginning of the fourth full year after that two-year period.

Under the second schedule, no compliance would be required during the annual production period beginning approximately two years after the issuance of a final rule, but full implementation would be required beginning with the next production period.

The agency is proposing to exclude walk-in vans, motor homes, tow trucks, dump trucks and ambulances, and is requesting comments on whether to exclude other special types of vehicles

from the dynamic requirements. NHTSA is also proposing a phase-in exclusion for vehicles manufactured in two or more stages and for altered vehicles.

III. The Safety Problem

NHTSA has separately analyzed the fatality and injury experience of LTV occupants involved in side impact crashes. As discussed in the Preliminary Economic Assessment (PEA) accompanying this NPRM, the agency estimates that, by the mid-1990's, side impacts will result in 1763 fatalities for LTV occupants sitting in the front or second seat, annually. Front seat occupants will account for 1705 of the fatalities, with occupants of the second seat accounting for 58 fatalities. Approximately 16 percent of the LTV side impact occupant fatalities are expected to occur in heavy vehicle-LTV side crashes, 39 percent in light vehicle-LTV side crashes, and 45 percent in single vehicle LTV side crashes. (All of the figures in this paragraph and those in the next several paragraphs take into account the safety benefits of side door guard beams installed pursuant to the quasi-static requirements.)

Side impacts are also expected to account for about 6,000 serious but non-fatal (AIS 3–5) injuries to occupants sitting in the front or second seat, annually.

The extension of Standard No. 214's dynamic requirements to LTVs would primarily address LTV occupant fatalities and serious injuries which result from contacts between the side interior of LTVs and the shoulder, chest, abdomen, back and pelvis of the occupants. NHTSA estimates that by the mid-1990's, this portion of the side impact problem will account for 245 LTV occupant fatalities and an additional 970 serious (AIS 3–5) injuries annually. All of the estimated fatalities would result from thorax injuries. Of the 970 AIS 3–5 injuries, 857 would be thoracic injuries and 113 pelvic injuries. Looking solely at multi-vehicle side impacts between LTVs and other light vehicles, approximately 78 percent of the LTV fatal "trunk" injuries are caused by LTV's, and only 22 percent by passenger cars.

The agency notes that the fatality rate for occupants of LTVs in side impact crashes is slightly less than half of that for occupants of passenger cars. The LTV occupant side impact fatality rate per million registered vehicles is 25.7, as compared to 53.3 for passenger cars. The occupant fatality rates for various LTV categories are as follows: Small pickups, 30.1; large pickups, 19.0; utility vehicles 16.0; small vans, 19.3, and large vans, 9.7.

IV. Rulemaking Rationale

In multi-vehicle side impact crashes where fatalities and serious injuries result from contacts between the occupant and the interior side of the vehicle, the same basic chest injury causing dynamic event occurs regardless of whether the occupant is in a passenger car or LTV. The striking vehicle crushes the door of the target vehicle, from outside to inside. The inside door panel of the struck vehicle moves toward the occupant seated next to it, and strikes the occupant's thorax. Depending on the structure of the struck vehicle, the velocity of impact can be as high as the impact speed of the striking vehicle. The occupant's thorax is rapidly deformed as a result of the impact, resulting in injuries to the shoulder, chest, abdomen, back and/or pelvis. A similar event occurs in single vehicle side impacts with stationary objects, except that the injury mechanism is more likely to be related to intrusion than door contact velocity, i.e., the occupant's thorax is likely to experience more concentrated loading.

LTV occupants generally face a smaller risk of side impact thoracic injury than passenger car occupants because seating differences between LTVs and passenger cars make it less likely for the thoracic-injury-producing dynamic event described above to occur for LTVs than for passenger cars. LTV occupants typically sit several inches higher from the ground than passenger car occupants. If a passenger car strikes another passenger car in a side impact, the striking vehicle typically pushes the inside door panel of the struck vehicle directly into the thorax of an occupant sitting next to the door. However, if a passenger car strikes an LTV in a side impact, the primary part of the side structure that is pushed inward is more likely to be below the thorax of an adjacent occupant, thereby resulting in smaller injury-producing loads to the occupant's thorax. Further, the typically higher sill and side structure of LTV's offers significant resistance such that smaller crash loads are transmitted through the door structure to the occupant.

While the thoracic side impact problem is not so great for LTVs as it is for passenger cars, it is nonetheless a significant problem which merits attention. As indicated above, NHTSA estimates that by the mid-1990's, this portion of the side impact problem will account for 245 LTV occupant fatalities and an additional 970 serious (AIS 3–5) injuries annually. The bulk of these fatalities and serious injuries occur in side impacts with LTVs, heavy vehicles, and fixed objects, rather than in side impacts with passenger cars.

Given that the same basic dynamic event causes serious thoracic injuries and fatalities to both passenger car and LTV occupants in side impacts, i.e., medium to high velocity contact between the inside door panel and the thorax of the occupant, NHTSA believes that the same countermeasures developed for improved passenger car side impact protection are also appropriate for LTVs. There are two basic options to improve the side impact protection of a vehicle. It may be possible to increase the stiffness of the side of the vehicle and thereby reduce the velocity with which the vehicle side door interior strikes the occupant. However, given the limited available area along the side of a vehicle in which structure may be added and the enormous mass of a striking vehicle, the ability to improve safety by this means may be somewhat limited. The other available means of improving side impact protection is to cushion the impact between the side of the vehicle and the occupant, such as by adding padding to the side of the vehicle.

In the rulemaking establishing dynamic side impact requirements for passenger cars, NHTSA determined that the risk of thoracic injury can be substantially reduced by the addition of padding, or a combination of padding and structure, to the side of a vehicle. For example, the agency determined, for the driver seating position, that padding is approximately 21 percent effective (i.e., padding reduces TTI(d) by 21 percent), that structure and padding is about 30 percent effective, and that heavyweight structure and padding is 43 percent effective. As discussed in that rulemaking, NHTSA expected manufacturers to meet the dynamic side impact requirements for passenger cars primarily by adding padding.

NHTSA believes that the addition of padding, or the addition of padding and structure, can produce significant safety benefits for LTV occupants in side impacts. The agency notes that it is intuitively obvious that it is better for an occupant to be struck by a padded door than the same door unpadded. In agency research, the addition of three inches of padding in three LTV's reduced driver TTI(d) by 19.4, 28.6 and 35.0 percent. Pelvic g's were reduced by 24.5, 30.1 and 43.8 percent in the same vehicles.

Given the thoracic side impact problem that exists for LTV occupants and the fact that this countermeasure is readily available, NHTSA is currently not accepting the notion that it should decline to establish dynamic side impact requirements for LTVs simply

because the type of dynamic event causing serious thoracic injuries to occupants of struck vehicles occurs less frequently for LTVs than for passenger cars.

The purpose of a dynamic side impact protection requirement is to ensure that vehicles provide side impact protection to their occupants in a simulated crash that is representative of a typical real-world crash with serious-injury-causing potential. In its dynamic side impact protection rulemaking for passenger cars, the agency developed an appropriate test procedure and performance requirements for passenger cars. In this rulemaking, NHTSA is addressing whether those requirements should be extended to LTVs. Since this rulemaking is based, in large part, on the passenger car rulemaking, the agency encourages interested persons to examine the record for that rulemaking.

As part of considering the possible extension of Standard No. 214's dynamic side impact protection requirements to LTVs, the agency has conducted several series of LTV dynamic side impact tests. The tests employed the dynamic procedure specified by Standard No. 214 for passenger cars, except that the height and mass of the MDB were varied.

As explained more fully in the PEA, NHTSA has tentatively concluded, based on the results of these tests, that a simple extension of Standard No. 214's dynamic side impact protection requirements to LTVs would result in few, if any, safety benefits. Since the height and weight of the MDB specified by Standard No. 214 are representative of passenger cars, the test essentially replicates a crash in which a passenger car is the striking vehicle. The tests confirm what is already apparent from the real-world crash data: LTV occupants face a very small risk of serious thoracic injury in side impacts by striking passenger cars. As indicated above, this is largely because, given the relatively high seating position of LTV occupants, if a passenger car strikes an LTV in a side impact, the primary part of the side structure of the LTV that is pushed inward is likely to be below the thorax of an adjacent occupant.

It could be argued that, notwithstanding the lack of benefits that would result from a simple extension of Standard No. 214's dynamic requirements to LTVs, NHTSA should adopt that approach to ensure that all light vehicles provide the same minimum level of side impact protection to their occupants. It could also be argued that such an approach would be appropriate because passenger cars and LTV's are operated in the same traffic environment. However, a significant concern about such a regulatory approach, particularly in the context of a requirement incorporating a full-scale dynamic test, is that it would result in significant compliance costs without concomitant benefits. Moreover, such an approach would leave unaddressed the risk of thoracic injury that LTV occupants do face in side impacts with vehicles other than passenger cars.

A second regulatory approach would be to develop a test procedure that simulates the crash conditions that produce serious thoracic injuries in the real world. In developing Federal motor vehicle safety standards, NHTSA focuses on reducing the number of serious injuries and fatalities that are occurring in the real world. The agency has tentatively concluded that this approach is appropriate with respect to dynamic side impact protection requirements for LTVs. However, comments are invited on both regulatory approaches.

V. Proposal

The agency has decided to propose extending Standard No. 214's dynamic side impact protection requirements to LTVs, with possible modifications in the test procedure to make it more representative of a typical real-world crash with serious-injury-causing potential to LTV occupants. The agency is considering two possible modifications: (1) Raising the height of the MDB, and (2) increasing the mass of the MDB. In considering a possible extension, NHTSA is considering whether the requirements should apply to the front and rear seats of these additional vehicles (as is the case for passenger cars), or whether they should apply to the front seats only of these vehicles.

VA. Possible Test Procedure Modifications

NHTSA tentatively concludes that the height of the MDB should be increased because use of this test device with its current height would not create a dynamic event that is representative of the ones likely to cause serious chest injuries to LTV occupants in real world crashes. In particular, with the MDB at a height which is representative of a passenger car, the primary part of the side structure of the LTV that is pushed inward is below the thorax of the adjacent LTV occupant. However, in real world side impact crashes in which LTV occupants are likely to experience serious chest injuries, the side structure of the LTV is typically pushed inward at a height near that of the occupant's thorax. This typically occurs as a result of the LTV being struck in the side by a vehicle other than a passenger car. Vehicles other than passenger cars are, of course, typically higher than passenger cars.

There are a number of possible approaches to determining how much to raise the height of the MDB, assuming that it needs to be raised. One approach is to focus on the struck vehicle. The agency notes that, unlike passenger cars for which vehicle and seating height are very similar, the height of LTVs and LTV seating positions vary considerably. Since the primary relevant safety problem is an impact in which the side structure of the vehicle directly adjacent to an occupant is pushed inward at the height of the thorax of the occupant, the height of the MDB could be based on the H-point of the struck vehicle. This approach would ensure that LTVs provide thoracic side impact protection when they are struck in the side by another LTV of a height that pushes the side door structure inward toward adjacent occupants.

Another approach is to focus on striking vehicles. The agency notes that the two types of striking vehicles that are most likely to cause severe chest injuries in side impacts are standard pickups and compact pickups. These vehicles cause 26 percent and 16 percent of all such injuries, respectively. Thus, MDB height could be based on the heights of the front ends of these vehicles, which are considerably higher than passenger cars.

NHTSA notes that since the heights of the front ends of LTVs and even of pickup trucks vary, specifying a single height that is equally representative of all LTVs does not appear to be possible. The agency also notes that specifying a single height could raise practicability concerns, depending on the height selected. In addition to being concerned that a test procedure simulates conditions representative of real world crashes, the agency must also ensure that its safety standards are practicable. One concern about a test procedure that specifies a single MDB height that is representative of large pickup trucks is whether a requirement based on that procedure is practicable for compact LTVs that have much lower seating heights than the front end heights of large pickup trucks.

NHTSA is proposing to specify an MDB height within a range of 33 inches to 45 inches as measured from the ground to the top edge of the barrier face. By way of comparison, the MDB height for passenger car testing is 33 inches.

Within the proposed range, the agency is proposing two alternative methods for specifying MDB height, one of which would be selected by the agency for a final rule. Under the first method, the MDB height might be raised, as compared to the current height for passenger car testing, to match the driver H-point of the tested LTV (or possibly the front passenger H-point for testing the side of the vehicle away from the driver).

One example of such an approach would be to raise the barrier height by the amount that the H-point height of the tested vehicle exceeds 21 inches. Barrier heights would be raised in one-inch increments up to a maximum of 12 inches. A maximum would be established to ensure that the barrier face top edge would not be above the window of the struck vehicle.

Another example, which uses driver H-point ranges for setting barrier height, would be as follows. For driver H-points 25 inches or lower, the MDB height would be raised four inches. For driver H-points higher than 25 inches but lower than 29 inches, the MDB height would be raised seven inches. For driver H-points at least 29 inches high but lower than 31 inches, the MDB height would be raised nine inches. For driver H-points 31 inches or higher, the MDB would be raised 11 inches.

Under the second method, the MDB height would be raised either to the same level for all LTV's, or to the same level for all LTV's within a particular sub-group, e.g., pickups, vans and utility vehicles, with different levels specified for different subgroups. The level could correspond to the average H-point height of the LTV population as a whole or to the average H-point height of each LTV sub-group.

NHTSA requests comments on these approaches, and on the appropriate vehicle groupings and MDB heights to select under such approaches.

If the agency adopts a methodology in which the MDB height is based on the height of the driver H-point of the tested vehicle, it would be necessary to specify a method for determining that H-point. The agency would contemplate adopting, for purposes of a final rule, an approach based on procedures specified in S4, H-Point Machine, of SAE Standard J826 (May 1987), Devices for Use in Defining and Measuring Vehicle Seating Accommodation. NHTSA requests comments on such an approach.

In addition to proposing to raise the height of the MDB for LTV testing, the agency is also considering increasing its weight. NHTSA derived the weight of the current barrier from the median curb weight of passenger cars (3,181 pounds in 1989) and light trucks (3,958 pounds in 1989). This resulted in a weighted average of 3,423 pounds, which was adjusted downward to account for the then-projected lower weight of vehicles in the 1990's. Based on these considerations, NHTSA derived a barrier weight of 3,000 pounds. Since the late 1980's, however, the sales weighted average curb weight of the passenger car and LTV fleet has been increasing, and is now about 3,310 pounds. The average curb weight of passenger cars is now 2,970 pounds, and the average curb weight of LTVs is about 3,900 pounds. The above weights were derived from the sales weighted EPA test weight for 1993 passenger cars and LTV's, minus 300 pounds.

The agency is proposing to specify the MDB's weight within a range of 3,000 pounds to 3,800 pounds. The lower end of the range is the current weight of the MDB, as specified by Standard No. 214 for passenger car testing. The upper end of the range is based on the average weight of striking vehicles in LTV crashes where an LTV occupant had an AIS $\geq$ 3 torso injury, as observed in 1988–91 NASS data. NHTSA is not proposing an MDB weight above 3,800 pounds because of concerns about practicability. In particular, the agency believes that as MDB weight is increased much above 3,600 pounds, there are increasing concerns about the feasibility of smaller LTV's meeting the dynamic test requirements with such a barrier.

Although NHTSA is proposing alternative approaches for specifying MDB height and weight, it believes it is desirable, to facilitate more focused comments, to specifically request comments on certain options, considering the pros and cons of those options.

There are several possible advantages in specifying a single height and weight for the barrier. Specification of a single height and a single weight would result in a simpler test procedure. For example, there would be no need to determine the precise H-point height or to adjust the height and weight of the MDB for testing different vehicles.

The agency believes that the combination of raising the MDB to a height in the middle portion of the proposed range, e.g., seven to nine inches above the passenger car barrier height, and increasing its weight to 3600 pounds would be sufficient to create a dynamic event that is representative of the ones likely to cause serious chest injuries to occupants in the most vulnerable LTVs in real world crashes. In particular, the MDB with that combination of height/weight would, in a dynamic test, push the side structure of the vast majority of LTV's inward at a level near that of the occupant's thorax.

In addition, assuming that a single height and a single weight were selected, the agency is concerned that raising the MDB height to a level above the middle portion of the proposed range and/or increasing its weight above 3600 pounds could raise practicability problems for compact LTV's whose H-points are typically only a few inches higher than passenger cars.

One possible concern about specifying a single height would be whether some manufacturers might raise occupant seating height to more easily meet the requirements. Moving the seat too high could increase the vehicle's propensity to rollover.

Other possible options are to specify the height of the MDB to match the H-point of the test vehicle individually or select a setting that would best match the H-point heights of a group of vehicles belonging to a particular type. Specifying the height of the MDB to match the H-point height would result in a test that is similar to that for passenger cars in that the impact of the barrier relative to the occupant's position would be similar. Manufacturers could not avoid the need to add padding simply by raising seating height.

While this would simulate an accident severity that is likely to be experienced by an occupant in that vehicle for thoracic injuries, there may be practical difficulties encountered in conducting side impact tests in that manner. When the MDB height is set to match the H-point of the test vehicle, structurally identical models with different suspension systems that cause changes in H-point heights, would be tested at different severities, resulting in the possibility of requiring different countermeasures for what is essentially the same vehicle. Also, the added step of determining H-point height could introduce variability in test results.

The agency seeks comments on the proposal for a single height and for multiple height settings for the MDB in LTV testing.

The increases in MDB height and weight are the primary test procedure changes that NHTSA believes may be needed in extending Standard No. 214's dynamic requirements to LTV's. The agency does not believe that any changes are needed in the speed or angle of the MDB, and believes that only minor adjustments may be necessary with respect to point of impact.

The specified point of impact for passenger cars is generally 37 inches forward of the center line of the wheelbase of the struck vehicle. However, for cars with wheelbases greater than 114 inches, the point of impact is 20 inches behind the front axle. This ensures that the impact point for cars with very long wheelbases is not so far toward the rear of the car that the front seat dummy does not experience a full impact. The agency is proposing, with one exception, the same impact point for LTVs. To ensure that the impact point is not too far forward for LTVs with very short wheelbases, the agency is proposing that for LTVs with wheelbases of 98 inches or less, the impact point would be 12 inches rearward of vehicle's front axle centerline. This would ensure that the MDB would not likely bridge across the front and rear axles in short wheelbase LTVs.

NHTSA notes that GM expressed concern that specification of impact point based on wheelbase could result in the possibility of having to impact two structurally identical LTV's at two different locations. This is because manufacturers sometimes offer the same LTV with several different wheelbases. The agency requests comments on whether the specified impact point should be adjusted to eliminate this possibility. For example, should the agency either specify impact point based on driver H-point instead of wheelbase or provide a manufacturer option in this area?

The agency also requests comments on whether any other changes should be made in any part of Standard No. 214's dynamic test procedure, in order to make it appropriate for LTV's.

The proposed changes in the regulatory text of Standard No. 214 are set forth at the end of this notice. NHTSA notes that the specifications for the side impact MDB are set forth in part 587. While the agency is not setting forth specific changes to part 587, it would, for purposes of a final rule, specify any necessary changes to reflect the possibly higher, heavier MDB for LTV testing.

NHTSA notes that the weight of the MDB is adjustable by means of removable ballast plates located over the rear axle and directly rearward of the front axle of the carriage (See Figure 2 of Standard No. 214). The weights are placed such that the weight distribution front-to-rear remains as close to the weight distribution in the standard 3000 pound barrier as possible.

The agency notes that the barrier face is vertically adjustable using the hole patterns on the standard passenger car MDB carriage front. The hole patterns currently permit the barrier to be raised 4.0 inches, 7.25 inches, 9.25 inches, and 11.25 inches above the standard passenger car barrier height of 33 inches. (See NHTSA Side Impact Moving Deformable Barrier Drawing No. DSL–1281, page 5.)

Depending on the height specification that might be adopted in a final rule, there could be a need to modify the positions of the holes on the frame. There may also be a need to extend the height of the frame to provide adequate support for the raised barrier plate. The agency has conducted its research tests using a barrier modified in this way.

The agency would also, for purposes of a final rule, make any necessary conforming changes to Figure 2 of Standard No. 214. This figure shows the side impact MDB.

VB. Performance Requirements

Standard No. 214 specifies TTI(d) limits of 85 g for 4-door cars and 90 g for 2-door cars. The standard specifies a pelvic acceleration limit of 130 g for all cars. NHTSA is proposing to specify a TTI(d) limit of 85 g, the same limit as applies to 4-door passenger cars, and a pelvic acceleration limit of 130 g, the same level as applies to all passenger cars.

While some commenters suggested that LTVs might be able to meet even more stringent TTI(d) and pelvic acceleration limits than cars, the agency notes that safety standards are not based on the criterion of maximum feasible safety. The agency believes that TTI(d) and pelvic acceleration limits of 85 g and 130 g, respectively, will make a significant contribution to improve side impact protection for LTVs. This is particularly true given the fact that the agency is considering adjusting the passenger car test procedure, making it more stringent in the case of LTVs, so that it better reflects the types of crashes that result in serious injuries to LTV occupants.

NHTSA notes that, in establishing a slightly higher TTI(d) limit of 90 g for 2-door passenger cars, it explained that it is generally more difficult for manufacturers to achieve lower TTI(d) for two-door cars than four-door cars, given that the door on a two-door model is typically wider than on a four-door model. The reason two-door cars usually have wider doors is to provide occupant access to the rear seat. Two-door LTV's do not typically have wider doors, since the front doors do not provide occupant access to a rear seat. Moreover, many LTVs generally have stiffer side structures than small and medium passenger cars, especially those LTV's equipped with side door beams. Therefore, the agency believes that the 85 g limit can be specified for all LTV's. NHTSA requests comment on this issue.

VC. Rear Seat Requirements

As part of considering an extension of Standard No. 214's dynamic side impact requirements to LTVs, NHTSA is considering whether the requirements should apply to the front and rear seats of these additional vehicles (as is the case for passenger cars), or whether they should apply to the front seats only of these vehicles.

On the subject of whether the requirements should apply to the rear seats of LTVs, NHTSA wishes to call attention to the cost assessment in the PEA for this proposal which raises concerns about the cost effectiveness of requiring the second row of seats in LTVs to meet these proposed requirements. For instance, Tables VIII–6 and VIII–7 of the PEA show the "costs per equivalent life saved" from covering the second row of seats are up to 43 times greater than the costs per equivalent life saved from covering the front seats. These additional costs would be incurred to achieve much lesser benefits. NHTSA estimates that only 4 to 15 percent of all potential benefits would accrue to occupants of rear seats. However, the costs to cover the rear seats range from 23 percent to as high as 74 percent of the total cost of this rulemaking, depending on the option.

The agency is very interested in public comments addressing whether, in view of these cost-effectiveness estimates, second seats in LTVs should be covered by these requirements. In addition, the agency is interested in knowing what provision light truck manufacturers would make for rear-seat occupants if the final rule were limited to the front seats.

The agency notes that the occupants of second seats are very often children, especially in minivans, which constitute the majority of LTVs with more than one row of seats. Thus, a decision to apply the dynamic side impact requirements to second seats would ensure that children riding in these seating positions in vehicles designed and sold for family transportation are afforded the same level of protection offered to adults in the front seats.[1]

[1] NHTSA's analysis (PEA, pp. V–25 and V–26) indicates that, depending on the alternative, application of the requirements to second seats would prevent an additional 4 to 6 fatalities and 7 to 14 serious injuries annually. About ⅓ of these benefits would accrue to children under the age of 15.

NHTSA notes that while the regulatory text set forth in this document does not apply the dynamic side impact requirements to the second seats of LTVs, the agency may, depending on the comments, apply the requirements to second seats in a final rule.

NHTSA notes that many LTVs have an aisle between one of the rear outboard seating positions and the side of the vehicle. The agency does not believe there would be any reason to apply the proposed requirements to such seating positions, since they are far enough away from the side of the vehicle that occupants are not likely to experience thoracic injuries in a side impact. Therefore, if NHTSA were to cover rear outboard seating positions where the outermost edge of the rear seat cushion is more than 10 inches away from the interior surface of the side door or wall.

VI. Vehicles Covered by Proposal

As indicated above, the NHTSA Authorization Act of 1991 required the agency to address, through rulemaking, the possible extension of Standard No. 214's dynamic side impact requirements for passenger cars to MPVs and trucks with a GVWR of 8,500 pounds or less and an unloaded vehicle weight of 5,500 pounds or less. The agency has considered whether the requirements should also be applied to vehicles with a GVWR greater than 8,500 pounds but less than 10,000 pounds, as well as whether some vehicles with a GVWR of 8,500 pounds or less and an unloaded vehicle weight of 5,500 pounds or less should be excluded.

Based on its test series, NHTSA believes that larger, heavier LTVs already meet the proposed dynamic requirements, even with the higher, heavier MDB. Therefore, the agency believes there is no reason to apply the requirements to LTVs with a GVWR above 8,500 pounds.

The agency believes that it may be appropriate to exclude some LTVs with a GVWR of 8,500 pounds or less and an unloaded vehicle weight of 5,500 pounds or less. NHTSA is proposing to exclude motor homes, walk-in vans, tow trucks, dump trucks, ambulances, and vehicles which have no doors or exclusively have doors that are designed to be easily attached or removed so the vehicle can be operated without doors.

Many motor homes, walk-in vans, tow trucks, dump trucks and ambulances would already be excluded from the proposed requirements because they have a GVWR greater than 8,500 pounds. Moreover, most that are not excluded would likely already meet the proposed requirements since they would still tend to be among the larger, heavier LTV's. NHTSA is proposing to exclude these categories of vehicles because of the combination of two factors: (1) The likelihood that they already comply with the proposed requirements, and (2) many vehicles within these categories tend to have unusual side structures and are often produced in small volumes, making it potentially very expensive, on a per vehicle basis, to confirm compliance for purposes of certification.

The agency is proposing to exclude vehicles which have no doors, or exclusively have doors that are designed to be easily attached or removed so the vehicle can be operated without doors, because it would be impracticable for such vehicles to meet the proposed requirements.

There is a specialized class of small businesses involved in the final stage manufacture of vehicles manufactured in two or more stages, and/or in the conversion or alteration of new vehicles. In several recent rulemakings, including those extending Standard No. 214's quasi-static side door strength requirements and Standard No. 208's automatic crash protection requirements to LTVs, NHTSA has addressed at length the issue of compliance by these "final-stage manufacturers."

The agency believes that the extension of Standard No. 214's dynamic requirements to LTVs raises the same basic issues concerning final stage manufacturers as the earlier rulemakings on Standards No. 214 and No. 208. NHTSA has tentatively concluded that the proposed requirements would not pose an unreasonable burden on final stage manufacturers, since they have the same means for certifying compliance as they do for Standard No. 208's automatic crash protection requirements and Standard No. 214's quasi-static side door strength requirements.

In many cases, final stage manufacturers can certify compliance simply by staying with limits set by the incomplete vehicle manufacturer. Some final stage manufacturers build their own vehicle body structures. However, these manufacturers are generally larger than most final stage manufacturers, and have greater engineering and testing expertise. Final stage manufacturers can also band together to sponsor testing and/or engineering analysis.

For a full discussion of these issues, see 56 FR 12472, 12477–80, March 26, 1991 (final rule extending Standard No. 208's automatic protection requirements to LTVs); 57 FR 26609, 26612–17, June 15, 1992 (response to petitions for reconsideration of extension of Standard No. 208's automatic protection requirements to LTVs); 56 FR 27427, 27435–36, June 14, 1991 (final rule extending Standard No. 214's quasi-static side door strength requirements to LTVs); 58 FR 19628–31, April 15, 1993 (response to petition concerning the extension of Standard No. 214's quasi-static side door strength requirements to LTVs).

NHTSA requests comments on the proposed exclusions discussed above and on whether any other LTVs should be excluded. NHTSA notes that buses within the specified weight limits are covered by the proposal. Some vans are classified as buses. While most such vans have a GVWR above 8,500 pounds, there may be some smaller ones with a lower GVWR. The agency is aware that some small buses have an unusual side structure, in that the passenger portion of the bus is wider than the portion which includes the driver seat. NHTSA specifically requests comments on whether any such buses have a GVWR of 8,500 pounds or less and, if so, whether the proposed test procedure would be appropriate for vehicles with that type of side structure. NHTSA also specifically requests comments on the ability of manufacturers of LTVs designed to be driven by persons with disabilities to comply with the proposed requirements.

VII. Benefits

NHTSA's analysis of benefits is presented in the PEA. As discussed in that document, estimated benefits would vary depending on the barrier weight and height specified in a final rule. All LTV's are believed to meet the proposed requirements using the barrier specified by Standard No. 214 for passenger car testing. Thus, benefits would be negligible for that option. The benefits would increase as barrier weight and height increase.

The PEA provides estimates of benefits for six different barrier height alternatives, with the barrier weight at 3,000 and 3,600 pounds. The height of the barrier varies between 35 inches and 45 inches for these alternatives. The estimates of benefits cited below reflect those alternatives.

If the dynamic side impact requirements were extended to the front seat only, with a barrier weight of 3,000 pounds, the agency estimates that there would be 1 to 63 fewer fatalities and 13 to 287 fewer AIS 2–5 injuries annually, depending on the height of the barrier. With a barrier weight of 3,600 pounds, NHTSA estimates that there would be 32 to 116 fewer fatalities and 122 to 472 fewer AIS 2–5 injuries annually, depending on the height of the barrier.

If the requirements were extended to the front and rear seats, with a barrier weight of 3,000 pounds, the agency estimates that there would be 5 to 69 fewer fatalities and 20 to 301 fewer AIS 2–5 injuries annually. With a barrier weight of 3,600 pounds, NHTSA estimates that there would be 36 to 122 fewer fatalities and 129 to 486 fewer AIS 2–5 injuries annually.

As discussed in the PEA, there are a number of assumptions underlying these estimates, including the assumption that 12 light truck make/models for which the agency has test data are representative of vehicles in their body style/size class. Another assumption is that either padding or a combination of padding and structure would be employed as countermeasures.

VIII. Costs

The PEA also presents the agency's analysis of costs. As with benefits, estimated costs would vary depending on the barrier weight and height specified in a final rule. Since all LTV's are believed to meet the proposed requirements using the barrier specified by Standard No. 214 for passenger car testing, vehicle costs would be negligible for that option. However, there would be testing costs.

Costs would increase as barrier weight and height increase. The PEA provides estimates of costs for the same barrier height/weight alternatives as for benefits. The estimates of costs cited below reflect those alternatives.

While some LTVs already meet the proposed requirements and would not require any changes, NHTSA believes that all other LTVs could be brought into compliance either by the addition of three inches or less of padding to the door or side of the vehicle adjacent to each outboard occupant's thorax, or by the addition of a combination of padding and structure.

If the dynamic side impact requirements were extended to the front seat only and assuming that the appropriate countermeasures were added to those vehicles requiring changes, NHTSA estimates the average cost per LTV of adding the countermeasure to be $5.55 to $37.07, depending on the weight and height specified for the barrier. (The average cost per LTV is based on the costs for all LTVs, including those which would not require the addition of countermeasures.) The addition of the lifetime fuel costs of carrying the extra weight of the padding/structure increases the average cost per LTV to $7.91 to $65.90. Another possible cost relates to secondary weight, i.e., weight increases in other parts of the vehicle which might be made to compensate for the additional weight of the padding/structure. With the addition of secondary weight and the lifetime fuel costs of carrying the secondary weight, the average cost per LTV would be $10.47 to $97.22.

If the proposed requirements were extended to the front and rear seats, NHTSA estimates the average cost per LTV of adding the countermeasure to be $7.33 to $55.18. The addition of the lifetime fuel costs of carrying the extra weight of the padding/structure increases the cost per LTV to $10.59 to $98.69. With the addition of secondary weight and the lifetime fuel costs of carrying the secondary weight, the average cost per LTV would be $14.13 to $145.96.

As with its estimates of benefits, NHTSA's costs estimates are based on a number of assumptions which are discussed in the PEA.

IX. Leadtime/Phase-In

NHTSA believes that the extension of the dynamic side impact requirements to LTVs would require a similar leadtime to that provided for passenger cars, since the countermeasures and testing needs are the same. The agency is therefore proposing to establish the same phase-in options as it provided for passenger cars.

More specifically, to provide manufacturers with sufficient leadtime to design their LTVs to meet the proposed performance requirements, NHTSA is proposing two compliance schedules, the choice of which would be at the option of the manufacturer. Under the first schedule, the standard would be phased-in in accordance with the following implementation schedule:

10 percent of all LTVs manufactured during the first full production year (September 1 to August 31) beginning approximately two years after the issuance of a final rule;

25 percent of all LTVs manufactured during the second full year after that two-year period;

40 percent of all LTVs manufactured during the third full year after that two-year period; and

100 percent of all LTVs manufactured on or after the beginning of the fourth full year after that two-year period.

Under the second schedule, no compliance would be required during the production period beginning approximately two years after the issuance of a final rule, but full implementation would be required beginning with the next production period.

X. Reporting Requirements

Whenever the agency specifies a phase-in of some performance requirement, it is necessary for enforcement of that phase-in to require manufacturers to report, at the end of each production period during the phase-in, its total production of vehicles and the number of such vehicles that are certified as complying with the relevant performance requirement. While the agency is not setting forth specific regulatory text concerning reporting in this NPRM, it would, for purposes of a final rule, establish essentially the same side impact reporting requirements for LTV manufacturers as it established in part 586 for passenger car manufacturers.

XI. Rulemaking Analyses and Notices

Executive Order 12866 and DOT Regulatory Policies and Procedures

NHTSA has considered the costs and other impacts that would be associated with this proposal if it were adopted as a final rule. This rulemaking document was reviewed under Executive Order 12866, "Regulatory Planning and Review." This rulemaking action is considered significant under that executive order and the DOT Regulatory Policies and Procedures because it could have an annual effect on the economy of $100 million or more. The agency's analysis of costs and benefits is presented in the Preliminary Economic Assessment, which is being placed in the docket. A summary of costs and benefits is presented earlier in this notice.

Regulatory Flexibility Act

NHTSA has also considered the effects of this regulatory action under the Regulatory Flexibility Act. I hereby certify that it would not have a significant economic impact on a substantial number of small entities. Accordingly, the agency has not prepared a preliminary regulatory flexibility analysis.

The primary cost effect of the proposed requirements would be on incomplete vehicle manufacturers, which are not small entities. Although many final stage manufacturers are small businesses, NHTSA estimates that the vast majority of those businesses would not be significantly affected by the proposed requirements. Final stage manufacturers would have the same means for certifying compliance as they do for Standard No. 208's automatic crash protection requirements and Standard No. 214's quasi-static side door strength requirements. In many cases, final stage manufacturers can

certify compliance simply by staying with limits set by the incomplete vehicle manufacturer. Some final stage manufacturers build their own vehicle body structures. However, these manufacturers are generally larger than most final stage manufacturers, and have greater engineering and testing expertise. Final stage manufacturers can also band together to sponsor testing and/or engineering analysis.

Small organizations and governmental units should not be significantly affected since the potential cost impacts associated with this proposed action should only slightly affect the purchase price of new motor vehicles.

National Environmental Policy Act

NHTSA has analyzed this rulemaking for the purposes of the National Environmental Policy Act. The addition of padding and structure would result in increased material usage by manufacturers, primarily plastic and metal. There could also be increased material usage associated with possible secondary weight. The agency estimates that LTVs could increase in average curb weight by 0.07 percent to 1.25 percent. Such added weight would result in a very slight increase in fuel consumption. After considering these impacts, the agency has determined that implementation of this action would not have any significant impact on the quality of the human environment.

Executive Order 12612 (Federalism)

The agency has analyzed this proposal in accordance with the principles and criteria set forth in Executive Order 12612. NHTSA has determined that this proposal does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

Paperwork Reduction Act

The reporting and recordkeeping requirements associated with this proposed rule are being submitted to the Office of Management and Budget for approval in accordance with 44 U.S.C. Chapter 35 under OMB No.: 2127–0558; ADMINISTRATION: National Highway Traffic Safety Administration; TITLE: Production Reporting System for Side Impact Protection Compliance (49 CFR part 586); NEED FOR INFORMATION: To assess compliance with dynamic side impact protection phase-in requirements; PROPOSED USE OF INFORMATION: To determine if manufacturers are complying with the dynamic side impact protection phase-in schedule; FREQUENCY: Annually; BURDEN ESTIMATE: 384 hours; RESPONDENTS: 16; FORM(S): None; AVERAGE BURDEN HOURS FOR RESPONDENT: 24 hours.

FOR FURTHER INFORMATION CONTACT: The Information Requirements Division, M–34, Office of the Secretary of Transportation, 400 Seventh Street, SW., Washington, DC 20590, (202) 366–4735, or Edward Clarke, Office of Management and Budget, New Executive Office Building, room 3228, Washington, DC 20503, (202) 395–7340.

Civil Justice Reform

This proposed rule would not have any retroactive effect. Under section 103(d) of the National Traffic and Motor Vehicle Safety Act (Safety Act; 15 U.S.C. 1392(d)), whenever a Federal motor vehicle safety standard is in effect, a State may not adopt or maintain a safety standard applicable to the same aspect of performance which is not identical to the Federal standard, except to the extent that the State requirement imposes a higher level of performance and applies only to vehicles procured for the State's use. Section 105 of the Safety Act (15 U.S.C. 1394) sets forth a procedure for judicial review of final rules establishing, amending or revoking Federal motor vehicle safety standards. That section does not require submission of a petition for reconsideration or other administrative proceedings before parties may file suit in court.

XII. Submission of Comments

Interested persons are invited to submit comments on the proposal. It is requested but not required that 10 copies be submitted.

All comments must not exceed 15 pages in length. (49 CFR 553.21). Necessary attachments may be appended to these submissions without regard to the 15-page limit. This limitation is intended to encourage commenters to detail their primary arguments in a concise fashion.

If a commenter wishes to submit certain information under a claim of confidentiality, three copies of the complete submission, including purportedly confidential business information, should be submitted to the Chief Counsel, NHTSA, at the street address given above, and seven copies from which the purportedly confidential information has been deleted should be submitted to the Docket Section. A request for confidentiality should be accompanied by a cover letter setting forth the information specified in the agency's confidential business information regulation. 49 CFR part 512.

All comments received before the close of business on the comment closing date indicated above for the proposal will be considered, and will be available for examination in the docket at the above address both before and after that date. To the extent possible, comments filed after the closing date will also be considered. Comments received too late for consideration in regard to the final rule will be considered as suggestions for further rulemaking action. Comments on the proposal will be available for inspection in the docket. The NHTSA will continue to file relevant information as it becomes available in the docket after the closing date, and it is recommended that interested persons continue to examine the docket for new material.

Those persons desiring to be notified upon receipt of their comments in the rules docket should enclose a self-addressed, stamped postcard in the envelope with their comments. Upon receiving the comments, the docket supervisor will return the postcard by mail.

List of Subjects in 49 CFR Part 571

Imports, Motor vehicle safety, Motor vehicles, Rubber and rubber products, Tires.

In consideration of the foregoing, 49 CFR part 571 would be amended as follows:

PART 571—FEDERAL MOTOR VEHICLE SAFETY STANDARDS

1. The authority citation for part 571 would continue to read as follows:

Authority: 15 U.S.C. 1392, 1401, 1403, 1407; delegation of authority at 49 CFR 1.50.

2. Section 571.214 would be amended by revising S2, adding S3(f) through S3(h), revising S5.1, S6.1, S6.11, and S7, and adding S8.5 through S8.9.3, to read as follows:

§ 571.214 Standard No. 214, Side Impact Protection.

* * * * *

S2. This standard applies to passenger cars. Effective September 1, 1993, sections S3(a), S3(e), S3.1 through S3.2.3, and S4 of the standard apply to multipurpose passenger vehicles, trucks, and buses with a GVWR of 10,000 pounds or less, except for walk-in vans. Effective September 1, 1996, sections S3(f) through S3(h) and S5 of the standard apply to multipurpose passenger vehicles, trucks and buses with a GVWR of 8,500 pounds or less and an unloaded vehicle weight of 5,500 pounds or less, except for walk-in vans, motor homes, tow trucks, dump trucks, ambulances, and vehicles which have no doors or exclusively have doors that are designed to be easily attached or

removed so the vehicle can be operated without doors.

* * * * *

S3* * *

(f) When tested according to the conditions of S6, each multipurpose passenger vehicle, truck and bus manufactured on or after September 1, 1999 shall meet the requirements of S5.1, S5.2, and S5.3 in a 33.5 miles per hour impact in which the vehicle is struck on either side by a moving deformable barrier. A part 572, subpart F test dummy is placed in the front outboard seating position on the struck side of the vehicle.

(g) Except as provided in paragraph (h) of this section, from September 1, 1996 to August 31, 1999, a specified percentage of each manufacturer's combined yearly production of multipurpose passenger vehicles, trucks and buses with a GVWR of 8,500 pounds or less and an unloaded vehicle weight of 5,500 pounds or less, as set forth in S8, shall, when tested under the conditions of S6, meet the requirements of S5.1, S5.2, and S5.3 in a 33.5 miles per hour impact in which the vehicle is struck on either side by a moving deformable barrier. A part 572, subpart F test dummy is placed in the front outboard seating position on the struck side of the vehicle.

(h) A manufacturer may, at its option, comply with the requirements of this paragraph instead of paragraph (g) of this section. When tested under the conditions of S6, each multipurpose passenger vehicle, truck and bus with a GVWR of 8,500 pounds or less and an unloaded vehicle weight of 5,500 pounds or less manufactured from September 1, 1997 to August 31, 1999 shall meet the requirements of S5.1, S5.2, and S5.3 in a 33.5 miles per hour impact in which the vehicle is struck on either side by a moving deformable barrier. A part 572, subpart F test dummy is placed in the front outboard seating position on the struck side of the vehicle.

* * * * *

S5.1 *Thorax.* The Thoracic Trauma Index (TTI(d)) shall not exceed 85 g for passenger cars with four side doors, shall not exceed 90 g for passenger cars with two side doors, and shall not exceed 85 g for multipurpose passenger vehicles, trucks, and buses, when calculated in accordance with the following formula:

$TTI(d)=1/2\ (G_R+G_{LS})$

The term "G_R" is the greater of the peak accelerations of either the upper or lower rib, expressed in g's and the term "G_{LS}" is the lower spine (T12) peak acceleration, expressed in g's. The peak acceleration values are obtained in accordance with the procedure specified in S6.13.5.

* * * * *

S6.1 *Test weight.* Each vehicle is loaded to its unloaded vehicle weight, plus 300 pounds or its rated cargo and luggage capacity (whichever is less), secured in the luggage or load-carrying area, plus the weight of the necessary anthropomorphic test dummies. Any added test equipment is located away from impact areas in secure places in the vehicle. The vehicle's fuel system is filled in accordance with the following procedure. With the test vehicle on a level surface, pump the fuel from the vehicle's fuel tank and then operate the engine until it stops. Then, add Stoddard solvent to the test vehicle's fuel tank in an amount which is equal to not less than 92 percent and not more than 94 percent of the fuel tank's usable capacity stated by the vehicle's manufacturer. In addition, add the amount of Stoddard solvent needed to fill the entire fuel system from the fuel tank through the engine's induction system.

* * * * *

S6.11 *Impact reference line.* For passenger cars with a wheelbase of 114 inches or less and for other vehicles with a wheel base of greater than 98 inches but not greater than 114 inches, on the side of the vehicle that will be struck by the moving deformable barrier, place a vertical reference line which is 37 inches forward of the center of the vehicle's wheelbase. For vehicles with a wheelbase greater than 114 inches, on the side of the vehicle that will be struck by the moving deformable barrier, place a vertical reference line which is 20 inches rearward of the centerline of the vehicle's front axle. For vehicles other than passenger cars, with a wheelbase of 98 inches or less, on the side of the vehicle that will be struck by the moving deformable barrier, place a vertical reference line, which is 12 inches rearward of the centerline of the vehicle's front axle.

* * * * *

S7 *Positioning procedure for the Part 572 Subpart F Test Dummy.* Position a correctly configured test dummy, conforming to subpart F of part 572 of this chapter, in the front outboard seating position on the side of the test vehicle to be struck by the moving deformable barrier and, if the vehicle is a passenger car, position another conforming test dummy in the rear outboard position on the same side of the vehicle, as specified in S7.1 through S7.4. Each test dummy is restrained using all available belt systems in all seating positions where such belt restraints are provided. In addition, any folding armrest is retracted.

* * * * *

S8.5 *Multipurpose passenger vehicles, trucks and buses manufactured on or after September 1, 1996 and before September 1, 1997.*

S8.5.1 The combined number of multipurpose passenger vehicles, trucks and buses with a GVWR of 8,500 pounds or less and an unloaded vehicle weight of 5,500 pounds or less complying with the requirements of S3(g) shall be not less than 10 percent of:

(a) the average annual production of multipurpose passenger vehicles, trucks and buses with a GVWR of 8,500 pounds or less and an unloaded vehicle weight of 5,500 pounds or less manufactured on or after September 1, 1993, and before September 1, 1996, by each manufacturer, or

(b) the manufacturer's annual production of multipurpose passenger vehicles, trucks and buses with a GVWR of 8,500 pounds or less and an unloaded vehicle weight of 5,500 pounds or less during the period specified in S8.5.

S8.6 *Multipurpose passenger vehicles, trucks and buses manufactured on or after September 1, 1997 and before September 1, 1998.*

S8.6.1 The combined number of multipurpose passenger vehicles, trucks and buses with a GVWR of 8,500 pounds or less and an unloaded vehicle weight of 5,500 pounds or less complying with the requirements of S3(g) shall be not less than 25 percent of:

(a) the average annual production of multipurpose passenger vehicles, trucks and buses with a GVWR of 8,500 pounds or less and an unloaded vehicle weight of 5,500 pounds or less manufactured on or after September 1, 1994, and before September 1, 1997, by each manufacturer, or

(b) the manufacturer's annual production of multipurpose passenger vehicles, trucks and buses with a GVWR of 8,500 pounds or less and an unloaded vehicle weight of 5,500 pounds or less during the period specified in S8.6.

S8.7 *Multipurpose passenger vehicles, trucks and buses manufactured on or after September 1, 1998 and before September 1, 1999.*

S8.7.1 The combined number of multipurpose passenger vehicles, trucks and buses with a GVWR of 8,500 pounds or less and an unloaded vehicle weight of 5,500 pounds or less complying with the requirements of S3(g) shall be not less than 40 percent of:

(a) the average annual production of multipurpose passenger vehicles, trucks and buses with a GVWR of 8,500 pounds or less and an unloaded vehicle weight of 5,500 pounds or less manufactured on or after September 1, 1994, and before September 1, 1997, by each manufacturer, or

(b) the manufacturer's annual production of multipurpose passenger vehicles, trucks and buses with a GVWR of 8,500 pounds or less and an unloaded vehicle weight of 5,500 pounds or less during the period specified in S8.7.

S8.8 Walk-in vans, motor homes, tow trucks, dump trucks, ambulances, and vehicles which have no doors or exclusively have doors that are designed to be easily attached or removed so the vehicle can be operated without doors may be excluded from all calculations of compliance with S8.5.1, S8.6.1 and S8.7.1.

S8.9 *Multipurpose passenger vehicles, trucks and buses produced by more than one manufacturer.*

S8.9.1 For the purposes of calculating average annual production of multipurpose passenger vehicles, trucks and buses with a GVWR of 8,500 pounds or less and an unloaded vehicle weight of 5,500 pounds or less for each manufacturer and the number of multipurpose passenger vehicles, trucks and buses with a GVWR of 8,500 pounds or less and an unloaded vehicle weight of 5,500 pounds or less manufactured by each manufacturer under S8.5.1, S8.6.1 and S8.7.1, a vehicle produced by more than one manufacturer shall be attributed to a single manufacturer as follows, subject to S8.9.2:

(a) A vehicle which is imported shall be attributed to the importer.

(b) A vehicle manufactured in the United States by more than one manufacturer, one of which also markets the vehicle, shall be attributed to the manufacturer which markets the vehicle.

S8.9.2 A vehicle produced by more than one manufacturer shall be attributed to any one of the vehicle's manufacturers specified by an express written contract, reported to the National Highway Traffic Safety Administration under 49 CFR part 586, between the manufacturer so specified and the manufacturer to which the vehicle would otherwise be attributed under S8.9.1.

S8.9.3 Each multipurpose passenger vehicle, truck and bus with a GVWR of 8,500 pounds or less and an unloaded vehicle weight of 5,500 pounds or less that is manufactured in two or more stages or that is altered (within the meaning of § 567.7 of this chapter) after having previously been certified in accordance with part 567 of this chapter is not subject to the requirements of S3(g).

Issued on: June 10, 1994.

Barry Felrice,

Associate Administrator for Rulemaking.

[FR Doc. 94–14578 Filed 6–14–94; 8:45 am]

BILLING CODE 4910–59–P

Notices

Federal Register
Vol. 59, No. 114
Wednesday, June 15, 1994

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

AGENCY FOR INTERNATIONAL DEVELOPMENT

Voluntary Foreign Aid Advisory Committee; Meeting

Pursuant to the Federal Advisory Committee Act, notice is hereby given of a meeting of the Advisory Committee on Voluntary Foreign Aid (ACVFA) on:

Date: Wednesday, June 29, 1994 9 a.m. to 5 p.m.

Location: Dean Acheson Auditorium, U.S. Department of State, Washington, DC

During the meeting, USAID Administrator J. Brian Atwood and other speakers from USAID and the PVO community will discuss USAID policies that affect the U.S. private and voluntary community.

The meeting is free and open to the public. However, notification by Friday, June 24, 1994, through the Advisory Committee's office is required.

Persons wishing to attend the meeting must call Theresa Oakley (703) 351–0243 or FAX (703) 351–0212. Persons attending must include their name, organization, birth date and social security number for security purposes.

Dated: June 6, 1994.

Louis C. Stamberg,

Office Director, Office of Private and Voluntary Cooperation, Bureau for Humanitarian Assistance.

[FR Doc. 94–14481 Filed 6–14–94; 8:45 am]

BILLING CODE 6116–01–M

DEPARTMENT OF COMMERCE

Agency Forms Under Review by the Office of Management and Budget

DOC has submitted to the Office of Management and Budget for clearance the following proposals for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

Agency: Bureau of Export Administration.

Title: Short Supply Regulations — Unprocessed Western Red Cedar.

Agency Form Number: None but requirements are found at Section 777.7 of the Export Administration Regulations.

OMB Approval Number: 0694–0025.

Type of Request: Extension of the expiration date of a currently approved collection.

Burden: 30 minutes.

Number of Respondents: One.

Avg Hours Per Response: 30 minutes.

Needs and Uses: The Export Administration Act prohibits the export of most unprocessed western red cedar harvested from State or Federal lands, except for unprocessed western red cedar harvested under contracts entered into before 1979. The information is collected as supporting documentation for license applications to enforce the Export Administration Act's prohibition.

Affected Public: Businesses or other for–profit institutions, small businesses or organizations.

Frequency: On occasion.

Respondent's Obligation: Required to obtain or retain a benefit.

OMB Desk Officer: Don Arbuckle, (202) 395–7340, Room 3208, New Executive Office Building, Washington, D.C. 20503.

Agency: Inspector General's Office.

Title of Survey: Applicant for Funding Assistance.

Agency Form Number: CD–346.

OMB Approval Number: 0605–0001.

Type of Request: Reinstatement of a previously approved collection.

Burden: 240 hours.

Number of Respondents: 960.

Avg Hours Per Response: 15 minutes.

Needs and Uses: The information provided is used to check the good character of individuals or organizations receiving grants, loans or loan guarantees from the Department of Commerce.

Affected Public: Individuals, businesses or other for–profit institutions, small businesses or organizations, non–profit institutions.

Frequency: On occasion.

Respondent's Obligation: Required to obtain or retain a benefit.

OMB Desk Officer: Don Arbuckle, (202) 395–7340, Room 3208, New Executive Office Building, Washington, D.C. 20503.

Agency: National Institute of Standards and Technology.

Title: Malcolm Baldrige Quality Award Application.

Agency Form Number: None.

OMB Approval Number: 0693–0006

Type of Request: Revision of a currently approved collection.

Burden: 10,000 hours.

Number of Respondents: 100.

Avg Hours Per Response: 100.

Needs and Uses: The Malcolm Baldrige Quality Management Act of 1987 established an annual U.S. National Quality Award. The purposes of the Award are to promote quality awareness, recognize quality achievements of U.S. companies, and to publicize successful quality strategies. The information collected from applicants will be used to conduct evaluations and determine who will receive the Awards.

Affected Public: Businesses or other for–profit institutions, small businesses or organizations, non–profit institutions.

Frequency: Annually.

Respondent's Obligation: Required to obtain or retain a benefit.

OMB Desk Officer: Maya A. Bernstein, (202) 395–3785, Room 3235, New Executive Office Building, Washington, D. C. 20503.

Agency: National Oceanic and Atmospheric Administration (NOAA).

Title: NOAA's Teacher At Sea Program.

Agency Form Number: None.

OMB Approval Number: None.

Type of Request: Existing collection in use without an OMB approval number.

Burden: 180 hours.

Number of Respondents: 240.

Avg Hours Per Response: Varies but generally 1 hour for applications and 2 hours for the final report requirement.

Needs and Uses: NOAA provides educators with an opportunity to gain first–hand experience with field research activities through the Teacher at Sea Program. Through this program, educators spend up to 3 weeks at sea on a NOAA research vessel, participating in an on–going research project with NOAA scientists. Information provided through the application process is used in evaluating and selecting applicants. Participants also must provide a final report.

Affected Public: Individuals.

Frequency: On occasion.

Respondent's Obligation: Required to obtain or retain a benefit.

OMB Desk Officer: Don Arbuckle, (202) 395–7340, Room 3208, New

Executive Office Building, Washington, D.C. 20503.

Agency: National Oceanic and Atmospheric Administration (NOAA).

Title: Fisheries Certificate of Origin and ICATT Bluefin Statistical Document.

Agency Form Number: NOAA Form 370.

OMB Approval Number: 0648–0040.

Type of Request: Revision of a currently approved collection.

Burden: 5,133 hours.

Number of Respondents: 583 (over 20 responses per respondent).

Avg. Hours Per Response: Ranges between 20 and 40 minutes.

Needs and Uses: The United States is a member of the International Commission for the Conservation of Atlantic Tunas (ICATT). To comply with a 1992 recommendation of this organization, the United States needs to document bluefin tuna shipments that are imported into or exported from the United States. The Bluefin Tuna Statistical Document will be a condition for import, export, or re–export of fresh or frozen bluefin tuna. This request also covers the requirements of the International Dolphin Conservation Act. This law requires the Secretary to ensure that any tuna or tuna product entering the commerce of the U.S. is dolphin safe.

Affected Public: Small businesses or organizations.

Frequency: Upon import or export, on occasion.

Respondent's Obligation: Required to obtain or retain a benefit.

OMB Desk Officer: Don Arbuckle, (202) 395–7340, Room 3208, New Executive Office Building, Washington, D.C. 20503.

Agency: Technology Administration.

Title: Application for Manufacturing Technology Fellowship.

Agency Form Number: None assigned.

OMB Approval Number: 0692–0002.

Type of Request: Revision of a currently approved collection.

Burden: 5,400 hours.

Number of Respondents: 200.

Avg Hours Per Response: 27.

Needs and Uses: The information provided is used to determine qualifications of applications for the Manufacturing Technology Fellowship Program. This program gives manufacturing engineers the opportunity to spend up to one year in Japan learning Japanese manufacturing techniques, culture, and language.

Affected Public: Individuals, businesses or other for–profit institutions, small businesses or organizations.

Frequency: Annually.

Respondent's Obligation: Required to obtain or retain a benefit.

OMB Desk Officer: Maya A. Bernstein, (202) 395–3785, Room 3235, New Executive Office Building, Washington, D.C. 20503.

Copies of the above information collection proposals can be obtained by calling or writing Gerald Tache, DOC Forms Clearance Officer, (202) 482–3271, Department of Commerce, Room 5327, 14th and Constitution Avenue, N.W., Washington, D.C. 20230.

Written comments and recommendations for the proposed information collections should be sent to the respective Desk Officer listed above.

Dated: June 9, 1994

Gerald Tache,

Departmental Forms Clearance Officer, Office of Management and Organization.

[FR Doc. 94–14579 Filed 6–14–94; 8:45 am]

BILLING CODE 3510–CW–F

International Trade Administration

Initiation of Antidumping and Countervailing Duty Administrative Reviews and Request for Revocation in Part

AGENCY: International Trade Administration/Import Administration Department of Commerce.

ACTION: Notice of initiation of antidumping and countervailing duty administrative reviews and request for revocation in part.

SUMMARY: The Department of Commerce has received requests to conduct administrative reviews of various antidumping and countervailing duty orders, findings and suspension agreements with May anniversary dates. In accordance with the Commerce Regulations, we are initiating those administrative reviews. The Department also received a request to revoke in part a countervailing duty order.

EFFECTIVE DATE: June 15, 1994.

FOR FURTHER INFORMATION CONTACT: Holly A. Kuga, Office of Antidumping Compliance, International Trade Administration, U.S. Department of Commerce, Washington, DC 20230, telephone: (202) 482–4737.

SUPPLEMENTARY INFORMATION:

Background

The Department of Commerce (the Department) has received timely requests, in accordance with 19 C.F.R. 353.22(a) and 355.22(a) (1993), for administrative reviews of various antidumping and countervailing duty orders, findings, and suspension agreements with May anniversary dates. The Department also received a timely request to revoke in part the countervailing duty order on ceramic tile from Mexico.

Initiation of Reviews

In accordance with sections 19 CFR 353.22(c) and 355.22(c), we are initiating administrative reviews of the following antidumping and countervailing duty orders, findings, and suspension agreements. We intend to issue the final results of these reviews not later than May 31, 1995.

	Period to be reviewed
Antidumping Duty Proceedings	
Brazil:	
Frozen Concentrated Orange Juice, A–351–605: Branco Peres Citrus, S.A. CTM Citrus, S.A	05/01/93–04/30/94
Japan:	
Gray Portland Cement and Clinker, A–588–815: Onoda Cement Co., Ltd.	05/01/93–04/30–94
The People's Republic of China:	
Iron Construction Castings, A–570–502: China National Machinery Import and Export Corporation/Liaoning Branch	05/01/93–04/30/94
All other exporters of iron construction castings are conditionally covered by this review.	
Axes/Adzes; Bars/Wedges; Hammers/Sledges and Picks/Mattocks A–570–803: Fujian Machinery & Equipment Import & Export Corporation (FMEC): Shandong Machinery Import & Export Corporation (SMC)	02/01/93–01/31/94

	Period to be reviewed
All other exporters of hand tools are conditionally covered by this review.*	
*This is an amendment of the February 17, 1994 initiation notice covering axes/adzes, bars/wedges, hammers/sledges, and picks/mattocks from the People's Republic of China.	
The Republic of Korea:	
Dynamic Random Access Memory Semiconductors (DRAMs) of One Megabit, A–580–812: Goldstar Electron Co., Ltd., Hyundai Electronic Industries Co., Ltd., Teijin Shoji Co., Ltd., Actor Inc./AGM, Ark Corporation, Samsung Electronics Co., Ltd., Atomco, First International, Kaitec Corp., Katsuki Co., Ltd., Kawano Electric Co., Ltd., KT Technology c/o Lambda Tech, Lets Corporation, Nambu Syokai Co., Ltd., Nichinan Electronics, Nippon Micro Devices, Suntec Japan Corp, and Tokyo Circuits	10/29/92–04/30/94
Turkey:	
Welded Carbon Steel Standard Pipe and Tube Products, A–489–501: Borusan Group, Mannesmann-Sumerbank Boru Endustrisi T.A.S.; Yucelboru Ihracat, Ithalat ve Pazarlama A.S./Cayirova Boru Sanayi ve Ticaret A.S	05/01/93–04/30/94
Countervailing Duty Proceedings	
Mexico:	
Ceramic Tile, C–201–003	01/01/93–12/31/93
Singapore:	
Ball Bearings, C–559–802	01/01/93–12/31/93
Cylindrical Bearings, C–559–802	01/01/93–12/31/93
Needle Roller Bearings, C–559–802	01/01/93–12/31/93
Spherical Plain Bearings, C–559–802	01/01/93–12/31/93
Spherical Roller Bearings, C–559–802	01/01/93–12/31/93
Thailand:	
Ball Bearings and Parts Thereof, C–549–802	01/01/93–12/31/93
Venezuela:	
Ferrosilicon, C–307–808	08/25/92–12/31/93

Interested parties must submit applications for disclosure under administrative protective orders in accordance with 19 CFR 353.34(b) and 355.34(b).

These initiatives and this notice are in accordance with section 751(a) of the Tariff Act of 1930, as amended (19 U.S.C. 1675(a)) and 19 CFR 353.22(c)(1), 355.22(c)(1), and 355.25(c)(2).

Dated: June 10, 1994.

Joseph A. Spetrini,

Deputy Assistant Secretary for Compliance.

[FR Doc. 94–14681 Filed 6–14–94; 8:45 am]

BILLING CODE 3510–DS–M

U.S.-South African Business Development Committee: Membership

ACTION: Notice of Membership Opportunity.

SUMMARY: On June 4, 1994, Secretary of Commerce Ronald H. Brown and South African Minister of Trade and Industry Trevor Manuel signed the document creating the U.S.-South Africa Business Development Committee ("BDC"). The purpose of the BDC will be to provide a forum through which U.S. and South African private sector representatives can furnish advice and guidance to their governments, and in which governments can exchange information, solve problems, and more effectively work together on issues relating to the following important areas:

—Resolving obstacles to trade and investment;

—Developing problem-solving approaches in areas where government action/inaction is affecting a commercial project;

—Improving commercial activity in both countries;

—Implementing promotional programs;

—Identifying further steps to facilitate and encourage the development of commercial expansion between the two countries.

The U.S. private sector side of the BDC will consist of 20 members representing the diversity of American business, with emphasis on: finance and investment, infrastructure, technical assistance, and market access. The Commerce Department is currently seeking nominations of outstanding individuals or companies to serve on the BDC.

In order to meet eligibility requirements for membership, potential candidates must be:

—A U.S. citizen residing in the United States;

—A CEO or other top management level employee of a U.S. company or organization involved with South Africa in the trade and investment fields;

—Not a registered Foreign Agent.

In reviewing eligible candidates, the Commerce Department will consider such selection factors as:

—Experience in the South African market;

—Industry or service sector represented;

—Export/investment experience;

—Contribution to diversity based on industry sectors, company size, location, and demographics.

To be considered for membership, please provide the following: name and title of at least two individuals requesting consideration; name and address of the company or organization sponsoring each individual; company's product or service line; size of the company; export experience/foreign investment experience and major markets; a brief statement of why each candidate should be considered for membership on the BDC; the particular segment of the business community each candidate would represent; and a personal resume.

DATES: In order to receive full consideration, requests must be received no later than: Wednesday, July 20, 1994.

ADDRESS: Please send your requests for consideration to Mrs. S.K. Miller, Director, Office of Africa, either by fax on (202) 482–5198 or by mail at Room 3317, U.S. Department of Commerce, Washington, DC 20230.

FOR FURTHER INFORMATION CONTACT: Mrs. S.K. Miller of the Office of Africa, Room 3317, U.S. Department of Commerce, Washington, DC 20230.

Sally K. Miller,

Director, Office of Africa.

[FR Doc. 94–14524 Filed 6–14–94; 8:45 am]

BILLING CODE 3510–DA–P

National Oceanic and Atmospheric Administration

[Docket No. 940666–4166; I.D. 052094A]

North Pacific Scallop Fisheries

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

ACTION: Notice of control date.

SUMMARY: NMFS announces a control date of April 24, 1994, after which scallop harvests made in the exclusive economic zone (EEZ) off Alaska may not apply as catch history for purposes of any future individual fishing quota (IFQ) or licenses in anticipation of a future limited-access program for this fishery. This notice is to notify the public of possible eligibility criteria for future access to the scallop resources in the EEZ off Alaska. The intended effect of announcing this control date is to provide the public with information for making future business decisions.

EFFECTIVE DATE: April 24, 1994.

FOR FURTHER INFORMATION CONTACT: Chris Oliver, 907–271–2809, or David Ham, 907-586-7229.

SUPPLEMENTARY INFORMATION: The scallop fisheries off Alaska are managed by the State of Alaska (State). Access to these fisheries is not limited or controlled by the State at this time. State regulations governing fishing for scallops off Alaska are set forth in the Alaska Administrative Code, Title 5, Chapter 38.

At its meeting of April 19–24, 1994, the North Pacific Fishery Management Council (Council) approved a motion to develop and implement a Fishery Management Plan (FMP) for scallops in the EEZ off Alaska. The proposed FMP would include all scallop species and would be implemented cooperatively by State and Federal agencies. A 3-year moratorium on the entry of new vessels into the scallop fisheries is also included in the proposed FMP, and would be implemented through the issuance of Federal scallop vessel permits. The intent of the proposed vessel moratorium is to stabilize the size and harvesting capacity of the scallop fleet while the Council considers other limited access alternatives for this fishery.

The Council requested NMFS to publish a document in the Federal Register announcing that scallop harvests made in the EEZ off Alaska after April 24, 1994, may not apply as catch history for purposes of any future limited access program that may follow the moratorium. The intended effect of announcing this control date is to discourage speculative entry into the scallop fisheries for the purposes of qualifying for a future IFQ program or license limitation program and to discourage increased fishing effort and accumulation of catch history in anticipation of a possible IFQ program in the future.

Fishermen or vessels who made landings prior to this date are not necessarily guaranteed access under any future limited access program developed by the Council or NMFS. This announcement does not prevent any other date for eligibility in these fisheries or another method of controlling fishing effort from being proposed and implemented by NMFS. The Council may recommend additional criteria for qualifying fishermen or vessels as participants in these fisheries.

This notifies current and future participants in these fisheries that the Council has begun deliberations that may affect the success of investments in these fisheries. This announcement does not commit the Council or NMFS to any particular management regime or priority criteria for access to the scallop fisheries in the EEZ off Alaska. Additionally, the Council may choose to take no action to control entry or access to these fisheries.

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

Dated: June 9, 1994.

Nancy Foster,

Deputy Assistant Administrator for Fisheries, National Marine Fisheries Service.

[FR Doc. 94–14469 Filed 6–14–94; 8:45 am]

BILLING CODE 3510–22–F

[I.D. 052794C]

Endangered Species; Permits

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

ACTION: Issuance of a Second Modification to Permit 817 (P45K), and Issuance of a Scientific Research Permit 905 (P45L).

On March 9, 1994, notice was published (59 FR 11050) that an application had been filed by the National Biological Survey for a modification to Permit 817 (P45K) to take listed Snake River fall chinook salmon (*O. tshawytscha*) for migration study as authorized by the Endangered Species Act of 1973 (ESA) (16 U.S.C. 1531-1543) and the NMFS regulations governing listed fish and wildlife permits (50 CFR parts 217-222).

Notice is hereby given that on June 3, 1994, as authorized by the provisions of the ESA, NMFS issued a second modification to Permit Number 817 for the above taking, subject to certain conditions set forth therein.

On March 9, 1994, notice was published (59 FR 11050) that an application had been filed by the National Biological Survey, to take listed juvenile Snake River fall chinook salmon (*O. tshawytscha*) as authorized by the ESA to study migration and spawning and rearing habitats.

Notice is hereby given that on June 6, 1994, as authorized by the provisions of the ESA, NMFS issued Permit Number 905 for the above taking, subject to certain conditions set forth therein.

Issuance of this modification and this permit, as required by the ESA, was based on a finding that such modification and permit: (1) Were applied for in good faith; (2) will not operate to the disadvantage of the listed species which is the subject of this modification and permit; (3) are consistent with the purposes and policies set forth in section 2 of the ESA. This modification and this permit were also issued in accordance with and are subject to parts 217-222 of Title 50 CFR, the NMFS regulations governing listed species permits.

The applications, permits, modifications, and supporting documentation are available for review by interested persons in the following offices, by appointment:

Office of Protected Resources, NMFS, 1335 East-West Highway, Silver Spring, MD 20910–3226 (301–713–2322); and

Environmental and Technical Services Division, NMFS, NOAA, 911 North East 11th Ave., Room 620, Portland, OR 97232 (503-230-5400).

Dated: June 8, 1994.

William W. Fox, Jr.,

Director, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 94–14525 Filed 6–14–94; 8:45 am]

BILLING CODE 3510–22–F

[I.D. 060694C]

Marine Mammals

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

ACTION: Modification No. 1 to scientific research permit No. 840 (P531D).

SUMMARY: Notice is hereby given that a request for modification of scientific research permit No. 840 submitted by Mr. Craig Matkin, North Gulf Oceanic

Society, Merimac Drive, Mile 10.5 East Road, Homer, AK 99603, has been granted.

ADDRESSES: The modification and related documents are available for review upon written request or by appointment in the following offices:

Permits Division, Office of Protected Resources, NMFS, 1315 East-West Highway, Suite 13130, Silver Spring, MD 20910 (301/713–2289); and

Director, Alaska Region, NMFS, P.O. Box 21668, Juneau, AK 99802–1668 (907/586–7221).

SUPPLEMENTARY INFORMATION: On April 19,1994, notice was published in the **Federal Register** (59 FR 18522) that a modification of permit No. 840, issued May 25, 1993 (59 FR 31370), had been requested by the above-named individual. The requested modification has been granted under the authority of the Marine Mammal Protection Act of 1972, as amended (16 U.S.C. 1361 *et seq.*), and the provisions of §§ 216.33(d) and (e) of the Regulations Governing the Taking and Importing of Marine Mammals (50 CFR part 216).

Permit No. 840 has been modified to authorize biopsy of up to 94 killer whales (*Orcinus orca*) that are part of a long-term photo-identification study.

Dated: June 8, 1994.

William W. Fox, Jr.,

Director, Office of Protected Resources, National Marine Fisheries Serivce.

[FR Doc. 94–14527 Filed 6–14–94; 8:45 am]

BILLING CODE 3510–22–F

[I.D. 060694E]

Marine Mammals

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

ACTION: Issuance of scientific research permit No. 925 (P771#70).

SUMMARY: Notice is hereby given that the National Marine Mammal Laboratory, Alaska Fisheries Science Center, NMFS, 7600 Sand Point Way, NE., Seattle, WA 98115, has been issued a permit to biopsy humpback (*Megaptera novaeangliae*) and killer whales (*Orcinus orca*) for purposes of scientific research.

ADDRESSES: The permit and related documents are available for review upon written request or by appointment, in the following offices:

Permits Division, Office of Protected Resources, NMFS, 1315 East-West Highway, Room 13130, Silver Spring, MD 20910 (301/713–2289);

Director, Alaska Region, NMFS, P.O. Box 21668, Juneau, AK 99802–1668 (907/586–7221); and

Director, Northwest Region, NMFS, NOAA, 7600 Sand Point Way, NE., BIN C15700, Seattle, WA 98115 (206/526–6150).

SUPPLEMENTARY INFORMATION: On April 1, 1994, notice was published in the **Federal Register** (59 FR 15380) that a request for a scientific research permit to biopsy humpback (*Megaptera novaeangliae*) and killer whales (*Orcinus orca*) had been submitted by the above-named organization. The requested permit has been issued under the authority of the Marine Mammal Protection Act of 1972, as amended 16 U.S.C. 1361 *et seq.*), the Regulations Governing the Taking and Importing of Marine Mammals (50 CFR part 216), the Endangered Species Act of 1973, as amended (16 U.S.C.

1531 *et seq.*), and the regulations governing the taking, importing, and exporting of endangered fish and wildlife (50 CFR part 222).

Dated: June 8, 1994.

William W. Fox, Jr.,

Director, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 94–14526 Filed 6–14–94; 8:45 am]

BILLING CODE 3510–22–F

National Telecommunications and Information Administration (NTIA)

RIN 0660–AA05

Spectrum User/Government Public Meeting Concerning the Preliminary Spectrum Reallocation Report

AGENCY: National Telecommunications and Information Administration, Commerce.

ACTION: Notice of a Spectrum user/government meeting to answer questions concerning the preliminary Spectrum Reallocation Report which identifies 200 Megahertz for public use.

SUMMARY: In accordance with the provisions of the Omnibus Budget Reconciliation Act of 1993, Title VI, Communications Licensing and Spectrum Allocation Improvement, NTIA will hold a meeting to answer questions from commercial representatives and the public concerning the Preliminary Spectrum Reallocation Report on June 24, 1994, from 9:30 am to 11:30 am. The meeting will be held in room 4830 at the U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230. Interested parties are invited to submit questions as soon as possible. Questions can be provided in written form, via the NTIA bulletin board, or via Internet E–mail to "NSCHROEDER@NTIA.DOC.GOV". The report and public comments already received are available now at NTIA in hard copy form and on NTIA's Bulletin Board at (202) 482–1199.

This meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to the Federal Information Relay Service (FIPS) on 1–800–877–8339.

FOR FURTHER INFORMATION CONTACT: The person to contact to obtain copies of the report and provide written comments is: Norbert Schroeder, Program Manager, Spectrum Openness, National Telecommunications and Information Administration, room 4092, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230, Telephone: (202) 482–3999, Fax: (202) 482–4396.

Dated: June 10, 1994.

Norbert Schroeder,

Program Manager, Spectrum Openness, NTIA.

[FR Doc. 94–14592 Filed 6–14–94; 8:45 am]

BILLING CODE 3510–60–M

Patent and Trademark Office

Extension of Existing Interim Orders Granting Protection Under the Semiconductor Chip Protection Act of 1984 for Nationals, Domiciliaries and Sovereign Authorities of Certain Countries To Which Interim Protection Has Been Extended

AGENCY: Patent and Trademark Office, Commerce.

ACTION: Notice.

SUMMARY: Pursuant to section 914 of the Semiconductor Chip Protection Act of 1984 (SCPA), 17 U.S.C. 914, and the guidelines issued by the Patent and Trademark Office, 49 FR 44517 (Nov. 7, 1984), the Assistant Secretary of Commerce and Commissioner of Patents and Trademarks has determined that existing interim orders under which protection under the SCPA is made available to foreign mask work owners should be extended in duration for nationals, domiciliaries and sovereign authorities of Japan, Sweden, Australia, the Member States of the European Community, Canada, Switzerland, Finland, and Austria under section 914 of the SCPA.

EFFECTIVE DATE: This order is effective on June 30, 1994.

TERMINATION DATE: This order will terminate on July 1, 1995.

ADDRESSES: Address correspondence to Michael S. Keplinger, Office of Legislative and International Affairs, United States Patent and Trademark Office, Box 4, Washington, DC 20231.

FOR FURTHER INFORMATION CONTACT: Michael S. Keplinger, Office of Legislative and International Affairs, United States Patent and Trademark Office, Box 4, Washington, DC 20231, phone (703) 305–9300.

SUPPLEMENTARY INFORMATION: When Congress enacted the Semiconductor Chip Protection Act of 1984 (SCPA), it established an entirely new category of intellectual property that did not fall under the Paris Convention for the Protection of Industrial Property, the Universal Copyright Convention of the Berne Convention for the Protection of Literary and Artistic Works. The Congress created a balanced intellectual property regime for the protection of layout-designs of semiconductor chips that provided a level of protection that was satisfactory to meet the needs of the U.S. public and the domestic semiconductor chip industry. At the same time, Congress was also aware of the need of U.S. chip producers for protection in foreign markets, of the need of foreign chip producers for protection here in the United States and that there was no international treaty for the protection of chips. Faced with this dilemma, Congress created an innovative mechanism to encourage the rapid building of a worldwide consensus on an appropriate regime of intellectual property protection for chip layout-designs that would be compatible with U.S. law and would encourage the development of the international market for semiconductor chip products. To achieve these goals, Congress established a two-tiered system for protecting foreign works in the United States. Section 914 of the CPA permits the Secretary of Commerce to extend interim access to protection under the CPA for foreign chip creators if certain criteria are met, and section 902 permits the President to proclaim indefinite access to protection under the SCPA for foreign creators from countries that protect U.S. works. This system has laid the groundwork for establishing a technology-specific, carefully tailored and balanced regime of mask work protection in other chip-producing countries.

Section 902 of the SCPA sets out the criteria under which foreign works are eligible for protection in the United States. Section 902(a)(1) provides generally that a mask work fixed in a semiconductor chip product, by or under the authority of the owner of the mask work, may be protected under the SCPA if certain criteria are met.

The first of these is that when registration is sought or the mask work is first commercially exploited anywhere in the world, the owner of the mask work is (1) a U.S. national or domiciliary, (2) a national, domiciliary or authority of a foreign country that belongs to a treaty to which the United States also belongs that protects mask works, or (3) a stateless person regardless of where that person may be domiciled. Protection is also available if the mask work is first commercially exploited in the United States, or when the mask work comes within the scope of a Presidential proclamation issued under the SCPA.

The SCPA sets out the statutory criteria against which foreign laws are to be evaluated before issuing a Presidential proclamation. It provides substantially that when the President concludes that a foreign country grants U.S. mask work owners protection substantially the same protection that it grants its own nationals and domiciliaries, or on substantially the same basis as under the SCPA, the President may extend protection under this chapter to mask works of owners who are nationals, domiciliaries, or authorities of that country, or to mask works which are first commercially exploited in that country.

In 1987 the Chairman of the then House Subcommittee on Courts, Civil Liberties and the Administration of Justice noted that the transition provisions in section 914 of the SCPA were "intended to encourage the rapid development of a new worldwide regime for the protection of semiconductor chips." 133 Cong. Rec. E1283 (daily ed. April 6, 1987). These transitional provisions empowered the Executive to use the issuance of interim protection orders under section 914 of the SCPA as a means to encourage other nations to move speedily to establish substantially similar systems of protection These provisions originally were set to expire three years after the date of the enactment of the SCPA, November 7, 1987.

The Congress has twice extended the authority to issue interim orders in the belief that this process is promoting the protection of U.S. mask works abroad and that the speedy enactment of laws in other countries that are patterned after U.S. law is progress. H.R. Rep. 100–388, 100th Cong., 1st Sess. (1987). Under the SCPA, the Assistant Secretary of Commerce and Commissioner of Patents and Trademarks has been delegated the tasks of determining when and under what conditions foreign mask works will be eligible for interim protection. To become eligible, a foreign government must demonstrate that it is making good faith efforts toward establishing a regime of protection in its territory that is substantially similar to that which is provided in the United States under the SCPA.

The countries to which interim protection has been extended (the Member States of the European Community, Australia, Austria, Canada, Finland, Japan, Sweden, and Switzerland) cooperated with the United States to try to establish a treaty for the adequate and effective protection of mask works in the World Intellectual Property Organization (WIPO). A Diplomatic Conference for the negotiation of a Treaty on the Protection of the Layout-Designs of Integrated Circuits (IPIC Treaty) was held in Washington during the month of May 1989. The IPIC Treaty adopted at the conclusion of the Conference did not meet the needs of either Japan or the United States. No developed country has thus far signed the Treaty, and it is yet to come into force.

Subsequent to the Diplomatic Conference, the United States has continued to work to conclude a multilateral agreement for the adequate and effective protection of semiconductor integrated circuit layout-designs. The Agreement on the Trade Related Aspects of Intellectual Property (TRIPs) that was adopted on December 15, 1993, in the Uruguay Round of Trade negotiations in the General Agreement on Tariffs and Trade contains a section that will require such protection. It builds upon the substantive provisions of the IPIC Treaty and adds the missing features deemed necessary to provide an adequate level of protection. It permits compulsory licensing of semiconductor technology only for public non-commercial uses or to remedy an adjudicated antitrust violation, it requires innocent infringers to pay reasonable royalties after notice, and it provides that products that include infringing chips fall within its scope of protection. Thus the TRIPs Agreement provides the level of protection in an internationally recognized text that is fully consistent with the U.S. SCPA and meets, or exceeds, the levels of protection provided in other countries' chip protection laws. The countries to which interim protection has been extended to all worked closely with the United States to achieve this goal. However, the TRIPs Agreement has not yet been implemented by the United States, and the presently issued interim orders will

expire on July 1, 1994, before the implementation of the TRIPs agreement.

The combination of the standards set out in section 902 and the process established to implement section 914 clearly appear to have satisfied the Congressional intent behind this unprecedented process. In 1984, only the United States had specific legislation in place for the protection of chips, while today such protection is in place in all of the countries to which interim protection has been extended. U.S. semiconductor chip layout-designs enjoy protection in all of those countries today. In some, the protection is enjoyed on the basis of national treatment and in some on the basis of reciprocity.

Since the interim orders were last extended, no complaints about the adequacy of the mask work protection laws in any of the countries to which interim protection has been extended have been received. Should such complaints arise in the future, they can be taken into account in determining whether a particular interim order should be rescinded prior to its scheduled termination.

Because of this favorable environment, and in order to ensure the continuing protection of U.S. layout-designs in foreign markets, I have determined that extending the present interim orders will provide the time needed for the final implementation of the TRIPs Agreement which will provide the basis for an adequate and effective muiltinational system for the protection for semiconductor mask works. In light of this, I am extending the interim orders for Japan, Sweden, Australia, the Member States of the European Community, Canada, Switzerland. Finland and Austria under Section 914 of the SCPA. These orders will expire on July 1, 1995.

Dated: May 26, 1994.

Bruce A. Lehman,

Assistant Secretary of Commerce and Commissioner of Patents and Trademarks.

[FR Doc. 94–14520 Filed 6–14–94; 8:45 am]

BILLING CODE 3510–16–M

COMMODITY FUTURES TRADING COMMISSION

The National Futures Association's Proposed Requirements for Break-Even Analyses in Commodity Pool Disclosure Documents

AGENCY: Commodity Futures Trading Commission.

ACTION: Notice of proposed registered futures association rule change.

SUMMARY: The National Futures Association ("NFA") has submitted to the Commodity Futures Trading Commission ("Commission") for its approval, pursuant to section 17(j) of the Commodity Exchange Act ("Act"), a proposed amendment to Compliance Rule 2–13 and a proposed Interpretive Notice to Compliance Rule 2–13. The proposal would establish requirements regarding the use of break-even analyses in commodity pool disclosure documents. The Commission has determined that publication of NFA's proposal is in the public interest, will assist the Commission in considering the views of interested persons and is consistent with the purposes of the Act.

DATES: Comments must be received by July 15, 1994.

ADDRESSES: Interested persons should submit their views and comments to Jean A. Webb, Secretary, Commodity Futures Trading Commission, 2033 K Street, NW., Washington, DC 20581. Telephone: (202) 254–6314.

FOR FURTHER INFORMATION CONTACT: David P. Van Wagner, Special Counsel, Division of Trading and Markets, Commodity Futures Trading Commission, 2033 K Street, NW., Washington, DC 20581. Telephone: (202) 254–8955.

SUPPLEMENTARY INFORMATION:

I. Introduction

By letters dated March 15, 1994 and March 30, 1994, the NFA submitted to the Commission for its approval, pursuant to section 17(j) of the Act, a proposed amendment and Interpretive Notice to NFA Compliance Rule 2–13. The proposal would establish various requirements regarding the use of break-even analyses in commodity pool disclosure documents. NFA's submission indicated that it intended to make the proposed amendment and interpretive notice effective upon receipt of notice of Commission approval.

II. Description of NFA's Proposal

The NFA is proposing an amendment and an associated Interpretive Notice to its Compliance Rule 2–13. Specifically, the amendment to Rule 2–13, a new subsection (b), would require member commodity pool operators ("CPOs") to include a tabular analysis of a pool's "break-even point" in the pool's disclosure document. The break-even analysis would take into account any anticipated fees and expenses and would indicate how much trading profits would have to be achieved in the first year of trading to recoup the customer's initial investment.[1]

The proposed amendment to Compliance Rule 2–13 states that this analysis must be "presented in the manner prescribed by NFA's Board of Directors." In this connection, NFA's proposed Interpretive Notice to Compliance Rule 2–13 would establish guidelines for the determination of a break-even point and the preparation of break-even analyses for pool disclosure documents.

In order to determine a pool's break-even point, the soliciting CPO first would have to calculate the amount of basic fees and expenses which the pool would be expected to incur during its first year and itemize them in tabular form within the disclosure document.[2] The CPO would be required to calculate this fee and expense amount for the pool based upon his actual knowledge or experience, and if not known, the CPO must present a good faith estimate. If any fees were dependent on the amount of funds that the pool raised, an assumed funding level could be stated, but the analysis also would have to indicate alternative break-even points using the minimum and maximum amount of funds the pool could raise.

Second, as part of the required break-even analysis the CPO would have to subtract from the pool's fee and expense total the amount of interest income the CPO expected the pool to earn in its first year. This calculation would produce a "gross trading profits before incentive fees" figure, or preliminary gross trading profits, which the pool would have to earn in its first year to retain its initial net asset value.

Third, the proposed interpretive notice would require a CPO to determine the amount of additional trading profits that would have to be earned to offset the amount of incentive fees which the CPO would charge in managing the pool. This additional trading profit figure would be calculated by determining the incentive fees which would be charged if a pool earned the preliminary gross trading profits amount, and then dividing that amount by one minus the incentive fee percentage rate.[3]

[1] Commission Regulation 4.21 requires that CPOs must deliver a disclosure document to prospective pool participants. Commission Regulation 4.21(a)(1) through (18) mandates the content of any such disclosure document.

[2] If the pool had any redemption fees, they would have to be clearly shown and included in the fees and expenses calculation. The pool's incentive fees would not be included in this calculation.

[3] The proposed Interpretive Notice also would require that any break-even analysis particularly

Continued

Finally, under the proposal a CPO would be required to calculate the total amount of trading income which his pool must earn for the pool's net asset value per unit to equal its initial selling price per unit after one year. The break-even analysis also would have to express this amount as a percentage of the pool's initial selling price per unit.

The NFA believes that its proposed tabular presentation of break-even analysis for pools would be an effective means of providing useful information to prospective pool participants when they make their investment decision. The NFA indicates that its proposed form of break-even analysis already is used widely throughout the commodity pool industry.

III. Request for Comments

The Commission requests public comment on NFA's proposed amendment and Interpretive Notice to Compliance Rule 2–13. Copies of NFA's proposed rule amendment and Interpretive Notice will be available for inspection at the Office of the Secretariat, Commodity Futures Trading Commission, 2033 K Street, NW., Washington, DC 20581, except to the extent that the proposal may be entitled to confidential treatment as set forth in 17 CFR 145.5 and 145.9. Copies also may be obtained through the Office of the Secretariat at the above address or by telephoning (202) 254–6314.

Any person interested in submitting written data, views or arguments on NFA's proposed rule amendment or Interpretive Notice or with respect to other materials submitted by the NFA in support of the proposal should send such comments to Jean A. Webb, Secretary, Commodity Futures Trading Commission, 2033 K Street, NW., Washington, DC 20581, by the specified date.

Issued in Washington, DC on June 9, 1994.

Jean A. Webb,

Secretary of the Commission.

[FR Doc. 94–14479 Filed 6–14–94; 8:45 am]

BILLING CODE 6351–01–P

The National Futures Association's Proposed Restriction on the Use of Hypothetical Trading Results in Promotional Materials

AGENCY: Commodity Futures Trading Commission.

ACTION: Notice of proposed registered futures association rule change.

SUMMARY: The National Futures Association ("NFA") has submitted to the Commodity Futures Trading Commission ("Commission") for its approval, pursuant to Section 17(j) of the Commodity Exchange Act ("Act"), a proposed amendment to NFA Compliance Rule 2–29. The proposal would establish various restrictions on the usage of hypothetical trading results in promotional materials. The Commission has determined that publication of the NFA's proposal is in the public interest, will assist the Commission in considering the views of interested persons and is consistent with the purposes of the Act.

DATES: Comments must be received by July 15, 1994.

ADDRESSES: Interested persons should submit their views and comments to Jean A. Webb, Secretary, Commodity Futures Trading Commission, 2033 K Street, NW., Washington, DC 20581. Telephone: (202) 254–6314.

FOR FURTHER INFORMATION CONTACT: David P. Van Wagner, Special Counsel, Division of Trading and Markets, Commodity Futures Trading Commission, 2033 K Street, NW., Washington, DC 20581. Telephone: (202) 254–8955.

SUPPLEMENTARY INFORMATION:

I. Introduction

By letter dated March 15, 1994, and received by the Commission on March 17, 1994, the NFA submitted to the Commission for its approval, pursuant to Section 17(j) of the Act, a proposed amendment to NFA Compliance Rule 2–29. NFA's submission indicated that it intended to make the proposed amendment effective upon receipt of notice of Commission approval.

II. Description of NFA's Proposal

NFA's proposed amendment to Compliance Rule 2–29 would establish various requirements on the use of hypothetical trading results in promotional materials. NFA members often use hypothetical trading results in their promotional materials to describe how their trading programs would have performed in the past based upon historical price movements. Current NFA Compliance Rule 2–29(b)(4) specifies that members who use hypothetical trading results in their promotional material must include the disclaimer language of Commission Regulation 4.41(b)(1),[1] NFA's Compliance Rules do not otherwise establish any specific content requirements or restrictions with respect to hypothetical results.

The NFA contends that hypothetical trading results in promotional material can be misleading to customers and in many cases a vehicle for customer abuse. Accordingly, the NFA has proposed to amend its Compliance Rule 2–29 to establish various restrictions on the use of such hypothetical results.

Under the proposal, NFA members who referred to hypothetical trading results in their promotional materials would be required to include comparable information regarding their actual trading results. Advertising members with over a year's experience directing customer accounts would have to include the prior performance results for all such accounts over the past five years or the entire performance history, whichever was less. If a member using hypothetical results in his promotional material had less than one year's experience directing customer accounts, the advertising member would have to include, in addition to the entire performance history for customer accounts, the past performance results of his proprietary trading over the prior five years or the entire performance history, whichever was less.

Under the NFA's proposal, amended Compliance Rule 2–29 would continue to require that promotional material containing hypothetical trading results include the disclaimer language required by Commission Regulation 4.41(b)(1). The proposal's restrictions would not apply to promotional material which was directed exclusively to persons who were Qualified Eligible Participants under Commission Regulation 4.7.

The NFA believes that its proposed amendment would ensure that customers will be provided with practical information with which to assess hypothetical trading results as customers would be able to take into account a member's actual trading results when evaluating a member's preferred hypothetical results.

III. Request for Comments

The Commission requests public comment on NFA's proposed amendment to Compliance Rule 2–29.

state this incentive fee amount in terms of a percentage of profits.

[1] Commission Regulation 4.41(b)(1)'s required disclaimer states: Hypothetical or simulated performance results have certain inherent limitations. Unlike an actual performance record, simulated results do not represent actual trading. Also, since the trades have not actually been executed, the results may have under-or-over compensated for the impact, if any, of certain market factors, such as lack of liquidity. Simulated trading programs in general are also subject to the fact that they are designed with the benefit of hindsight. No representation is being made that any account will or is likely to achieve profits or losses similar to those shown.

Copies of NFA's proposed rule amendment will be available for inspection at the Office of the Secretariat, Commodity Futures Trading Commission, 2033 K Street, NW., Washington, DC 20581, except to the extent that the proposal may be entitled to confidential treatment as set forth in 17 C.F.R. 145.5 and 145.9. Copies also may be obtained through the Office of the Secretariat at the above address or by telephoning (202) 254–6314.

Any person interested in submitting written data, views or arguments on NFA's proposed rule amendment or with respect to other materials submitted by the NFA in support of the proposal should send such comments to Jean A. Webb, Secretary, Commodity Futures Trading Commission, 2033 K Street, NW., Washington, DC 20581, by the specified date.

Issued in Washington, DC on June 9, 1994.

Jean A. Webb,

Secretary of the Commission.

[FR Doc. 94–14478 Filed 6–14–94; 8:45 am]

BILLING CODE 6351–01–P

DEPARTMENT OF DEFENSE

Public Information Collection Requirement Submitted to the Office of Management and Budget (OMB) for Review

ACTION: Notice.

The Department of Defense has submitted to OMB for clearance, the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. chapter 35).

Title: National Security Education Program (NSEP) Grants to Institutions for Higher Education.

Type of Request: New collection.

Number of Respondents: 200.

Responses per Respondent: 1.25.

Annual Responses: 250.

Average Burden per Response: 8 hours.

Annual Burden Hours: 2,000.

Needs and Uses: The information collected hereby, will be used by independent panels of reviewers to decide the relative merit of proposals submitted for grants under the Program.

Affected Public: Businesses or other for-profit; non-profit institutions.

Frequency: On occasion.

Respondent's Obligation: Required to obtain or retain a benefit.

OMB Desk Officer: Mr. Edward C. Springer.

Written comments and recommendations on the proposed information collection should be sent to Mr. Springer at the Office of Management and Budget, Desk Officer for DoD, room 3235, New Executive Office Building, Washington, DC 20503.

DOD Clearance Officer: Mr. William P. Pearce.

Written requests for copies of the information collection proposal should be sent to Mr. Pearce, WHS/DIOR, 1215 Jefferson Davis Highway, suite 1204, Arlington, VA 22202–4302.

Dated: June 9, 1994.

Patricia L. Toppings,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 94–14466 Filed 6–14–94; 8:45 am]

BILLING CODE 5000–04–M

Public Information Collection Requirement Submitted to OMB for Review

ACTION: Notice.

The Department of Defense has submitted to OMB for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. chapter 35).

Title and Applicable OMB Control Number: Defense FAR Supplement, 227, Patents, Data and Copyrights; OMB Control Number 0704–0240.

Type of Request: Extension of a previously approved collection.

Average Burden Hours/Minutes per Response: 79 hours and 28 minutes.

Responses per Respondent: 1.

Number of Respondents: 16,560.

Annual Burden Hours (Including Recordkeepng): 2,307,240.

Annual Responses: 16,560.

Needs and Uses: This request concerns information collection and recordkeeping requirements related to Technical Data, Software, Copyrights, and Contracts.

Affected Public: Businesses or other for-profit, non-profit institutions, and small businesses or organizations.

Frequency: On occasion.

Respondents Obligation: Required to obtain or retain a benefit.

Desk Officer: Mr. Peter N. Weiss.

Written comments and recommendations on the proposed information collection should be sent to Mr. Weiss at the Office of Management and Budget, Desk Officer for DOD, room 3235, New Executive Office Building, Washington, DC 20503.

DOD Clearance Officer: Mr. William P. Pearce. Written requests for copies of the information collection proposal should be sent to Mr. Pearce, WHS/DIOR, 1215 Jefferson Davis Highway, suite 1204, Arlington, Virginia, 22202–4302.

Dated: June 9, 1994.

Patricia L. Toppings,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 94–14467 Filed 6–14–94; 8:45 am]

BILLING CODE 5000–04–M

Department of the Army

Army Science Board; Closed Meeting

In accordance with Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), announcement is made of the following Committee Meeting:

Name of Committee: Army Science Board (ASB).

Date of Meeting: 6–7 July 1994.

Time of Meeting: 0800–1730 (classified).

Place: Pentagon, Washington, DC.

Agenda: The Army Science Board's 1994 Summer Study on "Capabilities Needed to Counter Current and Evolving Threat" will meet to discuss advanced and novel technology forecasts, operational/analytical models and methodologies, strategic mobility/deployment, operational enhancements of digitization, and future force structure concepts. This meeting will be closed to the public in accordance with Section 552b(c) of Title 5, U.S.C., specifically subparagraph (1) thereof, and Title 5, U.S.C., Appendix 2, subsection 10(d). The unclassified and classified matters to be discussed are so inextricably intertwined so as to preclude opening all portions of the meeting. The ASB Administrative Officer Sally Warner, may be contacted for further information at (703) 695–0781.

Sally A. Warner,

Administrative Officer, Army Science Board.

[FR Doc. 94–14549 Filed 6–14–94; 8:45 am]

BILLING CODE 3710–08–M

Army Science Board; Closed Meeting

In accordance with Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), announcement is made of the following Committee Meeting:

Name of Committee: Army Science Board (ASB).

Date of Meeting: 30 June 1994.

Time of Meeting: 0800–1500.

Place: Pentagon, Washington, DC.

Agenda: The Army Science Board's Independent Assessment of "Missile Shelf Life" will meet for discussion focused on the review of previously collected data concerning missile shelf life, meet with the sponsor to discuss

their findings to date, and work towards a final report. This meeting will be closed to the public in accordance with Section 552b(c) of Title 5, U.S.C., specifically subparagraphs (1) and (4) thereof, and Title 5, U.S.C., Appendix 2, subsection 10(d). The proprietary and classified matters to be discussed are so inextricably intertwined so as to preclude opening all portions of the meeting. The ASB Administrative Officer Sally Warner, may be contacted for further information at (703) 695–0781.

Sally A. Warner,

Administrative Officer Army Science Board.

[FR Doc. 94–14550 Filed 6–14–94; 8:45 am]

BILLING CODE 3710–08–M

Department of the Navy

Naval Research Advisory Committee; Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (5 U.S.C. App. 2), notice is hereby given that the Naval Research Advisory Committee Panel on Modeling and Simulation will meet on June 21, 22 and 23, 1994. The meeting will be held at The Center for Naval Analyses Corporation, 4401 Ford Avenue, Alexandria, Virginia. The first session will commence at 8 a.m. and terminate at 5:30 p.m. on June 21; the second session will commence at 8 a.m. and terminate at 5 p.m. on June 22; and the third session will commence at 8 a.m. and terminate at 3 p.m. on June 23, 1994. All sessions of the meeting will be open to the public.

The purpose of the meeting is to provide the Department of the Navy with an assessment of the importance of high fidelity models and Advanced Distributed Simulation technologies to enhance Department of the Navy test and evaluation, and acquisition programs. The panel will review current utilization of modeling and simulation/Advanced Distributed Simulation; identify key areas that would benefit from an investment in modeling and simulation/Advanced Distributed Simulation; identify candidate demonstration projects to evaluate modeling and simulation/Advanced Distributed Simulation utility; evaluate the strengths and weaknesses of modeling and simulation/Advanced Distributed Simulation technologies from a Department of the Navy perspective; and recommend specific research areas related to modeling and simulation/Advanced Distributed Simulation technologies that warrant investments by the Department of the Navy.

The meeting will include briefings and discussions relating to U.S. Navy and Marine Corps operational and developmental test and evaluation processes and case studies; and applications of modeling and simulation from industry and U.S. Army perspectives.

This Notice is being published late because of administrative delays which constitute an exceptional circumstance, not allowing Notice to be published in the **Federal Register** at least 15 days before the date of the meeting.

For further information concerning this meeting contact: CAPTAIN Michael Brinkac, USN, Office of Naval Research, Ballston Center Tower One, 800 North Quincy Street, Arlington, VA 22217–5660, Telephone Number: (703) 696–4870.

Dated: June 10, 1994.

Lewis T. Booker, Jr.,

LCDR, JAGC, USN, Federal Register Liaison Officer.

[FR Doc. 94–14598 Filed 6–14–94; 8:45 am]

BILLING CODE 3810–AE–P

DEPARTMENT OF EDUCATION

Proposed Information Collection Requests

AGENCY: Department of Education.

ACTION: Notice of proposed information collection requests.

SUMMARY: The Acting Director, Information Resources Management Service, invites comments on proposed information collection requests as required by the Paperwork Reduction Act of 1980.

DATES: An expedited review has been requested in accordance with the Act, since allowing for the normal review period would adversely affect the public interest. Approval by the Office of Management and Budget (OMB) has been requested by June 17, 1994.

ADDRESSES: Written comments should be addressed to the Office of Information and Regulatory Affairs, Attention: Dan Chenok, Desk Officer, Department of Education, Office of Management and Budget, 725 17th Street NW., room 3208, New Executive Office Building, Washington, DC 20503. Requests for copies of the proposed information collection request should be addressed to Patrick J. Sherrill, Department of Education, 400 Maryland Avenue, SW., room 5624, Regional Office Building 3, Washington, DC 20202–4651.

FOR FURTHER INFORMATION CONTACT: Patrick J. Sherrill, (202) 708–8196.

SUPPLEMENTARY INFORMATION: Section 3517 of the Paperwork Reduction Act of 1980 (44 U.S.C. chapter 3517) requires that the Director of OMB provide interested Federal agencies and persons an early opportunity to comment on information collection requests. OMB may amend or waive the requirement for public consultation to the extent that public participation in the approval process would defeat the purpose of the information collection, violate State or Federal law, or substantially interfere with any agency's ability to perform its statutory obligations.

The Acting Director, Information Resources Management Service, publishes this notice with the attached proposed information collection request prior to submission of this request to OMB. This notice contains the following information: (1) Type of review requested, e.g., expedited; (2) Title; (3) Abstract; (4) Additional Information; (5) Frequency of collection; (6) Affected public; and (7) Reporting and/or Recordkeeping burden. Because an expedited review is requested, a description of the information to be collected is also included as an attachment to this notice.

Dated: June 10, 1994.

Mary P. Liggett,

Acting Director, Information Resources Management Service.

Office of Postsecondary Education

Type of Review: Expedited.

Title: Application and Continuation Application, Reports, and Recordkeeping for the National Science Scholars Program.

Abstract: Individuals use the selection criteria to apply for a Federal scholarship. State Nominating Committees use the information to evaluate the applications and nominate scholars. Institutions use the forms to apply for continuation awards for continuing scholars and to report on the status of the program.

Additional Information: ED is requesting an Expedited approval by OMB in order to announce the competition for FY 1995. This application is currently approved, but a resubmission is necessary in order to comply with a White House mandate to request additional information. The normal clearance process under the Paperwork Reduction Act will not allow the applicants the required time to complete the application process prior to the October 31, 1994 closing date. ED has requested an OMB approval of June 17, 1994.

Frequency: Annually.

Affected Public: Individuals or households; State or local governments; non-profit institutions.

Reporting Burden: Responses: 22,841; Burden Hours: 367,493.

Recordkeeping Burden: Recordkeepers: 56; Burden Hours: 168.

[FR Doc. 94–14589 Filed 6–14–94; 8:45 am]

BILLING CODE 4000–01–M

DEPARTMENT OF ENERGY

Compliance With the National Environmental Policy Act: Record of Decision for Continued Operation of Naval Petroleum Reserve No. 1 (Elk Hills), Tupman, CA

AGENCY: Department of Energy.

ACTION: Record of decision.

SUMMARY: Pursuant to the Council on Environmental Quality regulations (40 CFR parts 1500–1508), which implement the procedural provisions of the National Environmental Policy Act (NEPA), and the U.S. Department of Energy National Environmental Policy Act regulations (10 CFR part 1021), the Department of Energy, Office of Fossil Energy, is issuing a Record of Decision on the continued operation of Naval Petroleum Reserve No. 1, Kern County, California. The Department of Energy has decided to continue current operations at Naval Petroleum Reserve No. 1 and implement additional well drilling, facility development projects and other activities necessary for continued production of Naval Petroleum Reserve No. 1 in accordance with the requirements of the Naval Petroleum Reserves Production Act of 1976 (Pub. L. 94–258). The final Supplemental Environmental Impact Statement, entitled "Petroleum Production at Maximum Efficient Rate, Naval Petroleum Reserve No. 1 (Elk Hills), Kern County, California (DOE/SEIS–0158)," was released on September 3, 1993.

ADDRESSES: To receive a copy of the final Supplemental Environmental Impact Statement or Record of Decision, please contact Mr. James C. Killen, Director, Planning, Analysis, and Program Support Division, U.S. Department of Energy, Naval Petroleum Reserves in California, Tupman, California, 93276, (805) 763–6038.

FOR INFORMATION ON THE NATIONAL ENVIRONMENTAL POLICY ACT PROCESS: Contact Ms. Carol M. Borgstrom, Director, Office of National Environmental Policy Act Oversight, U.S. Department of Energy, 1000 Independence Avenue, SW., Washington, DC, 20585, (202) 586–4600, or (800) 472–2756.

SUPPLEMENTARY INFORMATION: Naval Petroleum Reserve No. 1 (NPR–1) is a large oil and gas field of approximately 74 square miles (47,409 acres) located about 25 miles southwest of Bakersfield in Kern County, California. NPR–1, which was established by Executive Order in 1912 for National defense purposes, is jointly owned and operated by the Federal Government under the jurisdiction of the Department of Energy (DOE), and Chevron U.S.A. Inc. pursuant to a Unit Plan Contract that became effective in 1944. The Government has a 78 percent interest (approximately) in NPR–1 hydrocarbon production and Chevron's interest is approximately 22 percent. Currently, the Government's share of NPR–1 oil production is sold on the open market, with proceeds deposited in the U.S. Treasury, and/or transferred to the U.S. Strategic Petroleum Reserve for storage as protection against future oil supply disruptions. NPR–1 natural gas production is either processed into natural gas liquids for sale on the open market, or reinjected into NPR–1 hydrocarbon reservoirs for pressure maintenance and/or enhanced oil recovery.

NPR–1 was maintained in essentially a shut-in reserve status until the mid-1970's when Congress, in response to the Arab Oil Embargo of 1973, passed the Naval Petroleum Reserves Production Act of 1976 (Pub. L. 94–258), which directed that NPR–1, the adjacent NPR–2, and NPR–3 in Wyoming, be produced for an initial period of 6 years at the maximum efficient rate. Under the Act, maximum efficient rate means the maximum rate of hydrocarbon production that optimizes economic return and ultimate hydrocarbon recovery. Public Law 94–258 also provided the President with the authority to continue production from the Reserves beyond the initial 6 years for an additional and unlimited number of increments of up to three years each. For each added period of production, the President must certify to Congress that it remains in the National interest to continue producing the Reserves. Currently, the Naval Petroleum Reserves are authorized for maximum efficient rate production through April 5, 1997.

Approximately 700 million barrels of oil and 200 million gallons of natural gas liquids have been produced from NPR–1 hydrocarbon reservoirs since the field was opened up to full development in 1976. In 1992, NPR–1 became only the 13th domestic oil field to produce a cumulative total of 1 billion barrels of oil since its initial development began in 1912. Since 1976, revenues in excess of $15 billion have been deposited into the U.S. Treasury from NPR–1 operations. In 1988, NPR–1 hydrocarbon reserves were estimated to be approximately 524–831 million barrels of oil and 1,790–2,497 billion cubic feet of natural gas.

In 1979, DOE published an Environmental Impact Statement (EIS) (DOE/EIS–0012) which described the existing environment at NPR–1 and analyzed the petroleum development activities that were anticipated at that time. The development activities described and evaluated included the drilling of approximately 350 new oil, gas and water wells; construction of two new Lease Automatic Custody Transfer facilities; construction of two gas facilities to process up to 700 million cubic feet per day of wet natural gas; construction of wastewater facilities capable of disposing of approximately 30,000 barrels per day of produced water; and construction of an additional 40,000 square feet of building space for administration and other support facilities. Implementation of these activities increased NPR–1's oil production to a peak level of approximately 181,000 barrels per day by July, 1981. Oil production at NPR–1 has declined since then to the current level of approximately 65,000 barrels per day. NPR–1 currently produces approximately 299–320 million cubic feet per day of natural gas and processes 379,000–456,000 gallons per day of natural gas liquids (propane, butane and natural gasoline).

In an Environmental Assessment prepared in 1985 (DOE/EA–0261), DOE described the potential environmental impacts that could result from implementation of a pilot steamflood project of the Shallow Oil Zone at NPR–1. The Shallow Oil Zone pilot steamflood project subsequently was implemented and a large expansion of this project is proposed and analyzed in the final Supplemental Environmental Impact Statement (SEIS). In 1987, DOE prepared another Environmental Assessment (DOE/EA–0334) which described the potential impacts that could result from the divestiture of NPR–1 and NPR–3. Implementation of this action would require a Congressional directive, which has not occurred.

Primarily as a result of the need to drill additional oil, gas, and water wells at NPR–1, expand the Shallow Oil Zone steamflood project, expand natural gas operations, and reduce power costs and air pollution emissions by constructing

a cogeneration facility, the decision was made to prepare a Supplement to the 1979 EIS to analyze the environmental impact of these and other proposed actions. Accordingly, DOE published a Notice of Intent announcing its decision in the **Federal Register** on April 4, 1988 (53 FR 10922). Pursuant to the Notice of Intent, three public scoping meetings were held in April 1988 and the issues and concerns raised by the public were used in the development of the SEIS. The basis for the SEIS is the April 1989 NPR–1 Long Range Plan, which describes a myriad of planned operations and development projects, maintenance activities, and environmental protection initiatives over the next 25–30 years. A description and evaluation of the existing NPR–1 environment also was provided in the SEIS to assess the level of impacts, if any, that resulted from the NPR–1 activities that were implemented following publication of the 1979 EIS.

In May 1992, DOE published and distributed approximately 200 copies of the draft SEIS. A Notice of Availability of the draft SEIS and an announcement of a public hearing in Bakersfield, California on June 24, 1992 was published in the **Federal Register** on June 5, 1992 (57 FR 24038). Only one speaker provided oral testimony at the public hearing. DOE received 122 written comments from 13 government agencies and interested individuals during the 55-day comment period following publication of the Notice of Availability. DOE considered and responded to all comments on the draft SEIS in the development of the final SEIS. A transcript of the public hearing and all written comments on the draft SEIS were included in the final SEIS.

The final SEIS on the proposed action was released in August 1993. A Notice of Availability of the document was published in the **Federal Register** on September 3, 1993 (58 FR 46969) which announced an incorrect due date for comments of October 18, 1993. An amended Notice of Availability subsequently was published in the **Federal Register** on September 17, 1993 (58 FR 48650) revising the due date to October 5, 1993. Of eight comment letters received on the final SEIS, only the Environmental Protection Agency (EPA) and a local consultant commented on substantive issues. EPA reiterated concerns about the method used to compare impacts of the proposed action and alternatives, completion of the final Biological Opinion for the proposed action, ingestion of oil field chemicals by site wildlife, waste minimization, wetlands delineation, air quality, and sump closures, and recommended deferring expanding operations that may impact groundwater quality in the northeast portion of the site. EPA also recommended discussing in the Record of Decision the feasibility of re-entering shut-in wells as an option to drilling new wells to increase production. Michael R. Rector, a local water resources consultant, raised concerns about groundwater mining and commented that groundwater downdip from site produced water disposal wells should be analyzed for the presence of benzene, toluene and xylenes.

With the exception of the comments regarding comparison of alternative action impacts, deferring operations in the northeast portion of the site, and the feasibility of re-entering shut-in wells, all concerns have been addressed in this Record of Decision under *Major Environmental Impacts and Mitigation Action Plan.*

With regard to the comparison of alternatives, EPA commented that it stands by its earlier comment on the draft SEIS that impacts associated with the no action alternative should be the basis for the comparison of alternative action impacts. DOE maintains that the methodology used in the SEIS is the same, substantively, as that advocated by EPA. This is explained as follows. It is EPA's opinion that in comparing impacts between alternatives, the no action alternative should be the baseline for the comparison. For example, if no action has an impact of X, and the proposed action has an impact of X+Y, then comparisons of these two alternatives should state that the impacts of the proposed action are Y greater than no action. In contrast, the SEIS sometimes makes this comparison by stating that no action has an impact that is X less than the proposed action. DOE believes that either comparison satisfies the requirement under 40 CFR 1502.14 "* * * to present the environmental impacts of the proposal and the alternatives in comparative form, thus sharply defining issues * * *.". Impacts from existing operations comprising no action are presented in detail in § 3.0, "Existing Environment." Impacts of the proposed action and the modified proposed action are presented in detail in § 4.0, "Environmental Impacts of the Proposed Action and Alternatives." A summary of the elements and impacts of no action, the proposed action, and the modified proposed action are presented in comparative form by Tables 2.0–1 and 2.0–2 in § 2.0, "Alternatives." These tables, together with supporting text, result in a form that sharply contrasts differences between alternatives, as required.

Regarding the comment on the northeast portion of the site, DOE is not proposing to expand operations that may impact groundwater quality in that area. The only activities planned in this area are remediation or facility repair and replacement projects that are designed to enhance the level of environmental protection. These projects are routinely evaluated for environmental impacts, including groundwater impacts, as a matter of standard practice prior to their implementation.

The use of existing shut-in oil production wells for other purposes such as waterflood, gas injection or in the development of underlying/overlying oil or gas zones can provide a significant capital savings and, therefore, is always given serious consideration at NPR–1. Prior to the formal abandonment of any shut-in wells, a determination is made that the well cannot serve any other useful purpose. Table 1.2–3 of the final SEIS indicates that 382 new wells would be completed through the year 2025 under the proposed action. In comparison, for this same time period, the proposed action would involve a total of 571 conversions of existing wells to a different use.

Alternatives Considered

Three alternatives were evaluated in the SEIS: Proposed Action, No Action (Alternative 1), and Modified Proposed Action (Alternative 2). In addition, Alternative 3 (Nonsteamflood Tertiary Oil-Recovery Strategies) and two other alternatives were initially considered and dismissed from further evaluation.

Proposed Action

The proposed action is to continue operating NPR–1 in accordance with the requirements of the Naval Petroleum Reserves Production Act of 1976 by implementing the activities described in the 1989 NPR–1 Long Range Plan. This includes the operation and maintenance of all existing facilities; a program to drill, redrill, or deepen approximately 382 wells, 148 of which would be for the phased 500-acre, 625 million British thermal units per hour Shallow Oil Zone steamflood project; a program to perform approximately 2,663 well remedial jobs as needed to ensure efficient operation and maintenance of approximately 2,697 wells; a program to recycle produced water to the maximum extent technically and economically feasible for use as source water for waterflood operations; a program to abandon approximately 1,080 wells;

construction and operation of approximately 46,250 horsepower of additional gas compression for gas-lift and gas-injection projects (37,500 horsepower gas; 8,750 horsepower electric); construction and operation of compression and processing facilities to compress, transport and process up to an additional 100–150 million cubic feet per day of gas (fourth gas plant); construction of new facilities and increased use of existing facilities to expand waterflood operations by approximately 106,000 barrels per day; construction and operation of a 42-megawatt cogeneration facility; construction and operation of a 170,000–220,000 gallon per day butane isomerization facility; a program to investigate, remediate, or otherwise manage numerous old inactive waste sites; a program to reclaim by 1998 approximately 1,045 acres of disturbed lands not needed for current or future NPR–1 operations; the permitting of third parties to construct, operate and maintain pipelines, conduct geophysical surveys and perform other necessary oil-field related activities on NPR–1; and the continued implementation of a comprehensive environmental protection program.

Alternative 1: No Future Development (No Action)

This alternative provides for continued production of NPR–1 by operating and maintaining existing wells and facilities only. It does not include any new development projects needed to enhance efficiency or off-set natural production declines (no new drilling, enhanced recovery, cogeneration, etc.). It does include all maintenance projects, facility development projects and environmental protection initiatives included in the proposed action that are necessary for maintaining the safety and quality of the NPR–1 environment.

Alternative 2: Proposed Action Excluding the Shallow Oil Zone Steamflood Expansion, Gas Processing Expansion, and Cogeneration Project (Modified Proposed Action)

This alternative provides for all activities included in the proposed action, except that the 148-well, 500-acre Shallow Oil Zone steamflood expansion would not be implemented; expansion of NPR–1's gas processing capacity by 100–150 million cubic feet per day (fourth gas plant) would not be undertaken; and the 42-megawatt cogeneration plant would not be constructed.

Alternative 3: Nonsteamflood Tertiary Oil-Recovery Strategies

This alternative provides for all of the activities included in the proposed action and implementation of nonsteamflood tertiary recovery techniques that have been carried out on a limited basis at other oil fields. Examples of these techniques include alkali surfactant polymer injection, micellar polymer injection, carbon dioxide injection and in-situ combustion. Although these techniques may have potential in the long term, their implementation in NPR–1 hydrocarbon reservoirs cannot be considered by decision-makers in the reasonably foreseeable future due to limited technical data and unfavorable current and projected future economic conditions. For this reason, studies were not completed to scope these programs to the level of detail needed to address potential environmental impacts. Accordingly, this alternative was dismissed from further consideration in the SEIS.

Divestiture

The possibility of selling the Government's interest in NPR–1 (divestiture) was initially announced in the Notice of Intent to prepare this SEIS as an alternative in the context of continued operations and future development (53 FR 10922, April 4, 1988). Analysis of this alternative would have expanded on the 1987 Environmental Assessment of Divestiture (DOE/EA–0334). This alternative is considered highly speculative in the absence of Congressional action and, therefore, was not developed in the SEIS.

EPA's Proposed Alternative (No Action followed by Proposed Action)

In its comments on the draft SEIS, EPA recommended analysis of an additional alternative that would involve implementing the no action alternative for the near term and then proceeding with the proposed action at a later date. A brief analysis of this alternative was included in the final SEIS. The analysis indicated that ultimate hydrocarbon recovery losses of approximately 66 million barrels of oil and 132 billion cubic feet of natural gas would occur by deferring development activities at NPR–1 for a period of 10 years. Because this alternative would not allow DOE to meet the purpose and need for the proposed action, which is to produce NPR–1 at the maximum efficient rate in accordance with the Naval Petroleum Reserves Production Act of 1976, it was dismissed from further consideration in the final SEIS.

Environmentally Preferred Alternative

The environmentally preferred alternative is the no action alternative (Alternative 1). Habitat disturbance associated with this alternative is significantly less than for all other alternatives analyzed in the SEIS. Future impacts associated with continued NPR–1 operations would diminish more rapidly under this alternative as NPR–1's economic life would be reached much sooner than would occur under other alternatives (approximately 2000–2010). This alternative would require legislative redirection of DOE's current mission to produce NPR–1 in accordance with the Naval Petroleum Reserves Production Act of 1976.

Decision:

DOE has decided to continue current NPR–1 operations and implement additional well drilling, facility development projects and other activities necessary for continued production of NPR–1 in accordance with the requirements of the Naval Petroleum Reserves Production Act of 1976 (Pub. L. 94–258).

Discussion and Justification of Decision

Pursuant to the Naval Petroleum Reserves Production Act of 1976 and subsequent Presidential certifications, DOE is required to produce NPR–1 at the maximum efficient rate through April 5, 1997. To continue to meet this mandate, continued and enhanced NPR–1 operations are necessary.

The decision to produce the Naval Petroleum Reserves at the maximum efficient rate was initially authorized by Congress in 1976 to address emergency energy needs in response to the Arab oil embargo of 1973–1974. At that time, the Naval Petroleum Reserves were administered by the Secretary of the Navy. Effective October 1, 1977, the DOE Organization Act (Pub. L. 95–91) transferred jurisdiction of the Naval Petroleum Reserves to the new DOE. NPR–1 oil production since 1976 has either been sold on the open market, transferred to the Department of Defense for national security purposes, or transferred to the Strategic Petroleum Reserve for storage in the event of future oil supply disruptions.

In recent years, Congress has recognized other significant reasons for continued maximum efficient rate production of the Naval Petroleum Reserves. In addition to military preparedness and National defense reasons, the following issues were

considered in the most recent extension of the Naval Petroleum Reserves Production Act:

1. National economic impacts, including the direct effect on net Federal revenues and the broader effects on the economy;

2. National energy strategy, reflecting the effects of oil import requirements in the absence of an extension; and

3. Local and regional concerns, involving the effects of operating the Naval Petroleum Reserves on local economies and on upstream and downstream elements of the petroleum industry in the areas served by the Naval Petroleum Reserves.

Selection of the no action alternative (Alternative 1) would not allow DOE to meet the statutory mandate to produce NPR–1 at the maximum efficient rate, and would result in ultimate recovery losses of up to 500 million barrels of oil and more than 250 billion cubic feet of natural gas reserves. This represents a reduction of 58 percent of the remaining oil reserves and 20 percent of the remaining gas reserves, respectively. Under this alternative, the economic return on NPR–1 investment would be greatly diminished in comparison to that of the proposed action.

Selection of the modified proposed action alternative (Alternative 2) would eliminate important facility projects including Shallow Oil Zone steamflooding, expanded gas processing, and cogeneration power production that are needed to ensure continued maximum efficient rate production at NPR–1, as required by the Naval Petroleum Reserves Production Act of 1976. As in the case of Alternative 1, implementation of Alternative 2 would not allow DOE to meet its statutory mandate.

Major Environmental Impacts and Mitigation Action Plan

The environmental impacts that could result from implementation of the proposed action were summarized in Table 2.0–2 and analyzed in detail in Section 4.0 of the final SEIS. DOE believes that most of these impacts can either be eliminated or reduced to acceptable levels. Accordingly, a total of 88 mitigation commitments were made in the final SEIS to ensure impact levels would be minimized to the maximum extent possible. These mitigation commitments form the basis of the NPR–1 Mitigation Action Plan to reduce potential impacts from proposed action activities. The NPR–1 Mitigation Action Plan provides detailed activities, implementing organizations, activity milestone dates and mitigation monitoring protocol. Upon publication of the Record of Decision in the **Federal Register**, the Mitigation Action Plan will be made available for public review in reading rooms at the offices of the Naval Petroleum Reserves in California and DOE Headquarters in Washington, DC. The plan will also be provided to local libraries.

As noted earlier, EPA and a private water resources consultant provided substantive comments on the final SEIS. EPA encouraged DOE to continue ongoing efforts to identify wetland resources on NPR–1. As detailed in the Mitigation Action Plan, a formal wetland delineation study of potential wetlands on NPR–1 will be conducted in 1994. This study will be coordinated with both the U.S. Army Corps of Engineers and EPA. If jurisdictional wetlands are identified, DOE will comply with the provisions of the Clean Water Act regarding wetland disturbances.

As indicated in the final SEIS and associated Mitigation Action Plan, DOE is committed to remediating all inactive sumps and managing active sumps in accordance with Waste Discharge Requirements issued by the State of California's Central Valley Regional Water Quality Control Board. DOE is actively proceeding with plans to continue the remediation of historic produced water sumps. The Mitigation Action Plan also provides details (Mitigation Nos. WG–30 and WR–9) of a site-wide sump closure plan that was approved in 1991 by the Central Valley Regional Water Quality Control Board. EPA will be provided a copy of this closure plan as suggested in their comment. DOE is permitted to sump wastewater at NPR–1 by Waste Discharge Requirements #58–491 and #68–262, which prohibit the release of wastewater into unlined sumps located on alluvial soils if the wastewater exceeds 1,000 parts per million total dissolved solids. Accordingly, wastewater sumps on or near alluvial soils have been lined or taken out of service. DOE will continue to ensure the integrity of the liners at these locations.

DOE will complete a Groundwater Management Protection Plan for NPR–1 in 1994. The management plan will include, among other components, a site-wide Groundwater Monitoring Plan. On September 28, 1993 DOE briefed the California Department of Water Resources, the California Central Valley Regional Water Quality Control Board and the Kern County Water Agency on the development of these groundwater plans. DOE acknowledged the need to better characterize groundwater in the northeast portion of NPR–1 due to its proximity to a subsurface water bank under development by the water agencies. DOE facilitated a discussion of their respective interests regarding the development of NPR–1 groundwater plans. Future data review and exchange activities were discussed, which DOE will honor. Continued interactions with these agencies will be given a high priority by DOE.

The Groundwater Protection Management Plan will also address concerns raised by Mr. Rector regarding the withdrawal of waterflood source water and produced water injection activities on the south flank of NPR–1. DOE regularly monitors the quality of the source well water, including tests for volatile organics such as benzene, toluene, and xylenes as Mr. Rector suggested in his comment. Potential adverse impacts to the NPR–1 aquifer from groundwater withdrawal will continue to be monitored as well.

Other concerns raised by EPA regard issues with the potential for major environmental impacts. Acknowledgement of these concerns is included in the following discussion of the major environmental impacts associated with the proposed action and the principal mitigation measures planned to minimize the impacts.

1. Potential Erosion from Construction Disturbances to 1,569 Acres On and Off NPR–1

Soil Conservation Service erosion control/site-rehabilitation measures will be implemented in planning, design, and operational activities.

2. Slight Possibility of Subsidence and Induced Seismicity Due To Increased Withdrawal of Source Water From the Tulare Formation and Oil and Gas Withdrawal From Deep Producing Formations

NPR–1 facilities will be designed in accordance with the latest edition of the Uniform Building Code and the recommendations of the NPR–1 Geotechnical and Earthquake Engineering Study.

3. Production of Drilling Wastes Associated With A 382-Well Drilling Program, 2,663 Remedials, and 1,080 Abandonments

Drilling fluid additives utilized at NPR–1 will be limited to those that are included on the list of approved nonhazardous drilling fluid additives issued by the California Department of Health Service in 1982.

4. 100,000–181,000 Barrels Per Day of Produced Wastewater Would Require Recycling or Disposal

To the extent technically and economically feasible, produced water will be recycled for use as source water for waterflood operations.

5. Nonhazardous Solid Waste Quantities from Construction and Operations Would Increase Above the Current Volume of 24,000 Cubic Yards Per Year

NPR–1 will establish and implement a waste minimization program to reduce the volume of all nonhazardous solid wastes.

6. Hazardous Waste From Construction and Operations Would Increase Slightly Above the Current Level of Approximately 19,800 Pounds Per Year

Hazardous waste minimization reviews will be conducted for all proposed facility projects. State of California regulatory requirements, such as the Hazardous Waste Reduction and Management Review Act of 1989 (SB 14) will be followed. In addition, NPR–1 will comply with Executive Order 12856 (Federal Compliance with Right-to-Know Laws and Pollution Prevention Requirements) which was signed on August 3, 1993. This order requires Federal agencies to the maximum extent possible to reduce, recycle and treat toxic chemical waste. As required by the Order, NPR–1 will report in a public manner toxic chemicals entering any wastestream from the facility, and will improve local emergency planning, response and accident notification procedures.

7. Fugitive Particulate Emissions from Construction Activities and Seismic Survey Disturbances on Approximately 8,349 Acres

NPR–1 will develop and implement a particulate matter control plan.

EPA also recommended that measures be implemented to ensure compliance with the requirements of EPA's emissions trading policy. It should be noted that all air permitting operations at NPR–1 are closely coordinated with the San Joaquin Valley Unified Air Pollution Control District to ensure compliance with applicable regulations. Accounting of emission reductions is a District staff function. These issues are closely monitored by the California Air Resources Board and Region IX of EPA.

8. Increases in Current Operational Emissions By A Maximum of Approximately 133.6, 124.2, 367.0, 0.7, 5.8, and 85.8 Pounds Per Hour of Reactive Organic Gas, Nitrogen Oxide, Carbon Monoxide, Sulfur Dioxide, Total Suspended Particulate, and Particulate Matter With Aerodynamic Diameters Less Than 10 Microns, Respectively, As the Result of Proposed New Sources

New compressor engines will be equipped with low nitrogen oxide emission precombustion chambers. Steam generators, heaters, and cogenerators also will be equipped with appropriate low nitrogen oxide combustion technology. Anode beds will be watered frequently to reduce reactive organic gas emissions.

EPA also inquired if, in the absence of a State Implementation Plan, whether the impacts of continued and proposed NPR–1 operations would be in conformity with the provisions of the Federal Clean Air Act. NPR–1 will operate either under locally mandated New Source Review regulations if the State Implementation Plan is approved by EPA, or under Federally mandated New Source Review regulations if the plan is not approved. Further, operations regulated under New Source Review would be exempt from the conformity provisions as outlined in the March 1993 draft Rule (55 FR 13866). It should also be pointed out that in 1994, EPA will review the local Air Pollution Control District's proposed Federal operating permit program. Even if EPA approves the operating permit program, EPA would still retain the authority to veto permits that are not issued in accordance with the approved program.

9. Oils, Chemical, and Produced Waters Could Inadvertently Spill and Degrade Groundwater

All spills will be cleaned up as they are identified in accordance with the NPR–1 Spill Prevention, Control, and Countermeasure Plan.

10. Development of 1,569 Acres of Wildlife Habitat On and Off NPR–1 and Potential for Adverse Impacts To Wildlife From Inadvertent Harassment, Vehicle Mortality and Contact With Hydrocarbons and/or Oil-Field Chemicals

Preactivity surveys will be conducted by qualified personnel prior to any construction, maintenance, clean-up, or other ground disturbance in undeveloped areas to minimize the amount of habitat disturbed and to avoid protected species and their habitat to the maximum extent possible. Disturbed habitats will be revegetated as part of an ongoing habitat reclamation program.

In 1987, the U.S. Fish and Wildlife Service rendered a non-jeopardy Biological Opinion for the continued operation and development of NPR–1 at the maximum efficient rate of production. On October 9, 1991, consultation for maximum efficient rate production was reinitiated by DOE for the SEIS, and by letter dated May 28, 1993 (received by DOE on June 7, 1993), the U.S. Fish and Wildlife Service issued a draft Biological Opinion for this action which also concluded non-jeopardy. This consultation is still in progress, and when it is completed DOE will comply with the requirements contained in the new Biological Opinion. The U.S. Fish and Wildlife Service indicated by letter dated April 12, 1993, that the 1987 Biological Opinion will remain in effect for all activities specifically described therein until the current consultation is complete. DOE will continue to comply with the requirements of the 1987 Biological Opinion until such time as they are superseded by new requirements in subsequent Biological Opinions.

Most impacts associated with the proposed action of the SEIS and the 1993 draft Biological Opinion (including those associated with no action) were addressed in the 1987 Biological Opinion. For those proposed new activities that were not so addressed, DOE will not make any irreversible or irretrievable commitments of resources which would foreclose the formulation or implementation of any reasonable and prudent alternatives needed to avoid violating section 7(a)(2) of the Endangered Species Act until the impacts of these new activities have been subjected to review under section 7 of the Endangered Species Act. EPA recommended that no Record of Decision be issued until a new final Biological Opinion had been issued, and discussed the need to prepare additional National Environmental Policy Act documentation should the final Biological Opinion require modified operations not evaluated in the SEIS. DOE believes that the limitation on proceeding with new activities pending receipt of a final Opinion assures compliance with the Endangered Species Act. Furthermore, DOE commits to completing such documentation if required by the new Opinion.

EPA also questioned what steps DOE will take to prevent ingestion of chemicals by threatened, endangered and other animal species on NPR–1. DOE has in place a comprehensive

program to prevent the ingestion of oil field chemicals by wildlife. This program includes, but is not limited to, adherence to the facility Spill Prevention Control and Countermeasure Plan; proper storage, handling and disposal of chemical containers; procuring bulk chemicals whenever possible to eliminate storage in the field; proper management of hazardous wastes in conforming 90-day storage facilities; prompt evacuation of oily fluids from structures; managing current waste disposal sites in accordance with permit requirements; and remediating historical waste disposal sites. These standard management practices all provide protection from ingestion of oil field chemicals by wildlife.

To further reduce the potential for adverse impacts to listed species, DOE agrees to implement the following mitigation activities addressed in the May 28, 1993 draft Biological Opinion:

a. Continue to implement an endangered species program, including the NPR–1 Wildlife Management Plan;

b. Continue to conduct the endangered species worker education/training program;

c. Continue to conduct preactivity surveys as appropriate to minimize habitat disturbances and harm or mortality to listed species;

d. To the extent feasible, avoid sensitive habitats such as San Joaquin kit fox dens, giant and Tipton kangaroo rat burrows, and burrows potentially utilized by blunt-nosed leopard lizards;

e. Refrain from destroying San Joaquin kit fox dens that cannot be avoided until approval is obtained from the U.S. Fish and Wildlife Service;

f. Continue to implement a habitat reclamation program to reclaim disturbed areas that are no longer needed for oil-field operations;

g. Minimize off-road vehicle travel;

h. Prohibit employees from bringing pets onto NPR–1;

i. Clean up oil and chemical spills in accordance with the Spill Prevention Control and Countermeasure Plan.

j. Continue to evaluate sumps and catch basins to identify potential hazards to wildlife and remediate these hazards to the extent feasible;

k. Continue to evaluate and, to the extent feasible, remediate well cellar covers posing hazards to wildlife; and

l. Continue to report to the U.S. Fish and Wildlife Service on an annual basis on the status of the endangered species program.

11. Potential Disturbance of Cultural Resources From Development of 1,569 Acres On and Off NPR–1

NPR–1 will develop and implement a cultural resource management plan for the protection of cultural resources.

12. Potential for Well Blowouts and Gas Explosions From Closed Compressor Facilities

DOE will continue to conduct internal safety appraisals of all NPR–1 facilities.

Unavoidable Adverse Impacts

The unavoidable adverse impacts resulting from the proposed action that cannot be fully mitigated are as follows:

1. Some soil erosion would occur, especially in areas of new construction if major storms occur before soil stabilization measures take effect.

2. There is some potential for subsidence as the result of oil, gas, and water withdrawals from underlying geologic structures.

3. Inadvertent releases of oil or other oil field chemicals that are not entirely recovered on a timely basis could, over a period of time, migrate into and degrade groundwater aquifers.

4. Small net increases in the NPR–1 emissions of carbon monoxide and particulate matter could occur, resulting in minor increases in ambient concentrations of these pollutants in western Kern County.

5. There would be unavoidable, long-term adverse impacts to a net of 74 acres of wildlife habitat on and off NPR–1 as a result of permanent construction disturbances. (See Table 2.2–1 on page 2–11 of the final SEIS.)

6. The loss of habitat, potential exposure to hydrocarbons or other oil field chemicals and site activities may result in the death, injury and displacement of some plants and animals, including threatened and endangered species.

7. There is a very small potential that produced wastewater disposed of into disposal wells and sumps might degrade off-site groundwaters.

8. Increased consumption of energy and fresh water supplies would occur.

Conclusion

The production of NPR–1 in accordance with the Naval Petroleum Reserves Production Act of 1976 continues to serve a vital role in National defense, U.S. Treasury revenues, and local, regional, and National economics. Until Congress and the President modify the mission of DOE with respect to the Naval Petroleum Reserves, DOE will continue to produce NPR–1 in the most efficient and environmentally responsible manner possible.

Issued at Washington DC, this 25th day of February, 1994.

Marvin I. Singer,

Acting Assistant Secretary for Fossil Energy.

[FR Doc. 94–14553 Filed 6–14–94; 8:45 am]

BILLING CODE 6450–01–P

Notice of Floodplain and Wetlands Involvement for Hydrogeological Characterization Studies at the Pantex Plant, Amarillo, TX

AGENCY: Department of Energy (DOE).

ACTION: Notice of floodplain and wetlands involvement.

SUMMARY: DOE proposes to conduct hydrogeological characterization studies, some of which would be within floodplains and wetlands within the borders of or surrounding the Pantex Plant in Carson County, 17 miles northeast of Amarillo, Texas. In accordance with 10 CFR part 1022, DOE will prepare a floodplain and wetlands assessment and will perform this proposed action in a manner so as to avoid or minimize potential harm to or within the affected floodplain and wetlands.

DATES: Comments on the proposed action must be received by June 30, 1994.

ADDRESSES: Comments concerning this Notice should be addressed to: Floodplain and Wetlands Comments, Tom Walton, Public Affairs Office, U.S. Department of Energy, Amarillo Area Office, P.O. Box 30020, Amarillo, Texas 79177, (806) 477–3120, (806) 477–3185 (Fax).

Information on this proposed action, including a map of proposed sampling locations, is also available.

FOR FURTHER INFORMATION CONTACT: Information on general DOE floodplain and wetlands environmental review requirements is available from: Carol M. Borgstrom, Director, Office of NEPA Oversight, U.S. Department of Energy, 1000 Independence Avenue SW., Washington, DC 20585, (202) 586–4600, (800) 472–2756.

SUPPLEMENTARY INFORMATION: DOE proposes to conduct a hydrogeological characterization study within floodplains and wetlands on and surrounding the Pantex Plant. The characterization studies would be conducted in support of the Permit for Industrial Solid Waste Management Site issued by the Texas Water Commission (now known as the Texas Natural Resources Conservation Commission) as part of DOE's effort to determine the nature and extent of any environmental contamination resulting from Pantex

operations. On-site activities would occur within Solid Waste Management Units (SWMU) 6 (Playa Basin 1), SWMU 7 (Playa Basin 2), SWMU 8 (Playa Basin 3), SWMU 9 (Playa Basin 4), and SWMU 10 (Pantex Lake). Off-site activities would occur at Playa 5, located 2 miles southwest, and the Playa owned by the Texas Department of Criminal Justice, located 4.5 miles northeast of the Pantex Plant. On- and off-site activities would be conducted by the State of Texas under an Agreement in Principle with the DOE. The characterization studies occurring near or in the floodplain and wetlands would include:

1. Drilling boreholes for the purpose of collecting core samples from the playa basins.

2. Routine sampling, downloading, and maintenance of installed instrumentation.

3. Conducting soil gas surveys in and near the floodplain and wetlands.

4. Seismic survey activities to define playa basin geologic structure.

5. Trenching in or near the floodplain and wetlands for the installation of soil moisture instrumentation such as: thermocouple psychrometers, tensiometers, and Time Domain Reflectometers (TDR).

6. Trenching in and near the floodplain and wetlands to perform chemical (food coloring) tracer tests.

7. Surveying activities to define playa basin topography.

A more specific description of the seven activities listed above follows:

1. Borehole drilling would involve driving a drilling rig and a portable core sample laboratory to the site, drilling the boreholes, and collecting the core samples as the drilling progresses. The boreholes would be either closed by back-filling with the cuttings, or completed as soil solution sampling wells or neutron probe access tubes. The core sample borings will not exceed 120 feet in depth and the soil solution sampling wells and neutron probe access tubes would not exceed a maximum depth of 80 feet. Because the playa basin is ephemeral, drilling activities would only occur during the dry cycle of the playa.

2. The routine sampling, downloading, and maintenance of installed instrumentation would involve driving a utility vehicle to the site. Some instrumentation would be installed in the wetland and would involve entering the playa during the wet season to take samples and download data. Personnel entering wet areas of the playa would enter on foot to avoid undue impact to the floodplain and wetlands.

3. Soil gas surveys would be conducted during both dry and wet seasons in the playas and would involve driving a utility vehicle near the playa floor to download soil gas to a portable gas chromatograph. Personnel entering wet areas of the playa would enter on foot to avoid undue impact to the floodplain and wetlands.

4. Seismic survey activities would involve driving two utility vehicles and a tailer mounted weight-drop unit, used as an energy source, into the playa basin. This activity involves driving across the playa floor and can only be accomplished when the playa is completely dry, to minimize undue impact to the floodplain and wetlands.

5,6. Trenching in or near the floodplain and wetlands would involve driving a truck (larger than ton) and trailer mounted backhoe into the wetland areas to excavate the trenches. The trenches for the tracer tests would not exceed 3 meters in depth and would be the appropriate length and width to satisfy OSHA requirements. The trenches would remain open as long as the tracer tests are ongoing, and then would be backfilled and leveled. The trenches for the installation of the soil moisture instrumentation would not exceed 4.5 feet in depth and would involve installing TDR and psychrometer probes into the sidewall and endwall of the trench. These instrument trenches would be backfilled immediately after the probes are installed. Clean Water Act Section 404 permit authorization has been received for the trenching in these areas.

7. Surveying activities would involve driving a utility vehicle carrying equipment into the playa basin. The surveying would be done by personnel on foot to minimize any potential impact to the floodplain and wetlands.

In accordance with DOE regulations for compliance with floodplain and wetlands environmental review requirements (10 CFR part 1022), DOE will prepare a floodplains and wetlands assessment for this proposed DOE action which may be incorporated into the appropriate National Environmental Policy Act documentation. After DOE issues the assessment, a floodplain statement of findings will be published in the Federal Register.

Ralph G. Lightner,

Director, Office of Southwestern Area Programs, Environmental Restoration.

[FR Doc. 94–14552 Filed 6–10–94; 2:00 pm]

BILLING CODE 6450–01–P

Energy Information Administration

Forms; Availability, etc.: Coordinated Regional Bulk Power Supply Program Report

AGENCY: Energy Information Administration (EIA), DOE.

ACTION: Solicitation of comments on proposed revisions to Form OE–411 "Coordinated Regional Bulk Power Supply Program Report," and its filing frequency.

SUMMARY: EIA, as part of its continuing effort to reduce paperwork and respondent burden (required by the Paperwork Reduction Act of 1980, Public Law No. 96–511, 44 U.S.C. 3501 *et seq.*), conducts a presurvey consultation program to provide the general public and other Federal agencies with an opportunity to comment on proposed and/or continuing reporting forms. This program helps to ensure that requested data can be provided in the desired format, reporting burden is minimized, reporting forms are clearly understood, and the impact of data collection requirements on respondents can be properly assessed. Currently, EIA is soliciting comments concerning proposed revisions to the Form OE–411, "Coordinated Regional Bulk Power Supply Program Report" and its filing cycle.

Any changes to Form OE–411, determined to be necessary, based on evaluation of comments received in response to this notice will be reflected in and apply to the data submission scheduled for April 1, 1995.

DATES: Written comments must be submitted on or before July 15, 1994. If you anticipate that you will submit comments, but cannot do so within the period of time allowed by this notice, please advise the contact listed below. An additional 30 days may be allowed.

ADDRESSES: Send comments to Dennis K. Taillie, Director, Office of Emergency Planning, 1000 Independence Avenue SW., Washington, DC 20585 (Phone number (202) 586–3271, FAX (202) 586–1737).

FOR FURTHER INFORMATION OR TO OBTAIN COPIES OF THE EXISTING FORM AND INSTRUCTIONS: Requests for additional information or copies of the form and instructions should be directed to Mr. Taillie at the address listed above.

SUPPLEMENTARY INFORMATION:

I. Background
II. Current Actions
III. Request for comments

I. Background

Among the documents currently used to collect U.S. electric power system data is Form OE–411 (Coordinated Regional Bulk Power Supply Program Report). Formerly, authority for the Form OE–411 data collection was delegated to the Office of Emergency Planning and Operations (OE) within the Department of Energy. The OE organization no longer exists, but its functions relevant to the Form are now in the Office of Emergency Planning, Assistant Secretary for Policy, Planning, and Program Evaluation; and the Office of Emergency Management, Director of Nonproliferation and National Security.

EIA also has functions relevant to the Form. In order to fulfill its responsibilities under the Federal Energy Administration Act of 1974 (Pub. L. No. 93–275), and the Department of Energy Organization Act (Pub. L. No. 95–91), EIA is obliged to carry out a central, comprehensive, and unified energy data and information program. This program will collect, evaluate, assemble, analyze, and disseminate data and information related to energy resource reserves, production, demand and technology, and related economic and statistical information relevant to the adequacy of energy resources to meet demands in the near and longer term future for the Nation's economic and social needs.

The Form annually collects data needed to assess the adequacy and reliability of U.S. bulk power supply for a 10-year advance period. This assessment is necessary for DOE to fulfill the requirements of section 202(a) of the Federal Power Act, as amended.

Supplemented by additional reports published by the North American Electric Reliability Council (NERC), EIA and others, the data in the Form enable DOE to perform its assigned tasks, which include:

- Assessment of the adequacy of the U.S. electric power supply;
- Assessment of the vulnerability of the U.S. electric power supply to disruptions from all causes, and evaluation of the risks of such disruptions; and
- Energy-related support activities designated by the Federal Response Plan (the Robert T. Stafford Disaster Relief and Emergency Assistance Act, Public Law 93–228, as amended).

The supplemental additional reports noted above include NERC's 10 year forward reliability assessment and its yearly pre-season and post-season summer and winter operations assessments.

The Form is filed with the DOE annually on April 1 by each of the Regional Electric Reliability Councils of NERC in the United States. There are nine Councils in the contiguous U.S. and one in Alaska. No Council has been established by the electric utilities in Hawaii. Each Council files Form OE–411 with DOE and provides copies to the Federal Energy Regulatory Commission and to the Public Service Commission of each State that is wholly or partly within the Council's boundaries. The DOE makes the OE–411 reports available to the public for inspection and copying in its Office of Freedom of Information Reading Room at its Washington, DC, headquarters, 1000 Independence Avenue, SW., Washington, DC 20585.

The Form collects numerical and descriptive information concerning regional electric power supply systems. The numerical information consists of historic data and data projected for a 10-year advance period. The descriptive data consist of each Council's assessment of the projected reliability of the bulk power supply in its region over the next five years, and material concerning planning and operating practices of the Council.

Form OE–411 originated as "Appendix A" of Order 383–2, issued by the then Federal Power Commission on April 10, 1970. Since then, the Form has been incrementally revised from time-to-time and transferred to the jurisdiction of several groups within DOE, being variously designated as ERA–411, EP–411, IE–411 and currently OE–411. The title "Coordinated Regional Bulk Power Supply Program Report" has not been changed, as it reflects the continuing focus and purpose of the document.

The concept of regional electric power supply, coordinated for the purposes of reliability and adequacy on a regional scale by electric utilities working in the cooperative setting provided by the Regional Councils, was developed by the industry and the Federal Power Commission in the aftermath of the November 9, 1965, Northeast Blackout. That event made clear the need for neighboring interconnected electric utilities to coordinate their planning and operation in the interests of electric power supply reliability. Accordingly, the electric power industry, with the assistance and encouragement of the Federal Power Commission, organized Regional Electric Reliability Councils to improve inter-utility coordination of system planning and operation. These Councils provide an institutional mechanism for the activities needed to assure region-wide planning and operation of power system facilities, establishment of appropriate standards for the improvement of interconnected system operation and response to contingencies, and other relevant matters.

Form OE–411 provides a mechanism for recording in a single compact volume the basic data and practices resulting from regionally coordinated efforts by electric utilities to assure adequate, continuous and reliable electric power supply. The Form annually provides, in convenient, form basic information needed by the Federal government, State agencies, electric utilities and the public to assess the reliability and adequacy of electric bulk power supply as projected for a decade ahead.

II. Current Actions

Since the predecessor of Form OE–411 was initiated in 1970, significant changes have occurred in the technology of electric power generation, transmission, distribution and use which have been accompanied by reduced growth of electric demand. Coupled with changes in the national economy, the structure of the electric power industry, new Federal energy legislation and changes in Federal and State regulatory practices, it is appropriate to reconsider Form OE–411 at this time with respect to: Frequency of reporting, scope and content, duplicate reporting of data, and administrative arrangements.

Administrative Arrangements

The Survey Management Division, Office of Coal, Nuclear, Electric and Alternate Fuels of the EIA is assuming responsibility for administration of the Form. EIA will be responsible for preparing the blank Form, sending it to the Reliability Councils (in hard copy, diskette or by other means), receiving the completed Form from each Council, entering the data into an electronic database readily accessible to government agencies and the public, and providing a hard copy of each Council's Form to the DOE Freedom of Information Reading Room for inspection and copying by the public.

EIA also will be responsible for making changes to the Form, if revisions are found to be needed, after consultation with DOE's Office of Emergency Planning and Office of Emergency Management, the North American Electric Reliability Council (acting for the Regional Councils) and other interested parties. If this change in administrative responsibility is implemented, the designation of the Form will become EIA–411. Response to Form OE–411 and its predecessors was voluntary. It is now proposed that

response to Form EIA–411 will be mandatory.

Frequency of Reporting

The Department of Energy is considering reducing the filing frequency for the new Form (EIA–411) to biennially instead of annually. Accordingly, the 1995 filing would be required, but the next filing would not be due until 1997. When the Form's predecessor was initiated in 1970 the demand for electric power was exhibiting a high rate of annual increase and the planning and construction of electric system facilities was correspondingly rapid. Annual reporting was appropriate at that time so that assessment of reliability could be based on the latest data, which changed rapidly. The present annual growth rate of electricity demand is approximately half of what it was in the late 1960's and early 1970's. It appears probable that the growth rate will not increase greatly in the foreseeable future. The pace of facilities construction has slowed correspondingly and it seems appropriate to reduce the frequency of data reporting.

Biennial preparation of Form EIA–411 will reduce the reporting burden on the utility industry (which provides the data to the Councils) and on the Councils (which aggregate the data, prepare the response and make distribution to the Department of Energy, the Federal Energy Regulatory Commission and State Public Service Commissions). Since year-to-year changes are smaller than previously, the validity of adequacy assessments based on the biennial reports is not likely to be affected significantly.

Elimination of Duplication

Some data on utility-owned generating units are currently reported by utilities twice: To EIA on Form EIA–860 (Annual Electric Generator Report) and also on Form OE–411. Currently, data on the mode of transportation of fuel to these units are reported on Form OE–411 but not on Form EIA–860; however, EIA intends to modify Form EIA–860 to include reporting of the fuel transportation data. Also, electric utility, unauthorized planned new generators are reported on Form OE–411 but not on Form EIA–860. EIA will modify Form EIA–860 to include electric utility, unauthorized planned new generators. Once this is done, Form EIA–860 will include all of the utility-owned generating unit data required, and the duplicative work of the Councils in preparing a separate list of utility-owned generating unit data (including mode of fuel transportation) for Form EIA–411 will become unnecessary.

However, complete and accurate generating unit data will be needed in Form EIA–411 to make it a "stand-alone" document. Therefore, EIA will furnish to each Council the data (reported on Form EIA–860) concerning the utility-owned units in that Council, to be incorporated by the Council in its response to Form EIA–411. The procedure to do this will be developed jointly by EIA and the Councils to assure that the data reported in Form EIA–411 are complete, accurate and correctly reflect the generating capacity owned by utilities and non-utility generators (NUGs) within the Council boundaries. Data concerning non-utility generating capacity will be obtained by utilities as is done currently, will be reported by the utilities to the Councils and will be reported by each Council in its response to Form EIA–411.

Content of Proposed Form EIA–411

The following discussion lists items being considered for inclusion in proposed Form EIA–411. A brief justification for each proposed change from Form OE–411 is also provided.

Item No.

1. Projected energy and peak demand for ten years and actual data for the previous year.

No change is proposed for this item.

2A. Existing generating capacity.

No change is proposed for the content of this item. The method by which the data are to be obtained is discussed above under the heading "Elimination of Duplication."

2B. Projected Generating Capacity Installations, Changes and Removals.

No change is proposed for this item. The method by which the data are to be obtained is discussed above under the heading "Elimination of Duplication."

2C. Projected capacity purchases and sales.

It is proposed to add to this item, for the peak hour of each month of the preceding year, the actual purchases and sales of capacity resulting from transactions with sources external to the Council area.

Justification: For some Councils, purchased capacity is a significant portion of the total available and significantly affects the adequacy of regional power supply. No means now exist for tracking this information in Form OE–411.

3A. Projected capacity and demand for ten years.

No change is proposed for this item.

3B. Five-year assessment of adequacy by the Council.

No change is proposed for this item.

3C. Regional generating capacity unavailability.

Only data on utility-owned generating capacity are currently reported. It is proposed that unavailability data for non-utility (NUG) generator capacity be added to this item to the extent that it is made available by NUG entities.

Justification: As NUG capacity becomes a larger portion of total installed capacity in a Council area, it becomes more important to be able to assess its reliability.

New Item 3D. Regional Demand Projections.

Discuss the forecasting method and basic assumptions employed by the Council in reaching aggregate demand and energy projections, tabulated in Item 3A, for normal weather. Also discuss how the Council plans to meet contingencies caused by extreme weather.

Justification: The discussion will provide a basis, not currently available, for understanding the forecasts.

4A. Bulk Power Transmission System Maps.

No change is proposed for this item.

4B. Projected Bulk Power Transmission Line Additions.

No change is projected for this item.

5A. Near-term Transmission Adequacy.

No change is projected for this item.

5B. Future Critical Bulk Power Transmission Facilities That Will Not Be In Service When Required.

It is proposed to replace this item by a new item 5B requesting:

(1) Summary data on actual inter-Council purchase and sale transactions which took place during the seasonal (summer and winter) peak load periods of the preceding year and (2) a discussion of the extent to which the magnitude of these transactions approached the transfer capacity of the inter-Council transmission facilities under conditions then existing.

Justification: Industry reports claim that some U.S. transmission facilities are approaching their capacity transfer limits but do not support these claims with quantitative information. The data requested will provide an understanding of the ability of transmission facilities to transfer the capacity purchases and sales reported in item 3A among Councils.

5C. System Evaluation Criteria.

It is proposed to enlarge this item to include discussion of the effects of non-utility generating sources and increased access by independent power producers to transmission facilities as they specifically relate to reliability of supply in the Council's area.

Justification: Increasing non-utility generation and the issues associated with integrating that generation into the utility network may have effects on system reliability that are not thoroughly explored elsewhere.

6A. Coordination of Operations.

No change is proposed for this item.

6B. Load preservation program.

It is proposed to add to this item requests for: (1) description of the voltage reduction procedures employed by the utilities in the Council area, their effectiveness in reducing peak demands and the effects on customer equipment; and (2) discussion of conditions and practices related to reduction of peak demand under control of or at the request of the system operator. These practices are usually described by such terms as "direct load control," "interruptible load," or "load management." The terminology used should be defined.

Justification: Load preservation practices and procedures differ among Councils. Further information is necessary to understand their potential for preserving load.

7. Additional Information.

No change is proposed for this item.

III. Request for Comments

Prospective respondents and other interested parties are requested to comment on the proposed revisions discussed above and to propose such other modifications as they deem useful. The following general questions are provided to assist in the preparation of responses:

For the potential respondent and user:

A. Are current instructions and definitions in Form OE–411 clear and sufficient? If not, what changes do you suggest?

B. Can the information requested be submitted consistent with the existing definitions? (Note: It is intended to adopt, if possible, the definitions in the "Glossary of Terms For NERC Publications" to be published by the North American Electric Reliability Council on June 9, 1994.)

C. Can the information requested be submitted within the response time specified in the instructions?

D. For Form OE–411 as currently constituted, public reporting burden is estimated to average 13 hours per response for the utilities that provide the basic information and 1000 hours for each Reliability Council respondent. How much time, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information, do you estimate would be required to complete Form EIA–411 if it should be promulgated as proposed in this Notice?

E. What specific changes do you suggest?

F. If you know of any Federal, State or local governmental agency that collects identical data in the same single volume format, specify the agency and a reference citation.

G. For what purposes would you use the EIA–411 report? Please be specific.

H. What are the deficiencies and strengths of any alternate source of numerical and descriptive information that you use?

EIA also is interested in receiving comments regarding the need for the information provided in Form OE–411 (existing) or Form EIA–411 (proposed).

Comments will become a matter of public record.

The Office Of Emergency Planning and EIA will review and evaluate all comments received as a result of this Notice in the context of best serving the interests of the public, the electric utility industry, State governments and the Federal government. A statement will be prepared integrating the views expressed above with the comments received in response to this notice. If appropriate after review by these offices, the Office of Management and Budget (OMB) will be requested to authorize use of Form EIA–411 for the period 1995–1997.

Statutory Authorities: Sec. 2(a) of the Paperwork Reduction Act of 1980, (Public Law No. 96–511), which amended Chapter 35 of Title 44 United States Code. [See 44 U.S.C. 3506(a) and (c)(1)].

Issued in Washington, DC June 9, 1994.

Yvonne M. Bishop,

Director, Office of Statistical Standards, Energy Information Administration.

[FR Doc. 94–14554 Filed 6–14–94; 8:45 am]

BILLING CODE 6450–01–P

Federal Energy Regulatory Commission

[Docket No. QF87–422–005]

Indeck-Corinth Limited Partnership; Application for Commission Recertification of Qualifying Status of a Cogeneration Facility

June 9, 1994.

On June 8, 1994, Indeck-Corinth Limited Partnership (Indeck-Corinth) of 1130 Lake Cook Road, suite 300, Buffalo Grove, Illinois 60089, submitted for filing an application for recertification of a facility as a qualifying cogeneration facility pursuant to § 292.207(b) of the Commission's Regulations. No determination has been made that the submittal constitutes a complete filing.

According to the applicant, the natural gas-fueled cogeneration facility is located in Corinth, New York. The Commission previously certified the capacity of the facility to be 36.65 MW. The facility was to consist of a combustion turbine generator and a heat recovery boiler. Thermal energy recovered from the facility was to be used in paper manufacturing processes. The instant application for recertification is submitted to report the addition of an extraction/condensing steam turbine generator and an approximately 3.5-mile, 115 kV transmission line to the facility. Furthermore, the application reflects an increase in the facility's maximum net electric power production capacity to 137.4 MW, use of thermal energy output for space heating, and the transfer of ownership from International Paper Company to Indeck-Corinth.

Any person desiring to be heard or objecting to the granting of qualifying status 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. All such motions or protests must be filed within 30 days after the date of publication of this notice in the **Federal Register** and must be served on the applicant. 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.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 94–14488 Filed 6–14–94; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. EL94–65–000, et al.]

Consumers Power Company, et al.; Electric Rate and Corporate Regulation Filings

June 8, 1994.

Take notice that the following filings have been made with the Commission:

1. Consumers Power Co.

[Docket No. EL94–65–000]

Take notice that on May 4, 1994, Consumers Power Company tendered for filing a Petition for waiver of policy statement regarding post-employment benefits other than pensions.

Comment date: June 23, 1994, in accordance with Standard Paragraph E at the end of this notice.

2. Louis Dreyfus Electric Power Inc.

[Docket No. ER92–850–006]

Take notice that on May 2, 1994, Louis Dreyfus Electric Power Inc.

(Dreyfus) filed certain information as required by the Commission's December 2, 1992 letter order in this proceeding. 61 FERC ¶ 61,303 (1992). Copies of Dreyfus' informational filing are on file with the Commission and are available for public inspection, with the exception of certain data which Dreyfus claims is privileged pursuant to Section 388.112 of the Commission's Rules of Practice and Procedure.

3. PSI Energy, Inc.

[Docket No. ER94–533–000]

Take notice that PSI Energy, Inc. (PSI) and Indiana Municipal Power Agency on May 13, 1994, tendered for filing amended Service Schedules in the FERC Filing in Docket No. ER94–533–000 to comply with a FERC Staff request.

Copies of the filing were served on Indiana Municipal Agency and the Indiana Utility Regulatory Commission.

Comment date: June 22, 1994, in accordance with Standard Paragraph E at the end of this notice.

4. Western Resources, Inc.

[Docket No. ER94–1010–000]

Take notice that on May 25, 1994, Western Resources, Inc. tendered for filing additional information to its March 2, 1994 filing in the above-referenced docket.

Comment date: June 20, 1994, in accordance with Standard Paragraph E at the end of this notice.

5. Southwestern Public Service Co.

[Docket No. ER94–1093–000]

Take notice that on June 1, 1994, Southwestern Public Service Company tendered for filing an amendment to its March 28, 1994 filing in the above-referenced docket.

Comment date: June 22, 1994, in accordance with Standard Paragraph E at the end of this notice.

6. The Montana Power Co.

[Docket No. ER94–1189–000]

Take notice that on May 27, 1994, The Montana Power Company (Montana) tendered for filing with the Federal Energy Regulatory Commission pursuant to 18 CFR 35.13, an amendment to its filing in the above referenced docket. Said amendment was filed so as to provide the Commission with a Certificate of Concurrence from Enron Power Marketing, Inc. (Enron).

A copy of the filing was served upon Enron and Lassen Municipal Utility District.

Comment date: June 22, 1994, in accordance with Standard Paragraph E at the end of this notice.

7. Atlantic City Electric Co.

[Docket No. ER94–1316–000]

Take notice that on May 31, 1994, Atlantic City Electric Company (ACE) tendered for filing a Letter Agreement between ACE and Baltimore Gas & Electric Company (BG&E). Pursuant to the Letter Agreement, ACE has agreed to sell to BG&E PJM firm installed capacity credits pursuant to the current PJM Interconnection Agreement Schedule 4.01.

ACE requests waiver of the notice requirements in order that the Letter Agreement may become effective as of June 1, 1994.

Copies of the filing have been served on New Jersey Board of Regulatory Commissioners, the Maryland Public Service Commission, and Baltimore Gas & Electric Company.

Comment date: June 22, 1994, in accordance with Standard Paragraph E at the end of this notice.

8. Northeast Utilities Service Co., Central Maine Power Co.

[Docket No. ER94–1317–000]

Take notice that on May 31, 1994, Northeast Utilities Service Company (NUSCO), on behalf of The Connecticut Light and Power Company (CL&P), Western Massachusetts Electric Company (WMECO), Holyoke Water Power Company (HWP), Holyoke Power and Electric Company (HP&E) and Public Service Company of New Hampshire (PSNH) along with Central Maine Power Company (CMP) tendered for filing a capacity exchange agreement dated May 15, 1994 between NUSCO and CMP.

NUSCO states that a copy of this information has been mailed to CMP and the Maine Public Utilities Commission, Connecticut Department of Public Utility Control, Massachusetts Department of Public Utilities and New Hampshire Public Service Commission.

Comment date: June 22, 1994, in accordance with Standard Paragraph E at the end of this notice.

9. Northeast Utilities Service Co.

[Docket No. ER94–1318–000]

Take notice that on May 27, 1994, Northeast Utilities Service Company (NUSCO) submitted for filing, on behalf of the Northeast Utilities (NU) System Companies, a System Power Sales Agreement between NUSCO and Bozrah Light and Power Company (Bozrah) and a Service Agreement between NUSCO and the NU System Companies for service under NUSCO's Transmission Tariff No. 5 (Service Agreement). NUSCO requests that the Agreement and the Service Agreement be permitted to become effective May 1, 1994.

Comment date: June 22, 1994, in accordance with Standard Paragraph E at the end of this notice.

10. The Washington Water Power Co.

[Docket No. ER94–1320–000]

Take notice that on May 31, 1994, The Washington Water Power Company (WWP), tendered for filing with the Federal Energy Regulatory Commission pursuant to 18 CFR 35.13 revisions to the borderline transmission service provided by WWP to the Bonneville Power Administration (Bonneville) under terms of the WWP/Bonneville General Transfer Agreement.

A copy of this filing has been served upon Bonneville, the Idaho Public Utilities Commission, and the Washington Utilities and Transportation Commission.

Comment date: June 22, 1994, in accordance with Standard Paragraph E at the end of this notice.

11. Green Mountain Power Corp.

[Docket No. ER94–1321–000]

Take notice that on May 31, 1994, Green Mountain Power Corporation (GMP) tendered for filing a Service Agreement and Certificate of Concurrence for Consolidated Edison under FERC Electric Tariff No. 2, known as GMP's Opportunity Transaction Tariff (Tariff). The Service Agreement is intended to supersede the unexecuted Service Agreement for Consolidated Edison, identified as Rate Schedule No. 19 under the Tariff. The Service Agreement and Certificate of Concurrence will allow Consolidated Edison to enter into transactions, including exchange unit transactions, in accordance with the Tariff. No terms or conditions of the Tariff are affected by the form of Service Agreement.

Comment date: June 22, 1994, in accordance with Standard Paragraph E at the end of this notice.

12. Central Maine Power Co.

[Docket No. ER94–1323–000]

Take notice that on June 1, 1994, Central Maine Power Company (CMP), tendered for filing a Settlement Agreement between CMP and New England Power Company (New England Power), dated as of June 1, 1994 (Agreement). In accordance with the terms of the Agreement, CMP will provide New England Power with two cash payments, and a CMP system energy sale of capacity and associated energy for the months of August and September 1994 priced at CMP's projected incremental cost of production.

Comment date: June 22, 1994, in accordance with Standard Paragraph E at the end of this notice.

13. Northern States Power Co. (Minnesota)

[Docket No. ER94–1324–000]

Take notice that on June 1, 1994, Northern States Power Company (Minnesota) tendered a Relocation Agreement between NSP and City of Chaska.

NSP requests that the Commission disclaim jurisdiction over this Agreement. If the Commission claims jurisdiction over this Agreement, NSP alternatively requests that the Commission accept for filing the attached Agreement effective as of May 23, 1994, and requests waiver of any applicable Commission Notice Requirements under Part 35.

Comment date: June 22, 1994, in accordance with Standard Paragraph E at the end of this notice.

14. Commonwealth Edison Co., Madison Gas & Electric Co.

[Docket No. ER94–1325–000]

Take notice that on June 2, 1994, Commonwealth Edison Company (Edison) submitted a Service Agreement, dated June 1, 1994, establishing Madison Gas & Electric Company (MG&E) as a customer under the terms of Edison's Power Sales Tariff PS–1 (PS–1 Tariff). The Commission has previously designated the PS–1 Tariff as FERC Electric Tariff, Original Volume No. 2. Edison and MG&E also submitted for filing a Letter Agreement, dated June 1, 1994, whereby Edison and MG&E agree to cancel an existing Letter Agreement, dated February 1, 1990, and a Notice of Cancellation with respect to the MG&E rate schedule.

Edison requests an effective date of June 1, 1994, and accordingly seeks waiver of the Commission's requirements. Copies of this filing were served upon MG&E, the Public Service Commission of Wisconsin, and the Illinois Commerce Commission.

Comment date: June 22, 1994, in accordance with Standard Paragraph E at the end of this notice.

15. Texas-New Mexico Power Co.

[Docket No. ER94–1326–000]

Take notice that on June 2, 1994, Texas-New Mexico Power Company tendered for filing Amendment No. 1 of a certain agreement between TNP and El Paso Electric Company (EPE) pertaining to communication facilities at Long Ridge Electronic Site.

Asserting that the agreement does not provide for TNP either to sell electric power at wholesale or to perform a wheeling service, TNP requests that the Commission disclaim jurisdiction and reject the tender for filing. If the Commission does not disclaim jurisdiction, TNP requests that the Commission waive its notice requirements and accept such Amendment effective as of June 1, 1994.

TNP asserts that the filing has been served on EPE, the New Mexico Public Utility Commission, and the Public Utility Commission of Texas.

Comment date: June 22, 1994, in accordance with Standard Paragraph E at the end of this notice.

16. Orange and Rockland Utilities, Inc.

[Docket No. ER94–1327–000]

Take notice that on June 2, 1994, Orange and Rockland Utilities, Inc. (Orange and Rockland) tendered for filing pursuant to the Federal Energy Regulatory Commission's order issued January 15, 1988, in Docket No. ER88–112–000, an executed Service Agreement between Orange and Rockland and Chromalloy Wallkill Corporation.

Comment date: June 22, 1994, in accordance with Standard Paragraph E at the end of this notice.

17. CMEX Energy, Inc.

[Docket No. ER94–1328–000]

Take notice that on June 2, 1994, CMEX Energy, Inc. (CMEX) 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 August 2, 1994.

CMEX intends to engage in electric power and energy transactions as a marketer and a broker. In transactions where CMEX sells electric energy it proposes to make such sales on rates, terms, and conditions to be mutually agreed to with the purchasing party. Neither CMEX nor any of its affiliates are in the business of generating, transmitting, or distributing electric power.

Rate Schedule No. 1 provides for the sale of energy and capacity at agreed prices. Rate Schedule No. 1 also provides that no sales may be made to affiliates.

Comment date: June 22, 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. 94–14487 Filed 6–14–94; 8:45 am]

BILLING CODE 6717–01–P

[Project No. 6624–099 New York]

Alfred D. Huey; Availability of Environmental Assessment

June 9, 1994.

In accordance with the National Environmental Policy Act of 1969 and the Federal Energy Regulatory Commission's regulations, 18 CFR part 380 (Order No. 486, 52 FR 47910), the Office of Hydropower Licensing (OHL) reviewed site restoration measures for the removal of a powerhouse at the Tyrone Project. The removal of the powerhouse is required in the termination of the exemption (license).[1] The project is located on Big Tobehanna Creek near the Village of Tyrone in Schuyler County, New York.

The staff of OHL's Division of Project Compliance and Administration prepared on Environmental Assessment (EA), for the proposed action. In the EA, the staff concludes that the licensee's proposals would not constitute a major federal action significantly affecting the quality of the human environment.

Copies of the EA are available for review in the Reference and Information Center, room 3308, of the Commission's offices at 941 North Capitol Street, NE, Washington, DC 20426.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 94–14489 Filed 6–14–94; 8:45 am]

BILLING CODE 6717–01–M

[1] See 64 FERC ¶ 61,356.

[Project No. 8864–009 Washington]

Weyerhaeuser Co; Availability of Environmental Assessment

June 9, 1994.

In accordance with the National Environmental Policy Act of 1969 and the Federal Energy Regulatory Commission's regulations, 18 CFR part 380 (Order No. 486, 52 FR 47910), the Office of Hydropower Licensing (OHL) has reviewed the application to change the design of the transmission line for the Calligan Creek Project. The proposed 2.5 mile long transmission line would be buried for its entire length in the shoulder of a Weyerhaeuser Company logging road. No other private or residential landowners would be affected.

The staff of OHL's Division of Project Compliance and Administration has prepared an Environmental Assessment (EA) for the proposed action. In the EA, the staff concludes that the licensee's proposals would not constitute a major federal action significantly affecting the quality of the human environment.

Copies of the EA are available for review in the Reference and Information Center, room 3308, of the Commission's Offices at 941 North Capitol Street, NE., Washington, DC 20426.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 94–14490 Filed 6–14–94; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. TM94–10–23–001]

Eastern Shore Natural Gas Co.; Proposed Changes in FERC Gas Tariff

June 9, 1994.

Take notice that on June 1, 1994, Eastern Shore Natural Gas Company (ESNG) tendered for filing certain revised tariff sheets included in Appendix A attached to the filing. Such tariff sheets are proposed to be effective May 1, 1994.

On May 2, 1994, ESNG filed revised tariff sheets pursuant to § 154.309 of the Commission's regulations and §§ 21.2 and 21.4 of ESNG's General Terms and Conditions. ESNG states that the filing reflected a decrease in ESNG's Commodity and Demand sales rates, as compared to rates filed in Docket No. TQ94–5–23–000, et al. It has recently come to ESNG's attention that the storage tracker component of its GSS–1 Storage Service rates for: (1) Excess Delivery From Buyer's Storage Gas Balance Charge, and (2) Excess Delivery Not Reducing Buyer's Storage Gas Balance Charge were incorrectly calculated. ESNG states that the instant filing is being tendered in order to correct the GSS–1 General Storage Service rates involved.

ESNG states that copies of the filing have been served upon its jurisdictional customers and interested state commissions.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rule 211 of the Commission's Rules of Practice and Procedure 18 CFR 385.211. All such protests should be filed on or before June 16, 1994. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Copies of this filing are on file with the Commission and are available for public inspection.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 94–14491 Filed 6–14–94; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. RP94–268–000]

Energy Production Corporation v. Koch Gateway Pipeline Company; Compliant

June 9, 1994.

Take notice that on May 31, 1994, Energy Production Corporation (EPCo), pursuant to Rule 206 of the Commission's Rules of Practice and Procedure, 18 CFR 385.206, and Section 1b.8 of the Commission's general rules, 18 CFR 1b.8, submits for filing its formal complaint against Koch Gateway Pipeline Company (Koch).

EPCo requests the Commission utilize its power under the Natural Gas Act to issue a show cause order against Koch for charging rates in excess of the maximum allowed for open access transportation under its rate schedule in violation of the Natural Gas Act and to order Koch to refund any charges in excess of the maximum allowed for open access transportation and to take any and all necessary actions to prohibit Koch from continuing to charge a gathering rate for service that is clearly transmission and to refund any gathering rate charges that have been improperly collected.

EPCo respectfully requests that the Commission act promptly to (a) order Koch to refund all gathering fees improperly collected and (b) to cease collecting any new gathering fees on gas delivered through such meter point.

EPCo requests immediate action in this matter to avoid the imminent and irreparable competitive harm associated with application of the illegal rate. EPCo states that it has been required to deliver gas through an adjoining pipeline facility at a higher pressure which other facility may not be available to it in the future.

Any person desiring to be heard or to protest said complaint 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 Rules 214 and 211 of the Commission's Rules of Practice and Procedure 18 CFR 385.214, 385.211. All such motions or protests should be filed on or before July 11, 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. Answers to this complaint shall be due on or before July 11, 1994.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 94–14492 Filed 6–14–94; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. RP93–187–000, et al.]

Equitrans, Inc.; Informal Settlement Conference

June 9, 1994.

Take notice that an informal conference will be convened in this proceeding on Wednesday, June 15, 1994, at 10 a.m., for the purpose of exploring the possible settlement of the above-referenced docket. The conference will be held at the offices of the Federal Energy Regulatory Commission, 810 First Street NE. Washington, DC, 20426.

Any party, as defined by 18 CFR 385.102(c), or any participant, as defined by 18 CFR 385.102(b), is invited to attend. Persons wishing to become a party must move to intervene and receive intervenor status pursuant to the Commission's regulations (18 CFR 385.214).

For additional information, please contact Hollis J. Alpert at (202) 208–0783 or Arnold H. Meltz at (202) 208–2161.

Linwood A. Watson, Jr.,

Acting Secretary

[FR Doc. 94–14493 Filed 6–14–94; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. RP94–231–001]

Panhandle Eastern Pipe Line Company; Amended Filing of FERC Gas Tariff

June 9, 1994.

Take notice that on June 6, 1994, Panhandle Eastern Pipe Line Company (Panhandle) tendered for filing the following substitute tariff sheets to its FERC Gas Tariff, First Revised Volume No. 1, pertaining to the flow through mechanism for the recovery of Dakota Gasification Transition Costs billed to Panhandle by ANR Pipeline Company (ANR). Panhandle proposes that the substitute tariff sheets become effective June 1, 1994:

Substitute Second Revised Sheet No. 11
Substitute Second Revised Sheet No. 12
Substitute Second Revised Sheet No. 13
Substitute First Revised Sheet No. 14

The Commission approved the implementation of a mechanism to flow through the Dakota Gasification Transition Costs, subject to refund and subject to the ultimate disposition of proceedings in Docket No. RP94–150–000, by order dated May 27, 1994. Panhandle states that the substitute tariff sheets should be accepted for filing because Panhandle has not actually been billed for the transition costs by ANR for the first quarter. Consequently, the substitute tariff sheets reduce the surcharge associated with the Dakota Gasification Transition Costs to zero. Panhandle also states that it reserves its right to file subsequently under Section 18.11 of the General Terms and Conditions of its Tariff to implement the flow through cost recovery mechanism as may be necessary in the future.

Panhandle requests that the Commission grant all necessary waivers of the Regulations so as to place the instant substitute tariff sheets and attendant surcharge into effect on June 1, 1994.

Panhandle states that a copy of this tariff filing is being served on all affected customers and state commissions.

Any person desiring to protest the said filing should file a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC, 20426, in accordance with Section 385.211 of the Commission's Rules and Regulations. All such protests should be filed on or before June 16, 1994. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make the protestants parties to the proceeding. Copies of this filing are on file with the Commission and are available for public inspection in the public reference room.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 94–14494 Filed 6–14–94; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. GT94–42–000]

Texas Eastern Transmission Corp.; Refund Report

June 9, 1994.

Take notice that on May 10, 1994, Texas Eastern Transmission Corporation (Texas Eastern) tendered for filing with the Federal Energy Regulatory Commission (Commission) its Refund Report summarizing a flow-through refund from Transcontinental Gas Pipe Line Corporation (TGPL) in Docket No. RP92–137. The refunds, plus interest, are being flowed through pursuant to Section 15.2(D) of the General Terms and Conditions of Texas Eastern's FERC Gas Tariff, Sixth Revised Volume No. 1.

Texas Eastern states that the refund amounts are based on each customer's charges under the applicable Stranded Account No. 858 Costs filing in Dockets Nos. RP93–204 and RP94–99 for the periods June 1, 1993 through August 31, 1993 and September 1, 1993 through October 31, 1993, respectively. For these two periods, Texas Eastern reports principal refund amounts totalling $78,938.55 plus interest of $2,230.47 from TGPL. Texas Eastern included additional interest $761.32 in the amounts flowed through to its affected customers to cover the period from March 14, 1994 to May 10, 1994, the date of refund.

Texas Eastern states that a copy of the refund summary schedule and detailed calculations was sent to each of Texas Eastern's affected customers, and a copy of the refund summary was sent to the respective 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 Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All such motions or protests should be filed on or before June 16, 1994. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 94–14495 Filed 6–14–94; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. GT94-43-000]

Transcontinental Gas Pipe Line Corp.; Refund Report

June 9, 1994.

Take notice that on May 17, 1994, Transcontinental Gas Pipe Line Corporation (TGPL) tendered for filing with the Federal Energy Regulatory Commission (Commission) a Refund Report summarizing its flow-through of a refund received from CNG Transmission Corporation (CNG). The report states that on May 13, 1994, TGPL refunded $46,614.45, including $3,558.53 in interest, to its LSS customers in accordance with section 4 of its Rate Schedule LSS. The report shows the computation of the refund amounts for the period January 10, 1991 through July 31, 1992, pursuant to the settlement of CNG's rate case in Docket No. RP92-14.

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 Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All such motions or protests should be filed on or before June 16, 1994. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 94-14496 Filed 6–14–94; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. RP92–137–204]

Transcontinental Gas Pipe Line Corp.; Refund Report

June 9, 1994.

Take notice that on March 10, 1994, Transcontinental Gas Pipe Line Corporation (TGPL) tendered for filing with the Federal Energy Regulatory Commission (Commission) a report summarizing refunds disbursed on

March 8, 1994 to certain sales, storage and transportation customers. On December 16, 1993, TGPL filed a request to accelerate partial refunds in advance of the date provided under Article IV of the settlement approved by the Commission of November 4, 1993, in Docket No. RP92–137–015. The request was granted by the Commission on February 14, 1994 in Docket Nos. RP92–137–021, *et al.* subject to TGPL making refunds to all affected parties.

TGPL states that the refunds were calculated for the locked-in period from September 1, 1992 through October 31, 1993 based on the difference between the amounts billed and the amounts computed using the settlement rates. TGPL's report shows refunds totalling $99,202,619.93, including $5,067,299.00 in interest; however, TGPL notes that the refund calculations for Panda Energy Corporation, Baltimore Gas & Electric, New York Power Authority, and South Jersey Energy Corporation indicate that additional amounts are due TGPL as a result of an increase in rates for service provided under Rate Schedule FT–NT.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, DC 20426, in accordance with Rule 211 of the Commission's Rules of Practice and Procedure (18 CFR 385.211). All such protests should be filed on or before June 16, 1994. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Copies of this filing are on file with the Commission and are available for public inspection.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 94–14497 Filed 6–14–94; 8:45 am]

BILLING CODE 6717–01–M

Office of Arms Control and Nonproliferation

Proposed Subsequent Arrangement

Pursuant to Section 131 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2160), notice is hereby given of a proposed "subsequent arrangement" under the Agreement for Cooperation between the Government of the United States of America and Government of Sweden concerning Peaceful Uses of Nuclear Energy, and the Agreement for Cooperation between the Government of the United States of America and the Government of Norway concerning Peaceful Uses of Nuclear Energy.

The subsequent arrangement to be carried out under the above-mentioned agreements involves approval of the following retransfer: RTD/NO(SW)–22, for the transfer of 3 rod segments from Sweden to Norway for testing in the Halden reactor. The segments contain 900 grams of uranium containing 2 grams of the isotope uranium-235 and 8 grams of plutonium. After testing at Halden, the segments are to be returned to Sweden.

In accordance with Section 131 of the Atomic Energy Act of 1954, as amended, it has been determined that this subsequent arrangement will not be inimical to the common defense and security.

This subsequent arrangement will take effect no sooner than fifteen days after the date of publication of this notice.

Issued in Washington, DC on June 10, 1994.

Edward T. Fei,

Acting Director, Division of International and Regional Security; Office of Arms Control and Nonproliferation.

[FR Doc. 94–14556 Filed 6–14–94; 8:45 am]

BILLING CODE 6450–01–M

Southwestern Power Administration

Sam Rayburn Dam Project and Robert D. Willis Hydropower Project

AGENCY: Southwestern Power Administration, DOE.

ACTION: Notice of Proposed Sam Rayburn Dam and Robert Douglas Willis power rates and opportunities for public review and comment.

SUMMARY: The Administrator, Southwestern, has prepared Current and Revised 1994 Power Repayment Studies for the Sam Rayburn Dam (Rayburn) project and the Robert Douglas Willis (Willis) Hydropower project which indicate the need for rate adjustments at both projects to meet cost recovery criteria. These rate adjustments are needed primarily to recover estimated increases in Corps of Engineers' operation and maintenance expenses at the two hydropower projects. The proposed rate for Rayburn increases annual revenue requirements approximately 4.4 percent from $2,076,444 to $2,168,136, beginning October 1, 1994. The proposed rate for the Willis project increases annual revenue requirements approximately 3.6 percent from $284,580 to $294,696, beginning October 1, 1994. The Administrator has developed proposed rate schedules for the Rayburn and Willis projects to recover the required revenues.

DATES: A Public Information Forum will be held July 7, 1994, in Tulsa, Oklahoma. A Public Comment Forum will be held August 1, 1994, in Tulsa, Oklahoma. Written comments are due on or before August 15, 1994. Revised rates for Sam Rayburn Dam and Robert D. Willis projects are calculated based on an October 1, 1994, implementation date. Therefore, to provide opportunities for public consultation and comment while also meeting the October 1, 1994, date for implementation, Southwestern is conducting a 60 day public notice and comment period (10 CFR 903.14(d)). This public participation period is reduced since there is only a single customer for each project and those two customers directly impacted have been informed of the impending rate increases; any comments from the customers are expected to be developed well within the 60 day period; coordination, if needed, can be accomplished within that same period. In addition, Southwestern does not expect much, if any, interest in these proceedings from any other entity. [Note: The proposed rate change for the Willis project is classified as a minor rate adjustment and does not require any comment period to exceed 30 days (10 CFR 903.14).]

ADDRESSES: Written comments should be submitted to the Administrator, Southwestern Power Administration, U.S. Department of Energy, P.O. Box 1619, Tulsa, Oklahoma 74101.

FOR FURTHER INFORMATION CONTACT: Mr. George C. Grisaffe, Assistant Administrator, Office of Administration and Rates, Southwestern Power Administration, U.S. Department of Energy, P.O. Box 1619, Tulsa, Oklahoma 74101 (918) 581–7419.

SUPPLEMENTARY INFORMATION: The U.S. Department of Energy (DOE) was created by an Act of the U.S. Congress, Department of Energy Organization Act, Pub. L. 95–91, dated August 4, 1977, and Southwestern's power marketing activities were transferred from the Department of Interior to the DOE, effective October 1, 1977. Guidelines for preparation of power repayment studies are included in DOE Order No. RA 6120.2, Power Marketing Administration Financial Reporting. Procedures for Public Participation in Power and Transmission Rate Adjustments of the Power Marketing Administrations are found at Title 10, Part 903, Subpart A of the Code of Federal Regulations (10 CFR 903).

Southwestern markets power from 24 multiple-purpose reservoir projects with power facilities constructed and operated by the U.S. Army Corps of Engineers (Corps). These projects are located in the States of Arkansas, Missouri, Oklahoma, and Texas. Southwestern's marketing area includes these states plus Kansas and Louisiana. Of the total, 22 projects comprise the Integrated System and are generally interconnected through Southwestern's transmission system and exchange agreements with other utilities. The power produced by the remaining two hydroelectric generating projects, Rayburn and Willis, is marketed by Southwestern under separate contracts through which two customers purchase the entire power output at each of the two projects. The Rayburn project, located on the Angelina River within the Neches River Basin, in eastern Texas, consists of two hydroelectric generating units with a total capacity of 52.0 megawatts (MW). The Willis project is located on the Neches River downstream from the Rayburn project and has two hydroelectric generating units with a total capacity of 7.4 MW. The two customers, Sam Rayburn Dam Electric Cooperative, Inc. (SRDEC) and the Sam Rayburn Municipal Power Agency (SRMPA), currently receive the entire output of the Rayburn and Willis projects, respectively. In the case of Willis, SRMPA receives the entire electrical output of the project as a result of its non-federally funding the construction of the hydroelectric facilities at the project. SRDEC receives the entire electrical output of the Rayburn project through a contract that provides for an isolated rate. These projects are not currently interconnected with Southwestern's Integrated System. A separate power repayment study is prepared for each project and both have special rates based on their non-interconnected operations. Following DOE Order No. RA 6120.2 guidelines, the Administrator, Southwestern, prepared a Current Power Repayment Study for both the Rayburn and Willis projects using existing rates.

Both Current Power Repayment Studies indicated that the legal requirement to repay the power-related costs, with interest, will not be met without additional revenue. This revenue need results primarily from increased annual operation and maintenance expenses projected by the Corps. The Revised Power Repayment Study for Rayburn shows that additional annual revenue of $91,692 (a 4.4 percent increase), beginning October 1, 1994, is needed to satisfy repayment criteria. This would increase revenues received from the Rayburn project customer (SRDEC) from the current $2,076,444 to $2,168,136 annually. The Revised Power Repayment Study for Willis shows that additional annual revenue of $10,116 (a 3.6 percent increase), would provide sufficient revenues for repayment of the projected expenses within the required period. This would increase revenues received from the Willis project customer (SRMPA) from the current $284,580 to $294,696 annually, beginning October 1, 1994.

Opportunity is presented for customers and other interested parties to receive copies of the Rayburn and Willis studies and the proposed rate schedules. If you desire a copy of the Power Repayment Study Data Package for either or both projects, submit your request to Mr. George C. Grisaffe at the address cited above.

A Public Information Forum will be held at 1 p.m., Thursday, July 7, 1994, in Southwestern's offices, Room 1402, Williams Center Tower I, One West Third Street, Tulsa, Oklahoma, to explain to customers and interested parties the proposed rates and supporting studies. The Forum will be conducted by a chairman who will be responsible for orderly procedure. Questions concerning the rates, studies and information presented at the Forum may be submitted from interested persons and will be answered, to the extent possible, at the Forum. Questions not answered at the Forum will be answered in writing, except that questions involving voluminous data contained in Southwestern's records may best be answered by consultation and review of pertinent records at Southwestern's offices. Persons interested in attending the Public Information Forum should indicate in writing by Monday, July 4, 1994, their intent to appear at such Forum. Accordingly, if no one so indicates their intent to attend, no such Forum will be held.

A Public Comment Forum will be held at 1 p.m., Monday, August 1, 1994, at the same location established for the Public Information Forum. At the Public Comment Forum, interested persons may submit written comments or make oral presentations of their views and comments. This Forum will also be conducted by a chairman who will be responsible for orderly procedure. Southwestern's representatives will be present, and they and the chairman may ask questions of the speakers. Persons interested in attending or speaking at the Public Comment Forum should indicate in writing (use same address as used for submitting comments) by Wednesday, July 27, 1994, their intent to appear/speak at such Forum. Accordingly, if no one so indicates their intent to attend, no such Forum will be held. The chairman may allow others to speak if time permits.

A transcript of each Forum will be made. Copies of the transcripts may be obtained from the transcribing service. Copies of all documents introduced will be available from Southwestern upon request, for a fee. Written comments on the proposed rates for either project are due on or before August 15, 1994. Written comments should be submitted to the Administrator, Southwestern Power Administration, U.S. Department of Energy, P.O. Box 1619, Tulsa, Oklahoma 74101.

Following review of the oral and written comments and the information gathered in the course of the proceedings, the Administrator will submit the rate proposals, and Power Repayment Studies in support of the proposed rates, to the DOE Deputy Secretary for confirmation and approval on an interim basis, and to the Federal Energy Regulatory Commission (FERC) for confirmation and approval on a final basis. The FERC will allow the public an opportunity to provide written comments on the proposed rate increases before making a final decision.

Issued in Tulsa, Oklahoma, this 9th day of June, 1994.

Dallas Cooper,

Acting Administrator.

[FR Doc. 94–14555 Filed 6–14–94; 8:45 am]

BILLING CODE 6450–01–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–4998–5]

Agency Information Collection Activities Under OMB Review

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*), this notice announces that the Information Collection Request (ICR) abstracted below has been forwarded to the Office of Management and Budget (OMB) for review and comment. The ICR describes the nature of the information collection and its expected cost and burden.

DATES: Comments must be submitted on or before July 15, 1994.

FOR FURTHER INFORMATION CONTACT: For further information, or to obtain a copy

of the ICR contact Sandy Farmer at EPA, (202) 260–2740.

SUPPLEMENTARY INFORMATION:

Office of Research and Development

Title: Milk Cow and Population Survey (EPA No. 1221.04; OMB No. 2080–0017).

Abstract: This ICR is a renewal of an existing information collection. Under 44 U.S.C. 3501(1)(3), the EPA conducts an annual or biennial survey of dairy farms and ranches within a 300 kilometer radius of the Nevada Test Site (NTS). The information collected includes the location of dairy farms and ranches, and the diet and number of milk-producing livestock at these farms and ranches. The EPA compiles this information in a directory that is used, along with other data, to predict radiation exposure levels outside of the NTS. The directory may also be used by the EPA to develop a sampling strategy following a release of radioactivity from the NTS.

Burden Statement: Public reporting burden for this collection of information is estimated to average 30 minutes per response including reviewing instructions, searching existing information sources, maintaining records, and completing and reviewing the collection of information.

Respondents: Farms.

Estimated Number of Respondents: 565.

Frequency of Collection: Annual.

Estimated Number of Responses per Respondent: 1.

Estimated Total Annual Burden on Respondents: 283 hours.

Send comments regarding the burden estimate, or any other aspect of this collection of information, including suggestions for reducing the burden, to:

Sandy Farmer, U.S. Environmental Protection Agency, Information Policy Branch (2136), 401 M Street, SW., Washington, DC 20460.

and

Timothy Hunt, Office of Management and Budget, Office of Information and Regulatory Affairs, 25 17th Street, NW., Washington, DC 20503.

Dated: June 9, 1994.

Paul Lapsley,

Director, Regulatory Management Division.

[FR Doc. 94–14539 Filed 6–14–94; 8:45 am]

BILLING CODE 6560–50–F

[FRL–5000–1]

Clean Air Act Committee; Meeting

ACTION: Clean Air Act Advisory Committee Notice of Meeting.

SUMMARY: The Environmental Protection Agency (EPA) established the Clean Air Act Advisory Committee (CAAAC) on November 19, 1990 to provide independent advice and counsel to EPA on policy issues associated with the implementation of the Clean Air Act of 1990. The charter for the CAAAC was reissued and the Committee was authorized to be extended until November 19, 1994 under regulations established by the Federal Advisory Committee Act (FACA).

OPEN MEETING NOTICE: Notice is hereby given that the reauthorized Clean Air Act Advisory Committee will hold its next open meeting on Tuesday, July 12, 1994 from 8:30 a.m. to 4 p.m., at the Omni Shoreham Hotel, 2500 Calvert Street, NW. in Washington, DC. Seating will be available on a first come, first served basis.

The meeting will include reports from the first meetings of the subcommittees, as well as a discussion of sanctions and attainment demonstration issues and a discussion of the linkages between transportation, energy and air quality issues, including Employee Commute Option Programs.

INSPECTION OF COMMITTEE DOCUMENTS: Documents relating to the above noted topics will be publicly available at the meeting. Thereafter, these documents, together with the CAAAC meeting minutes will be available for public inspection in EPA Air Docket Number A–94–34 in room 1500 of EPA Headquarters, 401 M Street, SW., Washington, DC.

FOR FURTHER INFORMATION: Concerning this meeting of the CAAAC please contact Karen Smith, Office of Air and Radiation, US EPA (202) 260–6379, FAX (202) 260–5155, or by mail at US EPA, Office of Air and Radiation (Mail Code 6101), Washington, DC. 20460.

Dated: June 7, 1994.

Mary D. Nichols,

Assistant Administrator for Air and Radiation.

[FR Doc. 94–14540 Filed 6–14–94; 8:45 am]

BILLING CODE 6560–50–M

[OPP–30367; FRL–4873–5]

Aankill Inc.; Application to Register a Pesticide Product

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice announces receipt of an application to register the pesticide product Aankill, containing active ingredients not included in any previously registered product pursuant to the provisions of section 3(c)(4) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended.

DATES: Written comments must be submitted by July 15, 1994.

ADDRESSES: By mail, submit written comments identified by the document control number [OPP–30367] and the file symbol (63709–R), attention Product Manager (PM) 18, Registration Division, to: Public Response and Program Resources Branch, Field Operations Divisions (7506C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. In person, bring comments to: Environmental Protection Agency, Rm. 1132, CM #2, 1921 Jefferson Davis Hwy., Arlington, VA.

Information submitted as a comment concerning this notice may be claimed confidential by marking any part or all of that information as "Confidential Business Information" (CBI). Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2. a copy of the comment that does not contain CBI must be submitted for inclusion in the public record. Information not marked confidential may be disclosed publicly by EPA without prior notice. All written comments will be available for public inspection in Rm. 1132 at the address given above, from 8 a.m. to 4 p.m., Monday through Friday, excluding holidays.

FOR FURTHER INFORMATION CONTACT: PM 18, Phil Hutton, Rm. 213, CM #2, (703–305–7690).

SUPPLEMENTARY INFORMATION: EPA received an application from Aankill 44, Inc., 3121 S. Eastman Rd., P.O. Box 7426, Longview, TX 75607–7426, to register the pesticide product Aankill (File Symbol 63709–R). This product which contains the ingredients turpentine and ammonia, is being considered for registration as an insecticide. Aankill would be used to control fire ants by applying it onto fire ant mounds. The product contains active ingredients not included in any previously registered product pursuant to the provisions of section 3(c)(4) of FIFRA. Notice of receipt of the application does not imply a decision by the Agency on the application.

Notice of approval or denial of an application to register a pesticide product wil be announced in the **Federal Register**. The procedure for requesting data will be given in the **Federal Register** if an application is approved.

Comments received within the specified time period will be considered before a final decision is made; comments received after the time specified will be considered only to the extent possible without delaying processing of the application.

Written comments filed pursuant to this notice, will available in the Public Response and Program Resources Branch, Field Operation Division office at the address provided from 8 a.m. to 4 p.m., Monday through Friday, except legal holidays. It is suggested that persons interested in reviewing the application file, telephone the FOD office (703–305–5805), to ensure that the file is available on the date of intended visit.

Authority: 7 U.S.C. 136.

List of Subjects

Environmental protection, Pesticides and pests, Product registration.

Dated: June 9, 1994.

Stephanie R. Irene,

Acting Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 94–14669 Filed 6–14–94; 8:45 am]

BILLING CODE 6560–50–F

[OPP–180933; FRL–4771–9]

Emergency Exemptions

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has granted specific exemptions for the control of various pests to the seven States as listed below. Three crisis exemptions were initiated by various States and one was subsequently revoked. A quarantine exemption was also granted to the Guam Department of Agriculture, Office of the Governor and the United States Department of Agriculture. These exemptions, issued during the months of January and February 1994, except for the one in November 1993, are subject to application and timing restrictions and reporting requirements designed to protect the environment to the maximum extent possible. EPA has denied three specific exemption requests. Information on these restrictions is available from the contact persons in EPA listed below.

DATES: See each specific, crisis, and quarantine exemption for its effective date.

FOR FURTHER INFORMATION CONTACT: See each emergency exemption for the name of the contact person. The following information applies to all contact persons: By mail: Registration Division (7505W), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Office location and telephone number: 6th Floor, CS #1, 2800 Jefferson Davis Highway, Arlington, VA, (703–308–8417).

SUPPLEMENTARY INFORMATION: EPA has granted specific exemptions to the:

1. California Environmental Protection Agency, Department of Pesticide Regulation, for the use of benomyl on artichokes to control ramularia leaf spot; February 7, 1994, to December 31, 1994. A notice of receipt published in the **Federal Register** of December 23, 1993 (58 FR 68144). Ramularia leaf spot has recently developed as a serious disease of artichokes, resulting in an urgent nonroutine situation. Without benomyl, a significant economic loss is expected. The use of benomyl will not cause unreasonable adverse effects on human health or the environment. Benomyl was also the subject of Special Review from 1977 to 1982. (Susan Stanton)

2. California Environmental Protection Agency, Department of Pesticide Regulation, for the use of fenamiphos on broccoli and cauliflower to control nematodes; February 14, 1994, to February 13, 1995. California had initiated a crisis exemption for this use which was later inactivated. (Libby Pemberton)

3. Florida Department of Agriculture and Consumer Services for the use of avermectin on peppers to control melon thrips; February 15, 1994, to February 14, 1995. (Andrea Beard)

4. Florida Department of Agriculture and Consumer Services for the use of imidacloprid on peppers to control melon thrips; February 15, 1994, to February 14, 1995. A notice of receipt published in the **Federal Register** of January 19, 1994 (59 FR 2849); no comments were received. The application proposed use of a new chemical. The situation was determined to be an emergency, since the melon thrip was recently discovered in Florida and has since developed into a devastating pest. Significant economic losses could occur if this pest is not adequately controlled and the registered pesticides appear to be ineffective. Imidacloprid is authorized to be used at transplanting. Since it is a systemic, it will be taken up by the developing seedlings and protect them during this vulnerable stage of development. (Andrea Beard)

5. Florida Department of Agriculture and Consumer Services for the use of imidacloprid on citrus to control the citrus leafminer; February 15, 1994, to February 14, 1995. (Andrea Beard)

6. Louisiana Department of Agriculture and Forestry for the use of paraquat on rice to control weeds; February 17, 1994, to June 15, 1994. (Susan Stanton)

7. New Mexico Department of Agriculture for the use of propazine on sorghum to control pigweed; January 27, 1994, to August 1, 1994. A notice of receipt published in the **Federal Register** of December 29, 1993 (58 FR 68908); no comments were received. The applicant requested use of an active ingredient not contained in any registered product. The situation was determined to be urgent and nonroutine and significant economic losses could occur without the use of propazine. (Andrea Beard)

8. Oregon Department of Agriculture for the use of fenoxycarb on pears to control pear psylla; February 14, 1994, to May 1, 1994. (Andrea Beard)

9. Oregon Department of Agriculture for the use of sethoxydim on canola to control volunteer grains and grasses.; January 31, 1994, to December 31, 1994. (Susan Stanton)

10. Oregon Department of Agriculture for the use of chlorothalonil on hazelnuts to control eastern filbert blight; January 31, 1994, to May 30, 1994. (Susan Stanton)

11. Texas Department of Agriculture for the use of esfenvalerate on kale and mustard greens to control cabbage loopers; February 16, 1994, to November 30, 1994. (Libby Pemberton)

12. Texas Department of Agriculture for the use of propazine on sorghum to control pigweed; January 27, 1994, to August 1, 1994. A notice of receipt published in the **Federal Register** of December 29, 1993 (58 FR 68908); no comments were received. The applicant requested use of an active ingredient not contained in any registered product. The situation was determined to be urgent and nonroutine and significant economic losses could occur without the use of propazine. (Andrea Beard)

13. Texas Department of Agriculture for the use of bifenthrin on cucurbits (cucumbers, melons, and squash) to control the sweet potato whitefly; January 21, 1994, to January 20, 1995. (Andrea Beard)

14. Texas Department of Agriculture for the use of imidacloprid on cucurbits (cucumbers, melons, and squash) to control the sweet potato whitefly; January 21, 1994, to January 20, 1995. A notice of receipt published in the **Federal Register** of January 7, 1994 (59 FR 1018); no comments were received. The situation was determined to be urgent and nonroutine and the currently

available pesticides and practices are not providing adequate control; without adequate control of the sweet potato whitefly significant economic losses are expected. (Andrea Beard)

15. Washington Department of Agriculture for the use of fenoxycarb on pears to control pear psylla; February 14, 1994, to May 1, 1994. A notice of receipt published in the **Federal Register** of December 29, 1993 (58 FR 68907); no comments were received. The situation was determined to be urgent and nonroutine and significant economic losses are expected without the use of fenoxycarb. (Andrea Beard)

Crisis exemptions were initiated by the:

1. Illinois Department of Agriculture on Janury 14, 1994, for the use of sodium chlorite on inlet pipe at the Illinois Power Company to control Zebra mussels. This program has ended. (Libby Pemberton)

2. Oklahoma Department of Agriculture on November 1, 1993, for the use of metolachlor on spinach to control sibara. This program has ended. (Margarita Collantes)

3. Puerto Rico Department of Agriculture (PRDA) on January 8, 1994, for the use of avermectin on tomatoes to control leafminers. PRDA's crisis exemption and authority to issue crisis exemptions for this use were revoked on February 28, 1994. (Lawrence Fried)

Quarantine exemptions were granted to the:

1. Guam Department of Agriculture, Office of the Governor for the use of methyl bromide on letuce, celery, spinach, broccoli, and cauliflower imported from the United States mainland for consumption in Guam to control western flown thrips and cabbage aphids; February 28, 1994, to February 27, 1997. (Libby Pemberton)

2. United States Department of Agriculture for the use of quaternary ammonium compound on farm equipment to control witchweed in North and South Carolina; February 22, 1994, to February 21, 1997. (Margarita Collantes)

EPA has denied a specific exemption request from the:

1. Arkansas State Plant Board for the use of pyrithiobac sodium on cotton to control cocklebur and morningglory. (Susan Stanton)

2. Georgia Department of Agriculture for the use of iprodione on tobacco to control target spot. A notice of receipt published in the **Federal Register** of January 19, 1994 (59 FR 2851); no comments were received. This specific exemption was denied because of inadequate progress toward registration. (Susan Stanton)

3. Mississippi Department of Agriculture and Commerce for the use of pyrithiobac sodium on cotton to control common cocklebur. A notice of receipt published in the **Federal Register** of December 29, 1993 (58 FR 68909). This specific exemption was denied because an emergency condition does not exist and it was not possible to determine whether the proposed use would cause unreasonable adverse effects. The Agency could not evaluate the risks associated with the proposed use because studies submitted to EPA in support of a Temporary Tolerance and Experimental Use Permit have not been fully reviewed.(Susan Stanton)

Authority: 7 U.S.C. 136.

List of Subjects

Environmental protection, Pesticides and pests, Crisis exemptions.

Dated: May 31, 1994.

Daniel M. Barolo,

Acting Director, Office of Pesticide Programs.

[FR Doc. 94–14426 Filed 6–14–94; 8:45 am]

BILLING CODE 6560–50–F

[OPP–30339A; FRL–4865–6]

Miles Inc.; Approval of Pesticide Product Registrations

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice announces Agency approval of applications submitted by Miles Inc., to conditionally register seven pesticide products containing a new active ingredient not included in any previously registered products pursuant to the provisions of section 3(c)(7)(C) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended.

FOR FURTHER INFORMATION CONTACT: By mail: Dennis Edwards, Product Manager (PM) 19, Registration Division (7505C), Office of Pesticide Programs, 401 M St., SW., Washington, DC 20460. Office location and telephone number: Rm. 207, CM #2, Environmental Protection Agency, 1921 Jefferson Davis Hwy, Arlington, VA 22202, (703–305–6386).

SUPPLEMENTARY INFORMATION: EPA issued a notice, published in the **Federal Register** of July 15, 1992 (57 FR 31369), which announced that Miles Inc., 8400 Hawthorn Road, Kansas City, MO 64120-0013, had submitted five applications to conditionally register the pesticide products BAY NTN 33893 Technical, BAY NTN 33893 75% Concentrate, NTN 33893 0.62% Granular, BAY NTN 33893 2.5% Granular, and BAY NTN 33893 2 Systemic (File Symbols 3125–URU, 3125–URL, 3125–URA, 3125–URT, and 3125–URI), containing the active ingredient imidacloprid, 1-[(6-chloro-3-pyridinyl)methyl]-*N*-nitro-2-imidazolidinimine at 94, 75, 0.62, 2.5, and 21.4 percent respectively, an active ingredient not included in any previously registered products.

The company amended the name of three of their products as applied and they are now known as Merit 0.62% Granular (3125–URA), Merit 2.5 Granular (3125–URT), and Merit 2 Systemic (3125–URI).

The Agency also received applications from Miles Inc., to conditionally register pesticide products Merit 75 WP (3125–UER) and Merit 75 WSP (3125–UGO), containing the active ingredient imidacloprid, 1-[(6-chloro-3-pyridinyl)methyl]-*N*-nitro-2-imidazolidinimine at 75 percent. However, since the notice of receipt of application to register these pesticide products as required by section 3(c)(4) of FIFRA, as amended was inadvertently omitted in the notice of July 15, 1992 (57 FR 31369), interested parties may submit comments within 30 days from the date of publication of this notice for these two products only.

The following applications were approved on March 18, 1994, except for the product Merit 75 WSP which was approved on March 22, 1994, as listed below:

1. BAY NTN 33893 Technical for use in the manufacture of insecticides (EPA Reg. No. 3125–414).

2. BAY NTN 33898 75% Concentrate for use in the manufacture of insecticides (EPA Reg. No. 3125–415).

3. Merit 0.62% Granular for insect control in ornamentals (EPA Reg. No. 3125–416).

4. Merit 2.5 Granular for insect control in ornamental crops (EPA Reg. No. 3125–417).

5. Merit 2 Systemic for insect control in turfgrass and ornamentals (EPA Reg. No. 3125–418).

6. Merit 75 WP for insect control in turfgrass, landscape ornamentals, and interior plantscapes (EPA Reg. No. 3125–421).

7. Merit 75 WSP for insect control in turfgrass, landscape ornamentals, and interior plantscapes (EPA Reg. No. 3125–439).

A conditional registration may be granted under section 3(c)(7)(C) of FIFRA for a new active ingredient where certain data are lacking, on condition that such data are received by the end of the conditional registration period and do not meet or exceed the risk criteria set forth in 40 CFR 154.7; that

use of the pesticide during the conditional registration period will not cause unreasonable adverse effects; and that use of the pesticide is in the public interest.

The Agency has considered the available data on the risks associated with the proposed use of imidacloprid, and information on social, economic, and environmental benefits to be derived from such use. Specifically, the Agency has considered the nature and its pattern of use, application methods and rates, and level and extent of potential exposure. Based on these reviews, the Agency was able to make basic health and safety determinations which show that use of imidacloprid during the period of conditional registration will not cause any unreasonable adverse effect on the environment, and that use of the pesticide is, in the public interest.

Consistent with section 3(c)(7)(C), the Agency has determined that these conditional registrations are in the public interest. Use of the pesticides are of significance to the user community, and appropriate labeling, use directions, and other measures have been taken to ensure that use of the pesticides will not result in unreasonable adverse effects to man and the environment.

More detailed information on this conditional registration is contained in a Chemical Fact Sheet on imidacloprid.

A copy of this fact sheet, which provides a summary description of the chemical, use patterns and formulations, science findings, and the Agency's regulatory position and rationale, may be obtained from the National Technical Information Service (NTIS), 5285 Port Royal Road, Springfield, VA 22161.

In accordance with section 3(c)(2) of FIFRA, a copy of the approved label and the list of data references used to support registration are available for public inspection in the office of the Product Manager. The data and other scientific information used to support registration, except for material specifically protected by section 10 of FIFRA, are available for public inspection in the Public Response and Program Resources Branch, Field Operations Division (7506C), Office of Pesticide Programs, Environmental Protection Agency, Rm. 1132, CM #2, Arlington, VA 22202 (703–305–5805). Requests for data must be made in accordance with the provisions of the Freedom of Information Act and must be addressed to the Freedom of Information Office (A-101), 401 M St., SW., Washington, D.C. 20460. Such requests should: (1) Identify the product name and registration number and (2) specify the data or information desired.

Authority: 7 U.S.C. 136.

List of Subjects

Environmental protection, Pesticides and pests, Product registration.

Dated: June 1, 1994.

Daniel M. Barolo,

Acting Director, Office of Pesticide Programs.

[FR Doc. 94–14427 Filed 6–14–94; 8:45 am]

BILLING CODE 6560–50–F

[OPP–210014A; FRL–4775–2]

Rodenticide Bait Stations; Availability of Draft PR Notice and Technical Report

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: In previous notices, EPA announced its intention to hold hearings on the use of bait stations, as required by rodenticide labeling, when baits are to be applied in locations accessible to children, pets, domestic animals, or wildlife. EPA held two sessions of public hearings to obtain information and to determine whether future actions were needed. In this document, EPA is announcing the availability of a draft PR Notice to manufacturers, formulators, registrants, and users of pesticides regarding the label improvement program for the revision of use directions for commensal rodenticides and the Agency's policies and conclusions regarding the use of rodenticide bait stations.

DATES: Written comments, identified by the docket control number [OPP–210014A], must be submitted to: Public Response and Program Resources Branch, Field Operations Division (address below), on or before August 15, 1994.

ADDRESSES: By mail, submit written requests for draft PR notice and technical report to: Public Response and Program Resources Branch, Field Operations Division (7506C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Office location and telephone number: Rm. 1132, CM #2, 1921 Jefferson Davis Hwy., Arlington, VA 22202, (703)-305-5805.

Information submitted and any comment(s) concerning this notice may be claimed confidential by marking any part or all of that information as "Confidential Business Information" (CBI). Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2. A copy of the comment(s) that does not contain CBI must be submitted for inclusion in the public record. Information not marked confidential may be disclosed publicly by EPA without prior notice to the submitter. Information on the proposed text and any written comments will be available for public inspection in Rm. 1132 at the Virginia address given above, from 8 a.m. to 4 p.m., Monday through Friday, excluding legal holidays.

FOR FURTHER INFORMATION CONTACT: William W. Jacobs, Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Office location and telephone number: Rm. 255, CM #2, 1921 Jefferson Davis Hwy., Arlington, VA, (703)-305-6406.

SUPPLEMENTARY INFORMATION: In PR Notice 83-5 (August 16, 1983), EPA presented its policies and criteria concerning tamper-proof bait stations." In the **Federal Register** of October 20, 1983 (48 FR 48711), EPA announced a schedule of hearings to provide interim guidance to rodenticide users and to gather information on the use of bait stations. The hearings were held under authority of section 21(b) of the Federal Insecticide, Fungicide, and Rodenticide Act, as amended (7 U.S.C. 136s(b)).

Subsequent to the hearings, the Agency has developed a Draft Notice to manufacturers, formulators, and registrants and users of pesticides regarding its label improvement program for the revision of use directions for commensal rodenticides and a statement of the Agency's policies on the use of rodenticide baits stations. This Notice requires registrants of certain pesticide products claimed to control commensal rodents and registered under the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA) to revise the label of such products to bear certain statements concerning "tamper-resistant bait stations."

This Notice also informs rodenticide registrants, applicants, and other interested persons of EPA's continued concern for the safe use of rodenticides. This Notice outlines EPA's current policies regarding the isolation of commensal rodenticides from children, dogs, other pets, domestic animals, and nontarget wildlife. For purposes of this Notice, product labels, and EPA's policies, the term "commensal rodents" includes the following species: Norway rats (*Rattus norvegicus*), roof rats (*R. rattus*), and/or house mice (*Mus musculus*).

For certain rodenticide baits with labels not now in compliance with this

Notice, registrants would have to submit an application for amended registration. The products affected include: (1) ready-to-use solid bait formulations (e.g., pellets, meal, paraffinized block, etc.); (2) liquid baits; (3) concentrates with labels bearing directions for preparing and applying solid or liquid baits; and (4) tracking powders for which current labeling permits use in "tamper-proof bait boxes," other protective structures, or other locations accessible to children or nontarget animals. Amended registration applications for such products would be required to include proposed amended labeling revised as indicated in this Notice. Within 90 days of receipt of this Notice, all registrants of products affected by this Notice would have to submit five copies of revised labeling for each affected product.

The new labeling requirements for baits and concentrates from which users prepare baits are listed under the heading "Required Label Statements" in the Notice. The types of label statements that must be deleted from labels for tracking powders are discussed in the Notice. Any registrant who wishes to modify the label statements prescribed by the Notice must include with the application for an amended registration a statement of each specific modifiction sought and the reasons why each modification is believed to be justified. Alternative text would not be accepted if EPA determines that it is not consistent with the intent of the Notice. All affected products released for shipment after 18 months from the issuance date must bear labeling in compliance with the Notice.

Dated: May 31, 1994.

Stephanie R. Irene,

Acting Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 94–14428 Filed 6–14–94; 8:45 am]

BILLING CODE 6560–50–F

[OPP–34057; FRL 4865–1]

Notice of Receipt of Requests for Amendments to Delete Uses in Certain Pesticide Registrations

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: In accordance with section 6(f)(1) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended, EPA is issuing a notice of receipt of request for amendment by registrants to delete uses in certain pesticide registrations.

DATES: Unless a request is withdrawn, the Agency will approve these use deletions and the deletions will become effective on September 13, 1994.

FOR FURTHER INFORMATION CONTACT: By mail: James A. Hollins, Office of Pesticide Programs (7502C), Environmental Protection Agency, 401 M Street, SW, Washington, DC 20460. Office location for commercial courier delivery and telephone number: Room 216, Crystal Mall No. 2, 1921 Jefferson Davis Highway, Arlington, VA 22202, (703) 305–5761.

SUPPLEMENTARY INFORMATION:

I. Introduction

Section 6(f)(1) of FIFRA provides that a registrant of a pesticide product may at any time request that any of its pesticide registrations be amended to delete one or more uses. The Act further provides that, before acting on the request, EPA must publish a notice of receipt of any such request in the **Federal Register**. Thereafter, the Administrator may approve such a request.

II. Intent to Delete Uses

This notice announces receipt by the Agency of applications from registrants to delete uses in the nine pesticide registrations listed in the following Table 1. These registrations are listed by registration number, product names and the specific uses deleted. Users of these products who desire continued use on crops or sites being deleted should contact the applicable registrant before September 13, 1994, to discuss withdrawal of the applications for amendment. This 90–day period will also permit interested members of the public to intercede with registrants prior to the Agency approval of the deletion.

TABLE 1. — REGISTRATIONS WITH REQUESTS FOR AMENDMENTS TO DELETE USES IN CERTAIN PESTICIDE REGISTRATIONS

EPA Registration No.	Product Name	Delete From Label
000241–00343	TRI-4 HF Herbicide	Mint
000264–00465	MOCAP 10% Granular Nematicide Insecticide	Sod farms
000279–01254	Ethion 4 Miscible Miticide/Insecticide	Bulb vegetables (onions), legume vegetables (beans), fruiting vegetables (eggplants, peppers, pimentos & tomatoes), cucurbit vegetables (cucumbers, melons & squash), pome fruits (apples & pears), stone fruits (apricots, cherries, nectarines, peaches, prunes & plums), small fruits & berries (grapes & straw berries), tree nuts (almonds, chestnuts, filberts, pecans & walnuts), cereal grains (corn & sorghum), alfalfa, peanuts, cotton, tea, terrestrial non-food crops (bermuda- grass, junipers, ornamental evergreens, pine trees, lawns, ornamental turf & ornamental plants), greenhouse non-food crops (ornamental plants), domestic outdoors uses (domestic dwellings & lawns)
00279–02280	FMC Ethion Technical Insecticide	Bulb vegetables (onions), legume vegetables (beans), fruiting vegetables (eggplants, peppers, pimentos & tomatoes), cucurbit vegetables (cucumbers, melons & squash), pome fruits (apples & pears), stone fruits (apricots, cherries, nectarines, peaches, prunes & plums), small fruits & berries (grapes & strawberries), tree nuts almonds, chestnuts, filberts, pecans & walnuts), cereal grains (corn & sorghum), alfalfa, peanuts, cotton, tea, terrestrial non-food crops (bermuda- grass, junipers, ornamental evergreens, pine trees, lawns, ornamental turf & ornamental plants), greenhouse non-food crops (ornamental plants), domestic outdoors uses (domestic dwellings & lawns)

TABLE 1. — REGISTRATIONS WITH REQUESTS FOR AMENDMENTS TO DELETE USES IN CERTAIN PESTICIDE REGISTRATIONS—Continued

EPA Registration No.	Product Name	Delete From Label
000464–00070	DOWICIDE 1 Antimicrobial	Postharvest uses on Apples, cantaloupes, carrots, cherries, cucumbers, kiwifruit, kumquats, nectarines, peppers (bell), peaches, pineapples, plums (fresh prunes), sweet potatoes, tomatoes, aquatic uses (swimming pools)
001386–00626	Fruit Spray Powder	Apples
004787–00010	Cheminova Ethion Technical Insecticide	Bulb vegetables (onions), legume vege tables (beans), fruiting vegetables (eggplants, peppers, pimentos & tomatoes), cucurbit vegetables (cucumbers, melons & squash), pome fruits (apples & pears), stone fruits (apricots, cherries, nectarines, peaches, prunes & plums), small fruits & berries (grapes & strawberries), tree nuts (almonds, chestnuts, filberts, pecans & walnuts), cereal grains (corn & sorghum), alfalfa, peanuts, cotton, tea, terrestrial non-food crops (bermuda- grass, junipers, ornamental evergreens, pine trees, lawns, ornamental turf & ornamental plants), greenhouse non-food crops (ornamental plants), domestic outdoors uses (domestic dwellings & lawns)
050383–00014	Malathion 50% Insect Spray	Apples, pears, plums, around animal quarters
051036–00186	Dyfonate 2-G	Beans (green & dry), beans (lima), cole crops (broccoli, brussels sprouts, cabbage, cauliflowers), mint (peppermint & spearmint), bulb onions, peanuts, potatoes (irish), strawberries, sugar beets, table beets, tomatoes
058266–00004	Technical Chloropicrin	Aquatic, forestry, post-harvest uses

The following Table 2 includes the names and address of record for all registrants of the products in Table 1, in sequence by EPA company number.

TABLE 2. — REGISTRANTS REQUESTING AMENDMENTS TO DELETE USES IN CERTAIN PESTICIDE REGISTRATIONS

Company No.	Company Name and Address
000241	American Cyanamid Co., Agricultural Research Div., P.O. Box 400, Princeton, NJ 08543.
000264	Rhone-Poulenc Ag Co., P.O. Box 12014, 2 T.W. Alexander Dr., Research Triangle Park, NC 27709.
000279	FMC Corporation, Agricultural Chemical Group, 1735 Market St., Philadelphia, PA 19103.
001386	Universal Cooperatives, Inc., 7801 Metro Parkway, P.O. Box 460, Minneapolis, MN 55440.
004787	Cheminova Agro A/S, 1700 Route 23, Suite 210, Wayne, NJ 07470.
051036	Micro Flo. Co., P.O. Box 5948, Lakeland, FL 33807.
050383	Wilson Laboratories, Inc., 150–152 Mason St., Greenwich, CT 06830.
058266	Shadow Mountain Products Corp., P.O. Box 1327, Hollister, CA 95024.

III. Existing Stocks Provisions

The Agency has authorized registrants to sell or distribute product under the previously approved labeling for a period of 18 months after approval of the revision, unless other restrictions have been imposed, as in special review actions.

List of Subjects

Environmental protection, Pesticides and pests, Product registrations.

Dated: June 3, 1994.

Daniel M. Barolo,

Acting Director, Office of Pesticide Programs.

[FR Doc. 94–14425 Filed 6–14–94; 8:45 am]

BILLING CODE 6560–50–F

FEDERAL MARITIME COMMISSION

Agreement(s) Filed

The Federal Maritime Commission hereby gives notice of the filing of the following agreement(s) pursuant to section 5 of the Shipping Act of 1984.

Interested parties may inspect and obtain a copy of each agreement at the Washington, DC Office of the Federal Maritime Commission, 800 North Capitol Street, NW., 9th Floor. Interested parties may submit comments on each agreement to the Secretary, Federal Maritime Commission, Washington, DC 20573, within 10 days after the date of the Federal Register in which this notice appears. The requirements for comments are found in § 572.603 of title 46 of the Code of Federal Regulations. Interested persons should consult this section before communicating with the Commission regarding a pending agreement.

Agreement No.: 202–011353–006.

Title: Caribbean and Central American Credit Agreement.

Parties:

A.P. Moller-Maersk Line
Consorsio Naviero Occidente, C.A.
Crowley American Transports, Inc.
Kirk Line
Puerto Rico Maritime Shipping Authority
Seaboard Marine, Ltd.
Sea-Land Service, Inc.
Venezuela Container Service

Synopsis: The proposed Agreement (1) modifies the scope of the Agreement; (2) changes the name of the Agreement to the "Credit Agreement"; and (3) restates the Agreement.

Agreement No.: 202–011456.

Title: South Europe American Conference.

Parties:

Evergreen Marine Corporation (Taiwan) Ltd.

"Italia" di Navigazione, S.P.A.

Lykes Bros. Steamship Co., Ltd.

A.P. Moller-Maersk Line

Nedlloyd Lijnen B.V.

P&O Containers Limited

Sea-Land Service, Inc.

Zim Israel Navigation Company, Ltd.

Synopsis: The proposed Agreement authorizes the parties to discuss and agree upon rules, rates, charges and other transportation matters pertaining to the movement of cargo between, on the one hand, United States Atlantic and Gulf coast ports and points via such ports and, on the other hand, Italian ports, French Mediterranean ports, Spanish ports, and Portuguese ports, including ports on Madeira Island and the Azores Islands and points in Continental Europe (excluding points in the former Yugoslav Republic of Macedonia, Bosnia and Herecegovina, Croatia, Slovenia, and Serbia) via such ports.

Agreement No.: 202–011457.

Title: Ediship Agreement.

Parties:

Andrew Weir Shipping Ltd.

Compagnie Generale Maritime (Holdings) PLC

Hapag-Lloyd Ag

A.P. Moller-Maersk Line

Nedlloyd Lijnen B.V.

P&O Containers Limited

Sea-Land Service, Inc.

NYK Line (Europe) Ltd.

Orient Overseas Container Line (UK) Ltd.

Synopsis: The proposed Agreement provides for the parties to cooperate in the promotion of technological innovation and economic efficiencies through development and utilization of common of compatible information systems to facilitate access by customers and other third parties in Europe to the parties' common carrier services between all United States ports and points and all foreign ports and points.

Dated: June 10, 1994.

By order of the Federal Maritime Commission.

Joseph C. Polking,

Secretary.

[FR Doc 94–14522 Filed 6–14–94; 8:45 am]

BILLING CODE 6730–01–M

FEDERAL RESERVE SYSTEM

First American Bank Group, Ltd.; Formation of, Acquisition by, or Merger of Bank Holding Companies; and Acquisition of Nonbanking Company

The company listed in this notice has applied under § 225.14 of the Board's Regulation Y (12 CFR 225.14) for the Board's approval under section 3 of the Bank Holding Company Act (12 U.S.C. 1842) to become a bank holding company or to acquire voting securities of a bank or bank holding company. The listed company has also applied under § 225.23(a)(2) of Regulation Y (12 CFR 225.23(a)(2)) for the Board's approval under section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.21(a) of Regulation Y (12 CFR 225.21(a)) to acquire or control voting securities or assets of a company engaged in a nonbanking activity that is listed in § 225.25 of Regulation Y as closely related to banking and permissible for bank holding companies, or to engage in such an activity. Unless otherwise noted, these activities will be conducted throughout the United States.

The application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

Comments regarding the application must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than July 8, 1994.

A. Federal Reserve Bank of Chicago (James A. Bluemle, Vice President) 230 South LaSalle Street, Chicago, Illinois 60690:

1. First American Bank Group, Ltd., Fort Dodge, Iowa; to acquire 81 percent of the voting shares of Hill Investment Company, Jewell, Iowa, and thereby indirectly acquire Farmers State Bank, Jewell, Iowa; 97 percent of the voting shares of Story County Bancorporation, Jewell, Iowa, and thereby indirectly acquire American State Bank, Ames, Iowa; and 82 percent of the voting shares of Agri Bancorporation, Webster City, Iowa, and thereby indirectly acquire Farmers Bank & Trust, Webster City, Iowa.

In connection with this application, Applicant also proposes to acquire 88 percent of the voting shares of First American Credit Corporation, Fort Dodge, Iowa, and thereby engage in making and servicing loans pursuant to § 225.25(b)(1); and 88 percent of the voting shares of Hill Land Company, Fort Dodge, Iowa, and thereby engage in investing in corporations or projects engaged in community development pursuant to § 225.25(b)(6) of the Board's Regulation Y.

Board of Governors of the Federal Reserve System, June 8, 1994.

Jennifer J. Johnson,

Associate Secretary of the Board.

[FR Doc. 94–14506 Filed 6–14–94; 8:45 am]

BILLING CODE 6210–01–F

KeyCorp; Acquisition of Company Engaged in Permissible Nonbanking Activities

The organization listed in this notice has applied under § 225.23(a)(2) or (f) of the Board's Regulation Y (12 CFR 225.23(a)(2) or (f)) for the Board's approval under section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.21(a) of Regulation Y (12 CFR 225.21(a)) to acquire or control voting securities or assets of a company engaged in a nonbanking activity that is listed in § 225.25 of Regulation Y as closely related to banking and permissible for bank holding companies. Unless otherwise noted, such activities will be conducted throughout the United States.

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 July 8, 1994.

A. Federal Reserve Bank of Cleveland (John J. Wixted, Jr., Vice President) 1455 East Sixth Street, Cleveland, Ohio 44101:

1. KeyCorp, Cleveland, Ohio; to acquire through its subsidiary, Society National Bank, Cleveland, Ohio, Society Interim Savings Bank, Toledo, Ohio, which will merge with State Home Savings Bank FSB, Bowling Green, Ohio, and thereby engage in operating a savings and loan association pursuant to § 225.25(b)(9) of the Board's Regulation Y.

Board of Governors of the Federal Reserve System, June 9, 1994.

Jennifer J. Johnson,

Associate Secretary of the Board.

[FR Doc. 94–14507 Filed 6–14–94; 8:45 am]

BILLING CODE 6210–01–F

Old National Bancorp; Notice of Application to Engage de novo in Permissible Nonbanking Activities; Correction

This notice corrects a notice (FR Doc. 94-11061) published on page 23860 of the issue for Monday, May 9, 1994.

Under the Federal Reserve Bank of St. Louis heading, the entry for Old National Bancorp is corrected to read as follows:

1. Old National Bancorp, Evansville, Indiana; to engage *de novo* through its subsidiary The ONB Trust Company, N.A., Terre Haute, Indiana (Trust Company), and through two operating subsidiaries of Trust Company, The ONB Trust Company, N.A. - Kentucky, Morganfield, Kentucky, and The ONB Trust Company, N.A. - Illinois, Mt. Carmel, Illinois, in trust company activities pursuant to § 225.25(b)(3) of the Board's Regulation Y.

Comments on this application must be received by July 10, 1994.

Board of Governors of the Federal Reserve System, June 9, 1994.

Jennifer J. Johnson,

Associate Secretary of the Board.

[FR Doc. 94–14508 Filed 6–14–94; 8:45 am]

BILLING CODE 6210–01–F

Edwin Edward Walpole, III; Change in Bank Control Notice; Acquisition of Shares of Banks or Bank Holding Companies

The notificant listed below has applied under the Change in Bank Control Act (12 U.S.C. 1817(j)) and § 225.41 of the Board's Regulation Y (12 CFR 225.41) to acquire a bank or bank holding company. The factors that are considered in acting on notices are set forth in paragraph 7 of the Act (12 U.S.C. 1817(j)(7)).

The notice is available for immediate inspection at the Federal Reserve Bank indicated. Once the notice has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank indicated for the notice or to the offices of the Board of Governors. Comments must be received not later than July 5, 1994.

A. Federal Reserve Bank of Atlanta (Zane R. Kelley, Vice President) 104 Marietta Street, N.W., Atlanta, Georgia 30303:

1. Edwin Edward Walpole, III, Ft. Pierce, Florida; to retain 15.44 percent of the voting shares of Big Lake Financial Corporation, Okeechobee, Florida, and thereby indirectly acquire Big Lake National Bank, Okeechobee, Florida.

Board of Governors of the Federal Reserve System, June 8, 1994.

Jennifer J. Johnson,

Associate Secretary of the Board.

[FR Doc. 94–14509 Filed 6–14–94; 8:45 am]

BILLING CODE 6210–01–F

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

Establishment of an Advisory Committee on Services for Families With Infants and Toddlers

AGENCY: Administration on Children, Youth, and Families, ACF, DHHS.

ACTION: Notice of the establishment of an Advisory Committee on Services for Families with Infants and Toddlers.

SUMMARY: Pursuant to Public Law 92–463, the Federal Advisory Committee Act, the Department of Health and Human Service (DHHS) announces the establishment by the Secretary of the Advisory Committee on Services for Families with Infants and toddlers.

The Committee shall advise the Secretary and Assistant Secretary for Children and Families on the development of program approaches for the initiative for families with infants and toddlers that will address the parenting and child development needs of low-income parents and their infants and toddlers. In doing so, the Committee will pay particular attention to the key principles and array of models of effective culturally and developmentally appropriate service delivery.

The Committee shall terminate on September 30, 1994.

FOR FURTHER INFORMATION CONTACT: David Siegel, 370 L'Enfant Promenade, SW., 7th Floor, Washington, DC 20447 (202) 401–9215.

Dated June 10, 1994.

Mary Jo Bane,

Assistant Secretary for Children and Families.

[FR Doc. 94–14557 Filed 6–14–94; 8:45 am]

BILLING CODE 4110–60–M

Agency Information Collection Under OMB Review

Under the provisions of the Federal Paperwork Reduction Act (44 U.S.C. Chapter 35), the Administration for Children and Families (ACF) requests approval of a new information collection entitled: "Quality Control—AFDC, Food Stamps, and Adult Assistance Negative Case Action Review Schedule," Form ACF–6402. This request for clearance is made by the Office of Family Assistance (OFA) of the Administration for Children and Families (ACF). The purpose of the Negative Case Action (NCA) review is to assure that individuals are not being denied assistance for which they are eligible.

ADDRESSES: Copies of the Information Collection request may be obtained from Edward E. Saunders of the Office of Information Systems Management, ACF, by calling (202) 205–7921.

Written comments and questions should be sent directly to: Laura Oliven, OMB Desk Officer for ACF, OMB Reports Management Branch, New Executive Office Building, room 3002, 725 17th Street, NW., Washington, DC 20503, (202) 395–7316.

Information on Document

Title: Quality Control—AFDC, Food Stamps, and Adult Assistance Negative

Case Action Review Schedule, Form ACF–6402.

OMB No.: New Request.

Description: This information collection is authorized by Sections 2(a)(6), 408(a), 1002(a)(6), 1402(a)(6), and 1602(a)(6) of the Social Security Act, and required under regulatory authority found at 45 CFR 205.40 (a)(2). The purpose of this collection of information is to assure that individuals are not being denied categories of Federal assistance for which they are eligible and to take necessary corrective measures to reduce the incidence of improperly authorized or denied assistance. Specifically, categories of assistance covered by this collection of information are Aid to Families With Dependent Children (AFDC) in all States and jurisdictions, and Adult Assistance Programs under titles I, X, XIV, and XVI of the Social Security Act in Guam, Puerto Rico, and the Virgin Islands.

This collection of information was jointly designed and will be used by the Food and Nutrition Service and the Administration for Children and Families both of the Department of Health and Human Services and the Department of Agriculture.

The Quality Control Negative Case Action system is a joint State/Federal effort to obtain data on the correctness of State actions to deny or terminate AFDC/Adult financial assistance or Food and Nutrition Service. This information is utilized in determining the principal causes of incorrect actions and in developing appropriate corrective action. The Quality Control Negative Case Action system promotes proper State administration of their AFDC and adult programs by helping to assess performance in the denial or termination of benefits. Negative case action quality control therefor provides: (a) Continuous review of a statistically reliable statewide samples of negative actions; and (b) periodic compilation and analysis of findings to determine the incidence of incorrect actions. The Negative Case Action review supplements the Quality Control review of active cases and, thus, provides a balanced quality control system capable of measuring overall program performance.

Annual Number of Respondents: 18,947

Annual Frequency: 1

Average Burden Hours Per Response: 1

Total Burden Hours: 18,947

Dated: June 2, 1994.

Larry Guerrero,

Deputy Director, Office of Information Systems Management.

[FR Doc. 94–14480 Filed 6–14–94; 8:45 am]

BILLING CODE 4184–01–M

Agency Information Collection Under OMB Review

Under the provisions of the Federal Paperwork Reduction Act of 1981 (44 U.S.C. Chapter 35), we have submitted to the Office of Management and Budget (OMB) a request sponsored by the National Center on Child Abuse and Neglect (NCCAN), a component of the Administration on Children, Youth and Families (ACYF) at the Administration for Children and Families (ACF) for the reinstatement of an information collection titled: "ACF Program Instruction: Children's Justice Act." This information collection was previously approved under OMB control number 0980–0196.

ADDRESSES: Copies of this information collection may be obtained from Edward E. Saunders of the Office of Information Systems Management, ACF, by calling (202) 205–7921.

Written comments and questions regarding this information collection should be sent directly to: Laura Oliven, OMB Desk Officer for ACF, OMB Reports Management Branch, New Executive Office Building, room 3002, 725 17th Street, NW., Washington, DC 20503, (202) 395–7316.

Information on Document

Title: ACF Program Instruction: Children's Justice Act.

OMB No.: 0980–0196.

Description: The Child Abuse Prevention and Treatment Act (42 U.S.C. 5101 *et. seq.* and CFDA No. 13.699) was amended by the Children's Justice and Assistance Act of 1986 (Pub. L. 99–401) to establish two new programs of grants to States. Sections 109(a) of Title I of the Child Abuse Prevention and Treatment Act, as amended, authorizes grants to States that meet specified eligibility requirements for the purpose of assisting States in developing, establishing, and operating programs designed to improve:

(1) The handling of child abuse and neglect cases, particularly cases of child sexual abuse and exploitation, in a manner which limits additional trauma to the child victim;

(2) The handling of cases of suspected child abuse or neglect related fatalities; and

(3) The investigation and prosecution of cases child abuse and neglect, particularly child sexual abuse and exploitation.

Applications will be reviewed by ACF staff against requirements contained in the statute to determine the States eligibility for Children's Justice Act grants.

Annual Number of Respondents: 57

Annual Frequency: 1

Average Burden Hours Per Response: 80

Total Burden Hours: 4,560

Dated: June 2, 1994.

Larry Guerrero,

Deputy Director, Office of Information Systems Management.

[FR Doc. 94–14483 Filed 6–14–94; 8:45 am]

BILLING CODE 4184–01–M

Food and Drug Administration

[Docket No. 88F–0322]

Nippon Gohsei (U.S.A) Co., Ltd.; Filing of Food Additive Petition; Amendment

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is amending the filing notice for a food additive petition filed by Nippon Gohsei (U.S.A.) Co., Ltd., to indicate that the petitioned additive, a polyester resin prepared from terephthalic acid, isophthalic acid, succinic anhydride, ethylene glycol, diethylene glycol, and 2,2-dimethyl-1,3-propanediol as a component of polymeric coatings, is also intended for use in contact with aqueous foods. The previous filing notice stated that the additive was intended for use only in contact with alcoholic foods.

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

SUPPLEMENTARY INFORMATION: In a notice published in the **Federal Register** of November 4, 1988 (53 FR 44670), corrected on December 23, 1988 (53 FR 51950), FDA announced that a food additive petition (FAP 7B4017) had been filed by Nippon Gohsei (U.S.A.) Co., Ltd., 747 Third Ave., New York, NY 10017, proposing that § 175.300 *Resinous and polymeric coatings* (21 CFR 175.300) be amended to provide for the safe use of a polyester resin prepared from terephthalic acid, isophthalic acid, succinic anhydride, ethylene glycol, diethylene glycol, and 2,2-dimethyl-1,3-propanediol as a

component of polymeric coatings intended to contact alcoholic foods.

Upon further review of the petition, the agency notes that the petitioner had requested use of the additive in contact with aqueous foods also. Therefore, FDA is amending the filing notice of November 4, 1988, to state that the petitioner requested that the food additive regulations be amended to provide for the safe use of a resin prepared from terephthalic acid, isophthalic acid, succinic anhydride, ethylene glycol, diethylene glycol, and 2,2-dimethyl-1,3-propanediol as a component of polymeric coatings intended to contact aqueous and alcoholic foods.

Dated: June 3, 1994.

Janice F. Oliver,

Acting Director, Center for Food Safety and Applied Nutrition.

[FR Doc. 94–14571 Filed 6–14–94; 8:45 am]

BILLING CODE 4160–01–F

Advisory Committee Meeting; Amendment of Notice

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing an amendment to the notice of a meeting of the Dental Products Panel of the Medical Devices Advisory Committee, which is scheduled for June 28 and 29, 1994. This meeting was announced in the **Federal Register** of May 23, 1994 (59 FR 26650 at 26652). The amendment is being made to add an agenda item for discussion in the open portion of the meeting. There are no other changes. This amendment will be announced at the beginning of the open portion of the meeting.

FOR FURTHER INFORMATION CONTACT: Carolyn A. Tylenda, Center for Devices and Radiological Health (HFZ–410), Food and Drug Administration, 1390 Piccard Dr., Rockville, MD 20850, 301–594–3090.

SUPPLEMENTARY INFORMATION: In the **Federal Register** of May 23, 1994, FDA announced that a meeting of the Dental Products Panel would be held on June 28 and 29, 1994. On page 26652, in the second column, under "*Open committee discussion*" the agenda for this meeting is amended to read as follows:

Open committee discussion. The committee will discuss classification of bone filling and augmentation materials, classification of dental amalgam, proposed reclassification of dental mercury, and dental device ingredient labeling.

Dated: June 10, 1994.

Linda A. Suydam.

Interim Deputy Commissioner for Operations.

[FR Doc. 94–14570 Filed 6–14–94; 8:45 am]

BILLING CODE 4160–01–F

Public Health Service

[GN 2254]

Orphan Products Board; Public Meeting

AGENCY: Office of the Assistant Secretary for Health, DHHS.

ACTION: Notice of public meeting; Orphan Products Board.

SUMMARY: The Department of Health and Human Services and the Office of the Assistant Secretary for Health announce that a public meeting of the Orphan Products Board will be held on June 29, 1994 in Washington, DC. During the session there will be an opportunity for interested persons to present information and views on the issue of orphan products development. The meeting will be chaired by the Assistant Secretary for Health and Chairman, Orphan Products Board. It will commence at 1 p.m., in room 729–G, Hubert H. Humphrey Building, 200 Independence Avenue, SW., Washington, DC 20201.

ADDRESSES: Written requests to participate should be sent to Dr. Richard J. Bertin, Executive Secretary, Orphan Products Board, Food and Drug Administration (HF–35), Room 8–73, 5600 Fishers Lane, Rockville, Maryland 20857, and should be received by June 22, 1994.

FOR FURTHER INFORMATION CONTACT: Dr. Richard J. Bertin, Executive Secretary, Orphan Products Board, Food and Drug Administration (HF–35), 5600 Fishers Lane, Rockville, Maryland 20857. (301) 443–4903.

SUPPLEMENTARY INFORMATION: An orphan drug is a drug for the treatment of a rare disease or condition which either (1) has a prevalence in the United States of Under 200,000 persons or (2) has a higher prevalence and for which there is no reasonable expectation that the cost of developing and making available in the United States a drug for such disease or condition will be recovered from sales in the United States of such drug. The Orphan Drug Act, Public Law 97–414 enacted on January 4, 1983, as amended, established a number of incentives to encourage the development and marketing of orphan drugs.

The act also established an Orphan Products Board to promote the development of drugs and devices for rare diseases or conditions and to assure appropriate coordination among all interested Federal agencies, manufacturers, and organizations representing patients with rare diseases.

The Orphan Products Board is chaired by the Assistant Secretary for Health. The Board is composed of representatives from the Department of Health and Human Services (DHHS), the Department of Veterans Affairs (DVA), The National Institute for Disability and Rehabilitation Research (NIDRR), and the Department of Defense (DoD). Within DHHS, representatives from the Agency for Health Care Policy and Research (AHCPR), the Centers for Disease Control and Prevention (CDC), the Food and Drug Administration (FDA), the Health Care Financing Administration (HCFA), the National Institutes of Health (NIH), the Office of the Assistant Secretary for Health (OASH), and the Social Security Administration (SSA), serve on the Board. This public meeting will have two purposes.

1. An update will be provided on the activities of the Orphan Products Board, and members of the Board will discuss their agencies' recent orphan product development activities.

2. In keeping with its mandate to foster actions within the Department to facilitate the research, development, and approval of orphan products and to coordinate government activities with the private sector in order to achieve these goals, the Board encourages presentations by members of the public on any issues involving the development and availability of orphan products. Those persons wishing to make a presentation at the meeting should submit a written request for a time slot to the Executive Secretary of the Orphan Products Board. the request for participation should be submitted by June 22, 1994, and should include:

a. Name, address, and telephone number of the person desiring to make a presentation;

b. Affiliation, if any;

c. A summary of the presentation; and

d. The approximate amount of time required for the presentation (no more than 10 minutes, unless more time can be justified.)

Individuals and organizations with common interests or proposals are urged to coordinate or consolidate their presentations. Joint presentations may be required of persons or organizations with a common interest. The time available will be allocated among the individuals who request an opportunity

for a presentation. Formal written statements or extension of remarks (five copies may be presented to the Chairman on the day of the meeting for inclusion in the record of the meeting. At the discretion of the Chairman, and as time permits, any person in attendance may be heard. This time will, most likely, be at the end of the scheduled session. For those unable to attend the meeting, comments may be sent to the Executive Secretary of the Orphan Products Board at the address listed above.

Dated: May 31, 1994.

Phillip R. Lee,

Assistant Secretary for Health.

Orphan Products Board Public Meeting, Wednesday, June 29, 1994, 1:00 p.m.–3:00 p.m., Room 729–G, Hubert Humphrey Building

Agenda

1:00–1:20 p.m.—Welcome and Introductory Remarks
Presiding: Philip R. Lee, M.D., Assistant Secretary for Health, Chairman
Secretary, Orphan Products Board
Richard J. Bertin, Ph.D., Executive Secretary, Orphan Products Board
1:20–2:10 p.m.—Presentations by Members of the Orphan Products Board
(Dr. Bertin, Presiding)
Agency for Health Care Policy and Research
Centers for Disease Control and Prevention
Food and Drug Administration
National Institutes of Health
Health Care Financing Administration
Department of Veterans Affairs
Department of Defense
National Institute on Disability and Rehabilitation Research
Social Security Administration
2:10–2:20 p.m.—Break
2:20–3:30 p.m.—Public Comments and Responses
(Dr. Haffner, Presiding)

[FR Doc. 94–14518 Filed 6–14–94; 8:45 am]

BILLING CODE 4160–17–M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Assistant Secretary for Fair Housing and Equal Opportunity

[Docket No. N–94–3691; FR–3348–N–08]

State and Local Fair Housing Laws: Notice of Initial Determination Concerning Substantial Equivalency of Fair Housing Laws of the States of Massachusetts and Nebraska

AGENCY: Office of the Assistant Secretary for Fair Housing and Equal Opportunity, HUD.

ACTION: Notice and request for comments.

SUMMARY: In accordance with 24 CFR 115.6(c), this notice announces the Department's initial determination that the fair housing laws of the States of Massachusetts and Nebraska are substantially equivalent, on their face, to the Fair Housing Act. This notice solicits comments from the public on the initial determinations made with respect to each State. This notice also solicits comments on the Department's proposed determinations that the present practices and past performance of the agency enforcing the fair housing law of the State of Massachusetts and the agency enforcing the fair housing law of the State of Nebraska demonstrate that, in operation, the fair housing laws of these two States provide rights and remedies that are substantially equivalent to those available under the Fair Housing Act.

DATES: Comment Due Date: July 15, 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, 451 Seventh Street, SW., Washington, DC 20410. 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.

FOR FURTHER INFORMATION CONTACT: Marcella O. Brown, Director, Funded Programs Division, Office of Fair Housing and Equal Opportunity, Department of Housing and Urban Development, 451 Seventh Street, SW., room 5234, Washington, DC 20410, telephone (202) 708–0455 (voice/TDD). (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION:

Background

Under the Fair Housing Act (42 U.S.C. 3600–3619), the Department is authorized to investigate complaints alleging discrimination in housing. (Title VIII of the Civil Rights Act of 1968, as amended by the Fair Housing Amendments Act of 1988, is cited as the "Fair Housing Act.") Section 810(f) of the Fair Housing Act requires the Department to refer complaints to State and local agencies that have "substantially equivalent" fair housing standards, as determined and certified by the Department. Part 115 of the Department's regulations (24 CFR part 115) contain the certification standards and the procedures for certifying State and local fair housing laws that provide substantive rights and remedies for alleged discriminatory housing practices that are substantially equivalent to those provided in the Fair Housing Act.

On July 23, 1993 (58 FR 39561), the Department published the annual notice required by 24 CFR 115.6, which announced, among other things, the updated, consolidated list of all certified agencies, and a list of agencies with which an agreement for interim referrals or other utilization of services had been entered into under 24 CFR 115.11. In the July 23, 1993 notice, the Department listed thirty-four jurisdictions, among which were the States of Massachusetts and Nebraska, that had entered into agreements with the Department, subsequent to September 12, 1988, for interim referrals. These thirty-four jurisdictions were considered to have interim certification in accordance with section 810(f)(4) of the Fair Housing Amendments Act of 1988 (hereafter the "Act"). (The Fair Housing Amendments Act of 1988 was enacted on September 13, 1988.)

Announcement of Initial Determinations and Solicitation of Comments

In accordance with 24 CFR 115.6(c)(1), this notice announces that the fair housing laws of the States of Massachusetts and Nebraska have been determined by the Assistant Secretary of Fair Housing and Equal Opportunity to be substantially equivalent, on their face, to the Fair Housing Act. The Assistant Secretary has determined, after application of the criteria set forth in 24 CFR 115.3 and 115.4, that the fair housing laws for the States of Massachusetts and Nebraska provide, on their face, substantive rights and remedies for alleged discriminatory housing practices that are substantially equivalent to those provided in the Fair Housing Act.

Following, a review of performance standards and other materials pertaining to the fair housing laws of the States of Massachusetts and Nebraska, the Department expects to make final determinations that the laws of each State, in operation, provide rights and remedies that are substantially equivalent to those available under the Fair Housing Act. The Department intends to execute a Memorandum of Understanding with the agency charged with enforcement of the fair housing law of each State in accordance with 115.6(c).

In accordance with 24 CFR 115.6(b), the public is invited to submit written comments on this notice. Specifically, the Department requests written comments on the proposed determinations that the current

practices and past performance of the State agencies charged with administration and enforcement of the fair housing laws of the States of Massachusetts and Nebraska demonstrate that, in operation, these laws provide substantive rights and remedies that are substantially equivalent to the Fair Housing Act. This notice also invites comments from the public on the Department's determination that the fair housing laws of the States of Massachusetts and Nebraska are, on their face, substantially equivalent to the Fair Housing Act. In commenting on this notice, the Department requests that commenters identify the State for which comments are submitted.

Dated: June 6, 1994.

Roberta Achtenberg,

Assistant Secretary for Fair Housing and Equal Opportunity.

[FR Doc. 94-14500 Filed 6-14-94; 8:45 am]

BILLING CODE 4210-28-P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[WY-920-04-4120-03, WYW132663]

Coal Exploration License, WY

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of Invitation for Coal Exploration License.

SUMMARY: Pursuant to section 2(b) of the Mineral Leasing Act of 1920, as amended by section 4 of the Federal Coal Leasing Amendments Act of 1976, 90 Stat. 1083, 30 U.S.C. 201(b), and to the regulations adopted as 43 CFR subpart 3410, all interested parties are hereby invited to participate with Antelope Coal Company on a pro rata cost sharing basis in its program for the exploration of coal deposits owned by the United States of America in the following-described lands in Converse and Campbell Counties, Wyoming:

T. 40 N., R. 71 W., 6th P.M., Wyoming
Sec. 5: Lots 5 thru 20;
Sec. 6: Lots 8 thru 23;
Sec. 7: Lots 5 thru 13, 17, 18;
Sec. 8: Lots 1 thru 16;
T. 41 N., R. 71 W., 6th P.M., Wyoming
Sec. 14: Lots 3 thru 6, 10 thru 15;
Sec. 15: Lots 1 thru 16;
Sec. 19: Lots 9, 10, 13 thru 19;
Sec. 20: Lots 9 thru 16;
Sec. 21: Lots 7 thru 16;
Sec. 22: Lots 4 thru 7;
Sec. 23: Lots 2 thru 4, 6, 7;
Sec. 28: Lots 1 thru 8, 10 thru 15;
Sec. 29: Lots 1 thru 16;
Sec. 30: Lots 5 thru 16;
Sec. 31: Lots 5 thru 20;
Sec. 32: Lots 1 thru 16;
Sec. 33: Lots 4, 5, 12, 13;
T. 40 N., R. 72 W., 6th P.M., Wyoming
Sec. 1: Lots 5, 12, 13.

Containing approximately 7,814.04 acres.

All of the coal in the above-described land consists of unleashed Federal coal within the Power River Basin Known Recoverable Coal Resource Area. The purpose of the exploration program is to conduct off-lease exploration by drilling.

ADDRESSES: The proposed exploration program is fully described and will be conducted pursuant to an exploration plan to be approved by the Bureau of Land Management. Copies of the exploration plan are available for review during normal business hours in the following offices (serialized under number WYW132663): BLM, Wyoming State Office, 2515 Warren Avenue, P.O. Box 1828, Cheyenne, WY 82003; and, BLM, Casper District Office, 1701 East 'E' Street, Casper, WY 82601.

SUPPLEMENTARY INFORMATION: This notice of invitation will be published in the Douglas Budget of Douglas, WY, once each week for two consecutive weeks beginning the week of June 15, 1994, and in the **Federal Register**. Any party electing to participate in this exploration program must send written notice to both the BLM and Antelope Coal Company no later than thirty (30) days after publication of this invitation in the **Federal Register**. The written notice should be sent to the following addresses: Antelope Coal Company, Attn: John Trummel, Caller Box 3009, Gillette, WY 82717-3009, and the BLM, Wyoming State Office, Chief, Branch of Mining Law and solid Minerals, P.O. Box 1828, Cheyenne, WY 82003.

The foregoing is published in the **Federal Register** pursuant to 43 CFR 3410.2-1(c)(1).

Lynn E. Rust,

Chief, Branch of Mining Law & Solid Minerals.

[FR Doc. 94-14177 Filed 6-14-94; 8:45 am]

BILLING CODE 4310-22-M

Fish and Wildlife Service

Receipt of Applications for Permit

The following applicants have applied for a permit to conduct certain activities with endangered species. This notice is provided pursuant to Section 10(c) of the Endangered Species Act of 1973, *as amended* (16 U.S.C. 1531, *et seq.*):

PRT-781217

Applicant: The Chambers Group, Inc., Irvine, CA

The applicant requests an amendment to their current permit to include take (nest monitoring) of Least Bell's vireo (*Vireo bellii pusillus*) for the purpose of enhancement of the survival of the species.

PRT-791144

Applicant: Michael Dowd, Pueblo, CO

The applicant requests a permit to import the sport-hunted trophy of one male bontebok (*Damaliscus dorcas dorcas*) culled from the captive herd maintained by the Ciskei Government, at Tsolwana Game Reserve, P.O. Box 1424, Queenstown, Ciskei, Republic of South Africa, for the purpose of enhancement of survival of the species.

PRT-790766

Applicant: National Zoological Park, Washington, DC,

The applicant requests a permit to import blood, milk, and tissue samples from live toque macaques (*Macaca sinica sinica*) and tissue samples from opportunistically obtained macaque carcasses as part of a long-term study at Polonnaruwa Nature Sanctuary, Sri Lanka, for scientific research to enhance the survival of the species.

PRT-791161

Applicant: Zoological Society of San Diego, San Diego, CA,

The applicant requests a permit to import 6 male and 9 female Philippean deer (*Cervus porcinus calamianensis*) from the managed population in Calauit Island Game Preserve and Wildlife Sanctuary, Palawan Province, Philippines, for the purpose of enhancement of propagation of the species.

PRT-791106

Applicant: Exotic Feline Breeding Compound, Rosamond, CA,

The applicant requests a permit to import one captive-bred female Chinese leopard (*Panthera pardus japonensis*) from the Menagerie Du Jardin Des Plantes, Paris, France, for the purpose of enhancement of survival of the species through breeding.

Written data or comments should be submitted to the Director, U.S. Fish and Wildlife Service, Office of Management Authority, 4401 North Fairfax Drive, Room 420(c), Arlington, Virginia 22203 and must be received by the Director within 30 days of the date of this publication.

Documents and other information submitted with these applications are available for review, *subject to the requirements of the Privacy Act and Freedom of Information Act*, by any party who submits a written request for a copy of such documents to the

following office within 30 days of the date of publication of this notice: U.S. Fish and Wildlife Service, Office of Management Authority, 4401 North Fairfax Drive, Room 420(c), Arlington, Virginia 22203. Phone: (703/358–2104); FAX: (703/358–2281).

Dated: June 10, 1994.

Caroline Anderson,

Acting Chief, Branch of Permits, Office of Management Authority.

[FR Doc. 94–14505 Filed 6–14–94; 8:45 am]

BILLING CODE 4310–55–P

Wild Bird Conservation Act (WBCA) of 1992; Petition for a Moratorium on Imports of Wild Birds From Guyana Into the United States

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of petition receipt.

SUMMARY: The U.S. Fish and Wildlife Service (Service) announces the receipt of a petition to impose a moratorium on the imports of wild birds from Guyana into the United States under the Wild Bird Conservation Act of 1992. The petition has been found to present sufficient information indicating that imposing a moratorium on the imports of wild birds from Guyana may be warranted under the WBCA, and that the trade in wild birds from Guyana may be detrimental to species' survival. Through the issuance of this notice, the Service requests additional data, comments, and suggestions from the public, other concerned governmental agencies, the scientific community, industry, or any other interested party concerning trade in, and the status of, wild bird species in Guyana.

DATES: The Fish and Wildlife Service (Service) will consider comments and information received by September 13, 1994 in making a final decision on this petition.

ADDRESSES: Comments and information should be sent to: Director, U.S. Fish and Wildlife Service, c/o Mr. Marshall P. Jones, Chief, Office of Management Authority, 4401 N. Fairfax Dr., Room 420 C, Arlington VA 22203.

FOR FURTHER INFORMATION CONTACT: Dr. Susan S. Lieberman, Office of Management Authority, at the above address, telephone (703) 358–2093.

SUPPLEMENTARY INFORMATION: On October 23, 1992, the Wild Bird Conservation Act (WBCA) was signed into law. The purposes of the WBCA include promoting the conservation of exotic birds by: ensuring that all imports into the United States of species of exotic birds are biologically sustainable and not detrimental to the species; ensuring that imported birds are not subject to inhumane treatment; and assisting wild bird conservation and management programs in countries of origin.

Pursuant to Section 108(a)(2)(B), "Moratoria for species not covered by Convention" of the WBCA, the Secretary of the Interior (Secretary) is authorized to establish a moratorium on the importation of all species of exotic birds from a particular country, if the Secretary determines that:

1. The country has not developed and implemented a management program for exotic birds in trade generally, that ensures both the conservation and the humane treatment of exotic birds during capture, transport, and maintenance; and

2. The moratorium or quota is necessary for the conservation of the species or is otherwise consistent with the purpose of the WBCA.

This notice is based on various documents, including published and unpublished studies, and agency documents. These documents are on file in the Service's Office of Management Authority, and are available on request.

On August 30, 1993, the Animal Welfare Institute, Defenders of Wildlife, and the Environmental Investigation Agency submitted a petition (AWI petition) to the Department of the Interior requesting that the Secretary impose a moratorium on the import of wild exotic birds from Guyana under the WBCA.

Guyana is slightly smaller in size than the state of Idaho, measuring 214,970 km^2 and 63% of this acreage is forest habitat. Its rainforests contain much biodiversity and an abundance of wildlife, although the number of bird species found in Guyana is presently unknown (WCMC 1992). Guyana has been one of the major exporters of neotropical birds (Mulliken et al. 1992).

The majority of birds exported from Guyana have been psittacines, including Amazon parrots, macaws, and a variety of conures and parakeets. Between 1983 and 1989, 172,557 specimens of 31 species of wild-caught psittacines were exported from Guyana (Edwards 1992). Due to mortalities in capture, holding, and transport, far more were removed from the wild during the same period.

The European Community (EC) banned imports from Guyana in 1986 and in response, Guyana imposed a nine-month suspension of exports in 1986–87. Guyana reopened bird exports in 1987 and instituted an export quota system, although that quota system was not based on scientific analyses. The number of birds exported in 1988 was 19,641 and in 1989 was 15,325 (Edwards 1992). In May of 1993, Guyana temporarily suspended the export of wildlife, including birds until further notice. That trade suspension is still in effect.

The capture and trade of wild birds in Guyana is regulated by the Wildlife Services Division, Department of Crops and Livestock, Ministry of Agriculture, which serves as the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) Management Authority for Guyana. Within this Division, the day-to-day administration is the responsibility of the Assistant Chief Crops and Livestock Officer who serves as head of the Wildlife Services Division. The National Research Council of Guyana is the designated CITES Scientific Authority, although it has been inactive and has made no recommendations in the establishment of wildlife trade quotas (Edwards 1992). The Service is not aware of any scientific research having been carried out by or in conjunction with the National Research Council of Guyana.

The Wild Birds Protection Act of 1919, as amended in 1969, is the only Guyana law specific to wildlife (Edwards 1992). In 1977, Guyana became a signatory to CITES, and the Wildlife Services Division presently operates under an 'Administrative Agreement' with the Senior Minister of Agriculture to implement CITES. Actions taken by the Division, including the issuance or termination of export licenses, assignment of quotas, and establishment of export levies are all undertaken within the framework of this Administrative Agreement (Edwards 1992). Information available to the Service does not indicate that Guyana has comprehensive CITES-implementing legislation.

The export of wild birds from Guyana is regulated by a system of quotas. This system was established in 1987 in response to the 1986 EC ban on wildlife imports from Guyana. The EC initiated that ban on the grounds that Guyana lacked a proper management program for psittacine exports. The EC lifted the import ban following implementation of the 1987 quota system.

The Wildlife Services Division of Guyana assigns quotas for each species at levels below those which they believe may threaten wild populations (Edwards 1992). Following the assignment of species' quotas, the Wildlife Services Division establishes individual quotas for each exporter. In the absence of any population surveys or scientific data, export quotas are calculated on the basis of exporters'

previous trade levels (Edwards 1992). The Division has reduced or eliminated the quota for certain species upon advice from the CITES Secretariat. The species quotas have remained unchanged since 1990.

The government of Guyana has not undertaken any field surveys of wild bird species in trade (Edwards 1992) nor is the Service aware of any demographic studies of wild bird populations being undertaken. In the absence of such studies, there is insufficient scientific information on which to base the sustainable management of wild bird populations in Guyana and to determine that such trade is not detrimental to the species. Lastly, export quotas that do not incorporate capture quotas make no provision for mortalities during capture, transport, and maintenance, with further potential detriment to species in the wild.

The AWI petition claimed that export quotas for macaws and Amazon parrots were exceedingly high in the absence of scientific information. These are K-selected species which are long-lived, have delayed sexual maturity, and exhibit low reproductive rates in the wild. Guyana is South and Central America's largest exporter of macaws and export quotas for 1991 included 6,000 macaws of the following species: Blue and Gold macaw (*Ara ararauna*), Green-winged macaw (*Ara chloroptera*), Red-bellied macaw (*Ara manilata*), and Red-shouldered macaw (*Ara nobilis*).

In addition to psittacine exports, Guyana has been one of the largest exporters of toucans to the United States. Very little scientific information exists on the status of wild populations of toucans, and the Service is not aware of any scientific assessment of the sustainable utilization of toucans.

No records on the domestic trade in Guyana of wild birds are available (Edwards 1992) and this trade is neither monitored nor regulated. Many species of macaws and toucans are used in subsistence hunting by Amerindians. The effects of the domestic trade and subsistence use on wild bird populations remain unknown.

The AWI petition provided information on the alleged illegal trade in psittacines from Venezuela to Guyana. Desenne and Strahl (1991) reviewed the current status of psittacine populations in Venezuela and concluded that the smuggling of birds illegally taken in Venezuela and exported from Guyana was a conservation threat to wild parrot populations in Venezuela, particularly those in the Orinoco Delta region. In October of 1991, the Sociedad Conservacionista Audubon de Venezuela (Venezuela Audubon Conservation Society) expressed its concern to the CITES Secretariat on the illegal trade in birds from Venezuela and cited recent law enforcement seizures of illegal birds by the Venezuelan Fish and Wildlife Service and National Guard in the Orinoco Delta.

There appear to be no measures to ensure the humane treatment of wild birds during capture, transport and maintenance in Guyana, in spite of relevant CITES requirements. The AWI petition provided unpublished data extracted from analyses of U.S. Department of Agriculture Quarantine Forms which show that transport mortality for Guyanese birds is relatively high.

After a review of the petition and other information available to it, the Service concludes that imposing a moratorium on the imports of wild birds from Guyana may be warranted under the WBCA, and that the trade in wild birds from Guyana may be detrimental to species' survival. The information available indicates that Guyana has been unable to implement a management program for wild birds in trade that ensures both the conservation of the species and the humane treatment of birds during capture, trade and maintenance.

On November 16, 1993, the Service published a final rule (in 50 CFR Part 15) in the **Federal Register** (58 FR 60524), that established the prohibitions and requirements of the WBCA, and permit issuance procedures for four types of permits established by the WBCA. No CITES-listed birds can be imported into the United States, including from Guyana, unless they are accompanied by an import permit issued by the Office of Management Authority of the Service, or are on an approved list. The approved list has not yet been finalized. It will contain exclusively captive-bred species (wherein all birds in trade are bred in captivity), approved breeding facilities, and species with approved management plans for wild caught birds. The Service's proposed regulations for implementing these approvals were published in the **Federal Register**, March 17, 1994 (59 FR 12784), and included criteria for the approval of scientifically-based sustainable use management plans, as required by the WBCA. The Service will consider all comments and information received by May 16, 1994 in formulating a final decision for these approvals, except for scientifically-based sustainable use management plans for which the Service will consider comments and information received by June 15, 1994 in formulating a final decision.

Therefore, although the importation of CITES-listed exotic bird species from Guyana is currently prohibited, non-CITES-listed birds can be imported into the United States from Guyana. If, at the close of the comment period, information received in response to this notice and other information available in the administrative record supports action under § 108 of the WBCA, the Service may grant the petition and propose a suspension in trade in all wild exotic birds from Guyana.

Public Comments Solicited

The Service intends that any final decision resulting from its evaluation of this petition will be as accurate and as effective as possible. Therefore, any comments or data from the public, other concerned governmental agencies, the scientific or conservation communities, trade organizations, or any other interested party concerning any aspect of the wild bird trade in Guyana are hereby solicited. The Service is particularly interested in receiving information on the status and any population data on the psittacines of Guyana, including the *Ara* and *Amazona* species.

References Cited

Desenne, P. and S. Strahl. 1991. Trade and the conservation status of the family Psittacidae in Venezuela. Bird Conservation International, 1:153–269.

Edwards, S. R. 1992. Wild bird trade: perceptions and management in the Cooperative Republic of Guyana. In J. B. Thomsen, S. R. Edwards, and T. A. Mulliken (eds.) *Perceptions, Conservation and Management of Wild Birds in Trade.* Pp. 93–116. Traffic International.

Mulliken, T. A., S. R. Broad, and J. B. Thomsen. 1992. The Wild Bird Trade—an Overview. In J. B. Thomsen, S. R. Edwards, and T. A. Mulliken (eds.) *Perceptions, Conservation and Management of Wild Birds in Trade.* Pp. 1–42. Traffic International. Cambridge, UK.

World Conservation Monitoring Centre (WCMC). 1992. Global biodiversity: status of the earth's living resources. Chapman and Hall, New York.

Dated: June 1, 1994.

Bruce Blanchard,

Deputy Director.

[FR Doc. 94–14504 Filed 6–14–94; 8:45 am]

BILLING CODE 4310–55–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 731–TA–645 (Final)]

Calcium Aluminate Flux From France

Determination

On the basis of the record [1] developed in the subject investigation, the Commission determines,[2] pursuant to section 735(b) of the Tariff Act of 1930 (19 U.S.C. § 1673d(b)) (the Act), that an industry in the United States is threatened with material injury by reason of imports from France of calcium aluminate (CA) flux,[3] provided for in subheading 2523.10.00 of the Harmonized Tariff Schedule of the United States, that have been found by the Department of Commerce to be sold in the United States at less than fair value (LTFV). The Commission further determines, pursuant to 19 U.S.C. § 1673d(b)(4)(B), that it would not have found material injury but for the suspension of liquidation of entries of the merchandise under investigation.

Background

The Commission instituted this portion of its investigation effective March 23, 1994, following a final determination by the Department of Commerce that imports of CA flux from France were being sold at LTFV within the meaning of section 733(b) of the Act (19 U.S.C. § 1673b(b)). Notice of the institution of the Commission's investigation and of a public hearing 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 March 28, 1994 (59 FR 14425). The hearing was held in Washington, DC, on March 31, 1994, and all persons who requested the opportunity were permitted to appear in person or by counsel.

The Commission transmitted its determination in this investigation to the Secretary of Commerce on June 6, 1994. The views of the Commission are contained in USITC Publication 2780 (June 1994), entitled "Calcium aluminate flux from France: Investigation No. 2780 (Preliminary)."

Issued: June 8, 1994.

By order of the Commission.

Donna R. Koehnke,

Secretary.

[FR Doc. 94–14558 Filed 6–14–94; 8:45 am]

BILLING CODE 7020–02–P

[Investigation No. 731–TA–651 (Final)]

Silicon Carbide From the People's Republic of China

Determination

On the basis of the record [1] developed in the subject investigation, the Commission determines, pursuant to section 735(b) of the Tariff Act of 1930 (19 U.S.C. 1673d(b)) (the Act), that an industry in the United States is not materially injured or threatened with material injury, and the establishment of an industry in the United States is not materially retarded, by reason of imports from the People's Republic of China of silicon carbide,[2] provided for in subheadings 2849.20.10 and 2849.20.20 of the Harmonized Tariff Schedule of the United States, that have been found by the Department of Commerce to be sold in the United States at less than fair value (LTFV).[3]

Background

The Commission instituted this investigation effective December 8, 1993, following a preliminary determination by the Department of Commerce that imports of silicon carbide from the People's Republic of China were being sold at LTFV within the meaning of section 733(b) of the Act (19 U.S.C. 1673b(b)). Notice of the institution of the Commission's investigation and of a public hearing 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 January 26, 1994 (59 FR 3735). The hearing was held in Washington, DC, on May 2, 1994, and all persons who requested the opportunity were permitted to appear in person or by counsel.

The Commission transmitted its determination in this investigation to the Secretary of Commerce on June 6, 1994. The views of the Commission are contained in USITC Publication 2779 (June 1994), entitled "Silicon Carbide from the People's Republic of China: Investigation No. 731–TA–651 (Final)."

Issued: June 7, 1994.

By order of the Commission.

Donna R. Koehnke,

Secretary.

[FR Doc. 94–14559 Filed 6–14–94; 8:45 am]

BILLING CODE 7020–02–P

INTERSTATE COMMERCE COMMISSION

Availability of Environmental Assessments

Pursuant to 42 U.S.C. 4332, the Commission has prepared and made available environmental assessments for the proceedings listed below. Dates environmental assessments are available are listed below for each individual proceeding.

To obtain copies of these environmental assessments contact Ms. Tawanna Glover-Sanders or Ms. Judith Groves, Interstate Commerce Commission, Section of Environmental Analysis, room 3219, Washington, DC 20423, (202) 927–6203 or (202) 927–6245.

Comments on the following assessment are due 15 days after the date of availability:

NO. AB–290 (SUB–NO. 142X), NORFOLK AND WESTERN RAILWAY COMPANY—ABANDONMENT—AT TOLEDO, OHIO. EA available 5/3/94.

AB–412X INDIANA SOUTHERN RAILROAD, INC.—ABANDONMENT EXEMPTION—IN DAVIESS AND GREENE COUNTIES, INDIANA. EA available 6/3/94.

NO. AB–167 (SUB–NO. 1121X), CONSOLIDATED RAIL CORPORATION—ABANDONMENT EXEMPTION—IN CLARK COUNTY, OHIO. EA available 6/10/94.

Comments on the following assessment are due 30 days after the date of availability:

NO. AB–55 (SUB–NO. 380X), CSX TRANSPORTATION, INC.—

---

[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] Vice Chairman Watson and Commissioner Crawford dissenting. Commissioner Bragg did not participate in the Commission's determination.

[3] CA flux is used primarily as a desulfurizer and/or cleaning agent in the steel manufacturing process. Like CA cement (CAC) clinker, the CA flux that is subject to investigation contains by weight more than 32 percent but less than 65 percent alumina and more than one percent each of iron and silica. However, CA flux has a chemical composition distinct from CAC clinker. CAC clinker contains the hydraulic mineral mono-calcium aluminate, which gives it a molar ratio of lime to alumina of approximately 1:1. In contrast, CA clinker sold as a flux does not contain mono-calcium aluminate; it contains the complex mineral $C_{12}A_7$(12CaO * $7Al_2O_3$), which gives it a molar ratio of lime to alumina of approximately 2:1.

[1] The record is defined in § 207.2(f) of the Commission's Rules of Practice and Procedure (19 CFR 207.2(f)).

[2] The imported merchandise covered by this investigation is silicon carbide, regardless of grade or form, containing by weight from 20 to 98 percent, inclusive, silicon carbide and with a grain size coarser than size 325 F (as set by the American National Standards Institute), and inclusive of split sizes. Silicon carbide covered by this investigation typically contains additional impurities: iron, aluminum, silica, silicon, and carbon, as well as calcium and magnesium.

[3] Commissioner Lynn M. Bragg did not participate in the determination in this investigation.

ABANDONMENT EXEMPTION—IN ALLEGHENY COUNTY, PA. EA available 5/31/94.

NO. AB–55 (SUB–NO. 485), CSX TRANSPORTATION, INC.—ABANDONMENT—IN LEE AND SUMTER COUNTIES, SOUTH CAROLINA. EA available 5/31/94.

NO. AB–55 (SUB–NO. 484X), CSX TRANSPORTATION, INC.—ABANDONMENT EXEMPTION IN THE CITY OF SUFFOLK, VIRGINIA. EA available 6/3/94.

Sidney L. Strickland, Jr.,

Secretary.

[FR Doc. 94–14563 Filed 6–14–94; 8:45 am]

BILLING CODE 7035–01–P

[Finance Docket No. 29009 (Sub-No. 6)] [1]

Norfolk Southern Railway Company—Amended Trackage Rights Exemption—CSX Transportation, Inc.

CSX Transportation, Inc. (CSXT), has agreed to grant approximately 28.59 miles of overhead trackage rights to Norfolk Southern Railway Company (NSR) between milepost 1.08 at Glasgow, VA, via the Glasgow Industrial Track, and milepost 174.89 at Balcony Falls, VA, a point of connection with CSXT's main line, and between milepost 174.89 at Balcony Falls, VA, and milepost 147.38 at Lynchburg, VA, in Rockbridge, Amherst, and Bedford Counties, and the City of Lynchburg, VA.[2] The trackage rights will facilitate more economic and efficient operations by providing an alternative route for NSR traffic to Hagerstown, MD, particularly during peak periods. NSR's existing route to Hagerstown includes a single-track branch line between Manassas and Front Royal, VA. The proposed consummation date is on or after June 15, 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: James R. Paschall, Three Commercial Place, Norfolk, VA 23510–2191.

As a condition to use of this exemption, any employees adversely affected by the trackage rights will be protected pursuant to *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: June 10, 1994.

By the Commission, David M. Konschnik, Director, Office of Proceedings.

Sidney L. Strickland, Jr.,

Secretary.

[FR Doc. 94–14636 Filed 6–14–94; 8:45 am]

BILLING CODE 7035–01–P

---

[1] This notice adds operations by Norfolk Southern Railway Company (NSR), the parent of Norfolk and Western Railway Company (NW), to an existing trackage rights agreement between NW and the Chesapeake and Ohio Railway Company (C&O), the predecessor of CSX Transportation, Inc., that was the subject of an application in *Norfolk and Western Railway Company Trackage Rights over the Chesapeake and Ohio Railway Company between Glasgow and Lynchburg, in Rockbridge, Amherst and Bedford Counties, VA, and in the City of Lynchburg, VA*, Finance Docket No. 29009 (Sub-No. 6), that was subsequently consolidated in a control proceeding and approved in *CSX Corp.-Control-Chessie and Seaboard C.L.I.*, 363 I.C.C. 521 (1980). This amended notice is issued under the same docket number assigned to the original NW–C&O trackage rights notice of exemption.

[2] In a notice of exemption concurrently filed on May 26, 1994, in *Norfolk Southern Railway Company—Trackage Rights Exemption—Over Norfolk and Western Railway Company—Between Glasgow, VA, and Front Royal, VA*, in Finance Docket No. 32511, NW has agreed to grant to its parent, NSR, overhead trackage rights over approximately 134.1 miles of NW's line of railroad between milepost H–63, near Front Royal, VA, and milepost H–197.1 near Glasgow, VA. This will complete NSR's route to Hagerstown, MD.

[Finance Docket No. 32511]

Norfolk Southern Railway Company—Trackage Rights Exemption—Norfolk and Western Railway Company

Norfolk and Western Railway Company (NW) has agreed to grant to its corporate parent, Norfolk Southern Railway Company (NSR), overhead trackage rights over approximately 134.1 miles of rail line, between NW's milepost H–63, near Front Royal, VA, and milepost H–197.1, near Glasgow, VA.[1] NSR's trackage rights will permit direct movement of NSR trains via Lynchburg and Glasgow to and from the interchange with Conrail at Hagerstown, MD. The trackage rights are to become effective on June 15, 1994.

This notice is filed under 49 CFR 1180.2(d)(7).[2] 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: James R. Paschall, Norfolk Southern Corporation, Three Commercial Place, Norfolk, VA 23510.

As a condition to the use of this exemption, any employees 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: June 10, 1994.

By the Commission, David M. Konschnik, Director, Office of Proceedings.

Sidney L. Strickland, Jr.,

Secretary.

[FR Doc. 94–14635 Filed 6–14–94; 8:45 am]

BILLING CODE 7035–01–P

---

[1] By notice of exemption in *Norfolk Southern Railway Company—Trackage Rights Exemption—Norfolk and Western Railway Company*, Finance Docket No. 31283 (Sub–No. 1) (ICC served June 17, 1991), NW was granted overhead trackage rights over a 63-mile line of railroad between milepost H–63, at Front Royal, VA, and milepost H–0, at Hagerstown, MD. In a concurrently filed notice of exemption in *Norfolk Southern Railway Company—Amended Trackage Rights Exemption—CSX Transportation, Inc.*, Finance Docket No. 29009 (Sub–No. 6), NSR has applied for overhead trackage rights over approximately 28.59 miles of CSX Transportation, Inc.'s (CSXT) rail line between milepost 1.08 at Glasgow, VA, via the Glasgow Industrial Track and milepost 174.89 at Balcony Falls, VA, a point of connection with CSXT's main line and between milepost 174.89 and milepost 147.38 at Lynchburg, VA. The trackage rights in this notice will connect these two lines and complete NSR's alternate route to Hagerstown. NSR's existing route to Hagerstown includes a single-track branch line between Manassas and Front Royal, VA.

[Docket No. AB–12 (Sub-No. 158X)]

Southern Pacific Transportation Company—Discontinuance of Service Exemption—San Bernardino County, CA

AGENCY: Interstate Commerce Commission.

ACTION: Notice of exemption.

SUMMARY: The Commission, pursuant to 49 U.S.C. 10505, exempts from the prior approval requirements of 49 U.S.C. 10903, *et seq.* the discontinuance of service by Southern Pacific Transportation Company over a 15.70-mile portion of the Baldwin Park Branch between milepost 519.80, at or near the Upland rail station and milepost 535.50, at or near the Rialto rail station, in San Bernardino County, CA, subject to standard labor protective conditions.

DATES: Provided no formal expression of intent to file a financial assistance offer has been received, this exemption will be effective on July 15, 1994. Formal expressions of intent to file financial assistance offers [1] under 49 CFR 1152.27(c)(2) must be filed by June 24, 1994. Petitions to stay must be filed by

---

[2] NW and NSR indicate that this transaction is within a corporate family and, thus, also exempt under 49 CFR 1180.2(d)(3).

[1] *See Exempt. of Rail Abandonment—Offers of Finan. Assist.*, 4 I.C.C.2d 164 (1987).

June 30, 1994. Petitions to reopen must be filed by July 11, 1994.

ADDRESSES: Send pleadings referring to Docket No. AB–12 (Sub-No. 158X) to: (1) Office of the Secretary, Case Control Branch, Interstate Commerce Commission, Washington, DC 20423; and (2) Petitioner's representative: Gary A. Laakso, Southern Pacific Building, One Market Plaza, San Francisco, CA 94105.

FOR FURTHER INFORMATION CONTACT: Joseph H. Dettmar (202) 927–5660. [TDD for hearing impaired: (202) 927–5721.]

SUPPLEMENTARY INFORMATION: Additional information is contained in the Commission's decision. To purchase a copy of the full decision, write to, call, or pick up in person from: Dynamic Concepts, Inc., Room 2229, Interstate Commerce Commission Building, Washington, DC 20423. Telephone: (202) 289–4357/4359. [Assistance for the hearing impaired is available through TDD services (202) 927–5721.]

Decided: June 6, 1994.

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

Sidney L. Strickland, Jr.,

Secretary.

[FR Doc. 94–14583 Filed 6–14–94; 8:45 am]

BILLING CODE 7035–01–P

DEPARTMENT OF JUSTICE

Information Collections Under Review

The Office of Management and Budget (OMB) has been sent the following collection(s) of information proposals for review under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35) and the Paperwork Reduction Reauthorization Act since the last list was published. Entries are grouped into submission categories, with each entry containing the following information:

(1) The title of the form/collection;

(2) The agency form number, if any, and the applicable component of the Department sponsoring the collection;

(3) How often the form must be filled out or the information is collected;

(4) Who will be asked or required to respond, as well as a brief abstract;

(5) An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond;

(6) An estimate of the total public burden (in hours) associated with the collection; and,

(7) An indication as to whether Section 3504(h) of Public Law 96–511 applies.

Comments and/or suggestions regarding the item(s) contained in this notice, especially regarding the estimated public burden and associated response time, should be directed to the OMB reviewer, Mr. Jeff Hill on (202) 395–7340 and to the Department of Justice's Clearance Officer, Mr. Robert B. Briggs, on (202) 514–4319. If you anticipate commenting on a form/collection, but find that time to prepare such comments will prevent you from prompt submission, you should notify the OMB reviewer and the DOJ Clearance Officer of your intent as soon as possible.

Written comments regarding the burden estimate or any other aspect of the collection may be submitted to the Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, DC 20503, and to Mr. Robert B. Briggs, Department of Justice Clearance Officer, Systems Policy Staff/Information Resources Management/Justice Management Division, suite 850, WCTR, Washington, DC 20530.

New Collection

(1) Community Relations Service Customer Satisfaction Feedback Plan.

(2) Community Relations Service.

(3) On occasion, annually.

(4) Individuals or households, State or local governments, Federal agencies or employees, non-profit institutions, and small businesses or organizations. The Community Relations Service seeks to survey its customers to determine the kind and quality of services they want and their level of satisfaction with existing services. Based on the information collected, the Community Relations Service may change policies or procedures to enhance or streamline CRS's overall operation.

(5) 2,153 respondents @ .137 hours per response.

(6) 294 annual burden hours.

(7) Not applicable under Section 3504(h).

Public comment on this item is encouraged.

Dated: June 10, 1994.

Robert B. Briggs,

Department Clearance Officer, United States Department of Justice.

[FR Doc. 94–14513 Filed 6–14–94; 8:45 am]

BILLING CODE 4410–17–M

National Institute of Corrections

Solicitation for a Cooperative Agreement: Design, Development and Implementation of Community Corrections Options

June 1, 1994.

This solicitation requests grant proposals for a cooperative agreement to conduct a training and technical assistance project aimed at increasing the effectiveness of community corrections programs by supporting purposeful design, development and implementation efforts in state and local agencies. The Project will be a collaborative venture with NIC's Community Corrections Division. Funding for the project is $180,000, which will support one cooperative agreement for a 15 month period.

Background

Corrections is expressing enormous interest in experimentation with community sanctions. Agencies are struggling to provide a more diverse array of sanctions, higher quality supervision, and more accountability for a growing number of offenders—all at a time when resources are decreasing for many agencies. Recent literature on the development of community corrections programs has focused attention on the critical need for more purposeful and disciplined program design, implementation, and evaluation if community sanctions are to achieve clearly defined and measurable results.

A continued interest of the Community Corrections Division is to provide assistance to agencies in the early stages of program design and implementation. In 1990, the Division supported a program design workshop for community corrections practitioners. Three-person teams from five jurisdictions participated in two, intensive 1-week seminars, which were separated by a period for program design work at their home agencies. The workshop was conducted by the Crime and Justice Foundation, Boston, Massachusetts, under a $90,000 cooperative agreement with NIC.

The Division subsequently allocated additional resources to this project and revised the strategy to include one seminar, preceded by substantial on-site work with each jurisdictional team; greater attention to the development of a sound information base for program design; and more attention to the organizational climate in which the program changes would occur. In fiscal years 1993 and early 1994, project services were provided by Temple University, Department of Criminal

Justice, under a $150,000 cooperative agreement grant. Five sites were selected in March 1993; the seminar was held in mid-July; and services will be provided through June, 1994.

The next round of project services also will be provided by a grantee agency under the terms of a cooperative agreement. The Division will be actively involved in all aspects of the work, including the selection of participating agencies and the design and delivery of project services. NIC will retain the authority to approve the final selection of participating jurisdictions.

Scope

The goal of the project is to improve program effectiveness by supporting careful program development and more complete implementation of program changes through an integrated program of training and technical assistance. Project services will be provided to teams of community corrections executives and key staff from five agencies/jurisdictions seeking to introduce, modify, or expand community sanctions for adult offenders.

The project assumes that for community corrections programs to succeed they must be well designed and fully implemented. This requires agencies to engage in a rational development process that includes articulation of clear policy on the goals, outcomes, intervention approaches and target populations of the proposed program. Agencies need to weigh the impact of proposed changes on other parts of the criminal justice system, carefully target offender populations, consider cost implications and build external and internal support among major stake holders and implementers.

The project intends to help community corrections agencies do a better job of designing and implementing whatever changes in program or procedures are important to them in order to achieve their defined outcomes. It will in no way direct or coerce agencies toward specific program choices or activities. It also is important to distinguish this project from the policy development assistance offered by such efforts as the joint NIC/State Justice Institute's Intermediate Sanctions Project. This is not primarily a policy development project. We expect that agencies will be proceeding with the program development tasks of this project within the context of an articulated policy direction.

In sum, the project offers an opportunity to slow down the development process, resist the often extreme pressure to adopt a "quick fix" or model solution, and to plan a rational and practical approach.

Agencies Targeted To Receive Project Services

The grantee and NIC will work with five state, county, and large city, adult community corrections agencies (probation, parole, or other community-based agencies) with sufficient staff and financial resources to support the planning process. Agencies selected must demonstrate a strong interest and commitment to implementing the proposed change in their sanctioning and supervision practices. They also need to supervise a large enough population so that the proposed change will impact a significantly sized offender group. They should propose a three person team with the experience and authority to succeed in the program development effort (e.g., the chief administrator, principal planner, and/or key staff responsible for program implementation). The team may also include senior managers or officials, from any branch of government (e.g., a funding agency), who are critical to the successful design and implementation of the program.

Project Activities

A former announcement of project services will be developed by NIC's Community Corrections Division and the grantee. The announcement will describe fully the project approach and services, application requirements, selection criteria, and the deadline for the receipt of applications.

Prior to selecting the five agencies for this project, telephone interviews and, in some cases, on-site visits should be conducted with promising candidates to assess both the internal, organizational climate and external factors which may indicate whether the agency is in a good position to engage in program change or innovation at this time.

Project activities should begin with on-site work by the local agency teams, assisted by project (grantee and NIC) staff. The initial work should focus on such issues as the level of support for proposed changes among significant stake holders, the quality of data with which to engage the program development process, and the capacity of the agency to conduct the effort including any organizational issues which should be addressed.

Several months after project initiation, a three to five day seminar will be offered to participating teams. The seminar should provide a common framework for program development and implementation, offer hands-on experience with some critical aspects of the work, offer opportunities for peer consultation, and result in a work plan for each agency for pursuing its program development objectives, including further technical assistance needs from the project.

Technical assistance, tailored to the specific needs of each jurisdiction, should be provided for the duration of the project. Participating agencies must make a commitment to attend the seminar and participate in the entire, fifteen month project.

Expenses for travel, lodging, meals and seminar materials will be covered by the project for up to three members of each agency team. Additional team members may attend the seminar at the expense of the jurisdictions, however, such additional participation will depend on the seminar goals and approach.

Application Requirements

For the total 15 month project, applicants are expected to define the conceptual framework(s) which best applies to this project, discuss the varying purposes of technical assistance to support the work of the five, participating teams, and define the likely content and timing for the seminar. Recognizing the various kinds of experts required by the project, applicants are to identify the principal members of the applicant team and their specific, relevant expertise. Because this is a cooperative venture with the Community Corrections Division, applicants also should address how they would perform the project tasks in collaboration with NIC.

At a minimum, applications must address:

- The development and implementation of a plan: To publicize the project and solicit applications from eligible community corrections agencies; develop selection criteria; screen applications with telephone calls and, in some cases, on-site visits; and select five sites. As stated earlier, NIC will retain the authority under the cooperative agreement to approve final participant selections.
- The planning, delivery and management of an integrated, technical assistance project, consisting of preliminary on-site work with the participating agencies, a 3 to 5 day seminar, and follow-on technical assistance activities. Efforts should be made to include community corrections practitioners as peer consultants, where appropriate.
- Preparation of a report which summarizes the activities of the participating agencies and results achieved, and makes recommendations

concerning ways to improve program development and implementation in community corrections agencies. While NIC is interested in summarizing the practical learning from this effort, the primary purpose of the project is to maximize the delivery of technical assistance services to participating agencies (bullet above).

Applicaton Procedures

Funding for this project has been set at $180,000. This amount will support one cooperative agreement award. Project activities must be completed within a 15 month period. The following criteria will be used to evaluate applications:

1. The applicant's understanding of the concepts and critical issues in (a) the design, implementation and evaluation of community corrections programs; (b) planned change in a criminal justice system context; and (c) organizational development and management to support major program changes.

2. The applicant's demonstrated capacity to collaborate with other organizations on such efforts.

3. The applicant's experience, both in terms of key project staff and the organization, in working with community corrections agencies on program design issues, planning and conducting training for community corrections practitioners, and delivering and managing technical assistance programs.

4. The soundness of the proposed project objectives and methodology, including the approach to publicizing the program, selecting participants, providing integrated technical assistance services, and planning and conducting the seminar.

5. The feasibility of the proposed management plan, the specificity of the proposed tasks, the nature of the proposed roles and responsibilities relating to collaboration with NIC, and the identification of realistic milestones and task completion dates.

6. The reasonableness and clarity of the proposed budget and budget narrative.

Applications should not exceed twenty-five, double-spaced, typed pages in length, not including standard grant forms, attachments and appendices. This is a technical assistance award. Applicants must submit a copy of their proposal to the state "single point of contact," where applicable, simultaneously with submitting six copies to the Community Corrections Division, National Institute of Corrections, 320 First Street NW., Washington, DC 20534, no later than 4 p.m., Eastern time, Friday, July 15, 1994. The street address for overnight mail or hand delivery of applications is 500 First Street, NW., room 700, Washington, DC 20534.

If you have any questions regarding the solicitation, please write or call Phyllis Modley, (202) 307–3995, extension 133. Applicants interested in obtaining a packet of material on the current project, may write or call the Project Director, Dr. Alan Harland, Temple University, Department of Criminal Justice, 5th Floor, Gladfelter Hall, Philadelphia, PA 19122; telephone (215) 204–1506 or 7918.

Dated: June 9, 1994.

Larry B. Solomon,

National Institute of Corrections.

[FR Doc. 94–14565 Filed 6–14–94; 8:45 am]

BILLING CODE 4410–36–M

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

Humanities Panel; Meeting

AGENCY: National Endowment for the Humanities.

ACTION: Notice of meeting.

SUMMARY: Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92–463, as amended), notice is hereby given that the following meeting of the Humanities Panel will be held at the Old Post Office, 1100 Pennsylvania Avenue NW., Washington, DC 20506.

FOR FURTHER INFORMATION CONTACT: David C. Fisher, Advisory Committee Management Officer, National Endowment for the Humanities, Washington, DC 20506; telephone (202) 606–8322. Hearing-impaired individuals are advised that information on this matter maybe obtained by contacting the Endowment's TDD terminal on (202) 606–8282.

SUPPLEMENTARY INFORMATION: The Museums Evaluation Advisory Panel will meet on June 27, 1994, in room 415 of the Old Post Office Building, 1100 Pennsylvania Avenue NW., Washington, DC. The meeting is scheduled from 8:30 a.m. to 5 p.m. and is open to the public. Advance notice of any special needs or accommodations is appreciated.

The purpose of this meeting is to provide consultation to the Humanities Projects in Museums and Historical Organizations Program on issues relating to project evaluation. Consultation will focus on ways in which the Division can enhance applicants, grantees and the Endowment's ability to measure the educational effectiveness of public projects in the humanities, submitted to the Division of Public Programs.

David C. Fisher,

Advisory Committee Management Officer.

[FR Doc. 94–14517 Filed 6–14–94; 8:45 am]

BILLING CODE 7536–01–M

NUCLEAR REGULATORY COMMISSION

[Docket Nos. M–48, 70–7001 and 70–7002]

U.S. Enrichment Corporation; Intent To Establish Local Public Document Rooms

Notice is hereby given that the Nuclear Regulatory Commission (NRC) intends to establish two (2) local public document rooms (LPDRs) to maintain the publicly available records pertaining to the U.S. Enrichment Corporation's (USEC) operation of Department of Energy Gaseous Diffusion Plants to enrich uranium located in Paducah, Kentucky, and Piketon, Ohio. One LPDR will be set up for each location.

Among the factors the NRC will consider in selecting locations for the LPDR collections are:

(1) Whether the institution is an established document repository with a history of impartially serving the public;

(2) The physical facilities available, including shelf space, patron work space, and copying and mircographic equipment;

(3) The willingness and ability of the library staff to maintain the LPDR collection and assist the public in locating records;

(4) The public accessibility of the library, including parking, ground transportation, and hours of operation, particularly evening and weekend hours;

(5) The accessibility of the library to the handicapped;

(6) The proximity of the library to the Gaseous Diffusion Plants in Paducah, Kentucky, and Piketon, Ohio.

Public comments are requested on libraries in the vicinity of the Paducah, Kentucky, and Piketon, Ohio, sites that might be considered for selection as the locations for these LPDRs.

The comment period expires July 15, 1994. Comments received after this date will be considered if it is practical to do so, but assurance of consideration cannot be given except as to comments filed on or before this date.

Written comments may be submitted to Mr. David L. Meyer, Chief, Rules Review and Directives Branch, Division of Freedom of Information and Publications Services, Office of Administration, U.S Nuclear Regulatory

Commission, Washington, DC 20555–0001.

For further information you may contact Ms. Jona L. Souder, LPDR Program Manager, Freedom of Information Act/Local Public Document Room Branch, Division of Freedom of Information and Publications Services, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001. Telephone 301–415–7170 or Toll-Free 1–800–638–8081.

Dated at Rockville, Maryland, this 10th day of June, 1994.

For the Nuclear Regulatory Commission.

Walter E. Oliu,

Acting Director, Division of Freedom of Information and Publications Services, Office of Administration.

[FR Doc. 94–14545 Filed 6–14–94; 8:45 am]

BILLING CODE 7590–01–M

Issuance of Amendment 21 to Source Material License SUA–917 Amending License Condition (LC) 55 for Atlas Corporation's (ATLAS') Uranium Mill Facility at Moab, UT

AGENCY: Nuclear Regulatory Commission.

ACTION: Amendment 21 to Source Material License SUA–917, issued May 23, 1994, amends LC 55 to change the date for completion of placement of the interim cover on the tailings pond from April 30, 1994, to February 15, 1995.

SUMMARY: On May 11, 1994, NRC noticed in the **Federal Register**, receipt of a request from Atlas to amend Source Material License SUA–917 to extend the completion dates by one year for all site reclamation milestones. Atlas indicated that due to seasonal precipitation and the relative impermeability of the fine tailings in the central portion of the tailings pile, a pond of approximately five acres in size and one to two feet in depth exists on the tailings pile. This situation prevented Atlas' contractor from placing the remainder of the interim cover over the tailings area by April 30, 1994, as required by LC 55 A.(2). Atlas has been placing the interim cover as the pile dried sufficiently to allow equipment to work. At present, approximately 80 percent of the tailings pile has the interim cover in place. The remainder will be placed as soon as the water evaporates and the tailings are dry enough to support equipment. Radon emissions from the uncovered portion of the pile are attenuated by the pond and will reduced by the high moisture content of the tailings after the pond evaporates such that there should be no public health risk during the time prior to completion of the interim cover. The license was amended to change the date for completion of placement of the interim cover from April 30, 1994 to February 15, 1995.

Atlas also requested extensions of one year on completion of the reclamation milestones in LC 55 A.(1) and (3), and LC 55 B.(1) and (2), which relate to placement of windblown tailings on the pile, placement of the final radon cover, placement of erosion protection, and completion of groundwater corrective actions. The extension request was attributed by Atlas to NRC's decision to prepare an Environmental Impact Statement (EIS) for the revised reclamation plan. Although the time required to complete the EIS (April 1995) and the subsequent deferral on approval of the revised reclamation plan will impact the cited dates, the license is not being amended for these milestones until such time as the schedule can be better determined.

FOR FURTHER INFORMATION CONTACT: Allan Mullins, Office of Nuclear Material Safety and Safeguards, Washington, DC 20555, Telephone: 301–415–6693.

Dated at Rockville, Maryland, this 1st day of June, 1994.

Joseph J. Holonich,

Chief, High-Level Waste and Uranium Recovery Projects Branch, Division of Waste Management, Office of Nuclear Material Safety and Safeguards.

[FR Doc. 94–14546 Filed 6–14–94; 8:45 am]

BILLING CODE 7590–01–M

[Docket No. 50–397]

Washington Public Power Supply System; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (Commission) has issued Amendment No. 123 to Facility Operating License No. NPF–21, issued to the Washington Public Power Supply System (licensee), which changed the operating license of the WNP–2 nuclear plant located in Benton County, Washington. The amendment is effective as of the date of issuance.

The amendment allows the licensee to upgrade the plant analog main steam line (MSL) radiation monitors to digital monitors.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's regulations. The Commission has made appropriate findings as required by the Act and the Commission's regulations in 10 CFR Chapter I, which are set forth in the license amendment.

The Notice of Consideration of Issuance of Amendment to Facility Operating License and Opportunity for a Hearing in connection with this action was published in the **Federal Register** on March 10, 1994 (59 FR 11334). No request for hearing or petition for leave to intervene was filed following this notice.

The Commission has prepared an Environmental Assessment related to the action and has determined not to prepare an environmental impact statement. Based upon the environmental assessment, the Commission has concluded that the issuance of this amendment will not have a significant effect on the quality of the human environment (59 FR 28432).

For further details with respect to the action see (1) the application for amendment dated November 30, 1993, (2) Amendment No. 123 to License No. NPF–21, (3) the Commission's related Safety Evaluation dated June 2, 1994, and (4) the Commission's Environmental Assessment. All of these items are available for public inspection at the Commission's Public Document Room, the Gelman Building 2120 L Street NW., Washington, DC 20555, and at the local public document room located at the Richland Public Library, 955 Northgate Street, Richland, Washington 99352.

Dated at Rockville, Maryland this 2nd day of June 1994.

For the Nuclear Regulatory Commission.

Theodore R. Quay,

Director, Project Directorate IV–3, Division of Reactor Projects III/IV, Office of Nuclear Reactor Regulation.

[FR Doc. 94–14547 Filed 6–14–94; 8:45 am]

BILLING CODE 7590–01–M

OFFICE OF PERSONNEL MANAGEMENT

Request for Reclearance of Form RI 30–1

AGENCY: Office of Personnel Management.

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1980 (title 44, U.S. Code, chapter 35), this notice announces a request for a reclearance of an information collection. Form RI 30–1, Request to Disability Annuitant for Information on Physical Condition and Employment, is used by persons who are not yet age 60 and who are receiving disability annuity and are subject to

inquiry as to their medical condition as OPM deems reasonably necessary. RI 30–1 collects information as to whether the disabling condition has changed.

There are estimated to be 8,000 respondents for RI 30–1. It takes approximately 60 minutes to complete RI 30–1. The combined annual burden is 8,000 hours.

For copies of this proposal, contact C. Ronald Trueworthy on (703) 908–8550.

DATES: Comments on this proposal should be received on or before July 15, 1994.

ADDRESSES: Send or deliver comments to:

Lorraine E. Dettman, Retirement and Insurance Group, Operations Support Division, U.S. Office of Personnel Management, 1900 E Street, NW. room 3349, Washington, DC 20415
and
Joseph Lackey, OPM Desk Officer, Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, NW., room 3002, Washington, DC 30503.

FOR INFORMATION REGARDING ADMINISTRATIVE COORDINATION CONTACT: Mary Beth Smith-Toomey, Chief, Forms Analysis and Design, (202) 606–9623.

U.S. Office of Personnel Management.

Lorraine A. Green,

Deputy Director.

[FR Doc. 94–14387 Filed 6–14–94; 8:45 am]

BILLING CODE 6325–01–M

Request for Clearance of a Revised Information Collection Form RI 25–15

AGENCY: Office of Personnel Management.

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1980 (title, 44 U.S. Code, chapter 35), this notice announces a request for clearance of a revised information collection. Form RI 25–15, Survey of Student's Eligibility to Receive Benefits, is used to collect sufficient information from adult children of deceased Federal employees or annuitants to assure that the child continues to be eligible for payments from OPM.

Approximately 12,000 RI 25–15 forms are completed annually. It takes approximately 15 minutes to complete this form. The total annual burden is 3,000 hours.

For copies of this proposal, contact C. Ronald Trueworthy on (703) 908–8550.

DATES: Comments on this proposal should be received on or before July 15, 1994.

ADDRESSES: Send or deliver comments to—

Lorraine E. Detterman, Chief, Retirement and Insurance Group, Operations Support Division, U.S. Office of Personnel Management, 1900 E Street, NW., room 3349, Washington, DC 20415
and
Joseph Lackey, OPM Desk Officer, Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, NW., room 3002, Washington, DC 20503.

FOR INFORMATION REGARDING ADMINISTRATIVE COORDINATION—CONTACT: Mary Beth Smith-Toomey, Chief, Forms Analysis & Design, (202) 606–0623.

U.S. Office of Personnel Management.

Lorraine A. Green,

Deputy Director.

[FR Doc. 94–14388 Filed 6–14–94; 8:45 am]

BILLING CODE 6325–01–M

Request for Clearance of a Revised Information Collection Form RI 30–10

AGENCY: Office of Personnel Management.

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1980 (title 44, U.S. Code, chapter 35), this notice announces a request for clearance of a revised information collection. Form RI 30–10, Disabled Dependent Questionnaire, is used to collect sufficient information about the medical condition and earning capacity for OPM to be able to determine whether a disabled adult child is eligible for health benefits coverage and/or survivor annuity payments under the Civil Service Retirement System/Federal Employees Retirement System.

Approximately 2,500 RI 30–10 forms are completed annually. The form requires approximately 30 minutes to complete. The annual burden is 1,250 hours.

For copies of this proposal, contact C. Ronald Trueworthy on (703) 908–8550.

DATES: Comments on this proposal should be received on or before July 15, 1994.

ADDRESSES: Send or deliver comments to—

Lorraine E. Dettman, Chief, Retirement and Insurance Group, Operations Support Division, U.S. Office of Personnel Management, 1900 E Street, NW., room 3349, Washington, DC 20415
and
Joseph Lackey, OPM Desk Officer, Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, NW., room 3002, Washington, DC 20503.

FOR INFORMATION REGARDING ADMINISTRATIVE COORDINATION—CONTACT: Mary Beth Smith-Toomey, Chief, Forms Analysis & Design, (202) 606–0623.

U.S. Office of Personnel Management.

Lorraine A. Green,

Deputy Director.

[FR Doc. 94–14389 Filed 6–14–94; 8:45 am]

BILLING CODE 6325–01–M

Excepted Service

AGENCY: Office of Personnel Management.

ACTION: Notice.

SUMMARY: This gives notice of positions placed or revoked under Schedules A and B, and placed under Schedule C in the excepted service, as required by Civil Service Rule VI, Exceptions from the Competitive Service.

FOR FURTHER INFORMATION CONTACT: Sherry Turpenoff, (202) 606–0940.

SUPPLEMENTARY INFORMATION: The Office of Personnel Management published its last monthly notice updating appointing authorities established or revoked under the Excepted Service provisions of 5 CFR 213 on May 23, 1994 (FR 26680). Individual authorities established or revoked under Schedules A and B and established under Schedule C between April 1 and April 30, 1994, appear in the listing below. Future notices will be published on the fourth Tuesday of each month, or as soon as possible thereafter. A consolidated listing of all authorities as of June 30, 1994, will also be published.

Schedule A

No Schedule A authorities were established or revoked during April 1994.

Schedule B

Department of Defense

Acquisition positions at grades GS–5 through GS–11, whose incumbents have successfully completed the required course of education as participants in the Department of Defense scholarship program authorized under 10 U.S.C. 1744. Effective April 12, 1994.

Schedule C

Consumer Product Safety Commission

Executive Assistant to the Commissioner. Effective April 20, 1994.

Corporation for National and Community Service

Executive Assistant to the Managing Director. Effective April 20, 1994.

Legislative and Intergovernmental Specialist to the Director, Congressional and Intergovernmental Affairs. Effective April 29, 1994.

Department of Agriculture

Staff Assistant to the Assistant Secretary for Economics. Effective April 5, 1994.

Confidential Assistant to the Administrator, Rural Electrification Administration. Effective April 7, 1994.

Confidential Assistant to the Director/ Press Secretary, Office of Public Affairs. Effective April 13, 1994.

Confidential Assistant to the Administrator, Farmers Home Administration. Effective April 13, 1994.

Confidential Assistant to the Administrator, Agricultural Stabilization and Conservation Service. Effective April 15, 1994.

Staff Assistant to the Assistant Secretary for Administration. Effective April 15, 1994.

Confidential Assistant to the Administrator, Food Safety and Inspection Service. Effective April 20, 1994.

Speech Writer to the Director/Press Secretary, Office of Public Affairs. Effective April 26, 1994.

Confidential Assistant to the Administrator, Farmers Home Administration. Effective April 26, 1994.

Special Assistant to the Chief of the Soil Conservation Service. Effective April 28, 1994.

Northeast Area Director to the Deputy Administrator, State and County Operations, Agricultural Stabilization and Conservation Service. Effective April 29, 1994.

Confidential Assistant to the Secretary of Agriculture. Effective April 29, 1994.

Department of Commerce

Director of Congressional Affairs to the Assistant Secretary for Economic Development, Economic Development Administration. Effective April 6, 1994.

Director of Special Projects to the Chief of Staff, Office of the Secretary. Effective April 20, 1994.

Confidential Assistant to the Assistant to the Deputy Secretary. Effective April 20, 1994.

Confidential Assistant to the Director, Office of External Affairs, Office of the Secretary. Effective April 20, 1994.

Special Assistant to the Deputy Under Secretary for Export Administration, Bureau of Export Administration. Effective April 29, 1994.

Confidential Assistant to the Assistant Secretary for Export Administration, Bureau of Export Administration. Effective April 28, 1994.

Director of Advance to the Director, Office of External Affairs. Effective April 29, 1994.

Department of Defense

Staff Specialist to the Principal Deputy Assistant Secretary for Dual Use Technology and International Programs. Effective April 12, 1994.

Paralegal Specialist to the Judge, United States Court of Military Appeals. Effective April 15, 1994.

Paralegal Specialist to the Judge, United States Court of Military Appeals. Effective April 15, 1994.

Paralegal Specialist to the Chief Judge, United States Court of Military Appeals. Effective April 15, 1994.

Paralegal Specialist to the Judge, United States Court of Military Appeals. Effective April 15, 1994.

Special Assistant for Demand Reduction to the Deputy Assistant Secretary of Defense (Drug Enforcement Policy and Support). Effective April 28, 1994.

Department of Education

Special Assistant to the Assistant Secretary, Office of Legislation and Congressional Affairs. Effective April 7, 1994.

Confidential Assistant to the Assistant Secretary, Office of Civil Rights. Effective April 8, 1994.

Confidential Assistant to the Director, State, Local and Regional Services Staff, Intergovernmental and Constituent Services. Effective April 12, 1994.

Confidential Assistant to the Director, Community Field Services Staff, Community Reform Initiatives Services. Effective April 18, 1994.

Confidential Assistant to the Director, Intergovernmental and Constituent Service, Office of Intergovernmental and Interagency Affairs. Effective April 18, 1994.

Confidential Assistant to the Director, Community Development Field Service Staff, Community Reform Initiatives Services. Effective April 19, 1994.

Confidential Assistant to the Chief of Staff, Office of the Deputy Secretary. Effective April 18, 1994.

Confidential Assistant to the Chief of Staff, Office of the Secretary. Effective April 20, 1994.

Special Assistant to the Director, Policy Development Staff. Effective April 29, 1994.

Special Assistant to the Deputy Secretary. Effective April 29, 1994.

Department of Energy

Confidential Assistant to the General Counsel. Effective April 20, 1994.

Executive Assistant to the Chief of Staff. Effective April 20, 1994.

Executive Assistant to the Secretary of Energy. Effective April 20, 1994.

Legislative Affairs Specialist to the Deputy Assistant Secretary for Senate Liaison, Office of Congressional and Intergovernmental Affairs. Effective April 21, 1994.

Staff Assistant to the Assistant Secretary of Energy, Efficiency and Renewable Energy. Effective April 29, 1994.

Department of Health and Human Services

Special Assistant to the Deputy Assistant Secretary for Policy and External Affairs, Administration for Children and Families. Effective April 12, 1994.

Special Assistant to the Assistant Secretary, Administration for Children and Families. Effective April 15, 1994.

Confidential Assistant to the Executive Secretary. Effective April 22, 1994.

Department of Housing and Urban Development

Special Assistant (Advance) to the Assistant Secretary for Administration, Office of Executive Scheduling. Effective April 8, 1994.

Special Assistant to the Director, Office of Distressed and Troubled Housing Recovery. Effective April 8, 1994.

Director, Policy and Planning Division to the Director, Office of Distressed and Troubled Housing Recovery. Effective April 8, 1994.

Staff Assistant (Advance) to the Assistant Secretary for Administration, Office of Executive Scheduling. Effective April 8, 1994.

Staff Assistant (Advance) to the Assistant Secretary for Administration, Office of Executive Scheduling. Effective April 12, 1994.

Special Assistant to the Deputy Assistant Secretary for Distressed and Troubled Housing. Effective April 25, 1994.

Special Assistant to the Assistant Secretary for Fair Housing and Equal Opportunity. Effective April 25, 1994.

Assistant for Congressional Relations to the Deputy Assistant Secretary for Congressional Relations, Office of Congressional and Intergovernmental Relations. Effective April 26, 1994.

Special Assistant (Speech Writer) to the Assistant Secretary for Public Affairs. Effective April 29, 1994.

Department of the Interior

Special Assistant to the Deputy Director, Minerals Management Service. Effective April 15, 1994.

Chief, Congressional and Legislative Affairs Division to the Director of Policy and External Affairs, Bureau of Reclamation. Effective April 15, 1994.

Department of Justice

Special Assistant to the Assistant Attorney General, Environmental and Natural Resources Division. Effective April 7, 1994.

Secretary (OA) to the United States Attorney, Eastern District of Michigan. Effective April 8, 1994.

Special assistant to the Assistant Attorney General (Legislative Affairs). Effective April 15, 1994.

Staff Assistant to the Attorney General. Effective April 22, 1994.

Special Assistant to the Deputy Attorney General. Effective April 25, 1994.

Counsel to the Deputy Attorney General. Effective April 25, 1994.

Confidential Assistant to the Assistant Attorney General, Civil Rights Division. Effective April 29, 1994.

Department of Labor

Special Assistant to the Assistant Secretary for Public Affairs. Effective April 6, 1994.

Special Assistant to the Assistant Secretary for the American Workplace. Effective April 13, 1994.

Secretary's Representative, Philadelphia, PA, to the Associate Director, Office of Congressional and Intergovernmental Affairs. Effective April 20, 1994.

Confidential Assistant to the Secretary of Labor. Effective April 21, 1994.

Secretary's Representative, New York, NY, to the Associate Director, Office of Intergovernmental Affairs. Effective April 29, 1994.

Department of Transportation

Director, Office of Public and Consumer Affairs to the Deputy Administrator, National Highway Transportation Safety Administrator. Effective April 20, 1994.

Special Assistant for Scheduling to the Special Assistant for Scheduling and Advance. Effective April 28, 1994.

Department of the Treasury

Public Affairs Specialist to the Director, Office of Public Affairs. Effective April 15, 1994.

Confidential Assistant to the Commissioner, Internal Revenue Service, Effective April 28, 1994.

Staff Assistant to the Assistant Secretary (Economic Policy). Effective April 28, 1994.

Department of Veterans Affairs

Special Assistant to the Assistant Secretary for Congressional Affairs. Effective April 26, 1994.

Environmental Protection Agency

Director, Policy Development to the Assistant Administrator. Effective April 20, 1994.

Special Assistant to the General Counsel. Effective April 29, 1994.

Equal Employment Opportunity Commission

Communications and Legislative Specialists to the Director, Office of Communications and Legislative Affairs. Effective April 22, 1994.

Federal Communications Commission

Special Assistant to the Deputy Chief, Cable Services Bureau. Effective April 20, 1994.

Interstate Commerce Commission

Congressional Affairs Advisor to the Chairman. Effective April 25, 1994.

Confidential Assistant to a Commissioner. Effective April 26, 1994.

National Labor Relations Board

Confidential Assistant to the Chairman, Effective April 12, 1994.

Office of Science and Technology Policy

Confidential Secretary to the Director, Office of Science and Technology Policy. Effective April 29, 1994.

President's Commission on White House Fellowships

Associate Director to the Director. Effective April 7, 1994.

Small Business Administration

Press Secretary to the Associate Administrator for Communications and Public Liaison. Effective April 14, 1994.

Special Assistant to the Associate Administrator for Communications and public Liaison. Effective April 14, 1994.

U.S. International Trade Commission

Executive Assistant to a Commissioner. Effective April 29, 1994.

United States Information Agency

Staff Assistant to the Director, Office of Public Liaison. Effective April 4, 1994.

Confidential Assistant to the Director, Voice of America, Bureau of Broadcasting. Effective April 12, 1994.

Authority: 5 U.S.C. 3301 and 3302; E.O. 10577, 3 CFR 1954–1958 Comp., P. 218.

Office of Personnel Management.

Lorraine A. Green,

Deputy Director.

[FR Doc. 94–14390 Filed 6–14–94; 8:45 am]

BILLING CODE 6325–01–M

Privacy Act of 1974; Amendment to Existing Notices of Systems of Records

AGENCY: Office of Personnel Management.

ACTION: Notice of updates of existing systems of records.

SUMMARY: OPM proposes to add new routine uses of disclosure to four existing record systems, and expand the purpose for which one of the systems collects information.

DATES: The changes will become effective without further notice on July 15, 1994, unless comments are received that dictate otherwise.

ADDRESSES: Written comments should be sent to C. Ronald Trueworthy, Chief, Information Policy Branch, room CHP 500, Plans and Policies Division, Office of Information Resources Management, Administration Group, Office of Personnel Management, 1900 E Street NW., Washington DC 20415.

FOR FURTHER INFORMATION CONTACT: Leslie Crawford, 703–908–8550.

SUPPLEMENTARY INFORMATION: This notice is being published under the authority of 5 U.S.C. 552a(e)(4) and (11), which provide that the public be given a 30-day period to comment on any new routine uses of a system of records. The Office of Management and Budget (OMB), which has oversight responsibilities under the Privacy Act, requires a 40-day period to review the reported changes. A report of these changes has been provided to OMB and Congress.

OPM's Internal and Central system notices were previously published in the **Federal Register** in full on April 12, 1993 (58 FR 19154–19191). OPM's Governmentwide system notices were last published in full on August 10, 1992 (57 FR 35698), with a correction published on November 30, 1992 (57 FR 56733).

The Office of Personnel Management (OPM) is establishing new routine uses for OMP/Internal–6 and OPM/Internal–11 to allow for the disclosure of information to contractors/grantees/volunteers performing a service for the Federal government.

A new routine use is being added to OPM/Central–10 to allow disclosure of Federal Executive Alumni (FEI) directory information to FEI alumni.

In OPM/Central–11, Presidential Management Intern Program Records, the entries detailing the categories of individuals and records included the system are being updated for accuracy. The Purpose section is being expanded to include the facilitation of interaction between PMIP participants and alumni. The Routine Uses section is being modified to add a new routine use to allow the disclosure of names and home addresses to other PMIP participants and alumni.

Office of Personnel Management,

Lorraine A. Green,

Deputy Director.

Revision of existing system notices:

OPM/INTERNAL–6

SYSTEM NAME:

Appeal and Administrative Review Records.

* * * * *

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

* * * * *

m. To disclose information to contractors, grantees, or volunteers performing or working on a contract, service, grant, cooperative agreement, or job for the Federal Government.

OPM/INTERNAL–11

SYSTEM NAME:

Administrative Grievance Records.

* * * * *

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

* * * * *

l. To disclose information to contractors, grantees, or volunteers performing or working on a contract, service, grant, cooperative agreement, or job for the Federal Government.

OPM/CENTRAL–10

SYSTEM NAME:

Directory of Federal Executive Institute Alumni.

* * * * *

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

* * * * *

m. To disclose information to FEI alumni to maintain contact with other alumni and to provide them with information to continue their educational experiences.

* * * * *

OPM/CENTRAL–11

SYSTEM NAME:

Presidential Management Intern Program Records.

* * * * *

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Current and former PMI's and students pursuing graduate degrees who have been nominated by their universities for consideration for the PMI program.

CATEGORIES OF RECORDS IN THE SYSTEM:

These records contain information about the covered individuals relating to name, Social Security Number, date of birth, race/national origin, academic background, home address and telephone number, employment history, business address and telephone number, veteran preference, and other personal history information needed during the evaluation and selection process. This system will also contain evaluation statements from the nominating universities and confidential information developed during the regional screening process and final panel evaluations.

* * * * *

PURPOSE:

* * * * *

d. To facilitate interaction and communication between PMIP participants and alumni.

* * * * *

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

* * * * *

n. To provide information to current and former PMIP participants to foster interaction and communication to continue educational experiences and promote intergovernmental cooperation.

[FR Doc. 94–14391 Filed 6–14–94; 8:45 am]

BILLING CODE 6325–01

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–34189; File No. SR–DTC–94–06]

Self-Regulatory Organizations; The Depository Trust Company; Filing and Immediate Effectiveness of a Proposed Rule Change Relating to Enhancements to the Reorganization and Deposit Services

June 9, 1994.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"),[1] notice is hereby given that on April 25, 1994, The Depository Trust Company ("DTC") filed with the Securities and Exchange Commission ("Commission") the proposed rule change (File No. SR–DTC–94–06) as described in Items I, II, and III below, which items have been prepared primarily by DTC. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The proposed rule change consists of enhancements to the reorganization and deposit services of DTC.

II. Self-Regulatory Organization's Statement of the Propose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, DTC included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. DTC has prepared summaries, set forth in sections (A), (B), and (C) below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

The purpose of the proposed rule change is to permit DTC to enhance its reorganization and deposit services. DTC-eligible securities may become the subject of reorganization activities including maturities, full and partial calls, and mandatory actions such as mergers and reverse splits. When a security becomes the subject of a reorganization, DTC presents the certificates for that security on deposit at DTC to the issuer's agent and collects the proceeds of the reorganization activity (either cash or new securities) for credit participants' accounts.

Under its current procedures, DTC ceases to accept deposits of a security when it becomes the subject of a reorganization activity. For example, deposit services terminate upon DTC's receipt of a notice of a full call or thirty business days prior to the maturity date of a debt issue. After DTC's deposit services terminate for a security which is the subject of a reorganization activity, participants sometimes receive certificates for the security from their

[1] 15 U.S.C. 78s(b)(1) (1988).

customers. The participants must then bear the operational burden of presenting the certificates to the issuer's agent and collecting the proceeds.

DTC is enhancing its reorganization and depository services in order to offer its participants the Reorg Deposits Service. The Reorg Deposits Service will enable participants to deposit at DTC certificates for securities for up to two years after the reorganization activity and to have DTC collect the proceeds on their behalf. Cash proceeds will be credited to participants upon DTC's receipt of the funds. Proceeds which are a DTC-eligible security usually will be credited to participants at the time of deposit.

The Reorg Deposits Service will be implemented first for full calls and maturing securities and later for partial calls and mandatory actions. A separate fee for the Reorg Deposits Service may be established in the future.

The proposed rule change is consistent with the requirements of Section 17A of the Act and the rules and regulations thereunder applicable to DTC because the proposed rule change will contribute to efficiencies in the handling of securities which are the subject of reorganization activities. The proposed rule change is consistent with DTC's obligation to safeguard securities and funds in its custody or control or for which it is responsible because the proposed rule change will be implemented consistently with DTC's other safeguarding procedures.

B. Self-Regulatory Organization's Statement on Burden on Competition

DTC does not believe that the proposed rule change will impose any burden on competition.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

DTC has discussed and tested the proposed rule change with a small number of participants. Written comments from DTC participants or others have not been solicited or received on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective on filing pursuant to Section 19(b)(3)(A)(iii)[2] of the Act and pursuant to Rule 19b–4(e)(4)[3] promulgated thereunder because the proposed rule change effects a change in an existing service at DTC that does not adversely affect DTC's obligation to safeguard securities and funds and does not significantly affect the rights or obligations of DTC or persons using the service. At any time within sixty days of the filing of such proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purpose of the Act.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 450 Fifth Street, NW., Washington, DC 20549. Copies of such filing will also be available for inspection and copying at the principal office of DTC. All submissions should refer to File No. SR–DTC–94–06 and should be submitted by July 6, 1994.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.[4]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 94–14528 Filed 6–14–94; 8:45 am]

BILLING CODE 8010–01–M

[2] 15 U.S.C. 78s(b)(3)(A)(iii) (1988).

[3] 17 CFR 240.19b–4(e)(4) (1993).

[4] 17 CFR 200.30–3(a)(12) (1993).

[Release No. 34–34187; File No. SR–MCC–93–09]

Self-Regulatory Organizations; Midwest Clearing Corporation; Order Approving Proposed Rule Change Amending the Definition of Settlement Price

June 9, 1994.

On December 23, 1993, the Midwest Clearing Corporation ("MCC") filed a proposed rule change (File No. SR–MCC–93–09) with the Securities and Exchange Commission ("Commission") pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act").[1] Notice of the proposals was published in the **Federal Register** on March 7, 1994.[2] No comments were received by the Commission. This order approves the proposal.

I. Description of the Proposal

The rule change amends MCC's definition of the term "settlement price," which is set forth in Article I, Rule 1 of MCC's Rules. In essence, the amended rule now provides that the settlement price shall be the closing price or the last sale price on the business day prior to the day such price is used, but where no closing price or last sale price is available for the prior business day, the settlement price shall be a price which MCC deems appropriate.

II. Discussion

The Commission believes that the proposal is consistent with the Act and particularly with Section 17A of the Act.[3] Section 17A(b)(3)(F) of the Act requires that the rules of clearing agencies be designed to foster cooperation and coordination with persons engaged in the clearance and settlement of securities transactions and to remove impediments to and perfect the mechanism of a national market system for the clearance and settlement of securities transactions.[4]

The term settlement price is used by MCC and other clearing agencies to determine daily mark-to-market credits or debits and to value settling trades. Accordingly, the definition of settlement price should be uniform among clearing corporations in order for interfaces between them to function smoothly in the settlement of transactions. This rule change, in conjunction with a recent rule change to the rules of the National Securities Clearing Corporation ("NSCC"), will conform MCC's definition of settlement price to NSCC's definition of that term.[5] Consequently, the Commission believes that this technical rule change will foster cooperation and coordination and will help perfect the national clearance and settlement system and, therefore, is consistent with the Act.

[1] 15 U.S.C. 78s(b)(1) (1988).

[2] Securities Exchange Act Release No. 33685 (February 25, 1994), 59 FR 10685.

[3] 15 U.S.C. 78q–1 (1988).

[4] 15 U.S.C. 78q–1(b)(3)(F) (1988).

[5] Securities Exchange Act Release No. 34040 (May 11, 1994), 59 FR 25975 [File No. SR–NSCC–94–05] (notice of filing and immediate effectiveness of a proposed rule change).

III. Conclusion

For the reasons discussed above, the Commission believes that the proposal is consistent with the requirements of the Act, particularly with 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 change (File No. SR–MCC–93–09) be, and hereby is, approved.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.[7]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 94–14529 Filed 6–14–94; 8:45 am]

BILLING CODE 8010–01–M

[Release No. 34–34188; File No. SR–MSTC–93–13]

Self-Regulatory Organizations; Midwest Securities Trust Company; Order Approving Proposed Rule Change to Rescind Signature Distribution and Signature Guarantee Programs

June 9, 1994.

On December 15, 1993, the Midwest Securities Trust Company ("MSTC") filed a proposed rule change (File No. SR–MSTC–93–13) with the Securities and Exchange Commission ("Commission") pursuant to Section 19(b) of the Securities Exchange Act of 1934 ("Act").[1] Notice of the proposal was published in the **Federal Register** on March 3, 1994, to solicit comments from interested persons.[2] No comments have been received by the Commission. This order approves the proposal.

I. Description of the Proposal

On January 6, 1992, the Commission promulgated Securities Exchange Act Rule 17Ad–15.[3] That rule permits transfer agents to reject signature guarantees from eligible guarantor institutions if the eligible guarantor institutions are not part of a signature guarantee program, as defined in Rule 17Ad–15. Additionally, the new rule renders obsolete the MSTC's existing Signature Guarantee Program (MSTC Rules, Article III, Rule 5, Section 1) and MSTC's existing Signature Guarantee Program (MSTC Rules, Article III, Rule 5, Section 2). Therefore, to avoid costs that produce no benefits, MSTC seeks to eliminate its Signature Distribution and Signature Guarantee Programs and to delete from its Rules Article III, Rule 5, Sections 1 and 2 which govern these programs.

II. Discussion

The Commission believes that the proposal is consistent with the Act and particularly with Section 17A of the Act.[4] Sections 17A(b)(3)(A) and (F) of the Act[5] require that a clearing agency be organized and its rules be designed to facilitate the prompt and accurate clearance and settlement of securities transactions. Moreover, Section 17A(a)(1) of the Act[6] calls for the use of efficient, effective, and safe procedures in the clearance and settlement of securities transactions.

The proposed rule change rescinds MSTC's Signature Distribution and Signature Guarantee Programs, two programs which have been rendered obsolete by the Commission's adoption of Rule 17Ad–15. The Commission agrees with MSTC that it would be wasteful and inefficient for a clearing agency to have to maintain such obsolete programs. The Commission believes that MSTC's rescission of the two programs and their related rules will facilitate prompt and accurate clearnace and settlement of securities transactions by making MSTC, its rules, and its procedures more efficient and effective.

III. Conclusion

For the reasons discussed above, the Commission believes that the proposal is consistent with the requirements of the Act, particularly with 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,[7] that the above-mentioned proposed rule change (File No. SR–MSTC–93–13) be, and hereby is, approved.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.[8]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 94–14530 Filed 6–14–94; 8:45 am]

BILLING CODE 8010–01–M

[Release No. 34–34178; File No. SR–PTC–94–02]

Self-Regulatory Organizations; Participants Trust Company; Filing and Immediate Effectiveness of Proposed Rule Change Relating to a Modification of Fees

June 8, 1994.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"),[1] notice is hereby given that on June 3, 1994, the Participants Trust Company ("PTC") filed with the Securities and Exchange Commission ("Commission") the proposed rule change (File No. SR–PTC–94–02) as described in Items I, II, and III below, which Items have been prepared primarily by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The proposed rule change reduces fees for four PTC services. The modified fees will be effective July 1, 1994.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in sections (A), (B), and (C) below, of the most significant aspects of such statements.

(A) Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

The purpose of the proposed rule change is to amend PTC's schedule of fees to reduce fees for four PTC services specifically Account Maintenance, Book-entry Delivery and Receipt of Securities and Funds, Repo Movements, and Deposits. The modified fees will be effective July 1, 1994.

PTC believes that the amounts of the fees are appropriate based on PTC's projected earnings and expenses and its program to provide rebates to participants to the level required to

---

[6] 15 U.S.C. 78s(b)(2) (1988).

[7] 17 CFR 200.30–3(a)(12) (1993).

[1] 15 U.S.C. 78s(b) (1988).

[2] Securities Exchange Act Release No. 33669 (February 23, 1994), 59 FR 10189.

[3] 17 CFR 240.17Ad–15 (1993).

[4] 15 U.S.C. 78q–1 (1988).

[5] 15 U.S.C. 78q–1(b)(3)(A) and (F) (1988).

[6] 15 U.S.C. 78q–1(a)(1) (1988).

[7] 15 U.S.C. 78s(b)(2) (1988).

[8] 17 CFR 200.30–3(a)(12) (1993).

[1] 15 U.S.C. 78s(b)(1) (1988)

cover the variability in transaction volume.

PTC believes that the proposed rule change is consistent with Section 17A(B)(3)(D) of the Act,[2] and the rules and regulations thereunder, in that it provides for the equitable allocation of reasonable dues, fees, and other charges among its participants.

(B) Self-Regulatory Organization's Statements on Burden on Competition

PTC does not believe that the proposed rule change will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act.

(C) Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

PTC has not solicited comments with respect to the proposed rule change, and none have been received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A) of the Act and subparagraph (e) of Rule 19b–4 thereunder, because the proposed rule change establishes a due, fee, or other charge imposed by the self-regulatory organization. At any time within 60 days of the filing of such rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549. Copies of submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 450 Fifth Street, NW., Washington, DC 20549. Copies of such filing will also be available for inspection and copying at the principal office of PTC. All submissions should refer to File No. SR–PTC–94–02 and should be submitted by July 6, 1994.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[3]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 94–14475 Filed 6–14–94; 8:45 am]

BILLING CODE 8010–01–M

[2] 15 U.S.C. 78q–1(b)(3)(D) (1988).

[3] 17 C.F.R. 200.30–3(a)(12).

[Release No. 34–34180; File No. SR–PHLX–94–27]

Self-Regulatory Organizations; Filing and Immediate Effectiveness of Proposed Rule Change by the Philadelphia Stock Exchange, Inc., Relating to Revised Index Option Transaction Value Charges

June 8, 1994.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"), 15 U.S.C. 78s(b)(1), notice is hereby given that on May 25, 1994, the Philadelphia Stock Exchange, Inc. ("PHLX") or "Exchange") filed with the Securities and Exchange Commission ("SEC" or "Commission") the proposed rule change as described in Items I, II and III below, which Items have been prepared by the self-regulatory organization. The Commission in publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

Currently, the option transaction value charge for customer orders with options premiums of less than $1.00 is $.15 per contract and $.30 per contract for customer orders with premium values of $1.00 or more. The option transaction value charge for firms is $.06 per contract. The PHLX proposes to amend its schedule of dues, fees, and charges for options transactions to provide the following index option transaction value charges: $.20 per contract for customer orders with premium values of less than $1.00; $.40 per contract for customer orders with premium values of $1.00 or more; and $.10 per contract for firms. The revised index option transaction value charges do not apply to Value Line Index ("VLE") options.

The text of the proposed rule change is available at the Office of the Secretary, PHLX, and at the Commission.

II. Self-Regulatory Organizations: Statement of the Purpose of, and Statutory Basis For, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in sections (A), (B), and (C) below, of the most significant aspects of such statements.

(A) Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

The PHLX proposed to amend its schedule of dues, fees and charges for the transaction of business on the PHLX's options floor, specifically the index option transaction value charge. Effective at the opening of business on Tuesday, May 31, 1994, the PHLX proposes to adopt the following index option transaction value charges; $.20 per contract for customer orders with premium market values of less than $1.00; $.40 per contract for customer orders with premium market values of $1.00 or more; and $.10 per contract for firms. The revised schedule does not apply to VLE options.

The PHLX states that the revised index option transaction value charges are more reflective of the PHLX's cost of conducting business, including the support of the computation and dissemination of respective index values to market participants. The PHLX states that the proposal presents a fee structure designed to be more reflective of the actual cost of supporting the index options traded on the PHLX. In addition, the PHLX states that the revised index option transaction value charges are competitive with the rates charged by the other options market centers and substantially correspond to the existing charges for PHLX VLE options.

The PHLX believes that the proposal is consistent with Section 6(b) of the Act, in general, and, in particular, with Section 6(B)(4), in that it provides for the equitable allocation of reasonable dues, fees and other charges among its members and other persons using the Exchange's facilities.

(B) Self-Regulatory Organization's Statement on Burden on Competition

The PHLX does not believe that the proposed rule change will impose any inappropriate burden on competition.

(C) Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

No written comments were either solicited or received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing rule change establishes or changes a due, fee or other charge imposed by the Exchange, it has become effective pursuant to Section 19(b)(3)(A) of the Act and subparagraph(e) of rule 19b–4 thereunder. At any time within 60 days of the filing of such proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying at the Commission's Public Reference Section, 450 Fifth Street, NW., Washington, DC. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number in the caption above and should be submitted by July 6, 1994.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[1]

[1] 17 CFR 200.30–3(a)(12) (1993).

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 94–14531 Filed 6–14–94; 8:45 am]

BILLING CODE 8010–01–M

Self-Regulatory Organizations; Applications for Unlisted Trading Privileges; Notice and Opportunity for Hearing; Philadelphia Stock Exchange, Inc.

June 9, 1994.

The above named national securities exchange has filed applications with the Securities and Exchange Commission ("Commission") pursuant to Section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule12f-1 thereunder for unlisted trading privileges in the following securities:

Stephan Company
Common Stock, $.01 Par Value (File No. 7–12503)
NorAm Energy Corporation
$3.00 Conv. Exchangeable Preferred Stock, Series A (File No. 7–12504)
Blyth Industries, Inc.
Common Stock, $.02 Par Value (File No. 7–12505)
Grupo Industrial Maseca S.A. de C.V.
American depositary Shares, No Par Value (File No. 7–12506)
Morgan Stanley Global Opportunities Bond Fund, Inc.
Common Stock, $.01 Par Value (File No. 7–12507)
Beacon Properties Corporation
Common Stock, $.01 Par Value (File No. 7–12508)
Republic New York Corporation
Dep. Shares each Representing ¼th of a share of Adj. Rate Cum. Pfd. Stock Series D (File No. 7–12509)
Mikasa, Inc.
Common Stock, $.01 Par Value (File No. 7–12510)
Alert Centre, Inc.
Common Stock, $.01 Par Value (File No. 7–12511)
Alert Centre, Inc.
Purchase Warrants (File No. 7–12512)
Atlantis Group, Inc.
Class A Common stock, $.01 Par Value (File No. 7–12513)
Banco O'Higgins
American Depositary Shares Each Representing Six Shares of Common Stock, No Par Value (File No. 7–12514)
U.S. Delivery Systems, Inc.
Common Stock, $.01 Par Value (File No. 7–12515)
Digital Communications Technology Corporation
Common stock, $.01 Par Value (File No. 7–12516)
Citicorp
Dep. Shares Each Representing ⅒th of a share of Adj. Rate Cum. Pfd. Stock (File No. 7–12517)

These securities are listed and registered on one or more other national securities exchanges and are reported in the consolidated transaction reporting system.

Interested persons are invited to submit on or before June 30, 1994, written data, views and arguments concerning the above-referenced application. Persons desiring to make written comments should file three copies thereof with the Secretary of the Securities and Exchange Commission, 450 5th Street, NW., Washington, DC 20549. Following this opportunity for hearing, the Commission will approve the application if it finds, based upon all the information available to it, that the extensions of unlisted trading privileges pursuant to such applications are consistent with the maintenance of fair and orderly markets and the protection of investors.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Jonathan G. Katz,

Secretary.

[FR Doc. 94–14532 Filed 6–14–94; 8:45 am]

BILLING CODE 8010–01–M

[Rel. No. IC-20347; 812-8956]

Liberty All-Star Equity Fund, et al.; Notice of Application

June 8, 1994.

AGENCY: Securities and Exchange Commission ("SEC").

ACTION: Notice of application for exemption under the Investment Company Act of 1940 (the "Act").

APPLICANTS: Liberty All-Star Equity Fund ("All-Star") and Liberty Asset Management Company ("LAMCO"), on behalf of themselves and present and future sub-advisers of All-Star.

RELEVANT ACT SECTIONS: Conditional order required under section 6(c) for an exemption from section 15(a) of the Act.

SUMMARY OF APPLICATION: Applicants request an order amending an existing order that permits LAMCO to hire and fire sub-advisers for All-Star, and delay shareholder approval of the subadvisory contracts until All-Star's next annual meeting of shareholders. The amended order would extend that relief so that, in the event of an "assignment," as that term is defined in section 2(a) (4) of the Act, of a subadvisory agreement, the parties could enter into a new subadvisory agreement and delay shareholder approval until All-Star's next annual meeting of shareholders.

FILING DATE: The application was filed on April 25, 1994.

HEARING OR NOTIFICATION OF HEARING: An order granting the application will be

issued unless the SEC orders a hearing. Interested persons may request a hearing by writing to the SEC's Secretary and serving applicants with a copy of the request, personally or by mail. Hearing requests should be received by the SEC by 5:30 p.m. on July 5, 1994, and should be accompanied by proof of service on the applicants, in the form of an affidavit or, for lawyers, a certificate of service. Hearing requests should state the nature of the writer's interest, the reason for the request, and the issues contested. Persons who wish to be notified of a hearing may request notification by writing to the SEC's Secretary.

ADDRESSES: Secretary, SEC, 450 Fifth Street, NW., Washington, DC 20549. Applicants, Federal Reserve Plaza, Boston, Massachusetts, 02210.

FOR FURTHER INFORMATION CONTACT: Fran Pollack-Matz, Senior Attorney, at (202) 942-0570, or C. David Messman, Branch Chief, at (202) 942-0564 (Office of Investment Company Regulation, Division of Investment Management).

SUPPLEMENTARY INFORMATION: The following is a summary of the application. The complete application may be obtained for a fee at the SEC's Public Reference Branch.

Applications' Representations

1. All-Star is a closed-end diversified management investment company. LAMCO is a registered investment adviser and an indirect wholly-owned subsidiary of Liberty Financial Companies, Inc. ("LFC"). LFC is an indirect wholly-owned subsidiary of Liberty Mutual Insurance Company.

2. All-Star employs a multi-manager methodology of portfolio management. It allocates its investment portfolio on an approximately equal basis among several independent investment management firms ("Sub-Advisers") selected and recommended by LAMCO based on specific criteria, including a sufficient diversity and breadth of investment styles. None of the Sub-Advisers have any affiliation with All-Star or LAMCO other than as Sub-Adviser.

3. All-Star and LAMCO received an order that permits LAMCO to hire and fire Sub-Advisers for All-Star and to delay shareholder approval of such subadvisory agreements until All-Star's next annual meeting of shareholders ("Order").[1] Applicants reaffirm all of the representations made in the original application, as amended, for the Order.

[1] Investment Company Act Release Nos. 19436 (April 27, 1993) (notice) and 19491 (May 25, 1993) (order).

4. All-Star and LAMCO seek to amend the Order so that, in addition to the relief granted by the Order, in the event of a sale of assets, merger or transfer of voting securities of a Sub-Adviser or other transaction constituting an "assignment," as that term is defined in section 2(a)(4) of the Act, of All-Star's subadvisory agreement with that Sub-Adviser, All-Star, LAMCO, and that Sub-Adviser or its successor could enter into a new subadvisory agreement and delay shareholder approval of such agreement until All-Star's next annual meeting of shareholders.

Applicants' Legal Analysis

1. Section 15(a) makes it unlawful for any person to act as an investment adviser to a registered investment company except pursuant to a written contract, whether with such registered company or with an investment adviser of such registered company, which has been approved by the vote of a majority of the outstanding voting securities of such registered company and which precisely describes all compensation to be paid thereunder.

2. Section 15(a) (4) also requires that the investment advisory contract provide, in substance, for its automatic termination in the event of its assignment. "Assignment" is defined in section 2 (a) (4) to include any direct or indirect transfer of a contract by the assignor, or of a controlling block of the assignor's outstanding voting securities by a security holder of the assignor.

3. Rule 15a–4 permits an investment adviser to an investment company to act under an agreement not approved by shareholders for up to 120 days after the terminations of an investment advisory agreement by an event (other than by an assignment by an investment adviser in connection with which such investment adviser, or a controlling person thereof, directly or indirectly receives money or other benefit) described in paragraphs (3) and (4) of section 15(a) of the Act or by failure to renew such contract. Rule 15a-4 does not provide adequate relief to All-Star because All-Star is seeking to delay a shareholder vote in the event that a change in a Sub-Adviser occurs as the result of an "assignment" in which an investment adviser (*i.e.*, the Sub-Adviser) receives an economic benefit.

4. Applicants assert that because of the lack of affiliation between LAMCO and the Sub-Advisers (unlike conventionally structured single-manager investment companies), LAMCO has no interest other than the efficient and effective functioning of All-Star's multi-manager methodology and the enhancement of All-Star's investment performance when recommending the replacement or addition of a Sub-Adviser. Applicants represent that neither LAMCO nor any of its affiliates will be parties to the acquisition or other transaction giving rise to the termination and assignment of the subadvisory agreement or receive any economic benefit in connection with such transaction.

5. Applicants believe that the SEC excluded assignments in which the investment adviser receives an economic benefit from the exemption provided by rule 15a–4 because such assignments are reasonably foreseeable. Applicants state that LAMCO has no affiliation with All-Star's Sub-Advisers and has no control or influence over the timing of possible transfers of controlling interests in them or other transactions that may result in technical assignment and termination of their subadvisory agreements with All-Star.

6. Section 6(c) authorizes the Commission to exempt persons or transactions from the provisions of the Act to the extent that such exemptions are appropriate in the public interest and consistent with the protection of investors and the policies and purposes fairly intended by the policies and provisions of the Act. Applicants submit that the requested amendment to the exemption from section 15(a) of the Act granted by the existing Order would be consistent with the standards set forth in section 6(c) of the Act and would be in the best interests of All-Star and its shareholders.

Applicants' Conditions

Applicants agree that any order granting the requested relief shall be subject to the following conditions:

1. Each new subadvisory agreement will be submitted for ratification and approval to the vote of All-Star's shareholders no later than at the regularly scheduled annual meeting of shareholders of All-Star next following the effective date of the new agreement, and its continuance after such meeting will be conditioned on approval by the required majority vote of such shareholders.

2. All-Star will continue to hold annual meetings of its shareholders, whether or not required to do so by the rules of the New York Stock Exchange, Inc. or otherwise.

3. The trustees of All-Star, in addition to approving the new subadvisory agreement in accordance with the requirements of section 15(c) of the Act, will specifically determine that entering into a subadvisory agreement with the new or additional Sub-Adviser in advance of the next regular annual meeting of shareholders of All-Star and

without prior shareholders approval is in furtherance of All-Star's multi-manager methodology and is in the best interest of All-Star and its shareholders.

4. The new subadvisory agreement involved will, when entered into, affect no more than 25% of All-Star's assets.

5. The new Sub-Adviser will have no affiliation with All-Star or LAMCO other than as Sub-Adviser, and will have no duties or responsibilities with respect to All-Star beyond the investment management of the portion of All-Star's portfolio assets allocated to it by LAMCO from time to time and related record keeping and reporting.

6. The new subadvisory agreement will provide for a subadvisory fee no higher than that provided in All-Star's existing subadvisory agreements, and, except for the provisions relating to shareholder approval referred to in condition 1, will be on substantially the same other terms and conditions as such existing agreements, and, if the new subadvisory agreement provides for subadvisory fees at rates less than those provided in the existing subadvisory agreements, the difference will be passed on to All-Star and its shareholders through a corresponding voluntary reduction in the fund management fee payable by All-Star to LAMCO.

7. The appointment of the new Sub-Adviser will be announced by press release promptly following the trustees' action referred to in condition 3 above, and a notice of the new subadvisory agreement, together with a description of the new Sub-Adviser, will be included in All-Star's next report to shareholders.

8. LAMCO will provide general management and administrative services to All-Star, including overall supervisory responsibility for the general management and investment of all of All-Star's securities portfolio subject to All-Star's investment objectives and policies and any directions of All-Star's Trustees. In particular, LAMCO will (i) provide overall investment programs and strategies for All-Star, (ii) recommend to All-Star's Trustees investment management firms for appointment or replacement as All-Star Sub-Advisers, (iii) allocate and reallocate All-Star's portfolio assets among the Sub-Advisers, and (iv) monitor and evaluate the investment performance of the Sub-Advisers, including their compliance with All-Star's investment objectives, policies and restrictions.

9. LAMCO or the Sub-Adviser (or successor Sub-Adviser) will pay the incremental cost of including the proposal to approve or disapprove the new subadvisory agreement in the proxy material for the next annual meeting of All-Star's shareholders.

For the SEC, by the Division of Investment Management, under delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 94-14476 Filed 6-14-94; 8:45 am]

BILLING CODE 8010-01-M

[Release No. IC-20345; 812-8270]

The Variable Annuity Life Insurance Company et al.

June 8, 1994.

AGENCY: Securities and Exchange Commission (the "SEC" or "Commission").

ACTION: Notice of application for exemptions under the Investment Company Act of 1940 (the "1940 Act").

APPLICANTS: The Variable Annuity Life Insurance Company ("VALIC"), Separate Account A of The Variable Annuity Life Insurance Company (the "Account"), any other separate account established by VALIC in the future to support certain variable annuity contracts issued by VALIC ("Other Account"; together with the Account, the "Separate Account," unless the context otherwise requires), and The Variable Annuity Marketing Company ("VAMCO").

RELEVANT 1940 ACT SECTIONS: Order requested under section 6(c) under the 1940 Act for exemptions from sections 22(e), 26(a)(2)(C), 27(c)(1), 27(c)(2), and 27(d).

SUMMARY OF APPLICATION: Applicants seek an order to permit (a) the deduction of a mortality and expense risk charge from the assets of the Account in connection with the offering of certain variable annuity contracts and from any Other Account that offers variable annuity contracts that are similar in all material respects to contracts offered by the Account, and (b) the Account and the Other Accounts to comply with redeemability restrictions imposed by the Optional Retirement Program of the State University System of Florida ("Florida ORP") as administered by the Division of Retirement of the Florida Department of Management Services ("Retirement Division"), in connection with the proposed offering of certain variable annuity contracts by the Account and the proposed offering by any Other Account of contracts similar in all material respects to those offered by the Account.

FILING DATES: The application was filed on February 14, 1994 and amended on April 20, 1994 and June 3, 1994.

HEARING OR NOTIFICATION OF HEARING: An order granting the Application will be issued unless the Commission orders a hearing. Interested persons may request a hearing by writing to the SEC's Secretary and serving Applicants with a copy of the request, personally or by mail. Hearing requests must be received by the SEC by 5:30 p.m. on July 5, 1994, and must be accompanied by proof of service on Applicants in the form of an affidavit or, for lawyers, a certificate of service. Hearing requests should state the nature of the writer's interest, the reasons for the request, and the issues contested. Persons may request notification of a hearing by writing to the SEC's Secretary.

ADDRESSES: Secretary, SEC, 450 Fifth Street NW., Washington, DC 20549. Applicants, 2929 Allen Parkway, P.O. Box 3206, Houston, Texas 77019.

FOR FURTHER INFORMATION CONTACT: C. Christopher Sprague, Senior Staff Attorney, at (202) 942-0670, or Michael V. Wible, Special Counsel, at (202) 942-0670, Office of Insurance Products, Division of Investment Management.

SUPPLEMENTARY INFORMATION: The following is a summary of the application. The complete application is available for a fee from the Commission's Public Reference Branch.

Applicants' Representations

1. VALIC is a stock life insurance company organized under the laws of the State of Texas as the successor to Variable Annuity Life Insurance Company of America, a District of Columbia life insurance company organized in 1955. VALIC transacts business in all 50 states and the District of Columbia, and has total assets exceeding $20 billion. VALIC is an indirect wholly-owned subsidiary of American General Corporation, a Texas corporation. VALIC serves as sponsor and depositor of the Account. It also serves as the investment adviser of American General Series Portfolio Company (the "Series Company"), a diversified, open-end management investment company registered under the 1940 Act. Shares of the Series Company are purchased by divisions of the Account. VALIC may establish one or more Other Accounts in the future, for which it will serve as sponsor and depositor.

2. The Account is a segregated asset account of VALIC. It was established under the Texas Insurance Code on April 18, 1979, pursuant to a resolution of VALIC's Board of Directors. The

Account is registered with the Commission as a unit investment trust. That portion of the assets of the Account equal to the reserves and other contract liabilities of the Account is not chargeable with liabilities arising out of any other business VALIC may conduct. Any income, gains or losses, realized or unrealized, from assets allocated to the Account are credited to or charged against the Account without regard to other income, gains or losses of VALIC. The Account currently funds forms of variable annuity contracts that are offered by VALIC (the "Existing Contracts"). VALIC recently registered certain new forms of variable annuity contracts (the "Account Contracts") funded by the Account. The exemptions requested with respect to the operation of the Florida ORP and the mortality and expense risk charge would apply to the Account Contracts issued by the Account, to contracts offered by the Account on a basis that is similar in all material respects to the basis on which the Account Contracts are offered (the "Other Contracts"; together with the Account Contracts, the "Contracts," unless the context otherwise requires), and to Other Contracts issued by Other Accounts.

3. The Account is subdivided into several divisions, each of which invests, or will invest, solely in the shares of a mutual fund. In each case, the mutual fund will be a diversified, open-end, management investment company registered under the 1940 Act, shares of which are registered under the Securities Act of 1933. VALIC serves as investment adviser to the Series Company but does not advise certain other underlying mutual funds that sell their shares to the Account. At a later date, VALIC may determine to create one or more additional or replacement divisions of the Account to invest in mutual funds or portfolios thereof that may now or in the future be available. Similarly, divisions may be combined or eliminated from time-to-time. Applicants request that any order the Commission issues in response to this Application be deemed to apply under any such circumstances.

4. VAMCO is a wholly-owned subsidiary of VALIC. It will be the principal underwriter of the Account Contracts. VAMCO is the principal underwriter of the Existing Contracts. VAMCO may act as principal underwriter for any Other Contracts issued by VALIC in the future. VAMCO is registered with the Commission as a broker-dealer under the Securities Exchange Act of 1934, and is a member of the National Association of Securities Dealers, Inc.

5. The Contracts are designed to provide benefits under retirement programs that qualify for favorable tax deferred treatment under the Internal Revenue Code of 1986, as amended (the "Code"); they may also be used to provide retirement benefits on a non-tax deferred basis. The Contracts will be offered in group and individual form, on an immediate and deferred annuity basis. The initial and subsequent purchase payments for a periodic payment Contract must be at least $30. For single payment Contracts, the minimum purchase payment is $1,000 for each annuitant. VALIC may waive these minimum payment requirements where one purchaser, such as an employer, purchases a number of Contracts. Purchase payments under the Contracts are accumulated before retirement, and annuity benefits are received after retirement, on a variable basis through use of the Separate Account.

6. VALIC proposes to receive compensation for assuming certain mortality and expense risks under the Account Contracts by deducting, from the assets of the Separate Account, daily asset charges for such risks. VALIC will assume several mortality risks under the Account Contracts. First, VALIC will assume a mortality risk by its contractual obligation to pay a death benefit to the beneficiary if the annuitant under an Account Contract dies during the accumulation period. Generally speaking, the Account Contracts provide a death benefit that is guaranteed to be the greater of the accumulation value under the Account Contract or the sum of the purchase payments, less withdrawals, plus, if the annuitant dies before age 70, interest at an annual rate of 3%. Thus, VALIC assumes the risk that the annuitant may die during the accumulation period at a time when the death benefit guaranteed by the Account Contract may be higher than the accumulation value. Second, VALIC will assume a mortality risk arising from the fact that the Account Contract does not impose any surrender charge on the death benefit. Third, VALIC will assume an additional mortality risk by its contractual obligation to continue to make annuity payments for the entire life of the annuitant under annuity options involving life contingencies. This assures each annuitant that neither the annuitant's own longevity nor an improvement in life expectancy generally will have an adverse effect on the annuity payments received under an Account Contract and relieves the annuitant from the risk of outliving the amounts accumulated for retirement. At the same time, VALIC assumes the risk that annuitants as a group will live a longer time than VALIC's annuity tables predict, which would require VALIC to pay out more in annuity income than it planned. Fourth, VALIC will assume an additional mortality risk under its annuity purchase rate tables which are guaranteed for the life of an Account Contract. The tables contained in the Account Contracts are based on the 1983 TABLE A annuity table and, for variable annuity options, assumed interest rates of 3%, 3½%, 4½% and 5%, respectively.

7. In addition to mortality risks, VALIC will assume an expense risk under the Account Contracts. This is because the maintenance charge, described below, deducted under the Account Contracts to cover administrative expenses is not expected to be sufficient to cover the expenses actually incurred. Administrative expenses include such costs as processing purchase payments, annuity payments, surrenders and transfers; furnishing confirmation notices and periodic reports; calculating mortality and expense risk charges; preparing voting materials and tax reports; updating the registration statement for the Account Contracts; and actuarial and other expenses.

8. In order to receive compensation for assuming these mortality and expense risks, VALIC will assess each division of the Account a daily charge for mortality and expense risks at an annual aggregate rate of not less than 1.00% nor more than 1.25%. Under the Account Contracts, .80% of the annual charge will, in the case of each division, be allocated to the mortality risks that VALIC will assume. With respect to divisions that purchase shares of an investment portfolio of the Series Company, for which VALIC serves as investment adviser ("Inside Funds"), the expense risk component of that charge is .20%; as to divisions that purchase shares of a mutual fund, or a series thereof, for which VALIC does not serve as investment adviser ("Wrapped Funds"), the expense risk component is .45%. VALIC earns an advisory fee in connection with its responsibilities as investment adviser to the Series Company, the proceeds of which are deposited in VALIC's general account. General obligations of VALIC, including any expenses incurred for administering the Account Contracts that exceed revenues from the fixed maintenance charge, are funded from VALIC's general account. The additional revenues generated from VALIC's investment advisory activities with regard to the

Inside Funds thereby reduce the magnitude of risk that VALIC's expenses of administering the Account Contracts will exceed revenues. This additional source of revenue is not available for investments in divisions investing in Wrapped Funds. Because VALIC experiences less risk to the extent it can depend on revenues from its investment advisory activities, with regard to investments in divisions investing in Inside Funds, it is able to impose a lower expense risk charge to those divisions than to the divisions investing in Wrapped Funds.

9. Under the terms of the Account Contracts, the mortality and expense risk charge is fixed and may not be increased by VALIC. The group Account Contract provides that it may be changed by VALIC, subject to applicable regulatory requirements, upon written notice to the owner of the Account Contract. However, any change will only apply to individuals who become participants under the group Account Contract after the effective date of a change. Purchase payments received by VALIC from participants or owners existing on the effective date of a change would not be affected by the change, and would continue to be subject to the same charges as were applicable prior to the change. Thus, VALIC will continue to assume the mortality and expense risks, described above, based on the charge in effect before the change. Although the group Account Contract also provides that VALIC may, at its discretion and upon notice, curtail or prohibit new participants, VALIC will continue to assume the mortality and expense risks, described above, with respect to existing participants and their purchase payments, including future purchase payments, held under a group Account Contract.

10. If the mortality and expense risk charge is insufficient to cover the expenses and costs assumed, the loss will be borne by VALIC. Conversely, if the amounts deducted from the mortality and expense risk charge prove more than sufficient, the excess will be profit to VALIC. VALIC does not expect to earn a profit from that portion of the mortality and expense risk charge which is for the expense risk. It does, however, expect to derive a profit from the mortality risk charge. To the extent that the surrender charge, described below, is insufficient to cover the actual costs of distribution, the expenses will be paid from VALIC's general account assets, which will include profit, if any, derived from the mortality and expense risk charge.

11. No front-end sales charge will be imposed when purchase payments are applied under the Account Contracts. However, a surrender charge may be assessed if the Account Contract is surrendered, or a partial surrender or withdrawal is made. The surrender charge is 5% of (a) the amount of the preceding 60 months' purchase payments being withdrawn, or (b) the amount withdrawn, whichever is less. For purposes of the charge, withdrawals are treated as withdrawals of purchase payments before any earnings, and the most recent purchase payments are treated as being withdrawn first. The amounts obtained from the surrender charge will be used to help defray expenses incurred in of the sale of the Account Contracts, including commissions and other promotional or distribution expenses associated with the printing and distribution of prospectuses and sales literature. The surrender charge is waived under certain circumstances.

12. The maintenance charge to be assessed under each Account Contract will be an annual charge of $15, deducted in quarterly installments in each quarter during which amounts are credited to any variable investment option. The charge will be deducted at the end of the calender quarter, and at the time of any surrender of the Account Contract or transfer of all of such accumulation values to a fixed interest option. The maintenance charge may be waived or reduced uniformly on all Account Contracts issued under certain plans or arrangements which are expected to result in administrative cost savings. The maintenance charge is guaranteed not to increase over the life of an Account Contract.

13. Under Contracts subject to a premium tax, the amount of the tax may be deducted, either from purchase payments when received, or from the amount applied to effect any annuity at the time annuity payments commence, depending on applicable law. Premium taxes ranging from zero to 3% are currently imposed by certain states and municipalities on purchase payments made under the Contracts. VALIC will not make a profit on premium taxes.

14. The Florida ORP is a defined contribution plan designed to provide retirement and death benefits to participants through individual or group annuity contracts, which may be fixed or variable, or combination fixed and variable. The Florida ORP is available to certain faculty members within the State University System of Florida (the "Florida University System"), as well as to persons holding certain administrative and professional staff positions within the Florida University System (collectively, "Eligible Employees" or "Participants"). The Florida ORP is an alternative to the Florida Retirement System, a defined benefit retirement plan, and Eligible Employees have the option of participating in the Florida Retirement System or the Florida ORP. A statutory presumption deems any employee who becomes eligible to participate on or after January 1, 1993 to have elected to participate in the Florida ORP, unless such employee specifically elects membership in the Florida Retirement System.

15. Under the Florida ORP, the universities in the Florida University System provide for employee retirement benefits by contributing a percentage of each Participant's gross compensation regardless of service to purchase an annuity when the employee retires. The Retirement Division designates companies from which annuity contracts may be purchased under the Florida ORP.

16. Participants in the Florida ORP may themselves contribute, by way of salary reduction, a percentage of their respective gross compensation (not to exceed the percentage amount contributed by the employer). Payments of Participant contributions are made by the financial officer of the employer to the Retirement Division, which in turn forwards the contributions to the designated company or companies contracting for payment of benefits for the Participant under the Florida ORP.

17. The Retirement Division prohibits distributions of employer contributions under the Florida ORP to a Participant on a lump sum basis (other than upon the Participant's death) or exclusively on the basis of a period certain. These restrictions apply only to employer contributions and do not limit access to Participant contributions. Participants are also free to transfer both employer and Participant contributions among the available fixed or variable investment options and to substitute entirely a qualified contract offered by any of the other companies designated under the Florida ORP.

18. In order to offer the Contracts under the Florida ORP, the Contracts, with respect to accumulations based on employer contributions, will provide that: (a) Benefits based on employer contributions are payable only upon the Participant's death, retirement or termination of employment (as defined in Section 121.021(3) of the Florida Statutes); (b) benefit payments will not be made based solely on a period certain; (c) accumulations based on employer contributions are not subject to withdrawal or surrender and may not be rolled over other than to a designated

company or companies contracting for payment of benefits for the Participant under the Florida ORP; and (d) accumulations are not subject to loan, assignment, execution or attachment.

Applicants' Legal Analysis

1. Applicants respectfully request that the Commission, pursuant to section 6(c) of the 1940 Act, grant the exemptions from (a) sections 26(a)(2)(C) and 27 (c)(2) of the 1940 Act in connection with Applicants' assessment of a charge for mortality and expense risks under the Contracts, and (b) sections 22(e), 27(c)(1), and 27(d) to the extent necessary to permit compliance with the Florida ORP as administered by the Retirement Division, with respect to the Contracts. Applicants believe, based on the grounds set out below, that the requested exemptions meet the standards of section 6(c) of the 1940 Act. Applicants believe that the terms of the relief requested with respect to any Other Contracts funded by the Account or any Other Account, in the future, are consistent with the standards enumerated in section 6(c) of the 1940 Act. Without the requested relief, Applicants would have to request and obtain exemptive relief in connection with Other Contracts to the extent required. Any such additional request for exemption would present no issues under the 1940 Act that have not already been addressed in this Application. Applicants submit that the requested relief is appropriate in the public interest, because it would promote competitiveness in the variable annuity contract market by eliminating the need for VALIC to file redundant exemptive applications, thereby reducing its administrative expenses and maximizing the efficient use of its resources. The delay and expense involved in having to repeatedly seek expemptive relief would impair VALIC's ability to effectively take advantage of business opportunities as they arise.

2. Applicants further submit that the requested relief is consistent with the purposes of the 1940 Act and the protection of investors for the same reasons. If VALIC were required to repeatedly seek exemptive relief with respect to the same issues addressed in this Application, investors would not receive any benefit or additional protection thereby. Indeed, they might be disadvantaged as a result of VALIC's increased overhead expenses. Thus, Applicants believe that the requested exemption is appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the 1940 Act.

3. Sections 26(a)(2)(C) and 27(c)(2) of the 1940 Act prohibit a registered unit investment trust, and any depositor thereof or principal underwriter thereof, from selling periodic payment plan certificates unless the proceeds of all payments (except such amounts as are deducted for sales load) are deposited with a trustee or custodian having the qualifications prescribed by section 26(a)(1) of the 1940 Act and are held under an agreement that provides that no payment to the depositor or principal underwriter shall be allowed except as a fee, not exceeding such reasonable amount as the Commission may prescribe, for bookkeeping and other administrative services.

4. VALIC proposes to assess each division of the Separate Account with a daily charge for mortality and expense risks at the aggregate annual rates of not less than 1.00% nor more than 1.25%. Applicants represent that the levels of the mortality and expense risk charges are within the range of industry practice for comparable annuity contracts. Applicants state that they have reviewed publicly available information regarding products of other companies taking into consideration such factors as minimum death benefit guarantees, guaranteed annuity purchase rates, administrative fees, and the existence of charge level guarantees. Based upon this review, Applicants have concluded that the mortality and expense risk charge is within the range of charges determined by industry practice for comparable products. VALIC represents that it will maintain at its principal office, and make available on request to the Commission and its staff, a memorandum setting forth in detail the variable annuity products analyzed and the methodology and results of the aforesaid comparative review.

5. Applicants acknowledge that the surrender charge may be insufficient to cover all costs relating to the distribution of the Contracts and that, if a profit is realized from the mortality and expense risk charges, all or a portion of such profit may be offset by distribution expenses not reimbursed by the surrender charge. In such circumstances, a portion of the mortality and expense risk charge might be viewed as providing for a portion of the costs relating to distribution of the Contracts. Notwithstanding the foregoing, VALIC has concluded that there is a reasonable likelihood that the proposed distribution financing arrangements made with respect to the Contracts will benefit the Separate Account and Contract owners. VALIC represents that it will maintain at its principal office, and make available on request to the Commission and its staff, a memorandum setting out the basis for such conclusion.

6. Moreover, VALIC represents that the Separate Account will invest only in an underlying mutual fund that undertakes, in the event it should adopt any plan under Rule 12b–1 under the 1940 Act to finance distribution expenses, to have such plan formulated and approved by a board of directors, a majority of the members of which are not "interested persons" of such fund within the meaning of section 2(a)(19) of the 1940 Act.

7. Section 22(e) of the 1940 Act provides that "[n]o registered investment company shall suspend the right of redemption, or postpone the date of payment or satisfaction upon redemption of any redeemable security in accordance with its terms for more than seven days after the tender of such security to the company or its agent designated for that purpose for redemption," except in certain prescribed circumstances. Section 27(c)(1) of the 1940 Act makes it unlawful "for any registered investment company issuing periodic payment plan certificates, or for any depositor of or underwriter for such company, to sell any such certificate unless such certificate is a redeemable security." Section 27(d) of the 1940 Act makes it unlawful "for any registered investment company issuing periodic payment plan certificates, or for any depositor of or underwriter for such company, to sell any such certificate unless the certificate provides that the holder thereof may surrender the certificate at any time within the first eighteen months after the issuance of the certificate" and receive a specified amount.

8. Applicants request the exemptive relief from sections 22(e), 27(c)(1) and 27(d) of the 1940 Act to the extent necessary to permit compliance with the Florida ORP, as administered by the Retirement Division with respect to the Contracts.

9. The exemptive relief requested herein is consistent with Rule 6c–7 under the 1940 Act, which provides exemptions from sections 22(e), 27(c)(1) and 27(d) of the 1940 Act for registered separate accounts, and depositors of or underwriters for such separate accounts, to the extent necessary to permit compliance with certain restrictions on redemptions involving variable annuity contracts issued to certain employees participating in the Texas Optional Retirement Program ("Texas ORP").

10. The exemptive relief requested herein is also consistent with the position taken by the Commission staff in a letter to the American Council of Life Insurance ("ACLI") advising that the staff would not recommend enforcement action to the Commission if the registered separate accounts issuing variable annuity contracts as funding vehicles for retirement plans meeting the requirements of section 403(b) of the Code comply with the restrictions imposed by subsection (11) of that Section.

11. The Retirement Division's administration of the Florida ORP, and its requirement that annuity contracts specifically restrict certain rights of redemption, present a direct conflict with the 1940 Act's redemption provisions discussed above. The terms of the Contracts to be offered under the Florida ORP, as required by the Retirement Division, clearly permit payment of employer-contributed contract benefits only in the event of death, retirement, or termination of employment, and are substantially identical to the Texas ORP limitations.

12. The legislative purpose of the Florida ORP is similar to that of the statutes discussed above. In each case, the constraints on redeemability are designed to ensure that the annuity contract is used for the principal purpose of long-term retirement accumulation. Thus, without the exemptive relief requested, persons participating in the Florida ORP would be denied the opportunity to select the Contracts as a funding medium for their retirement benefits. Furthermore, the limited restrictions on redemption would be voluntarily assumed by Participants (*i.e.*, eligible Employees may elect not to participate in the Florida ORP), were not formulated or suggested by Applicants, and are reasonable in light of the benefits of participating in the Florida ORP. In addition, consistent with the precedents cited above, Participants are able to transfer their account values among the investment alternatives available under the Contracts (including the fixed alternative funded through the general account of VALIC) and to qualified contracts of other companies designated under the Florida ORP.

13. As explained above, the requested exemptive relief is substantially identical to that requested and obtained in connection with similar constraints on redeemability imposed by other governing authorities. Applicants submit that the relief requested herein raises no novel issues of law or fact.

14. Applicants will ensure that appropriate disclosure is made to Eligible Employees, informing them of the restrictions stated in the Florida ORP Contracts. Applicants represent that they will:

a. Include appropriate disclosure regarding the restrictions on redemption imposed by the Retirement Division in each registration statement, including the prospectus, relating to the Contracts issued in connection with the Florida ORP;

b. Include appropriate disclosure regarding the restrictions on redemption imposed by the Retirement Division in any sales literature used in connection with the offer of Contracts to Eligible Employees;

c. Instruct salespeople who solicit Eligible Employees to purchase the Contracts specifically to bring the restrictions on redemption imposed by the Retirement Division to the attention of the Eligible Employees;

d. Obtain from each Participant in the Florida ORP who purchases a Contract, prior to or at the time of such purchase, a signed statement acknowledging the Participant's understanding: (i) of the restrictions on redemption imposed by the Retirement Division, and (ii) that other investment alternatives are available under the Florida ORP, to which the Participant may elect to transfer his or her Contract values; and

e. Include in any registration statement filed in connection with the Contracts a representation that this exemptive application is being relied upon and that the provisions of paragraphs (a) through (d) above have been complied with.

Applicants' Conclusion

Applicants request exemptions, pursuant to section 6(c) of the 1940 Act, from (a) sections 26(a)(2)(C) and 27(c)(2) to the extent necessary to permit the assessment of the mortality and expense risk charges and (b) sections 22(e), 27(c)(1) and 27(d) to permit compliance with the Florida ORP as administered by the Retirement Division, with respect to the Contracts as discussed herein. Applicants submit, based on the grounds stated herein, that their exemptive request meets the standards set out in section 6(c) of the 1940 Act and that the Commission, therefore, should grant the requested order.

For the Commission, by the Division of Investment Management, under delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 94–14477 Filed 6–14–94; 8:45 am]

BILLING CODE 8010–01–M

SMALL BUSINESS ADMINISTRATION

[License No. 06/06–0292]

Ford Capital, Ltd.; Surrender of License

Notice is hereby given that Ford Capital, Ltd. (Ford Capital), 200 Crescent Court, suite 1350, Dallas, TX 75201 has surrendered its License to operate as a small business investment company under the Small Business Act of 1958, as amended (Act). Ford Capital was licensed by the Small Business Administration on October 6, 1986.

Under the authority vested by the Act and pursuant to the Regulations promulgated thereunder, the surrender of the License was accepted on May 27, 1994, and accordingly, all rights, privileges, and franchises derived therefrom have been terminated.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

Dated: June 7, 1994.

Robert D. Stillman,

Associate Administrator for Investment.

[FR Doc. 94–14471 Filed 6–14–94; 8:45 am]

BILLING CODE 8025–01–M

[Application No. 99000122]

First Commerce Capital, Inc.; Filing of an Application for a License To Operate as a Small Business Investment Company

Notice is hereby given of the filing of an application with the Small Business Administration (SBA) pursuant to § 107.102 of the Regulations governing small business investment companies (13 CFR 107.102 (1994)) by First Commerce Capital, Inc. at Suite 1027, 821 Gravier Street, New Commerce Capital, Inc. at Suite 1027, 821 Gravier Street, New Orleans, LA 70119, for a license to operate as a small business investment company (SBIC) under the Small Business Investment Act of 1958, as amended, (15 U.S.C. et. seq.), and the Rules and Regulations promulgated thereunder.

First Commerce Capital, Inc. will be managed by Mr. William J. Harper, President and CEO, and Mr. Paul F. Griffin, Senior Vice President, First Commerce Corporation, a Louisiana bank holding company, will own 100% of the common stock of First Commerce Capital, Inc. The officers and directors of First Commerce Capital, Inc. are:

Name	Title
Ian Arnof	Director.
Ashton J. Ryan	Director.

Name	Title
Joseph V. Wilson III ..	Director.
Michael A. Flick	Director.
William J. Harper	Director, President, and CEO.
Paul F. Griffin	Senior Vice President.
Michael P. Kirby	Vice President.
Elizabeth W. Storms .	Secretary.
Jane B. Truett	Treasurer.

All outside directors are officers of First Commerce Corporation.

The applicant will have Regulatory Capital of $5.0 million in the first year rising to $24.0 million in year five. It will be a source of debt and equity financing for qualified small business concerns throughout the United States concentrating primarily in states around the Gulf of Mexico.

Matters involved in SBA's consideration of the application include the general business reputation and character of the proposed owners and management, and the probability of successful operations of the new company under their management, including profitability and financial soundness in accordance with the Act and Regulations.

Notice is hereby given that any person may, not later than 30 days from the date of publication of this Notice, submit written comments on the proposed SBIC to the Associate Administrator for Investment, Small Business Administration, 409 3rd Street, SW., Washington, DC 20416.

A copy of this Notice will be published in a newspaper of general circulation in New Orleans, Louisiana.

(Catalog of Federal Domestic Assistance Programs No. 59.011, Small Business Investment companies)

Dated: June 6, 1994.

[FR Doc. 94–14473 Filed 6–14–94; 8:45 am]

BILLING CODE 8025–01–M

[Application Number: 99000107]

Chesapeake Capital Lending Fund, L.P.; Application for a License To Operate as a Small Business Investment Company

An application for a license to operate as a limited partnership small business investment company (SBIC) under the provisions of Section 301(c) of the Small Business Investment Act of 1958, as amended (Act) (15 U.S.C. 661, *et seq.*) has been filed by Chesapeake Capital Lending Fund, L.P. ("Applicant"), 629 E. Main Street, suite 1200, Richmond, Virginia 23219, with the Small Business Administration (SBA) pursuant to 13 CFR 107.102 (1994).

The partners and their respective partnership interest in the Applicant are as follows:

Name and address	Title	Partnership interest (percent)
Several Unidentified Corporations and/or Individuals.	Limited Partners (no limited partner will have greater than 10% interests).	70
CCLF, L.C., 629 E. Main Street, Suite 1200, Richmond, VA 23219.	General Partner	30

The proposed members and officers of CCLF, L.C., a limited liability company, are as follows:

Name and address	Position	Percentage of ownership
Charles E. Coudriet, 10221 Navarre Court, Richmond, VA 23233.	Member, President and Chief Executive Officer.	50
Carter Kaplan & Company, L.P. 629 E. Main Street, Suite 1200, Richmond, VA 23219.	Member	50
Robert R. Kaplan, 3808 Old Gun Road, West, Midlothian, VA 23113.	Chairman	0
William P. Carter, 2902 Fincastle Court, Midlothian, VA 23113.	Secretary-Treasurer.	0

CKC Advisors, L.C. is proposed to be the Applicant's Investment Advisor. The proposed members and officers of CKC Advisors, L.C., also a limited liability company, are as follows:

Name and address	Position	Percentage of ownership
Charles E. Coudriet, 10221 Navarre Court, Richmond, VA 23233.	Member, President and Chief Executive Officer.	50
Carter Kaplan & Company, L.P. 629 E. Main Street, Suite 1200, Richmond, VA 23219.	Member	50
Robert R. Kaplan, 3808 Old Gun Road, West, Midlothian, VA 23113.	Chairman	0
William P. Carter, 2902 Fincastle Court, Midlothian, VA 23113.	Executive Vice President.	0

The Applicant proposes to begin operations with a capitalization of $10,000,000 and will be a source of long-term loan funds for qualified small business concerns.

The Applicant intends to conduct its business operations primarily in the States of Maryland, North Carolina, Virginia and the District of Columbia.

Matters involved in SBA's consideration of the application include the general business reputation and character of the proposed owner and management, and the probability of successful operations of the Applicant under their management including profitability and financial soundness, in accordance with the Act and Regulations.

Notice is hereby given that any person may, no later than 30 days from the date of publication of this Notice, submit written comments on the proposed Applicant. Any such communication shall be addressed to the Associate Administrator for Investment, Small Business Administration, 409 Third Street, SW., Washington, DC 20416.

A copy of this notice will be published in a newspaper of general circulation in Richmond, Virginia.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

Dated: June 7, 1994.

Robert D. Stillman,

Associate Administrator for Investment.

[FR Doc. 94–14472 Filed 6–14–94; 8:45 am]

BILLING CODE 8025–01–M

[Application No. 99000099]

SBIC Partners, L.P.; Filing of an Application for a License To Operate as a Small Business Investment Company

Notice is hereby given of the filing of an application with the Small Business Administration (SBA) pursuant to Section 107.102 of the Regulations governing small business investment companies (13 CFR 107.102 (1994)) by SBIC Partners, L.P., 201 Main Street, suite 2302, Fort Worth, Texas 76102, for a license to operate as a small business investment company (SBIC) under the Small Business Investment Act of 1958, as amended, (15 U.S.C. *et seq.*), and the Rules and Regulations promulgated thereunder. SBIC Partners, L.P. is a Texas limited partnership.

SBIC Partners, L.P. will have two general partners: Forrest Binkley & Brown Venture Co., the managing general partner, located at 201 Main Street, Fort Worth, Texas 76102; and FW–SBIC, Inc. located at 201 Main Street, Forth Worth, Texas 76102. The officers, directors, and owners of Forrest Binkley & Brown Venture Co. are:

Name	Title	Ownership (percent)
Gregory J. Forrest.	Co-President and Chairman.	33.3
Nicholas B. Binkley.	Co-President and Director.	33.3
Jeffrey J. Brown	Co-President, Secretary, and Director.	33.3

All these officers and directors have offices at 201 Main Street, Fort Worth, Texas 76102.

The officers, directors, and owners of FW–SBIC, Inc. are:

Name	Title	Ownership (percent)
William Hallman, Jr..	President and Director.	50
Peter Sterling ...	Chairman	50
W.R. Cotham ...	Vice President, Secretary, and Treasurer.	0

All these officers and directors have offices at 201 Main Street, Fort Worth, Texas 76102.

The following limited partners own or control 10 percent or more of the proposed SBIC's Regulatory Capital:

Name	Percentage of ownership
Michael Eisner, 500 South Buena Vista Street, Burbank, California 91521	27.2
Lee M. Bass, 201 Main Street, suite 3200, Fort Worth, Texas 76102	17.1
Alamo Partners, 201 Main Street, suite 3200, Fort Worth, Texas 76102	10.5

The following investor owns or controls 10 percent or more of the applicant's private capital: William Hallman, Jr., 201 Main Street, suite 3200, Fort Worth, Texas 76102.

The applicant has total committed capital of $30.0 million. It will be a source of debt and equity financings for qualified small business concerns, and will invest primarily in the states of Texas and California.

Matters involved in SBA's consideration of the application include the general business reputation and character of the proposed owners and management, and the probability of successful operations of the new company under their management, including profitability and financial soundness in accordance with the Act and Regulations.

Notice is hereby given that any person may, not later than 30 days from the date of publication of this Notice, submit written comments on the proposed SBIC to the Associate Administrator for Investment, Small Business Administration, 409 3rd Street, SW., Washington, DC 20416.

A copy of this Notice will be published in a newspaper of general circulation in Fort Worth, Texas.

(Catalog of Federal Domestic Assistance Programs No. 59.011, Small Business Investment Companies)

Dated: June 8, 1994.

Robert D. Stillman,

Associate Administrator for Investment.

[FR Doc. 94–14474 Filed 6–14–94; 8:45 am]

BILLING CODE 8025–01–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Receipt of Noise Compatibility Program and Request for Review; Modesto City-County Airport (MOD) Modesto, CA

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice.

SUMMARY: The Federal Aviation Administration (FAA) announces that it is reviewing a proposed Noise Compatibility Program that was submitted by the City of Modesto for Modesto City-County Airport (MOD), Modesto, California, under the provisions of Title I of the Aviation Safety and Noise Abatement Act of 1979 (Pub. L. 96–193) (hereinafter referred to as "the Act") and 14 CFR part 150. This program was submitted subsequent to a determination by the FAA that associated Noise Exposure Maps submitted under 14 CFR part 150 for Modesto City-County Airport were in compliance with applicable requirements effective February 26, 1993. The proposed Noise Compatibility Program will be approved or disapproved on or before November 23, 1994.

EFFECTIVE DATE: The effective date of the start of the FAA's review of the Noise Compatibility Program is May 27, 1994. The public comment period ends July 26, 1994.

FOR FURTHER INFORMATION CONTACT: Joseph B. Rodriguez, Federal Aviation Administration, San Francisco Airports District Office, 831 Mitten Road, Burlingame, California 94010–1303, Telephone: (415) 876–2805. Comments on the proposed Noise Compatibility Program should also be submitted to the above office.

SUPPLEMENTARY INFORMATION: This notice announces that the FAA is reviewing a proposed Noise Compatibility Program for Modesto City-County Airport which will be approved or disapproved on or before November 23, 1994. This notice also announces the availability of this program for public review and comment.

An airport who has submitted Noise Exposure Maps are found by the FAA to be in compliance with the requirements of Federal Aviation Regulations (FAR) part 150, promulgated pursuant to title I of the Act, may submit a Noise Compatibility Program for the FAA approval which sets forth the measures the operator has taken or proposes for the reduction of existing noncompatible uses and for the prevention of the introduction of additional noncompatible uses.

The FAA has formally received the Noise Compatibility Program for Modesto City-County Airport, effective on May 27, 1994. It was requested that the FAA review this material and that the noise mitigation measures, to be implemented jointly by the airport and surrounding communities, be approved as a Noise Compatibility Program under

Section 104(b) of the Act. Preliminary review of the submitted material indicates that it conforms to the requirements for the submittal of Noise Compatibility Programs, but that further review will be necessary prior to approval or disapproval of the program. The formal review period, limited by law to a maximum of 180 days, will be completed on or before November 23, 1994.

The FAA's detailed evaluation will be conducted under the provisions of 14 CFR part 150, § 150.33. The primary considerations in the evaluation process are whether the proposed measures may reduce the level of aviation safety, create an undue burden on interstate or foreign commerce, or be reasonably consistent with obtaining the goal of reducing existing noncompatible land uses and preventing the introduction of additional noncompatible land uses.

Interested persons are invited to comment on the proposed program with specific reference to these factors. All comments, other than those properly addressed to local land use authorities, will be considered by the FAA to the extent practicable. Copies of the Noise Exposure Maps, the FAA's evaluation of the maps, and the proposed Noise Compatibility Program are available for examination at the following locations:

Federal Aviation Administration, 800 Independence Avenue SW., room 615, Washington, DC 20591

Federal Aviation Administration, Western-Pacific Region, Airports Division, 15000 Aviation Boulevard, room 3012, Hawthorne, California, Mail: P.O. Box 92007, Worldway Postal Center, Los Angeles, California 90009

Mr. Howard L. Cook, AAE/CAE, Airport Manager, Modesto City-County Airport, 617 Airport Way, Modesto, California 95354–3916.

Questions may be directed to the individual named above under the heading, **FOR FURTHER INFORMATION CONTACT.**

Issued in Hawthorne, California on May 27, 1994.

Herman C. Bliss,

Manager, Airport Division, Western-Pacific Region.

[FR Doc. 94–14577 Filed 6–14–94; 8:45 am]

BILLING CODE 4910–13–M

National Highway Traffic Safety Administration

[Docket No. 93–48; Notice 3]

Cosco, Inc.; Appeal of Denial of Petition for Determination of Inconsequential Noncompliance

Cosco, Inc. (Cosco), of Columbus, Indiana, has appealed a decision by the National Highway Traffic Safety Administration (NHTSA) that denied Cosco's petition that its noncompliance with Federal Motor Vehicle Safety Standard (FMVSS) No. 213, "Child Restraint Systems," be deemed inconsequential as it relates to motor vehicle safety (Docket No. 93–48, Notice 2; 59 FR 14443; March 28, 1994).

This notice of receipt of Cosco's appeal is published in accordance with NHTSA regulations (49 CFR 556.7 and 556.8) and does not represent any agency decision or other exercise of judgment concerning the merits of the appeal.

Paragraph S5.7 of FMVSS No. 213 states that "[e]ach material used in a child restraint system shall conform to the requirements of S4 of FMVSS No. 302 ["Flammability of Interior Materials"] (571.302)." Paragraph S4.3(a) of FMVSS No. 302 states that "[w]hen tested in accordance with S5, material described in S4.1 "[W]hen tested in accordance with S5, material described in S4.1 and S4.2 shall not burn, nor transmit a flame front across its surface, at a rate of more than 4 inches per minute."

Cosco determined that some of its child safety seats failed to comply with FMVSS No. 213, and filed an appropriate report pursuant to 49 CFR part 573, "Defect and Noncompliance Reports." Cosco petitioned to be exempted from the notification and remedy requirements of the National Traffic and Motor Vehicle Safety Act (Act) (15 U.S.C. 1381 *et seq.*) on the basis that the noncompliance is inconsequential as it relates to motor vehicle safety.

Notice of receipt of the petition was published in the **Federal Register** on July 7, 1993 (58 FR 36510). On March 28, 1994, NHTSA published a notice in the **Federal Register** denying Cosco's petition, stating that the petitioner had not met its burden of persuasion that the noncompliance is inconsequential as it relates to motor vehicle safety. The reader is referred to these notices for a further discussion of the noncompliance and the agency's rationale in denying the petition.

In Cosco's original petition and part 573 report, it stated that it produced 133,897 child restraint seats with shoulder harness straps that do not comply with the flammability requirements of FMVSS No. 213. In its appeal it states that, due to an error in its data processing system, this number was incorrect. The correct number of seats covered by the noncompliance determination is 23,449.

In its appeal, Cosco contends that it is extremely unlikely that straps of its child restraints would ignite independently of an interior fire that was already in progress from another source. It argues that NHTSA based its denial of the petition on hypothetical situations rather than confirmed reports of child restraint fires.

Interested persons are invited to submit written data, views, and arguments on the appeal of Cosco, described above. Comments should refer to the docket and notice number and be submitted to: Docket Section, National Highway Traffic Safety Administration, room 5109, 400 Seventh Street, SW., Washington, DC, 20590. It is requested but not required that six copies be submitted.

All comments received before the close of business on the closing date indicated below will be considered. All comments received after the closing date will also be filed and will be considered to the extent feasible. When the appeal is granted or denied, notice will be published in the **Federal Register.**

Comment closing date: July 15, 1994.

Authority: 15 U.S.C. 1417; delegations of authority at 49 CFR 1.50.

Issued on: June 9, 1994.

Barry Felrice,

Associate Administrator for Rulemaking.

[FR Doc. 94–14521 Filed 6–14–94; 8:45 am]

BILLING CODE 4910–59–M

Corrections

Federal Register
Vol. 59, No. 114
Wednesday, June 15, 1994

This section of the FEDERAL REGISTER contains editorial corrections of previously published Presidential, Rule, Proposed Rule, and Notice documents. These corrections are prepared by the Office of the Federal Register. Agency prepared corrections are issued as signed documents and appear in the appropriate document categories elsewhere in the issue.

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[NV-930-4210-05; N-57882]

Notice of Realty Action; Lease/ Purchase for Recreation

Correction

In notice document 94-4687 appearing on page 9963, in the issue of Wednesday, March 2, 1994, make the following correction:

In the first column, in the land description, in Sec. 26, the second line should read "N½SE¼NE¼NW¼,".

BILLING CODE 1505-01-D

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

21 CFR Part 1306

Prescriptions—Transmission by Facsimile

Correction

In rule document 94-12173 beginning on page 26109 in the issue of Thursday, May 19, 1994 make the following corrections:

§ 1306.11 [Corrected]

1. On page 26111, in the third column, in § 1306.11, paragraph (a), in the third line, insert "a" after "is".

2. On page 26112, in the first column, in the same section, in paragraph (f), in the second line, "§ 1304.05" should read "1306.05".

§ 1306.31 [Corrected]

3. On page 26112, in the second column, in § 1306.31, paragraph (c), in the fifth line from the bottom, insert "individual" before "practitioner".

BILLING CODE 1505-01-D

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 100

[CGD 05-94-018]

Special Local Regulations for Marine Events; Norfolk Haborfest 1994; Norfolk Harbor, Elizabeth River, Norfolk and Portsmouth, VA

Correction

In rule document 94-11982 appearing on page 26120, in the issue of Thursday, May 19, 1994, the docket number should appear as set forth above.

BILLING CODE 1505-01-D

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 Part 71

[Airspace Docket No. 93-AWP-21]

Modification of Class D Airspace; Mojave, CA

Correction

In rule document 94-6101 beginning on page 12159 in the issue of March 16, 1994, make the following correction:

§ 71.1 [Corrected]

On page 12160, in the second column, § 71.1, *paragraph 5000*, under **AWP CA D Mojave, California [Revised]**, in the second line, "(lat. 35°03'30" N, long. 118°90'03"W)" should read "(lat. 35°03'30" N, long. 118°09'03"W)".

BILLING CODE 1505-01-D

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 94-ASO-11]

Proposed Amendment of Class E Airspace; Nashville, TN

Correction

In proposed rule document 94-13446 beginning on page 28498 in the issue of Thursday, June 2, 1994 make the following correcttions:

§ 71.1 [Corrected]

On page 28499, in the third column, in § 71.1, *paragraph 6005*, in the last paragraph, in the second line "minute" should read "mile" and in the fourth line "90" should read "9".

BILLING CODE 1505-01-D

Federal Register

Wednesday
June 15, 1994

Part II

Department of Labor

Office of Labor-Management Standards

29 CFR Part 452

Eligibility Requirements for Candidacy for Union Office; Proposed Rule

DEPARTMENT OF LABOR

Office of Labor-Management Standards

29 CFR Part 452

RIN 1294–AA09

Eligibility Requirements for Candidacy for Union Office

AGENCY: Office of Labor-Management Standards, Labor.

ACTION: Advance Notice of Proposed Rulemaking.

SUMMARY: The Office of Labor-Management Standards is requesting comments from the public on how its interpretative regulations on labor organization officer elections should be modified. The regulations may need to be modified in order to accommodate a decision of the Court of Appeals for the District of Columbia Circuit regarding the reasonableness of meeting attendance requirements set by labor organizations for eligibility for union office.

DATES: Interested parties may submit comments on or before August 15, 1994.

ADDRESSES: Written comments should be submitted to Edmundo A. Gonzales, Deputy Assistant Secretary for Labor-Management Standards, Office of the American Workplace, U.S. Department of Labor, 200 Constitution Avenue, NW., Room S–2203, Washington, D.C. 20210.

FOR FURTHER INFORMATION CONTACT: Kay H. Oshel, Chief, Division of Interpretations and Standards, Office of Labor-Management Standards, Office of the American Workplace, U.S. Department of Labor, 200 Constitution Avenue, NW., Room N–5605, Washington, D.C. 20210, (202) 219–7373. This is not a toll-free number.

SUPPLEMENTARY INFORMATION:

I. Background and Overview

Title IV of the Labor-Management Reporting and Disclosure Act of 1959, as amended (LMRDA), sets forth standards and requirements for the election of labor organization officers. Section 401(e), 29 U.S.C. 481(e), provides in part that every member in good standing has the right to be a candidate subject "to reasonable qualifications uniformly imposed."

The Department is responsible for enforcing LMRDA title IV. After receipt of a timely complaint from a member and a finding that a violation may have affected the outcome of an officer election, the Secretary brings civil action in U.S. district court where the union is located seeking a new election supervised by the Secretary.

The Department does not have formal rulemaking authority to set standards and requirements regarding LMRDA title IV. However, the Department has issued interpretative regulations, 29 CFR part 452, in order to provide the public with information as to the Secretary's "construction of the law which will guide him in performing his [enforcement] duties." 29 CFR 452.1.

Two provisions in the Department's interpretative regulations regarding LMRDA title IV discuss in general terms the issue of reasonable candidate qualifications, and one provision deals specifically with meeting attendance requirements. The first general provision on candidate qualifications, 29 CFR 452.35, provides that although labor organizations may have a legitimate interest in setting minimum standards for office-holding, a basic principle of the free and democratic elections which the LMRDA is intended to ensure is that members will exercise good judgment and common sense in voting for officers. Consequently, qualifications for candidacy must be closely scrutinized to determine that they serve union purposes of such importance, in terms of protecting the union as an institution, as to justify subordinating the right of the individual member to seek office and the interest of the membership in a free, democratic choice of leaders.

The second general provision dealing with reasonable candidate qualifications is 29 CFR 452.36. Section 452.36(a) states that although the question of whether a qualification is reasonable is not subject to precise definition and will ordinarily depend on the facts of each case, court decisions furnish some general guidelines. In particular, § 452.36(a) cites *Wirtz v. Hotel, Motel and Club Employees Union, Local 6*, 391 U.S. 492 (1968), in which the Supreme Court stated that the term " 'reasonable qualifications uniformly imposed' should not be given a broad reach," *Id.*, at 499, and "Congress' model of democratic elections was political elections in this country." *Id.*, at 502. Consequently, § 452.36(a) states that

> [U]nion qualifications for office should not be based on assumptions that certain experience or qualifications are necessary * * * and a qualification may not be required without a showing that citizens assumed to make discriminating judgments in public elections cannot be relied on to make such judgments when voting as union members.

29 CFR 452.36(b) goes on to enumerate five factors to be considered in determining whether a qualification for candidacy is reasonable: (1) The relationship of the qualification to the union's legitimate needs and interests; (2) the relationship of the qualification to the demands of the union office; (3) the impact of the qualification in reducing the number of eligible members in light of the LMRDA's purpose in fostering membership participation in union affairs; (4) the appropriateness of the qualification in view of requirements prescribed by other unions; and (5) the difficulty in meeting the qualification.

In addition to the general discussions of candidate qualifications in 29 CFR 452.35 and § 452.36, 29 CFR 452.38 deals specifically with meeting attendance requirements. This provision states that it may be reasonable to require attendance at a certain number of meetings immediately preceding an officer election in order to insure that candidates have an interest in and familiarity with the union's affairs, and that the reasonableness of a meeting attendance requirement must be gauged in light of all the circumstances of the particular case, including not only the frequency of meetings, the number of meetings which must be attended and the period of time over which the requirement extends, but also such factors as the nature, availability and extent of excuse provisions, whether all or most members have the opportunity to attend meetings, and the impact of the rule, i.e., the number or percentage of members who would be rendered ineligible by its application.

Sections 452.38(a–1) and 452.38(b) cite a number of specific court decisions which provide guidance on the type of meeting attendance requirements that would be held unreasonable. § 452.38(a–1) discusses the Supreme Court decision in *Steelworkers, Local 3489 v. Usery*, 429 U.S. 305 (1977). The Court held that a candidate qualification requiring attendance at half the meetings for three years preceding the election which made 96.5% of the members ineligible was unreasonable. The Court also stated that the standard set forth in § 452.38(a) for determining the reasonableness of meeting attendance eligibility requirements is the type of flexible rule which Congress contemplated in using the word "reasonable" in LMRDA § 401(e).

Finally, § 452.38(b) cites four court decisions which held the meeting attendance requirement at issue unreasonable because of several of the factors cited in the standard established in § 452.38(a). One candidate qualification required attendance at one meeting each quarter for three years prior to the election and disqualified

99% of the membership. Another candidate qualification required attendance at 75% of the meetings for two years before the election, had a very limited excuse provision, and disqualified 97% of the members. A third candidate qualification required attendance at all of the eight meetings between the nomination and the election, which were held at widely scattered locations in the state. The final candidate qualification discussed in § 452.38(b) required attendance at six meetings per year for two years before the election, which would require that a member decide to be a candidate at least 18 months before the election.

In summary, §§ 452.35 and 452.36 discuss the basic issues involved in reviewing all types of qualifications for candidacy for union office, and § 452.36 in particular lists five factors to be considered in making determinations. Section 452.38 deals specifically with meeting attendance requirements. It states at the outset that this type of qualification may serve legitimate union purposes. It then sets forth a flexible standard, which elaborates upon the factors established in § 452.36, for determining whether a meeting attendance requirement is unreasonable: (1) The terms of the requirement itself, i.e., whether it requires a member to decide to meet the qualification in order to be a candidate an excessively long period in advance of the election, (2) the difficulty of meeting the requirement, i.e., the opportunity to attend meetings held at times and places that are not excessively inconvenient and the availability of excuse provisions, and (3) the impact of the requirement.

These regulations may need to be revised as a result of the ruling of the United States Court of Appeals for the District of Columbia Circuit in *Doyle v. Brock*, 821 F.2d 778 (D.C. Cir. 1987). *Doyle* deals with a case in which the Secretary, after investigating a complaint filed by a member regarding his union's meeting attendance requirement, decided not to bring civil action against the union even though the requirement (half the meetings during the year prior to the election) disqualified 97% of the members. The Secretary's position, relying on the "all the circumstances" language set forth in 29 CFR 452.38, was that since the requirement was not on its face unreasonable (i.e., it did not require a member to decide to become a candidate an excessively long period before the election) and it was not difficult to meet (i.e., the meetings were held at convenient times and locations and the union provided liberal excuse provisions), the large impact of the requirement was not by itself sufficient to render it unreasonable.

The member then filed suit against the Secretary in the U.S. District Court for the District of Columbia, in accordance with the Supreme Court's decision in *Dunlop v. Bachowski*, 421 U.S. 560 (1975). (In *Bachowski*, the Court held that judicial review of the Secretary's decision not to bring litigation in LMRDA title IV cases is available under the Administrative Procedure Act.) The district court held that the Secretary's decision not to bring litigation against the union was arbitrary and capricious, *Doyle v. Brock*, 641 F. Supp. 223 and 632 F. Supp. 256 (D.D.C. 1986).

The court of appeals in *Doyle* affirmed the district court's decision. It rejected the Secretary's position summarized above, emphasizing the importance of the impact of the requirement in this case in disqualifying 97% of the membership.

There is no basis, in [the Supreme Court's decision in *Steelworkers, Local 3489*] or in any other case, for the notion that an attendance requirement that has a large antidemocratic effect can be reasonable on its face, and that some additional factor is necessary to find the requirement violative of the LMRDA. *Id.*, at 785.

The court of appeals also rejected the Secretary's reliance on the fact that the Supreme Court in *Steelworkers, Local 3489* (where 96.5% of the membership was disqualified by the requirement to attend half of the meetings in the preceding three years) did not adopt a per se rule based on impact, but in fact cited with approval the flexible standard set forth in 29 CFR § 452.38. The court stated that

> [I]t is true that *Steelworkers* did not adopt a *per se* effects test. Nonetheless, it came "close to doing so. The fact that 96.5% of Local 3489's members chose not to comply with its rule was given controlling weight." [Quoting from the dissenting opinion in *Steelworkers, Local 3489;* citations omitted.] Thus, although one must read *Steelworkers* as holding that attendance requirements are to be subjected to a case-by-case analysis, the analysis is limited to determining only if "the anti-democratic *effects* of the meeting-attendance rule outweigh the *interests* urged in its support." [Quoting from *Steelworkers, Local 3489;* citations omitted.] * * * In fact, it appears that the "all the circumstances" language is included to help assess the reasonableness of a requirement in which the antidemocratic effect is not as dramatic as the one in *Steelworkers* or the instant case. *Id.*, at 785.

The court of appeals, again citing the Supreme Court decision in *Steelworkers, Local 3489*, also rejected "the argument that the reasonableness of a requirement is to be judged by the burdensomeness of compliance." *Id.*, at 784. Candidacy qualifications must be judged by their effect on free and democratic elections.

The court of appeals further stated that only a demonstration that a rule serves important union interests can justify a candidate qualification having a large antidemocratic effect. The union's interest cited in *Doyle* (encouraging participation in union affairs by potential candidates) has not been served by the meeting attendance requirement, and the existence of liberal excuse provisions "severely *undercuts* both the legitimacy of the claim and the effectiveness of the provision in achieving its alleged objective." *Id.*, at 786.

In summary, the court emphasized the importance of the impact of meeting attendance requirements, especially where the number of members excluded results in a "large" antidemocratic effect. The court's discussion also raised questions about the relevance of other factors such as the availability of excuse provisions and the difficulty of complying with meeting attendance requirements.

After the *Doyle* decision was issued, the union did not apply the meeting attendance requirement in the next (1987) regularly scheduled election, and it subsequently eliminated the requirement. Nonetheless, the interpretative regulations may need to be modified in order to be consistent with the court's holdings in *Doyle*. The provision of the regulations which is most directly affected by *Doyle* is 29 CFR 452.38. In addition, *Doyle* and its construction of *Steelworkers, Local 3489* may have implications for 29 CFR 452.35 and 452.36, which deal generally with candidate qualifications and the factors to be considered in determining whether they are reasonable.

II. Request for Comments

There are several general ways in which the regulations can be modified in light of *Doyle*. The option which would require the greatest change in the regulations is to hold that meeting attendance requirements are per se unreasonable. The basis for this position would be that this type of qualification does not serve union interests of such importance to justify limiting the rights of members to be candidates and vote for candidates of their choice, and/or that this type of qualification often excludes large numbers of members.

This option provides the simplest resolution (in that case-by case determinations would not be necessary), results in no uncertainty (in that unions

and members would know in advance that the Department will challenge all meeting attendance requirements), and is most consistent with the free and open elections which the LMRDA is intended to foster; it would also eliminate any perceived advantage of incumbent officers who attend meetings as part of their duties. A disadvantage of this option is that adopting a flat prohibition in place of the current case-by-case approach may be too broad a reading of *Doyle*, and would eliminate a rule which may provide some benefits to unions and their members.

The option which would require the least change in the regulations would retain language to the effect that the reasonableness of a meeting attendance requirement is determined by reviewing a number of factors on a case-by-case basis, and add a statement to the effect that there is an inverse relationship between the portion of the membership that is disqualified by the requirement and the probability that the requirement will be considered reasonable. That is, the greater the portion of the membership that is disqualified by a meeting attendance requirement, the less likely the union will be able to justify the requirement.

The advantages of this option are that it is intended to closely follow the court decisions in *Doyle* and it retains the case-by-case approach approved by the Supreme Court in *Steelworkers, Local 3489*. A disadvantage is that it provides little guidance to labor organizations and members as to whether a particular rule will be considered unreasonable. (In this connection, however, it should be noted that the Supreme Court in *Steelworkers, Local 3489* recognized that a flexible rule, which "Congress clearly contemplated" in using the word "reasonable," leads to uncertainty. The Court also stated that the "contention that [one would have] no way of knowing that a rule disqualifying 90% of a local's members from office would be regarded as unreasonable in the absence of substantial justification is unpersuasive." 429 U.S. 305, at 313–4 (1977).)

A third option, actually a combination of the first two, would be to generally retain the case-by-case analysis of multiple factors, but add a statement to the effect that once the portion of the disqualified membership reaches a certain percentage (such as 50%, 75%, or 90%), the meeting attendance rule will be considered unreasonable per se. The advantages of this approach are that it retains the case-by-case approach as in the second option but provides more guidance. The disadvantage is that any particular number which is chosen would be somewhat arbitrary.

Specific comments are requested on the merits of each of these three options for revising § 452.38, as well as suggestions for other options. Most helpful would be comments, especially by those unions which have meeting attendance requirements, providing detailed information and data on

—The nature and importance of the union interests which are claimed to be served by meeting attendance requirements,

—Whether (and if so, how) those interests have in fact been served by the requirements,

—The impact of those requirements on the percentage of members disqualified from candidacy, especially with regard to non-incumbents, and

—With regard to the third option, what the appropriate threshold percentage of disqualified members should be for the qualification to be considered unreasonable.

Comments are also specifically requested on whether changes are necessary and/or appropriate to make §§ 452.35 and 452.36 consistent with *Doyle*, particularly in connection with the references in those provisions to factors to be considered in assessing the reasonableness of a qualification for candidacy such as

—The impact of candidate qualifications,

—The difficulty in meeting a candidate qualification, and

—The candidate requirements of other unions.

Finally, suggestions are requested for the specific language of revised § 452.38 and, if appropriate, §§ 452.35 and 452.36.

III. Administrative Notices

A. Executive Order 12866

The Department of Labor has determined that this rule is not a significant regulatory action as defined in section 3(f) of Executive Order 12866 in that it will not (1) have an annual effect on the economy of $100 million or more, or adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities, (2) create a serious inconsistency or otherwise interfere with an action taken or planned by another agency, (3) materially alter the budgetary impact of entitlements, grants, user fees, or loan programs or the rights and obligations of recipients thereof, or (4) raise novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in Executive Order 12866.

B. Regulatory Flexibility Act

The Agency Head has certified that any revision to the regulations considered in this rulemaking process will not have a significant impact on a substantial number of small entities as defined in the Regulatory Flexibility Act. Any regulatory revision will only apply to labor organizations, and the Department has determined that labor organizations regulated pursuant to the statutory authority granted under the LMRDA do not constitute small entities. Therefore, a regulatory flexibility analysis is not required.

C. Paperwork Reduction Act

This rule contains no information collection requirements for purposes of the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 et seq.).

List of Subjects Affected in 29 CFR Part 452

Labor unions.

Signed in Washington, DC, this 9th day of June 1994.

Martin Manley,

Assistant Secretary for the American Workplace.

[FR Doc. 94–14542 Filed 6–14–94; 8:45 am]

BILLING CODE 4510–86–P

federal register

Wednesday
June 15, 1994

Part III

Department of the Interior

Bureau of Indian Affairs

Tunica-Biloxi Indian Tribe of Louisiana Liquor Control Code; Notice

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

Tunica-Biloxi Indian Tribe of Louisiana Liquor Control Code

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice.

SUMMARY: This Notice is published in accordance with authority delegated by the Secretary of the Interior to the Assistant Secretary—Indian Affairs by 209 DM 8, and in accordance with the Act of August 15, 1953, 67 Stat. 586, 18 U.S.C. § 1161. I certify that Resolution No. 05–94, A Resolution to Enact the Tunica-Biloxi Liquor Control Code was duly adopted by the Tunica-Biloxi Indian Tribe of Louisiana on March 6, 1994. The Ordinance provides for the regulation of the activities of the manufacture, distribution, sale, and consumption of liquor within the exterior boundaries of the Tunica-Biloxi Reservation under the jurisdiction of the Tunica-Biloxi Indian Tribe of Louisiana.

DATES: This Ordinance is effective as of June 15, 1994.

FOR FURTHER INFORMATION CONTACT: Chief, Branch of Judicial Services, Division of Tribal Government Services, 1849 C Street N.W., MS 2611–MIB, Washington, D.C. 20240–4001; telephone (202) 208–4400.

SUPPLEMENTARY INFORMATION: The Tunica Biloxi Liquor Control Code of the Tunica-Biloxi Indian Tribe of Louisiana, Resolution No. 05–94, is to read as follows:

Tunica-Biloxi Liquor Control Ordinance

Article 1. The Tunica-Biloxi Tribe and the State of Louisiana possess concurrent power and jurisdiction to control alcoholic beverages within the Tunica-Biloxi Reservation.

Article 2. All persons, entities, or corporations who desire to sell alcoholic beverages within the exterior boundaries of the Tunica-Biloxi Reservation must first secure a license to sell alcoholic beverages from the State of Louisiana before making application to the Tribe for the sale of alcoholic beverages.

Article 3. The sale of intoxicating liquor or alcoholic beverages within the gaming facility on [of] the Tunica-Biloxi Tribe, or within such ancillary facilities for the service of food or beverages as are located in the same or adjoining buildings as the gaming facility shall be subject to the provisions of the Indian Gaming Regulatory Act and the Compact between the Tunica-Biloxi Tribe and the State of Louisiana.

Article 4.

A. An application to sell alcoholic beverages within the exterior boundaries of the Tunica-Biloxi Reservation shall be submitted to the Tunica-Biloxi Tax Commission, in triplicate, and shall consist of the following:

(1) A valid license from the state;

(2) the applicant's full name, address, telephone number and social security number;

(3) a fee of five hundred dollars;

(4) location of premises where the sale of alcoholic beverages is to take place;

(5) types of alcoholic beverages to be sold.

B. The Tax Commission shall consider and decide whether to grant or deny a license. The applicant has the right to request a hearing before the Tax Commission. Upon an unfavorable determination by the Tax Commission, the applicant may appeal for a rehearing. The applicant shall notify the Commission of his intention to appeal within 30 days of the Commission's initial determination.

Article 5. The license to purchase alcoholic beverages shall be publicly exhibited on the premises where the alcoholic beverages are to be sold.

Article 6. Failure to abide by any tribal or state law shall be punished by revocation of the license, and where appropriate, exclusion from the Reservation. Appeal from any action taken to suspend or revoke a license shall be as in Article 4(B).

Article 7. The duration of each license shall be one year, beginning on January 1st. Applications shall be filed with the Tax Commission on or before November 15th.

Ada E. Deer,

Assistant Secretary—Indian Affairs.

[FR Doc. 94–14514 Filed 6–14–94; 8:45 am]

BILLING CODE 4310–02–P

federal register

Wednesday
June 15, 1994

Part IV

Department of Education

Training in Early Childhood Education and Violence Counseling, Grants Availability; Notices

DEPARTMENT OF EDUCATION

Training in Early Childhood Education and Violence Counseling

AGENCY: Department of Education.

ACTION: Notice of Final Priorities for Fiscal Year 1994.

SUMMARY: The Secretary announces final priorities for the Training in Early Childhood Education and Violence Counseling program to ensure effective use of program funds and to direct funds to areas of identified need during fiscal year 1994. The notice includes an absolute priority, two invitational priorities, and a competitive preference. The absolute priority would ensure that trainees would be prepared for work in economically disadvantaged areas. The invitational priorities express the Secretary's particular interest in funding projects that target Federal financial resources on several categories of disadvantaged students who are seeking careers in early childhood development or violence counseling, and increase the likelihood that the disadvantaged students would be retained in the training program. The competitive preference would increase the likelihood that applicants address the critical need for individuals trained to provide counseling to young children who have been affected by violence and to adults who work with these young children.

EFFECTIVE DATE: These priorities take effect 45 days after publication in the **Federal Register** or later if the Congress takes certain adjournments. If you want to know the effective date of these priorities, call or write the Department of Education contact person.

FOR FURTHER INFORMATION CONTACT: Mr. Robert Alexander, U.S. Department of Education, 400 Maryland Avenue, S.W., Room 4400, Portals Building, Washington D.C., 20202–2641. Telephone: (202) 260–0994. Individuals who use a telecommunication device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 between 8 a.m. and 8 p.m., Eastern time, Monday through Friday.

SUPPLEMENTARY INFORMATION: The Training in Early Childhood Education and Violence Counseling program provides assistance to institutions of higher education to establish innovative programs to recruit and train students for careers in early childhood development and care, or preschool programs; or providing counseling to young children from birth to 6 years of age who have been affected by violence and to adults who work with these children. The statute gives priority in granting funds to institutions that prepare students for work in economically disadvantaged areas; plan to focus their recruitment, retention, and training efforts on disadvantaged students; and have demonstrated effectiveness in providing the type of training for which the institution seeks assistance.

On February 10, 1994, the Secretary published a notice of proposed priorities for this program in the **Federal Register** (59 FR 6249).

The purpose of these priorities is to advance the National Education Goals by improving early childhood education and child care services in disadvantaged areas, providing training opportunities to adults in order that they may possess the skills necessary to compete in a global economy, and enhancing the ability of educators and others to help young children and their families cope with violence.

Analysis of Comments and Questions

In response to the Secretary's invitation in the notice of proposed priorities, 11 parties submitted comments. An analysis of the comments and of the changes in the proposed priorities follows. Technical and other minor changes—and suggested changes the Secretary is not legally authorized to make under the applicable statutory authority—are not addressed.

Comment: Nine commenters indicated that the proposed absolute priority, which would have required that the training program result in a two-year certificate or degree, would be unduly restrictive.

Discussion: The proposed priority was not intended to limit the kind of training grantees could provide only to courses of study resulting in a two-year certificate or degree. It was intended to permit institutions of higher education to provide a range of training opportunities—including a Child Development Associate certificate, Head Start's training certificate, and masters' and doctoral degrees as part of an articulated system or continuum of training so long as one of the credentials offered for the career ladder was a two-year degree or certificate. The Secretary believes that the inclusion of shorter term entry level training, as one of the components of a training continuum can lead to fulfilling jobs and meaningful career and higher education opportunities for many individuals. Two-year degrees or certificates are often offered by institutions of higher education either directly or indirectly through partnerships with community colleges or other training sources.

Changes: In response to the concern about requiring a course of study leading to a two-year degree or certificate, the Secretary has changed the absolute priority to an invitational priority. The phrase "either directly or through a partnership with a community college or other training source," has been added after institution of higher education (IHE) and the word "primary" modifying "component" has been deleted.

Comment: Five commenters believed the proposed absolute priority defining several groups of disadvantaged individuals to be targeted for training to be overly prescriptive. One commenter objected to giving priority to welfare recipients and not to other poverty-level individuals who are not welfare recipients.

Discussion: The Act itself requires projects to target services on disadvantaged students. The intent of the proposed priority was to further clarify the term "disadvantaged" in order to develop successful training models for these populations, not to exclude students who are not disadvantaged from participation in the training program.

Changes: In response to the concern about requiring projects to target recruitment and training primarily on certain categories of disadvantaged individuals, the Secretary has eliminated the word "primarily" and changed the priority from absolute to invitational. The invitational priority expresses the Secretary's interest in funding projects that target recruitment and training on individuals living in poverty and graduating high school students who have been eligible for free or reduced price lunch.

Comment: Three commenters recommended deletion of the proposed absolute priority requiring students to engage in field experience in communities where there is highly concentrated poverty, a high incidence of violence, or both, as either unnecessary or, in combination with the other two proposed absolute priorities, unduly restrictive.

Discussion: The Secretary considers field experience to be an essential component of a successful training program—not just to increase employability and the likelihood that students will return to disadvantaged areas for employment, but also to improve student retention during the training experience.

Changes: None.

Comment: Four commenters said that giving competitive preference for applicants whose proposed projects include training and field experience in

violence counseling gives the impression that training in violence counseling is merely an "add-on" component.

Discussion: On the contrary, it is the intention of the competitive preference to emphasize training in violence counseling and ensure that projects funded under the program address issues of violence as a core part of the program and not as an optional "add-on." Under the statute, training may be in "early childhood development and care, or preschool programs; or providing counseling to young children from birth to 6 years of age who have been affected by violence and to adults who work with such children." Thus, applicants have the option of addressing either one or both components. The Secretary recognizes the importance of meaningful training for all early childhood professionals to assist them in helping children, their parents, and other caregivers who have been victims of violence or who live in violent environments.

Changes: None.

Absolute Priority

Under 34 CFR 75.105(c)(3) the Secretary gives an absolute preference to and will fund only those applications that meet the following priority. The Secretary funds under this competition only applications that meet this absolute priority:

Background: Under this absolute priority, all individuals served by the proposed project must receive substantial field experience in early childhood development and care, preschool education, or violence counseling.

Research in adult learning emphasizes the need to link training to practical issues in participants' lives—often through the use of concurrent hands-on practice. This is especially important for trainees who will be working in disadvantaged areas. Coursework alone is insufficient to prepare trainees for work in the childcare field; the curriculum should relate closely to real-world issues and include practical experience. Students need experience working with children in appropriate high-quality settings where they can observe other teachers and practice what they have learned through coursework.

Training programs in early childhood education and violence counseling that include concurrent classroom training and field experience components are not only more likely to retain students, but may result in higher employability following the training and increase the likelihood that students will return to disadvantaged areas for employment.

Priority

All individuals served by the proposed project must receive substantial field experience in early childhood development and care, preschool education, or violence counseling. The field experience must be in communities where there is highly concentrated poverty, a high incidence of violence, or both.

Competitive Preference

Under 34 CFR 75.105(c)(2)(i) the Secretary gives preference to applications that meet the following competitive priority. The Secretary awards 10 points to an application that meets this priority in a particularly effective way. These points are in addition to any points the application earns under the selection criteria for the program.

Background: Each day in American communities, children are witnesses to violent acts or are victims of abuse or personal assault. Recent studies report high percentages of young children witnessing shootings and stabbings at home and on the street. Other studies show an alarming increase in the numbers of pediatric firearm deaths and injuries.

Some experts describe the impact of violence on many children as "post-traumatic stress disorder." Research has found that chronic exposure to violence can have serious developmental consequences for children, including psychological disorders, grief and loss reactions, impaired intellectual development and school problems, truncated moral development, pathological adaptation to violence, and identification with the aggressor. Furthermore, research demonstrates that the younger the child, the greater the threat of exposure to violence is to healthy development.

Most teachers and childcare providers have not been trained to help children cope with the effects of violence. Given the national epidemic of violence, there is a responsibility to enhance the ability of educators to help young children and their families cope with violence and promote their resilience. There is also a need to train additional service providers to address the developmental impact of exposure to violence on young children and to support families in their efforts to protect their children's physical and emotional well-being. The purpose of this competitive preference is to provide a strong incentive for all applicants to include a course of study in violence counseling in their proposed projects.

Priority

Competitive preference will be given to applicants whose proposed project includes training and field experience leading to a degree or certificate in violence counseling for some or all of the participants.

Invitational Priority 1—Focusing Training and Recruitment on Certain Categories of Disadvantaged Students

Background: There is a growing need for well-qualified early childhood educators and childcare providers, especially by parents who are on public assistance and seeking employment. Studies demonstrate that more than 11 million children are involved in early care and education outside their homes, including approximately 60 percent of children in families with incomes of $10,000 or less. The quality of the services these children receive will depend on the knowledge and skills of the people who care for and teach them.

The statute requires grantees to focus their recruitment, retention, and training efforts on disadvantaged individuals. Under this invitational priority, the Secretary encourages each IHE to include in its application a plan for targeting its recruitment, retention, and training efforts, at least in part, toward one or more of the following categories—(1) Individuals who are living in poverty; (2) graduating high school seniors who are eligible for free or reduced priced lunch; (3) individuals who lack a postsecondary degree and are currently working in a Chapter 1 Head Start or Even Start program or other Federal, State, or local program primarily serving disadvantaged young children; or (4) individuals who lack a postsecondary degree and are parents of children participating in Chapter 1 Head Start or Even Start programs or another Federal, State, or local programs primarily serving disadvantaged young children.

Invitational Priority

The Secretary is especially interested in funding applicants that include a plan demonstrating that their recruitment, retention and training efforts will be targeted, at least in part, toward one or more of the following categories:

(1) Individuals living in poverty.

(2) Graduating high school seniors who are eligible for free or reduced priced lunch.

(3) Individuals who lack a postsecondary degree and are currently working in a Chapter 1 Head Start or

Even Start program or other Federal, State, or local programs primarily serving disadvantaged young children.

(4) Individuals who lack a postsecondary degree and are parents of children participating in Chapter 1 Head Start or Even Start programs or another Federal, State, or local program primarily serving disadvantaged young children.

Invitational Priority 2—Training Programs Resulting in a Two-Year Certificate or Degree

Background: The typical lead teacher in non-school sponsored early childhood classrooms has completed high school and has had some postsecondary education. In Head Start, for example, one study found that 56.5 percent of lead teachers had a high school diploma, or equivalent, or a Child Development Associate (CDA) certificate (Observational Study of Early Childhood Programs), but had not completed a formal education program at the postsecondary level. The same study showed that 63.2 percent of the teaching assistants or aides in school-sponsored preschool programs had not completed any formal education beyond high school and most lacked specific training in early childhood education.

Childcare workers have one of the highest turnover rates of all occupations. During the past decade, staff turnover in child care centers nearly tripled. Some of the reasons often cited for this high turnover rate are low pay, lack of benefits, stressful working conditions, and lack of training in critical job safety skills, and child development knowledge. Under this invitational priority, the Secretary encourages each IHE to include in its application plans for a curriculum that would include a course of study leading to a two-year certificate or degree in early childhood development and care, preschool education, or violence counseling.

Earning a two-year degree can enhance the career opportunities and improve the retention for individuals working in programs serving low-income children. At the same time, institutions that offer a two-year degree, either directly or through a partnership with a community college, can attract and retain low-income individuals for whom a four-year degree may initially seem out of reach.

Invitational Priority

In addition to funding applications that include training leading to four-year and graduate degrees, the Secretary is especially interested in funding applications that include as one component of the proposed project a course of study leading to a two-year certificate or degree in early childhood development and care, preschool education, or violence counseling. The course of study could be offered either directly by the applicant institution, or through a partnership with a community college or other educational agency or training source.

Intergovernmental Review

This program is subject to the requirements of Executive Order 12372 and the regulations in 34 CFR Part 79. The objective of the Executive order is to foster an intergovernmental partnership and a strengthened federalism by relying on processes developed by State and local governments for coordination and review of proposed Federal financial assistance.

In accordance with the order, this document is intended to provide notification of the Department's specific plans and actions for this program.

(Catalog of Federal Domestic Assistance Number 84.266, Early Childhood Education and Violence Counseling Program.)

Dated: June 7, 1994.

Thomas W. Payzant,

Assistant Secretary for Elementary and Secondary Education.

[FR Doc. 94–14484 Filed 6–14–94; 8:45 am]

BILLING CODE 4000–01–P

CFDA No: 84.266

Training in Early Childhood Education and Violence Counseling

AGENCY: Department of Education.

ACTION: Notice Inviting Applications for New Awards for Fiscal Year (FY) 1994.

Note to Applicants: This notice is a complete application package. Together with the statute authorizing the program and 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 enable institutions of higher education to establish innovative programs to recruit and train students for careers in: (1) Early childhood development and care or preschool programs; or (2) providing counseling to young children from birth to six years of age who have been affected by violence and to adults who work with such young children.

Eligible Applicants: Institutions of higher education.

Deadline for Transmittal of Applications: July 27, 1994.

Deadline for Intergovernmental Review: September 25, 1994.

Available Funds: $9,040,000.

Range of Awards: Minimum $500,000; maximum $1,000,000 for each year of the project. Applicants must request awards within this range.

Estimated Average Size of Awards: $750,000.

Estimated Number of Awards: 12.

Note: This Department is not bound by any estimates in this notice.

Project Period: 3–5 years.

Applicable Regulations: The Education Department General Administrative Regulations (EDGAR) in 34 CFR Part 74 (Administration of Grants to Institutions of Higher Education, Hospitals, and Nonprofit Organizations), Part 75 (Direct Grant Programs), Part 77 (Definitions that Apply to Department Regulations), Part 79 (Intergovernmental Review of Department of Education Programs and Activities), Part 82 (New Restrictions on Lobbying), Part 85 (Governmentwide Debarment and Suspension (Nonprocurement) and Governmentwide Requirements for Drug-Free Workplace (Grants)), and Part 86 (Drug-Free Schools and Campuses).

Description of Program: Section 596 of the Higher Education Amendments of 1992 (Pub. L. 102–325) authorizes grants to institutions of higher education (IHEs) to enable them to establish innovative programs to recruit and train students for careers in one or both of the following:

(1) Early childhood development and care or preschool programs; or

(2) Providing counseling to young children from birth to six years of age who have been affected by violence and to adults who work with these children.

Applications: A grant may be made only to an IHE that submits an application to the Secretary. The application must—

(1) Describe the activities and services for which assistance is sought;

(2) Contain a comprehensive plan for the recruitment, retention, and training of students for careers in early childhood development or violence counseling;

(3) Demonstrate that the institution has the capacity to implement the plan; and

(4) Provide assurances that the plan was developed in consultation with agencies and organizations that will assist the institutions in carrying out the plan.

The comprehensive plan must include a description of—

(1) Specific strategies for reaching students at secondary schools, community colleges, undergraduate institutions, or other agencies and institutions from which students are to be drawn for participation in the program, including any partnerships with the institutions;

(2) Specific strategies for retaining students in the program such as summer sessions, internships, mentoring, or other activities;

(3) Methods that will be used to ensure that students trained pursuant to the plan will find employment in early childhood education, development and care, or violence counseling;

(4) The goals, objectives, and timelines to be used in assessing the success of the plan and the activities assisted under the grant award;

(5) The curriculum and training leading to the degree or credential that prepares students for the careers described in the plan;

(6) The special plan, if any, to ensure that students trained pursuant to the plan will be prepared for serving in economically disadvantaged areas; and

(7) Sources of financial aid to ensure that the training program is available to all qualified students.

Priorities

The priorities in the notice of final priorities for this program, as published elsewhere in this issue of the **Federal Register**, apply to this competition.

Selection Criteria

(a)(1) The Secretary uses the following selection criteria to evaluate applications for grants under this competition.

(2) The maximum score for all of these criterion is 100 points.

(3) The maximum score for each criterion is indicated in parentheses.

The regulations in 34 CFR 75.210 (a) and (c) provide that the Secretary may award up to 100 points for the selection criteria including distribution of an additional 15 points among the criteria in 34 CFR 75.210(b). For this competition the Secretary distributes the additional 15 points as follows: 5 points to selection criterion 34 CFR 75.210(b)(2) (Extent of need for the project) for a possible total of 25 points; 5 points to selection criterion 34 CFR 75.210(b)(3) (Plan of operation) for a possible total of 20 points); and 5 points to selection criterion 34 CFR 75.210(b)(6) (Evaluation) for a possible total of 10 points).

(b) *The criteria.*—(1) *Meeting the purposes of the authorizing statute.* (30 points) The Secretary reviews each application to determine how well the project will meet the purpose of section 596 of the Higher Education Amendments of 1992, including consideration of—

(i) The objectives of the project; and

(ii) How the objectives of the project further the purposes of the authorizing statute.

(2) *Extent of need for the project.* (25 points) The Secretary reviews each application to determine the extent to which the project meets specific needs recognized in the authorizing statute, including consideration of—

(i) The needs addressed by the project;

(ii) How the applicant identified those needs;

(iii) How those needs will be met by the project; and

(iv) The benefits to be gained by meeting those needs.

(3) *Plan of operation.* (20 points) The Secretary reviews each application to determine the quality of the plan of operation for the project, including—

(i) The quality of the design of the project;

(ii) The extent to which the plan of management is effective and ensures proper and efficient administration of the project;

(iii) How well the objectives of the project relate to the purpose of the program;

(iv) The quality of the applicant's plan to use its resources and personnel to achieve each objective;

(v) How the applicant will ensure that project participants who are otherwise eligible to participate are selected without regard to race, color, national origin, gender, age, or handicapping condition; and

(vi) For grants under a program that requires the applicant to provide an opportunity for participation of students enrolled in private schools, the quality of the applicant's plan to provide that opportunity.

(4) *Quality of key personnel.* (7 points) (i) The Secretary reviews each application to determine the quality of key personnel the applicant plans to use on the project, including—

(A) The qualifications of the project director (if one is to be used);

(B) The qualifications of each of the other key personnel to be used in the project;

(C) The time that each person referred to in paragraphs (b)(4)(i) (A) and (B) will commit to the project; and

(D) 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 handicapping condition.

(ii) To determine personnel qualifications under paragraphs (b)(4)(i) (A) and (B), the Secretary considers—

(A) Experience and training in fields related to the objectives of the project; and

(B) Any other qualifications that pertain to the quality of the project.

(5) *Budget and cost effectiveness.* (5 points) The Secretary reviews each application to determine the extent to which—

(i) The budget is adequate to support the project; and

(ii) Costs are reasonable in relation to the objectives of the project.

(6) *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 the applicant's methods of evaluation—

(i) Are appropriate to the project; and

(ii) To the extent possible, are objective and produce data that are quantifiable.

(Cross-reference: See 34 CFR 75.590 Evaluation by the grantee.)

(7) *Adequacy of resources.* (3 points) The Secretary reviews each application to determine the adequacy of the resources that the applicant plans to devote to the project, including facilities, equipment, and supplies.

Intergovernmental Review of Federal Programs

This program is subject to the requirements of Executive Order 12372 (Intergovernmental Review of Federal Programs) and the regulations in 34 CFR part 79.

The objective of the Executive order is to foster an intergovernmental partnership and to strengthen federalism by relying on State and local processes for State and local government coordination and review of proposed Federal financial assistance.

Applicants must contact the appropriate State Single Point of Contact to find out about, and to comply with, the State's process under Executive Order 12372. Applicants proposing to perform activities in more than one State should immediately Contact the Single Point of Contact for each of those States and follow the procedure established in each State under the Executive order. If you want to know the name and address of any State Single Point of Contact, see the list published in the **Federal Register** on May 3, 1994 (59 FR 22904–22905).

In States that have not established a process or chosen a program for review, State, areawide, regional, and local entities may submit comments directly to the Department.

Any State Process Recommendation and other comments submitted by a State Single Point of Contact and any comments from State, areawide, regional, and local entities must be mailed or hand-delivered by the date indicated in the notice to the following address: The Secretary, E.O. 12372, U.S. Department of Education, Room 4161, 400 Maryland Avenue, SW., Washington, DC 20202–0125.

Proof of mailing will be determined on the same basis as for applications (see 34 CFR 75.102). Recommendations or comments may be hand-delivered until 4:30 p.m. (Washington, DC time) on the date indicated in this notice.

Please Note That the Above Address Is Not the Same Address as the One to Which the Applicant Submits Its Completed Application. *Do Not Send Applications to the Above Address.*

Instructions for Transmittal of Applications:

(a) If an applicant wants to apply for a grant, the applicant shall—

(1) Mail the original and two copies of the application on or before the deadline date to:

U.S. Department of Education,
Application Control Center,
Attention: (CFDA #84.266),
Washington, DC 20202–4725

or

(2) Hand deliver the original and two copies of the application by 4:30 p.m. (Washington, DC time) on the deadline date to:

U.S. Department of Education,
Application Control Center,
Attention: (CFDA # 84.266), 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 dated 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 Acknowledgment 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

The appendix to this application is divided into three parts plus a statement regarding estimated public reporting burden and various assurances and certifications. These parts and additional materials are organized in the same manner that the submitted application should be organized. 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—NON-CONSTRUCTION PROGRAMS (STANDARD FORM 424A) AND INSTRUCTIONS

PART III—Application Narrative

Additional Materials

Estimated Public Reporting Burden.

Assurances—Non-Construction Programs (Standard Form 424B).

Certifications regarding Lobbying; Debarment, Suspension, and Other Responsibility Matters; and Drug-Free Workplace Requirements (ED 80–0013).

Certification regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion: Lower Tier Covered Transactions (ED 80–0014, 9/90) and instructions. (NOTE: ED 80–0014 is intended for the use of grantees and should not be transmitted to the Department.)

Disclosure of Lobbying Activities (Standard Form LLL) (if applicable) and instructions; and Disclosure of Lobbying Activities Continuation Sheet (Standard Form LLL–A).

An applicant may submit information on a photostatic copy of the application and budget forms, the assurances, and the certifications. However, the application form, the assurances, and the certifications must each have an original signature. No grant may be awarded unless a completed application form has been received.

FOR FURTHER INFORMATION CONTACT: Mr. Robert Alexander, Compensatory Education Programs, Office of Elementary and Secondary Education, U.S. Department of Education, 400 Maryland Avenue, S.W., Room 4400, Portals Building, Washington, D.C. 20202–6132. Telephone: (202) 260–0994. 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: Public Law 102–325, Higher Education Amendments of 1992, section 596.

Dated: June 7, 1994.

Thomas W. Payzant,

Assistant Secretary for Elementary and Secondary Education.

BILLING CODE 4000–01–P

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	Preapplication
☐ Construction	☐ Construction
☒ Non-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:

10. CATALOG OF FEDERAL DOMESTIC ASSISTANCE NUMBER: 8 4 . 2 6 6

TITLE: Training in Early Childhood Education and Violence Counseling

11. DESCRIPTIVE TITLE OF APPLICANT'S PROJECT:

U.S. Department of Education

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.)

OMB Approval No. 0348-0044

BUDGET INFORMATION — Non-Construction Programs

SECTION A – BUDGET SUMMARY

Grant Program Function or Activity (a)	Catalog of Federal Domestic Assistance Number (b)	Estimated Unobligated Funds		New or Revised Budget		
		Federal (c)	Non-Federal (d)	Federal (e)	Non-Federal (f)	Total (g)
1.		$	$	$	$	$
2.						
3.						
4.						
5. TOTALS		$	$	$	$	$

SECTION B – BUDGET CATEGORIES

6 Object Class Categories	GRANT PROGRAM, FUNCTION OR ACTIVITY (1)	(2)	(3)	(4)	Total (5)
a. Personnel	$	$	$	$	$
b. Fringe Benefits					
c. Travel					
d. Equipment					
e. Supplies					
f. Contractual					
g. Construction					
h. Other					
i. Total Direct Charges (sum of 6a - 6h)					
j. Indirect Charges					
k. TOTALS (sum of 6i and 6j)	$	$	$	$	$
7. Program Income	$	$	$	$	$

Authorized for Local Reproduction

Standard Form 424A (4-88)
Prescribed by OMB Circular A-102

SECTION C - NON-FEDERAL RESOURCES

(a) Grant Program	(b) Applicant	(c) State	(d) Other Sources	(e) TOTALS
8.	$	$	$	$
9.				
10.				
11.				
12. TOTALS (sum of lines 8 and 11)	$	$	$	$

SECTION D - FORECASTED CASH NEEDS

	Total for 1st Year	1st Quarter	2nd Quarter	3rd Quarter	4th Quarter
13. Federal	$	$	$	$	$
14. NonFederal					
15. TOTAL (sum of lines 13 and 14)	$	$	$	$	$

SECTION E - BUDGET ESTIMATES OF FEDERAL FUNDS NEEDED FOR BALANCE OF THE PROJECT

(a) Grant Program	FUTURE FUNDING PERIODS (Years)			
	(b) First	(c) Second	(d) Third	(e) Fourth
16.	$	$	$	$
17.				
18.				
19.				
20. TOTALS (sum of lines 16 -19)	$	$	$	$

SECTION F - OTHER BUDGET INFORMATION

(Attach additional Sheets if Necessary)

21. Direct Charges:	22. Indirect Charges:

23. Remarks

SF 424A (4-88) Page 2
Prescribed by OMB Circular A-102

Authorized for Local Reproduction

INSTRUCTIONS FOR THE SF-424A

General Instructions

This form is designed so that application can be made for funds from one or more grant programs. In preparing the budget, adhere to any existing Federal grantor agency guidelines which prescribe how and whether budgeted amounts should be separately shown for different functions or activities within the program. For some programs, grantor agencies may require budgets to be separately shown by function or activity. For other programs, grantor agencies may require a breakdown by function or activity. Sections A,B,C, and D should include budget estimates for the whole project except when applying for assistance which requires Federal authorization in annual or other funding period increments. In the latter case, Sections A,B, C, and D should provide the budget for the first budget period (usually a year) and Section E should present the need for Federal assistance in the subsequent budget periods. All applications should contain a breakdown by the object class categories shown in Lines a-k of Section B.

Section A. Budget Summary
Lines 1-4, Columns (a) and (b)

For applications pertaining to a *single* Federal grant program (Federal Domestic Assistance Catalog number) and *not requiring* a functional or activity breakdown, enter on Line 1 under Column (a) the catalog program title and the catalog number in Column (b).

For applications pertaining to a *single* program *requiring* budget amounts by multiple functions or activities, enter the name of each activity or function on each line in Column (a), and enter the catalog number in Column (b). For applications pertaining to multiple programs where none of the programs require a breakdown by function or activity, enter the catalog program title on each line in *Column* (a) and the respective catalog number on each line in Column (b).

For applications pertaining to *multiple* programs where one or more programs *require* a breakdown by function or activity, prepare a separate sheet for each program requiring the breakdown. Additional sheets should be used when one form does not provide adequate space for all breakdown of data required. However, when more than one sheet is used, the first page should provide the summary totals by programs.

Lines 1-4, Columns (c) through (g.)

For new applications, leave Columns (c) and (d) blank. For each line entry in Columns (a) and (b), enter in Columns (e), (f), and (g) the appropriate amounts of funds needed to support the project for the first funding period (usually a year).

Lines 1-4, Columns (c) through (g.) (continued)

For continuing grant program applications, submit these forms before the end of each funding period as required by the grantor agency. Enter in Columns (c) and (d) the estimated amounts of funds which will remain unobligated at the end of the grant funding period only if the Federal grantor agency instructions provide for this. Otherwise, leave these columns blank. Enter in columns (e) and (f) the amounts of funds needed for the upcoming period. The amount(s) in Column (g) should be the sum of amounts in Columns (e) and (f).

For supplemental grants and changes to existing grants, do not use Columns (c) and (d). Enter in Column (e) the amount of the increase or decrease of Federal funds and enter in Column (f) the amount of the increase or decrease of non-Federal funds. In Column (g) enter the new total budgeted amount (Federal and non-Federal) which includes the total previous authorized budgeted amounts plus or minus, as appropriate, the amounts shown in Columns (e) and (f). The amount(s) in Column (g) should not equal the sum of amounts in Columns (e) and (f).

Line 5 — Show the totals for all columns used.

Section B Budget Categories

In the column headings (1) through (4), enter the titles of the same programs, functions, and activities shown on Lines 1-4, Column (a), Section A. When additional sheets are prepared for Section A, provide similar column headings on each sheet. For each program, function or activity, fill in the total requirements for funds (both Federal and non-Federal) by object class categories.

Lines 6a-i — Show the totals of Lines 6a to 6h in each column.

Line 6j – Show the amount of indirect cost.

Line 6k – Enter the total of amounts on Lines 6i and 6j. For all applications for new grants and continuation grants the total amount in column (5), Line 6k, should be the same as the total amount shown in Section A, Column (g), Line 5. For supplemental grants and changes to grants, the total amount of the increase or decrease as shown in Columns (1)-(4), Line 6k should be the same as the sum of the amounts in Section A, Columns (e) and (f) on Line 5.

INSTRUCTIONS FOR THE SF-424A *(continued)*

Line 7 – Enter the estimated amount of income, if any, expected to be generated from this project. Do not add or subtract this amount from the total project amount. Show under the program narrative statement the nature and source of income. The estimated amount of program income may be considered by the federal grantor agency in determining the total amount of the grant.

Section C. Non-Federal-Resources

Lines 8-11 – Enter amounts of non-Federal resources that will be used on the grant. If in-kind contributions are included, provide a brief explanation on a separate sheet.

Column (a) – Enter the program titles identical to Column (a), Section A. A breakdown by function or activity is not necessary.

Column (b) – Enter the contribution to be made by the applicant.

Column (c) – Enter the amount of the State's cash and in-kind contribution if the applicant is not a State or State agency. Applicants which are a State or State agencies should leave this column blank.

Column (d) – Enter the amount of cash and in-kind contributions to be made from all other sources.

Column (e) – Enter totals of Columns (b), (c), and (d).

Line 12 — Enter the total for each of Columns (b)-(e). The amount in Column (e) should be equal to the amount on Line 5, Column (f), Section A.

Section D. Forecasted Cash Needs

Line 13 – Enter the amount of cash needed by quarter from the grantor agency during the first year.

Line 14 – Enter the amount of cash from all other sources needed by quarter during the first year.

Line 15 – Enter the totals of amounts on Lines 13 and 14.

Section E. Budget Estimates of Federal Funds Needed for Balance of the Project

Lines 16 - 19 – Enter in Column (a) the same grant program titles shown in Column (a), Section A. A breakdown by function or activity is not necessary. For new applications and continuation grant applications, enter in the proper columns amounts of Federal funds which will be needed to complete the program or project over the succeeding funding periods (usually in years). This section need not be completed for revisions (amendments, changes, or supplements) to funds for the current year of existing grants.

If more than four lines are needed to list the program titles, submit additional schedules as necessary.

Line 20 – Enter the total for each of the Columns (b)-(e). When additional schedules are prepared for this Section, annotate accordingly and show the overall totals on this line.

Section F. Other Budget Information

Line 21 – Use this space to explain amounts for individual direct object-class cost categories that may appear to be out of the ordinary or to explain the details as required by the Federal grantor agency.

Line 22 – Enter the type of indirect rate (provisional, predetermined, final or fixed) that will be in effect during the funding period, the estimated amount of the base to which the rate is applied, and the total indirect expense.

Line 23 – Provide any other explanations or comments deemed necessary.

INSTRUCTIONS FOR PART III APPLICATION NARRATIVE:

Before preparing the Application Narrative an applicant should read carefully the description of the program, the information regarding priorities, and the selection criteria the Secretary uses to evaluate applications.

The narrative should encompass each function or activity for which funds are being requested and should--

1. Begin with an Abstract; that is, a summary of the proposed project;

2. Describe the proposed project in light of each of the selection criteria in the order in which the criteria are listed in this application; and

3. Include any other pertinent information that might assist the Secretary in reviewing the application.

The Secretary strongly requests the applicant to limit the Application Narrative to no more than 20 double-spaced, typed (on one side only) pages, although the Secretary will consider applications of greater length. The Department has found that successful applications for similar programs generally meet this page limit.

INSTRUCTIONS FOR 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 in 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 or any other aspect of this collection of information, including suggestions for reducing this burden, to the U.S. Department of Education, Information Management and Compliance Division, Washington, D.C. 20202-4651; and to the Office of Management and Budget, Paperwork Reduction Project OMB control number 1810-0562, Washington, D.C. 20503.

(Information collection approved under OMB control number 1810-0562; Expiration date: 4/30/96).

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

Authorized for Local Reproduction

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

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:
☐ a. contract
b. grant
c. cooperative agreement
d. loan
e. loan guarantee
f. loan insurance

2. Status of Federal Action:
☐ a. bid/offer/application
b. initial award
c. post-award

3. Report Type:
☐ a. initial filing
b. material change
For Material Change Only:
year _____ quarter _____
date of last report _____

4. Name and Address of Reporting Entity:
☐ Prime ☐ Subawardee
Tier _____, *if known*:
Congressional District, *if known*:

5. If Reporting Entity in No. 4 is Subawardee, Enter Name and Address of Prime:
Congressional District, *if known*:

6. Federal Department/Agency:

7. Federal Program Name/Description:
CFDA Number, *if applicable*: _____

8. Federal Action Number, *if known*:

9. Award Amount, *if known*:
$

10. a. Name and Address of Lobbying Entity
(if individual, last name, first name, MI):

b. Individuals Performing Services *(including address if different from No. 10a)*
(last name, first name, MI):

(attach Continuation Sheet(s) SF-LLL-A, if necessary)

11. Amount of Payment *(check all that apply)*:
$ _____ ☐ actual ☐ planned

12. Form of Payment *(check all that apply)*:
☐ a. cash
☐ b. in-kind; specify: nature _____
value _____

13. Type of Payment *(check all that apply)*:
☐ a. retainer
☐ b. one-time fee
☐ c. commission
☐ d. contingent fee
☐ e. deferred
☐ f. other; specify: _____

14. Brief Description of Services Performed or to be Performed and Date(s) of Service, including officer(s), employee(s), or Member(s) contacted, for Payment Indicated in Item 11:

(attach Continuation Sheet(s) SF-LLL-A, if necessary)

15. Continuation Sheet(s) SF-LLL-A attached: ☐ Yes ☐ No

16. Information requested through this form is authorized by title 31 U.S.C. section 1352. This disclosure of lobbying activities is a material representation of fact upon which reliance was placed by the tier above when this transaction was made or entered into. This disclosure is required pursuant to 31 U.S.C. 1352. This information will be reported to the Congress semi-annually and will be available for public inspection. Any person who fails to file the required disclosure shall be subject to a civil penalty of not less than $10,000 and not more than $100,000 for each such failure.

Signature: _____
Print Name: _____
Title: _____
Telephone No.: _____ Date: _____

Federal Use Only:

Authorized for Local Reproduction
Standard Form - LLL

BILLING CODE 4000-01-C

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, search 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, DC 20503.

BILLING CODE 4000–01–P

DISCLOSURE OF LOBBYING ACTIVITIES
CONTINUATION SHEET

Approved by OMB
0348-0046

Reporting Entity: _____ Page _____ of _____

Authorized for Local Reproduction
Standard Form - LLL-A

BILLING CODE 400-01-C

Important Notice to Prospective Participants in USDE Contract and Grant Programs

Grants

Applicants for grants from the U.S. Department of Education (USDE) 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, USDE 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 $340.000 to: Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20202–9371. (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 USDE 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 USDE are governed by the Federal Procurement Regulations and implementing ED Procurement Regulations.

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 Proposals (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 Contracting Specialist identified on the face page of the RFP.

Offers are judged in competition with others, and failure to conform with any substantive requirements of the RFP will result in rejection of the offer without any consideration whatever.

Do not accept any advice you receive that is contrary to instructions contained in either the CBD synopsis or the RFP. No USDE 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 Regulations is contained in Title 48, Code of Federal Regulations, Chapter 1 ($49.00). The forgoing 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 USDE mail to the public. You may, therefore, receive more than one notice. If you do, we apologize for any annoyance it may cause you.

[FR Doc. 94–14485 Filed 6–14–94; 8:45 am]

BILLING CODE 4000–01–P–M

Reader Aids

Federal Register

Vol. 59, No. 114

Wednesday, June 15, 1994

INFORMATION AND ASSISTANCE

Federal Register

Index, finding aids & general information	202–523–5227
Public inspection announcement line	523–5215
Corrections to published documents	523–5237
Document drafting information	523–3187
Machine readable documents	523–3447

Code of Federal Regulations

Index, finding aids & general information	523–5227
Printing schedules	523–3419

Laws

Public Laws Update Service (numbers, dates, etc.)	523–6641
Additional information	523–5230

Presidential Documents

Executive orders and proclamations	523–5230
Public Papers of the Presidents	523–5230
Weekly Compilation of Presidential Documents	523–5230

The United States Government Manual

General information	523–5230

Other Services

Data base and machine readable specifications	523–3447
Guide to Record Retention Requirements	523–3187
Legal staff	523–4534
Privacy Act Compilation	523–3187
Public Laws Update Service (PLUS)	523–6641
TDD for the hearing impaired	523–5229

ELECTRONIC BULLETIN BOARD

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

FAX-ON-DEMAND

The daily Federal Register Table of Contents and the list of documents on public inspection are available on the National Archives fax-on-demand system. You must call from a fax machine. There is no charge for the service except for long distance telephone charges. 301–713–6905

FEDERAL REGISTER PAGES AND DATES, JUNE

28207–28458.....1
28459–28758.....2
28759–29184.....3
29185–29350.....6
29351–29534.....7
29535–29710.....8
29711–29936.....9
29937–30276.....10
30277–30500.....13
30501–30662.....14
30663–30862.....15

CFR PARTS AFFECTED DURING JUNE

At the end of each month, the Office of the Federal Register publishes separately a List of CFR Sections Affected (LSA), which lists parts and sections affected by documents published since the revision date of each title.

3 CFR

Proclamations:
6695.....28459
6696.....28461
6697.....28463
6698.....28757
6699.....30663
6700.....30665

Administrative Orders:
Presidential Determinations:
No. 94–24 of May 16, 1994.....28759

Executive Orders:
3406 (Revoked in part by PLO 7048).....29661
4257 (Revoked in part by PLO 7056).....29206
8248 (Superseded or revoked in part by EO 12919).....29525
10222 (Superseded or revoked by EO 12919).....29525
10480 (Superseded or revoked by EO 12919).....29525
10647 (Superseded or revoked by EO 12919).....29525
10789 (Amended by EO 12919).....29525
11179 (Superseded or revoked by EO 12919).....29525
11355 (Superseded or revoked by EO 12919).....29525
11790 (Amended by EO 12919).....29525
11912 (Superseded or revoked in part by EO 12919).....29525
12148 (Superseded or revoked in part by EO 12919).....29525
12521 (Superseded or revoked by EO 12919).....29525
12649 (Superseded or revoked by EO 12919).....29525
12773 (Superseded or revoked in part by EO 12919).....29525
12775 (See EO 12920).....30501
12779 (See EO 12920).....30501
12864 (Amended by EO 12921).....30667
12920).....30501
12914 (See EO 12920).....30501
12917 (See EO 12920).....30501
12918 (See State Dept. notice of May 27).....28583
12919.....29525
12920.....30501
12921.....30667

5 CFR

532.....30503
591.....29351
2100.....30669
Ch. XIV.....30503

Proposed Rules:
300.....30717
532.....30533
1320.....29738

7 CFR

271.....29711
272.....29711
273.....29711
275.....29711
276.....29711
278.....29711
279.....29711
723.....28207
911.....29535
922.....30672
1735.....29536
1755.....30505
1980.....28465

Proposed Rules:
6.....28495
210.....30218
220.....30218
246.....29549
319.....29557
372.....28814
400.....30533
406.....30536
457.....30537
1530.....28286
1710.....28495
1726.....28924
1942.....30717
1948.....30717
1951.....30717
1980.....30717

8 CFR

103.....30516

Proposed Rules:
1.....29386
3.....29386
103.....29386
208.....29386
242.....29386

9 CFR

77.....29185

92.....28214, 29186
94.....28216, 28218

10 CFR

2.....29187
40.....28220
Proposed Rules:
9.....30308
20.....30724
35.....30724
52.....29965
72.....28496

12 CFR

34.....29482
201.....29537
208.....28761
225.....29482
323.....29482
327.....29714
545.....29482
563.....29482
564.....29482
574.....28468
701.....29066
Proposed Rules:
26.....29740
203.....30310
304.....29965
327.....29965
333.....30316
362.....29559
563b.....29480, 29975
567.....30538
575.....29480, 29975

13 CFR

107.....28471
121.....28231

14 CFR

25.....28234, 28762, 29538,
39.....28475, 28763, 29351, 29353, 29354, 29355, 29540, 30277, 30278, 30282, 30283, 30285, 30673
71.....28245, 28449, 28476, 28477, 28478, 29189, 29190, 29542, 29937, 29938, 29939, 29944, 29945, 29946, 29947, 29948, 29949, 30288, 30832
91.....29716
97.....28479, 30675, 30676, 30680
Proposed Rules:
Ch. I.....29210, 29561
13.....29880
16.....29800
27.....29976
29.....29976
39.....29210, 29212, 29391, 29744, 29745, 30543
71.....28498, 28499, 29213, 29215, 29562, 30832
189.....29934

15 CFR

770.....30682
771.....30682, 30684
773.....30684
775.....30682
779.....30684
785.....30684
786.....30684
799.....30684

16 CFR

Proposed Rules:
423.....30733
803.....30545
1640.....30735

17 CFR

Proposed Rules:
240.....29393, 29398
249.....29393, 29398
270.....28286

18 CFR

284.....29716
Proposed Rules:
35.....28297
803.....29563
804.....29563
805.....29563

19 CFR

10.....30289
101.....30289
111.....30289
123.....30289
128.....30289
141.....30289
143.....30289
145.....30289
148.....30289
159.....30289

20 CFR

200.....28764
404.....30389

21 CFR

16.....29950
73.....28765
101.....28480
270.....29950
341.....29172
346.....28766
347.....28767
510.....28768
520.....28768
524.....28768
1270.....29950
1306.....30832
Proposed Rules:
Ch. I.....29977
352.....29706
600.....28821
601.....28821
606.....28822
607.....28822
610.....28821
640.....28822
660.....28822
810.....30656
1301.....30555, 30738

22 CFR

123.....29950
124.....29950
126.....29950
220.....28769
222.....28769

23 CFR

657.....30392
658.....30392
660.....30296
710.....30302
712.....30302
713.....30302
720.....30302
1260.....30695

24 CFR

42.....29326
207.....28246
213.....28246
215.....29326
220.....28246
221.....28246, 29326
232.....28246
236.....29326
241.....28246
242.....28246
244.....28246
291.....29506
510.....29326
850.....29326
881.....29326
882.....29326
883.....29326
884.....29326
900.....29326
941.....29326
968.....30472
Proposed Rules:
880.....30557
881.....30557
883.....30557
884.....30557
886.....30557

25 CFR

Proposed Rules:
256.....30276

26 CFR

1.....30100
20.....30100
25.....30100
301.....29356, 29359
602.....29359, 30100
Proposed Rules:
1.....30180
20.....30180
25.....30180

27 CFR

70.....29366
Proposed Rules:
4.....30560
6.....29215
8.....29215
10.....29215
11.....29215

28 CFR

0.....29717
16.....29717
65.....30520
552.....30468
Proposed Rules:
16.....29747

29 CFR

70.....29900
2619.....30698
2676.....30698
Proposed Rules:
103.....28501
452.....30834
1910.....28594, 30389, 30560
1915.....30560
1917.....28594, 30389
1918.....28594, 30389
1926.....30560
1928.....30560
2609.....29661

30 CFR

756.....29719
906.....28248
916.....28769
Proposed Rules:
701.....28744
773.....28744
785.....28744
816.....28744
817.....28744
901.....28302
917.....28823
935.....29748
Ch. II.....28304

31 CFR

205.....28260
356.....28773

32 CFR

251.....29368
367.....29952
701.....29721
Proposed Rules:
701.....28304

33 CFR

100.....28775, 30523, 30832
117.....28776, 28778, 30524
165.....28262, 28263, 28778, 28780, 29368, 29369, 29370, 29371, 30523
167.....28499
Proposed Rules:
100.....29403
117.....28324, 29405, 29406
165.....28824, 30389

34 CFR

75.....30258
682.....29543
Proposed Rules:
Ch. VI.....28502

36 CFR

242.....28922, 29032
292.....30492
1220.....28781
1252.....29191
1254.....29191
1260.....29191

38 CFR

3.....29723
17.....28264

39 CFR

111.....30701
241.....29724
946.....29372
Proposed Rules
262.....30739
266.....30739

40 CFR

52.....28785, 29730, 29731, 29732, 29953, 29956, 29957, 30302, 30702
63.....29196
81.....28326, 28480

144.....29958
170.....30264
180.....28482, 29543
260.....28484
264.....29958
270.....29372
271.....29734, 30525
272.....30528
280.....29958
281.....29201
710.....30652
721.....29202, 29203, 29204

Proposed Rules:

Ch. I.....29750
52.....28503, 29977, 30326, 30562, 30564, 30741, 30742
63.....29196, 29750
81.....29977, 30326
124.....28680
180.....29576, 30746, 30748, 30750
264.....28504
265.....28504
270.....28504, 28680
271.....28504
280.....30448
281.....30448
300.....30752
372.....29252
455.....30753
721.....29255, 29258

42 CFR

412.....30389

Proposed Rules:

413.....29578

43 CFR

1720.....29205
2070.....29205
2510.....29205
4700.....28275
8350.....29205

Public Land Orders:

1800 (Revoked in part by PLO 7062).....28791
7048.....29661
7056.....29206
7057.....28788
7058.....28789
7059.....28789
7060.....28790
7061.....29545
7062.....28791
7063.....29544

Proposed Rules:

3160.....29407

44 CFR

64.....30705
65.....28484, 28485

Proposed Rules

67.....28505

45 CFR

46.....28276
95.....30707
205.....30707
2525.....30709
2526.....30709
2527.....30709
2528.....30709
2529.....30709

46 CFR

12.....28791
16.....28791

Proposed Rules:

40.....29259
154.....29259
540.....30567

47 CFR

73.....29272, 29273
90.....30304

Proposed Rules:

61.....30754
64.....30754
69.....30754
73.....29408, 30331

48 CFR

533.....29480
1801.....29960
1802.....29960
1804.....29960
1805.....29960
1807.....29960, 29962
1809.....29960
1810.....29962
1815.....29960
1822.....29960
1823.....29960
1825.....29960
1839.....29960
1843.....29963
1852.....29960, 29963

Proposed Rules:

7.....29696
10.....29696
37.....29696
245.....28327
252.....28327
1601.....28487
1602.....28487
1609.....28487
1615.....28487
1632.....28487
1642.....28487
1646.....28487
1652.....28487

49 CFR

107.....30530
171.....28487
172.....28487, 30530
173.....28487
174.....28487
176.....30530
178.....28487
179.....28487
195.....29379
826.....30531

Proposed Rules:

192.....30567
194.....30755
195.....30567
571.....30756
1002.....29586

50 CFR

17.....30254
100.....28922, 29032
216.....30305
217.....29545
226.....28793, 30715
227.....29545
301.....29207, 30307
625.....28809, 29207
663.....29736
671.....28276
672.....28811, 29208, 29548
675.....28811, 29208, 29737, 29964, 30307
676.....28281
685.....28499

Proposed Rules:

15.....28826
17.....28328, 28329, 28508, 29778
20.....29700
630.....29779
641.....30389
642.....28330
671.....28827
672.....28827
675.....28827
676.....28827
Ch. II.....28838

LIST OF PUBLIC LAWS

This is a continuing list of public bills from the current session of Congress which have become Federal laws. It may be used in conjunction with "PLUS" (Public Laws Update Service) on 202–523–6641. The text of laws is not published in the **Federal Register** but may be ordered in individual pamphlet form (referred to as "slip laws") from the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402 (phone, 202–512–2470).

H.R. 3863/P.L. 103–265

To designate the Post Office building located at 401 E. South Street in Jackson, Mississippi, as the "Medgar Wiley Evers Post Office". (June 10, 1994; 108 Stat. 712; 1 page)

Last List June 7, 1994

INFORMATION ABOUT THE SUPERINTENDENT OF DOCUMENTS' SUBSCRIPTION SERVICE

Know when to expect your renewal notice and keep a good thing coming. To keep our subscription prices down, the Government Printing Office mails each subscriber *only one renewal notice*. You can learn when you will get your renewal notice by checking the number that follows month/year code on the top line of your label *as shown in this example*:

A renewal notice will be sent approximately 90 days before this date.

```
AFR  SMITH212J              DEC94 R 1
JOHN SMITH
212 MAIN STREET
FORESTVILLE MD 20747
```

A renewal notice will be sent approximately 90 days before this date.

```
AFRDO  SMITH212J            DEC94 R 1
JOHN SMITH
212 MAIN STREET
FORESTVILLE MD 20747
```

To be sure that your service continues without interruption, please return your renewal notice promptly. If your subscription service is discontinued, simply send your mailing label from any issue to the Superintendent of Documents, Washington, DC 20402–9372 with the proper remittance. Your service will be reinstated.

To change your address: Please SEND YOUR MAILING LABEL, along with your new address to the Superintendent of Documents, Attn: Chief, Mail List Branch, Mail Stop: SSOM, Washington, DC 20402–9373.

To inquire about your subscription service: Please SEND YOUR MAILING LABEL, along with your correspondence, to the Superintendent of Documents, Attn: Chief, Mail List Branch, Mail Stop: SSOM, Washington, DC 20402–9375.

To order a new subscription: Please use the order form provided below.

Order Processing Code: * 5468

Superintendent of Documents Subscription Order Form

Charge your order. It's easy! MasterCard VISA

To fax your orders (202) 512–2233

☐ **YES,** please enter my subscriptions as follows:

____ subscriptions to **Federal Register** (FR); *including* the daily Federal Register, monthly Index and LSA List of Code of Federal Regulations Sections Affected, at $490 ($612.50 foreign) each per year.

____ subscriptions to **Federal Register,** *daily only* (FRDO), at $444 ($555 foreign) each per year.

The total cost of my order is $_____. (Includes regular shipping and handling.) Price subject to change.

Company or personal name (Please type or print)

Additional address/attention line

Street address

City, State, Zip code

Daytime phone including area code

Purchase order number (optional)

For privacy, check box below:
☐ Do not make my name available to other mailers

Check method of payment:
☐ Check payable to Superintendent of Documents
☐ GPO Deposit Account ☐☐☐☐☐☐☐–☐
☐ VISA ☐ MasterCard ☐☐☐☐ (expiration date)

☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐

Thank you for your order!

Authorizing signature 1/94

Mail To: Superintendent of Documents
P.O. Box 371954, Pittsburgh, PA 15250–7954

Order Now!

The United States Government Manual 1993/94

As the official handbook of the Federal Government, the *Manual* is the best source of information on the activities, functions, organization, and principal officials of the agencies of the legislative, judicial, and executive branches. It also includes information on quasi-official agencies and international organizations in which the United States participates.

Particularly helpful for those interested in where to go and who to see about a subject of particular concern is each agency's "Sources of Information" section, which provides addresses and telephone numbers for use in obtaining specifics on consumer activities, contracts and grants, employment, publications and films, and many other areas of citizen interest. The *Manual* also includes comprehensive name and agency/subject indexes.

Of significant historical interest is Appendix C, which lists the agencies and functions of the Federal Government abolished, transferred, or changed in name subsequent to March 4, 1933.

The *Manual* is published by the Office of the Federal Register, National Archives and Records Administration.

$30.00 per copy



Superintendent of Documents **Publications** Order Form

Order Processing Code:
* **6395**

Charge your order. It's easy! MasterCard VISA

To fax your orders (202) 512–2250

☐ **YES,** please send me _____ copies of the **The United States Government Manual, 1993/94** S/N 069–000–00053–3 at $30.00 ($37.50 foreign) each.

The total cost of my order is $ _____. Price includes regular domestic postage and handling and is subject to change.

_____
(Company or personal name) (Please type or print)

_____
(Additional address/attention line)

_____
(Street address)

_____
(City, State, Zip code)

_____
(Daytime phone including area code)

_____
(Purchase order no.)

Please choose method of payment:

❑ Check payable to the Superintendent of Documents

❑ GPO Deposit Account ☐☐☐☐☐☐ – ☐

❑ VISA ❑ MasterCard Account

☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐

☐☐☐☐ (Credit card expiration date)

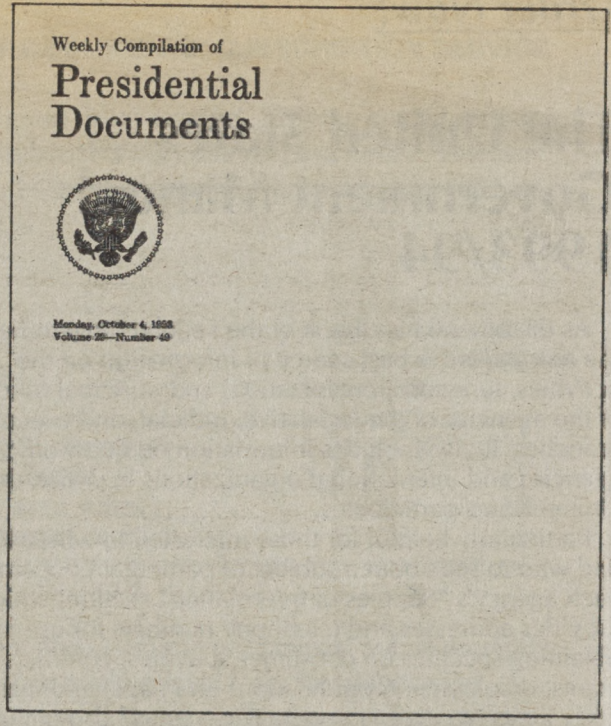
Thank you for your order!

_____
(Authorizing signature) (Rev 9/93)

Mail to: Superintendent of Documents
P.O. Box 371954, Pittsburgh, PA 15250–7954

The authentic text behind the news . . .

The Weekly Compilation of **Presidential Documents**



This unique service provides up-to-date information on Presidential policies and announcements. It contains the full text of the President's public speeches, statements, messages to Congress, news conferences, and other Presidential materials released by the White House.

The Weekly Compilation carries a Monday dateline and covers materials released during the preceding week. Each issue contains an Index of Contents and a Cumulative Index to Prior Issues.

Separate indexes are published periodically. Other features include lists of acts approved by the President, nominations submitted to the Senate, a checklist of White House press releases, and a digest of other Presidential activities and White House announcements.

Published by the Office of the Federal Register, National Archives and Records Administration.

Superintendent of Documents Subscription Order Form

Order Processing Code:
* 5420

Charge your order. It's easy! MasterCard VISA

To fax your orders (202) 512–2233

☐ **YES,** please enter _____ one year subscriptions for the **Weekly Compilation of Presidential Documents** (PD) so I can keep up to date on Presidential activities.

☐ $103 First Class Mail ☐ $65 Regular Mail

The total cost of my order is $ _____. Price includes regular domestic postage and handling and is subject to change. International customers please add 25%.

(Company or personal name) (Please type or print)

(Additional address/attention line)

(Street address)

(City, State, Zip code)

(Daytime phone including area code)

(Purchase order no.)

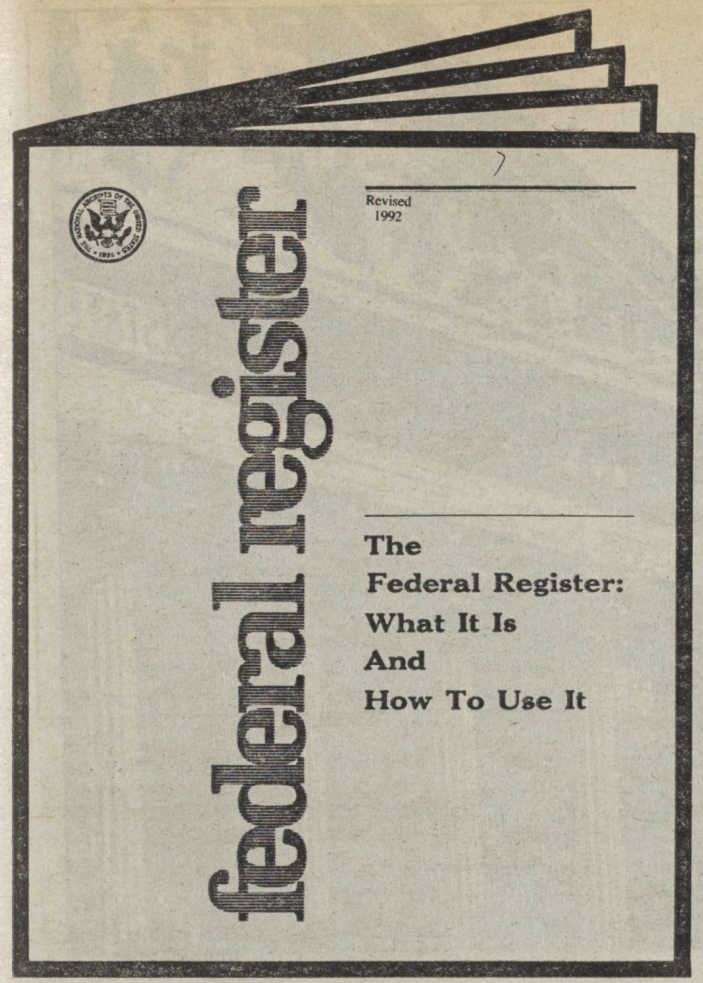
For privacy, check box below:
☐ Do not make my name available to other mailers

Check method of payment:
☐ Check payable to Superintendent of Documents
☐ GPO Deposit Account ☐☐☐☐☐☐☐ – ☐
☐ VISA ☐ MasterCard ☐☐☐☐ (expiration)
☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐

(Authorizing signature) 1/94

Thank you for your order!

Mail to: Superintendent of Documents
P.O. Box 371954, Pittsburgh, PA 15250–7954



Announcing the Latest Edition

The Federal Register: What It Is and How to Use It

A Guide for the User of the Federal Register—Code of Federal Regulations System

This handbook is used for the educational workshops conducted by the Office of the Federal Register. For those persons unable to attend a workshop, this handbook will provide guidelines for using the *Federal Register* and related publications, as well as an explanation of how to solve a sample research problem.

Price $7.00

Superintendent of Documents **Publications** Order Form

P3

Order processing code:
*6173

Charge your order. It's Easy!

To fax your orders (202)-512-2250

☐ **YES**, please send me the following:

_____ copies of **The Federal Register-What it is and How To Use it**, at $7.00 per copy. Stock No. 069-000-00044-4

The total cost of my order is $_____. International customers please add 25%. Prices include regular domestic postage and handling and are subject to change.

(Company or Personal Name) (Please type or print)

(Additional address/attention line)

(Street address)

(City, State, ZIP Code)

(Daytime phone including area code)

(Purchase Order No.)

May we make your name/address available to other mailers? YES ☐ NO ☐

Please Choose Method of Payment:

☐ Check Payable to the Superintendent of Documents

☐ GPO Deposit Account ☐☐☐☐☐☐☐-☐

☐ VISA or MasterCard Account

☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐

☐☐☐☐ (Credit card expiration date)

Thank you for your order!

(Authorizing Signature) (Rev. 1-93)

Mail To: New Orders, Superintendent of Documents
P.O. Box 371954, Pittsburgh, PA 15250-7954

Would you like to know...

if any changes have been made to the Code of Federal Regulations or what documents have been published in the Federal Register without reading the Federal Register every day? If so, you may wish to subscribe to the *LSA (List of CFR Sections Affected)*, the *Federal Register Index*, or both.

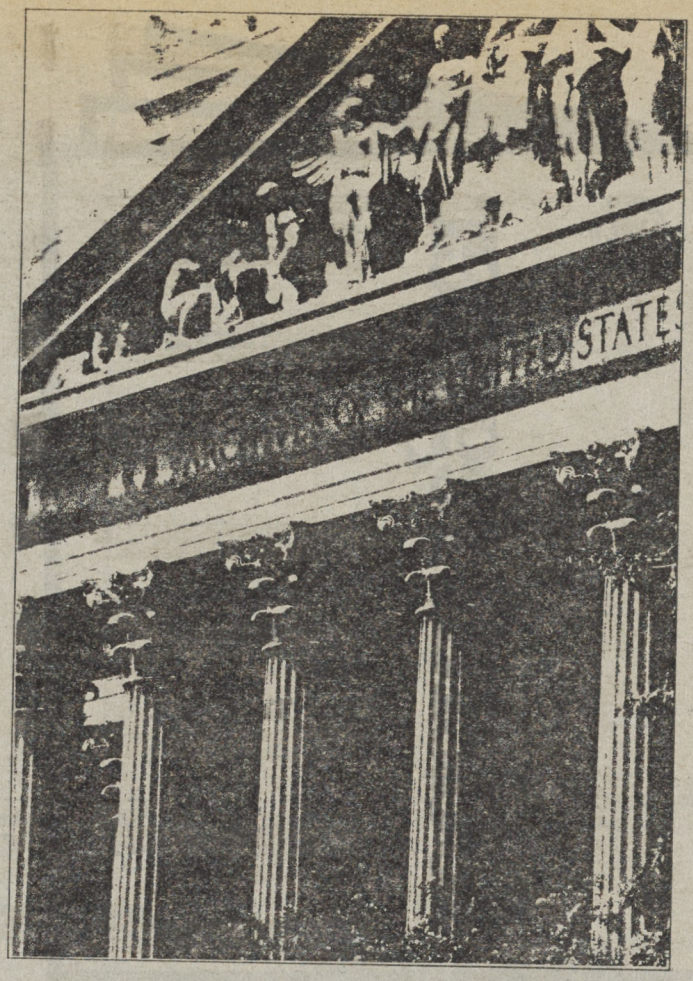
LSA • List of CFR Sections Affected

The LSA (List of CFR Sections Affected) is designed to lead users of the Code of Federal Regulations to amendatory actions published in the Federal Register. The LSA is issued monthly in cumulative form. Entries indicate the nature of the changes—such as revised, removed, or corrected. $24.00 per year.

Federal Register Index

The index, covering the contents of the daily Federal Register, is issued monthly in cumulative form. Entries are carried primarily under the names of the issuing agencies. Significant subjects are carried as cross-references. $22.00 per year.

A finding aid is included in each publication which lists Federal Register page numbers with the date of publication in the Federal Register.



Superintendent of Documents Subscription Order Form

Order Processing Code:
* 5421

Charge your order. It's easy!

To fax your orders (202) 512–2233

☐ **YES,** enter the following indicated subscriptions for one year:

___ **LSA • List of CFR Sections Affected** (LCS) at $24 each

___ **Federal Register Index** (FRSU)at $22 each

The total cost of my order is $_____. Price includes regular domestic postage and handling and is subject to change. International customers please add 25%.

(Company or personal name) (Please type or print)

(Additional address/attention line)

(Street address)

(City, State, Zip code)

(Daytime phone including area code)

(Purchase order no.)

For privacy, check box below:
❑ Do not make my name available to other mailers

Check method of payment:
❑ Check payable to Superintendent of Documents
❑ GPO Deposit Account ☐☐☐☐☐☐☐–☐
❑ VISA ❑ MasterCard ☐☐☐☐ (expiration)

☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐

(Authorizing signature) 1/94

Thank you for your order!

Mail to: Superintendent of Documents
P.O. Box 371954, Pittsburgh, PA 15250–7954



Printed on recycled paper