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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

(TWO BRIEFINGS)

WHEN: October 25 at 9:00 am and 1:30 pm

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

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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.

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Presidential Documents

Title 3—

The President

Proclamation 6732 of October 5, 1994

General Pulaski Memorial Day, 1994

By the President of the United States of America

A Proclamation

October 11 marks the anniversary of the death of a true hero of humanity. General Casimir Pulaski fought for the cause of freedom on two continents, determined to realize the ideal of self-determination for every individual. Each year, Americans pause to honor this man, whose life and death represent a commitment to democracy that holds an invaluable lesson for all of us.

The proud history of Poland contains chapter upon chapter reflecting the virtues of courage, honor, and sacrifice. Pulaski, a loyal son of Poland, wrote a glorious page in that lengthy book. His life is a testament to humanity's inextinguishable desire for liberty and to our willingness to sacrifice all to defend, or to recapture, that sacred blessing. His death reminds us that the cost of liberty is often high. Pulaski well understood that price and was willing to pay it if only for the chance of extending to all people the noble mandates of democracy and human dignity.

As a freedom fighter in Poland, Pulaski's dedication to the pursuit of liberty led him to defend the rights of the embattled American colonists in our Nation's War of Independence. Combining his military expertise, his undying thirst for justice, and his indomitable courage, Pulaski served with extraordinary valor in the cavalry of the Continental Army. And 215 years ago, during the siege of Savannah, General Pulaski gave his life so that our country might prevail in its quest for nationhood.

Thanks to the selflessness and strength of men and women who, like General Pulaski, refused to let seemingly hopeless odds deter them in their struggle for freedom, we celebrate the possibilities for peace in a hopeful new era of social change. The ideals for which Pulaski fought and died are sweeping the globe. Poland itself is free, at peace, and increasingly prosperous. Thanks in no small measure to the efforts of General Pulaski's modern-day compatriots, Europe is united in liberty, and the light of democracy shines brightly around the world.

NOW, THEREFORE, I, WILLIAM J. CLINTON, President of the United States of America, by virtue of the authority vested in me by the Constitution and laws of the United States, do hereby proclaim Tuesday, October 11, 1994, as General Pulaski Memorial Day, and I encourage the people of the United States to commemorate this occasion with appropriate programs and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this fifth day of October, 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 nineteenth.

William J. Clinton

[FR Doc. 94–25251
Filed 10–6–94; 3:33 pm]
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Rules and Regulations

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

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

OFFICE OF PERSONNEL MANAGEMENT

5 CFR Part 890

RIN 3206–AG03

Federal Employees Health Benefits Program: Debarment

AGENCY: Office of Personnel Management.

ACTION: Final rule.

SUMMARY: The Office of Personnel Management (OPM) is issuing final regulations to incorporate into regulations the statutory requirement that carriers in the Federal Employees Health Benefits (FEHB) Program may not deny claims for services or supplies due to the debarment of the providers who supplied them if the claimants could not have known that the provider was debarred. The purpose of these regulations is to comply with the provision of law that requires OPM to prescribe regulations on this issue.

EFFECTIVE DATE: November 10, 1994.

FOR FURTHER INFORMATION CONTACT: Margaret Sears (202) 606–0191.

SUPPLEMENTARY INFORMATION: On May 10, 1994, OPM published interim regulations in the **Federal Register** (59 FR 24030) clarifying that carriers cannot deny claims based on debarment if there was no reasonable way the claimant could have known that the provider was debarred. When an individual who has not previously been notified of a provider's debarment submits a claim for services or supplies furnished by a debarred provider, the carrier must (1) honor the claim under the terms of its contract with OPM, and (2) inform the individual about the debarment of the provider and the minimum period of time remaining under the terms of the debarment.

In practical terms, this generally means that the first claim(s) an enrollee submits for services or supplies received after a provider has been debarred, but before the enrollee has been informed of the debarment, is (are) paid to the same extent it (they) would have been paid had the provider not been debarred. The carrier must, at the same time, inform the enrollee concerning the debarment. The carrier will deny any subsequent claims for service or supplies furnished during the period the provider is debarred.

OPM received no comments on the interim regulations.

Regulatory Flexibility Act

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

E.O. 12866, Regulatory Review

This rule has been reviewed by OMB in accordance with E.O. 12866.

List of Subjects in 5 CFR Part 890

Administrative practice and procedure, Government employees, Health facilities, Health insurance, Health professions, Hostages, Reporting and recordkeeping requirements, Retirement.

Office of Personnel Management.

James B. King,

Director.

Accordingly, under authority of 5 U.S.C. 8913, OPM is adopting its interim regulations under 5 CFR part 890 as published on May 10, 1994 (59 FR 24030) as final rules without change.

[FR Doc. 94–24953 Filed 10–7–94; 8:45 am]
BILLING CODE 6325–01–M

DEPARTMENT OF AGRICULTURE

Food and Nutrition Service

7 CFR Part 271

Food Stamp Program: Forfeiture and Denial of Property Rights

AGENCIES: Office of Inspector General and Food and Nutrition Service, Department of Agriculture.

ACTION: Final rule.

SUMMARY: This rule implements section 15(g) of the Food Stamp Act of 1977, as amended by Section 124 of the Food Stamp Act Amendments of 1980, Pub. L. 96–249, which authorizes the Secretary of Agriculture to subject to forfeiture and denial of property rights any nonfood items, moneys, negotiable instruments, securities, or other things of value that are furnished or intended to be furnished by any person in exchange for food coupons; authorization cards, or other program benefit instruments or access devices in any manner not authorized by the Food Stamp Act or regulations issued pursuant to the Food Stamp Act, 7 U.S.C. 2024(g). The rule establishes procedures to be followed by the Inspector General and other Federal law enforcement officials who conduct investigations of alleged violations of the Food Stamp Act and who may, during the course of those investigations, acquire property subject to forfeiture and denial of property rights.

EFFECTIVE DATE: November 10, 1994.

FOR FURTHER INFORMATION CONTACT: Brian L. Haaser, Director, Program Investigations Division, Office of Inspector General, United States Department of Agriculture, 14th Street and Independence Avenue SW, Washington, DC 20250–2318. Phone: (202) 720–6701.

SUPPLEMENTARY INFORMATION:

Classification

Executive Order 12866

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

Executive Order 12372

The Food Stamp Program is listed in the Catalog of Federal Domestic Assistance under No. 10.551. For the reasons set forth in the final rule and related Notice(s) to 7 CFR Part 3015, subpart V (48 FR 29115, June 24, 1983), this program is excluded from the scope of Executive Order 12372, which requires intergovernmental consultation with State and local officials.

Paperwork Reduction Act

This final rule does not contain reporting or recordkeeping requirements subject to approval by the Office of Management and Budget under the Paperwork Reduction Act of 1980 (44 U.S.C. 3507).

Regulatory Flexibility Act

This action has been reviewed with regard to the requirements of the Regulatory Flexibility Act of 1980 (Pub. L. No. 96–354, 94 Stat. 1164, September 19, 1980). Charles R. Gillum, Acting Inspector General, USDA, has certified that this rule does not have a significant economic impact on a substantial number of small entities.

Executive Order 12778

This final rule has been reviewed under Executive Order 12778, Civil Justice Reform. This rule is intended to have preemptive effect with respect to any state or local laws, regulations or policies which conflict with its provisions or which would otherwise impede its full implementation. This rule is not intended to have retroactive effect unless so specified in the **EFFECTIVE DATE** paragraph of this preamble. Prior to any judicial challenge to the provisions of this rule or the application of this rule, all applicable administrative procedures must be exhausted. The administrative review requirements relating to forfeiture of property pursuant to the Food Stamp Act of 1977, as amended, are set out in this rule.

Background

This rule recognizes that the Office of Inspector General (OIG), USDA, conducts the majority of criminal investigations that result in Federal criminal prosecution under the Food Stamp Act; that such investigations involve the acquisition of valuable property by investigators in exchange for food coupons, authorization cards, or other program benefit instruments or access devices; and that Congress granted to USDA the power to subject such property to forfeiture. It should be noted that the Act defines "coupon" to include any "* * * type of certificate issued pursuant to the provisions of this Act" (7 U.S.C. 2012(d)). Thus, this rulemaking subjects to forfeiture property offered in exchange for any program benefit instrument or access device.

In addition to OIG, other Federal law enforcement agencies, including the United States Secret Service and the United States Postal Inspection Service, also conduct criminal investigations involving the acquisition of property in exchange for food coupons, authorization cards, or other program benefit instruments or access devices. Finally, in some instances food coupons and other benefit instruments are provided to other Federal law enforcement agencies for use in investigations involving program related activities under memoranda of understanding with OIG. This rule applies as well to seizures related to the Act which are made by those agencies. However, this rule specifically provides that the forfeiture provisions shall not apply to those items exchanged during the course of internal investigations by retail firms, investigations conducted by State and local law enforcement agencies, or FNS Compliance Branch investigations.

For a more detailed explanation of the provisions of this rule, the reader should refer to the preamble of the proposed rule cited below.

The proposed rule was published in the **Federal Register** on December 6, 1993, 58 FR 64172, with a 60 day comment period ending February 4, 1994. We received only one letter with comments. The commenter suggested that the rule should clarify that property not acquired by investigation is not subject to the rule, that the property belongs to USDA and disposal must be approved by USDA, and that any moneys obtained from sale of property or by forfeiture belongs to USDA and shall be deposited with USDA.

We did not make any changes as a result of the comments because we believe the rule already adequately addresses the commenter's concerns. The provisions of 7 CFR 271.5(e)(1)(ii) of the rule state that the forfeiture and denial of property rights provisions shall apply to property exchanged or offered in exchange during investigations by the Inspector General, USDA, and by other authorized Federal law enforcement agencies. We believe this is clear enough without adding that it does not cover other property. Section 271.5(e)(2) clearly states that the property is deemed forfeited to USDA, and § 271.5(e)(2)(v) provides custodians guidance on property disposal and refers to the applicable regulations which would be those of USDA and/or GSA. Finally, while any moneys exchanged or collected are deemed forfeited to USDA just like other property, section 7 CFR 271.5(e)(2)(vi) provides that such moneys shall be deposited into the general fund of the United States Treasury. The moneys are deposited to the general fund because OIG does not have the legal authority needed to deposit them with USDA.

List of Subjects in 7 CFR Part 271

Administrative practice and procedure, Claims, Food stamps, Penalties.

Accordingly, 7 CFR part 271 is amended as follows:

PART 271—GENERAL INFORMATION AND DEFINITIONS

1. The authority citation for part 271 continues to read as follows:

Authority: 7 U.S.C. 2011–2032.

2. Section 271.5 is amended by adding a new paragraph (e), as follows:

§ 271.5 Coupons as obligations of the United States, crimes and offenses, forfeiture and denial of property rights.

* * * * *

(e) Forfeiture and denial of property rights.

(1) General.

(i) Any nonfood items, moneys, negotiable instruments, securities, or other things of value furnished or intended to be furnished by any person in exchange for food coupons, authorization cards, or other program benefit instruments or access devices in any manner not authorized by the Food Stamp Act or regulations issued pursuant to the Act, shall be subject to forfeiture and denial of property rights. Such property is deemed forfeited to the United States Department of Agriculture (USDA) at the time it is either exchanged or offered in exchange.

(ii) These forfeiture and denial of property rights provisions shall apply to property exchanged or offered in exchange during investigations conducted by the Inspector General, USDA, and by other authorized Federal law enforcement agencies.

(iii) These forfeiture and denial of property rights provisions shall not apply to property exchanged or intended to be exchanged during the course of internal investigations by retail firms, during investigations conducted solely by State and local law enforcement agencies and without the participation of an authorized Federal law enforcement agency, or during compliance investigations conducted by the Food and Nutrition Service.

(2) Custodians and their responsibilities.

(i) The Inspector General, USDA, the Inspector General's designee, and other authorized Federal law enforcement officials shall be custodians of property acquired during investigations.

(ii) Upon receiving property subject to forfeiture the custodian shall:

(A) Place the property in an appropriate location for storage and safekeeping, or

(B) Request that the General Services Administration (GSA) take possession of the property and remove it to an appropriate location for storage and safekeeping.

(iii) The custodian shall store property received at a location in the

judicial district where the property was acquired unless good cause exists to store the property elsewhere.

(iv) Custodians shall not dispose of property prior to the fulfillment of the notice requirements set out in paragraph 3, or prior to the conclusion of any related administrative, civil, or criminal proceeding, without reasonable cause. Reasonable cause to dispense with notice requirements might exist, for example, where explosive materials are being stored which may present a danger to persons or property.

(v) Custodians may dispose of any property in accordance with applicable statutes or regulations relative to disposition. The custodian may:

(A) Retain the property for official use;

(B) Donate the property to Federal, State, or local government facilities such as hospitals or to any nonprofit charitable organizations recognized as such under section 501(c)(3) of the Internal Revenue Code; or

(C) Request that GSA take custody of the property and remove it for disposition or sale.

(vi) Proceeds from the sale of forfeited property and any moneys forfeited shall be used to pay all proper expenses of the proceedings for forfeiture and sale including expenses of seizure, maintenance of custody, transportation costs, and any recording fees. Moneys remaining after payment of such expenses shall be deposited into the general fund of the United States Treasury.

(3) Notice requirements.

(i) The custodian shall make reasonable efforts to notify the actual or apparent owner(s) of or person(s) with possessory interests in the property subject to forfeiture except for the good cause exception if the owner cannot be notified.

(ii) The notice shall:

(A) Include a brief description of the property;

(B) Inform the actual or apparent owner(s) of or person(s) with possessory interests in the property subject to forfeiture of the opportunity to request an administrative review of the forfeiture;

(C) Inform the actual or apparent owner(s) of or person(s) with possessory interests in the property subject to forfeiture of the requirements for requesting administrative review of the forfeiture; and

(D) State the title and address of the official to whom a request for administrative review of the forfeiture may be addressed.

(iii) Except as provided in paragraphs (e)(3) (iv) and (v) of this section, notice shall be given within 45 days from the date the United States convicts, acquits, or declines to act against the person who exchanged the property.

(iv) Notice may be delayed if it is determined that such action is likely to endanger the safety of a law enforcement official or compromise another ongoing criminal investigation conducted by OIG, the United States Secret Service, the United States Postal Inspection Service, or other authorized Federal law enforcement agency.

(v) Notice need not be given to the general public.

(4) Administrative review.

(i) The actual or apparent owner(s) of or person(s) with possessory interests in the property shall have 30 days from the date of the delivery of the notice of forfeiture to make a request for an administrative review of the forfeiture.

(ii) The request shall be made in writing to the Assistant Inspector General for Investigations, Office of Inspector General, USDA, or to his/her designee, hereinafter referred to as the reviewing official.

(iii) A request for an administrative review of the forfeiture of property shall include the following:

(A) A complete description of the property, including serial numbers, if any;

(B) Proof of the person's property interest in the property; and,

(C) The reason(s) the property should not be forfeited.

(iv) The requestor may, at the time of his/her written request for administrative review, also request an oral hearing of the reasons the property should not be forfeited.

(v) The burden of proof will rest upon the requestor, who shall be required to demonstrate, by a preponderance of the evidence, that the property should not be forfeited.

(vi) Should the administrative determination be in their favor, the actual or apparent owner(s) of or person(s) with possessory interests in the property subject to forfeiture may request that forfeited items be returned or that compensation be made if the custodian has already disposed of the property.

(vii) The reviewing official shall not remit or mitigate a forfeiture unless the requestor:

(A) Establishes a valid, good faith property interest in the property as owner or otherwise; and

(B) Establishes that the requestor at no time had any knowledge or reason to believe that the property was being or would be used in violation of the law; and

(C) Establishes that the requestor at no time had any knowledge or reason to believe that the owner had any record or reputation for violating laws of the United States or of any State for related crimes.

(viii) The reviewing official may postpone any decision until the conclusion of any related administrative, civil, or criminal proceeding.

(ix) The decision of the reviewing official as to the disposition of the property shall be the final agency determination for purposes of judicial review.

Done at Washington, D.C. this 28th day of September 1994.

Mike Espy,

Secretary of Agriculture.

[FR Doc. 94–25008 Filed 10–7–94; 8:45 am]

BILLING CODE 3410–23–M

Agricultural Stabilization and Conservation Service

7 CFR Parts 735, 736, 737, 738, 739, 740, 741, and 742

RIN 0560–AD13

U.S. Warehouse Act Fees

AGENCY: Agricultural Stabilization and Conservation Service, USDA.

ACTION: Final rule.

SUMMARY: This final rule revises the regulations under the United States Warehouse Act (USWA) to increase the fees charged to grain, tobacco, wool, dry bean, nut, syrup, cotton and cottonseed warehousemen for licensing and inspection services. In addition, a schedule of fees has been added to impose annual fees on cotton warehousemen. Future fee changes will be announced by a notice in the **Federal Register** prior to July 1, to be effective October 1 of each year, when such changes have been determined to be necessary.

EFFECTIVE DATE: October 1, 1994.

FOR FURTHER INFORMATION CONTACT: Director, Licensing Authority Division, United States Department of Agriculture (USDA), Agricultural Stabilization and Conservation Service (ASCS), PO Box 2415, Washington, DC 20013–2415, telephone 202–720–2121, FAX 202–690–0014.

SUPPLEMENTARY INFORMATION:

Executive Order 12866

This rule has been determined to be significant and was reviewed by Office of Management and Budget (OMB) under Executive Order 12866.

Executive Order 12372

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

Executive Order 12778

The Office of General Counsel has certified to the OMB that these regulations meet the applicable standards provided in sections 2(a) and 2(b)(2) of this Executive Order.

Paperwork Reduction Act

The amendments set forth in this final rule do not generate any new or revised information collection or recordkeeping requirements on the public.

Regulatory Flexibility Act

It has been determined that the Regulatory Flexibility Act is not applicable to this final rule. It has been determined that this rule will not have a significant effect on a substantial number of small businesses because licensing under the USWA is strictly voluntary on the part of the warehouseman. The actions taken herein are required by statute.

Executive Order 12612

It has been determined that the policies and procedures contained in this rule will not have substantial direct effects on states or their political subdivisions, or on the distribution of power and responsibilities among the various levels of government.

National Environmental Policy Act

This action is not expected to have any significant impact on the quality of the human environment, health, and safety. Therefore, neither an Environmental Assessment nor an Environmental Impact Statement is needed.

Background

Pursuant to the provisions of the USWA, the Secretary has the authority to license public warehousemen. Warehousemen that opt to have a USWA license understand that fees will be imposed to cover the costs of the program. Specifically, the Omnibus Budget Reconciliation Act of 1981 mandates the imposition of fees for USWA licensed warehouses. The Act stipulates that:

> The Secretary of Agriculture * * * shall charge, assess, and cause to be collected a reasonable fee for: (1) Each examination or inspection of a warehouse * * *; (2) each license issued to any person to classify, inspect, grade, sample, or weigh agricultural products stored or to be stored * * *; (3) each annual warehouse license issued to a warehouseman to conduct a warehouse * * *; and (4) each warehouse license amended, modified, extended, or reinstated * * *. Such fees shall cover, as nearly as practicable, the costs of providing such services and licenses * * * including administrative and supervisory costs * * *.

This final rule adopts and changes the fees charged and collected, discontinues publication of fee amounts in the Regulations for Warehouses (7 CFR, chapter VII, subchapter C), and provides for fees to be adjusted annually in order to cover program costs. Fees assessed in fiscal year 1995, are stated in the paragraphs and tables contained herein. This fee information was also contained in the proposed rule published on May 19, 1994, in the **Federal Register** at 59 FR 26146. The table covering annual fees for cotton, as proposed, has been adjusted for warehouses that have a capacity exceeding 160,000 bales.

Warehouse and Service License Fees

The fee for original issuance, reissuance, or duplication of a license for cotton, grain, tobacco, wool, dry beans, nut, syrup, and cottonseed is $65 for each license issued.

The fee charged to license individuals to inspect, sample, grade, classify, or weigh commodities is $26 for each service license issued.

Warehouse Annual and Inspection Fees

These fees are in the following tables by agricultural product. Inspection fees are assessed for each original examination or inspection, or reexamination or reinspection for modification of an existing license. Annual fees are assessed independently of inspection fees.

COTTON

[In bales]

Licensed capacity	Annual fee for each warehouse location with a CCC storage agreement	Annual fee for each warehouse location without a CCC storage agreement
1–20,000	$500	$1,000
20,001–40,000	650	1,300
40,001–60,000	800	1,600
60,001–80,000	1,000	2,000
80,001–100,000	1,250	2,500
100,001–120,000	1,500	3,000
120,001–140,000	1,750	3,500
140,001–160,000	2,000	4,000

COTTON—Continued

[In bales]

Licensed capacity	Annual fee for each warehouse location with a CCC storage agreement	Annual fee for each warehouse location without a CCC storage agreement
160,001+	*2,250	**4,500

*Plus $50.00 per 5,000 bale capacity above 160,000 bales or fraction thereof.

**Plus $100.00 per 5,000 bale capacity above 160,000 bales or fraction thereof.

Inspection fees will be charged at the rate of $65 for each 1,000 bales of licensed capacity, or fraction thereof, but in no case less than $130 nor more than $1,300.

GRAIN

[In bushels]

Licensed capacity	Annual fee for each warehouse location with a CCC storage agreement	Annual fee for each warehouse location without a CCC storage agreement
1–150,000	$130	$260
150,001–250,000	260	520
250,001–500,000	390	780
500,001–750,000	520	1,040
750,001–1,000,000	650	1,300
1,000,001–1,200,000	780	1,560
1,200,001–1,500,000	910	1,820
1,500,001–2,000,000	1,040	2,080
2,000,001–2,500,000	1,170	2,340
2,500,001–5,000,000	1,300	2,600
5,000,001–7,500,000	1,430	2,860
7,500,001–10,000,000	1,560	3,120
10,000,001+	*1,560	**3,120

*Plus $40 per million bushels above 10,000,000 or fraction thereof.

**Plus $80 per million bushels above 10,000,000 or fraction thereof.

Inspection fees will be charged at the rate of $13 for each 10,000 bushels or fraction thereof, but in no case less than $130 nor more than $1,300.

DRY BEANS

[In hundredweight]

Licensed capacity	Annual fee
100–90,000	$650
90,100–150,000	910
150,100–300,000	1,170
300,100–450,000	1,430

DRY BEANS—Continued

[In hundredweight]

Licensed capacity	Annual fee
450,100–600,000	1,690
600,100–720,000	1,950
720,100–900,000	2,210
900,100–1,200,000	2,470
1,200,100–1,500,000	2,730
1,500,100–3,000,000	2,990
3,000,100+	3,250

Inspection fees will be charged at the rate of $13 for each 1,000 hundredweight, or fraction thereof, but in no case less than $130 nor more than $650.

TOBACCO AND WOOL

Annual fee:

$13 for each 100,000 pounds of licensed capacity, or fraction thereof, but in no case less than $520 nor more than $2,600.

Inspection fee:

$13 for each 100,000 pounds of licensed capacity, or fraction thereof, but in no case less than $130 nor more than $650.

NUTS

Annual fee:

13¢ for each short ton of licensed capacity, or fraction thereof, but in no case less than $520 nor more than $2,600.

Inspection fee:

$7 for each 100 short ton of licensed capacity, or fraction thereof, of peanuts, and $13 for each 1,000 hundredweight, or fraction thereof, of other nuts, but in no case less than $130 nor more than $1,300.

SYRUP

Annual fee:

$4 for each 5,000 gallons of licensed capacity, or fraction thereof, but in no case less than $520 nor more than $2,600.

Inspection fee:

$4 for each 5,000 gallons, or fraction thereof, but in no case less than $130 nor more than $650.

COTTONSEED

Annual fee:

$13 for each 1,000 short tons of licensed capacity, or fraction thereof, but in no case less than $520 nor more than $2,600.

Inspection fee:

$13 for each 1,000 short tons of licensed capacity, or fraction thereof, but in no case less than $130 nor more than $650.

General Summary of Comments

The proposed rule was published in the **Federal Register** (59 FR 26146) on May 19, 1994. Comments from interested parties were due on or before the close of business on June 3, 1994.

Twenty-two letters were received on time from entities concerned with issues regarding the cotton and grain USWA changes. Because of the definite division of the comments between cotton and grain, our "Summary of Comments" will be separated accordingly.

Seventeen of the 22 letters concern cotton fees, delaying the effective date of USWA fee charges, and a maximum limit on fees. The 17 cotton entities are comprised of nine cotton compressors/ginners, four warehousemen, and four Associations. One of the letters from an association states that its members support maintaining the integrity of the USWA warehouse receipt system, but association policy will not allow for constructive comment on the proposal at this time.

Five of the 22 letters concern grain fee increases and future fee announcements. The five entities are comprised of three associations and two warehousemen.

A total of 41 comments were received. Thirty-two of these comments concerned cotton, and 9 concerned grain. Discussion of Comments

Most of the commenters were supportive of the continued need for the USWA and of the concepts behind the proposal. However, many of the comments suggest that a different approach would be more desirable to finance the costs of the program.

The final rule adopts the proposed fees for grain, tobacco, wool, dry bean, nut, syrup, and cottonseed warehouses without change. One minor change to the fee proposal regarding cotton has been made. The amount of fees collected in warehouses where the capacity exceeds 160,000 bales, will be subject to incremental increases.

Summary of Comments

Cotton

Fees

Some degree of confusion exists among the commenters as they refer to the federal and State regulation programs and warehouses with a Commodity Credit Corporation (CCC) Cotton Storage Agreement as being one and the same. Specifically, they believe that all regulatory and contractual fees should be announced at the same time. However, these three agencies operate under different legislation with different authorities. Therefore, these comments are not discussed below in detail.

A total of 11 comments were received regarding fees. One comment opposes the warehouse and service license fee increase, as well as the annual and inspection fee increases. One comment states that it is assumed that warehousemen who are currently licensed would be grandfathered into this fee structure and would be opposed to any new assessment of fees to cover the cost of existing licensed space. One comment strongly opposes the implementation of user fees for cotton, stating that it is a new taxation. One comment understands the need for fees; but believes fees should be based on an hourly rate of actual time spent. The commenter feels that if the main purpose is to cover an inspector's expenses, that it would be more appropriate than using the bale capacity as the basis. One comment states that the proposed fees are far greater than any suggested at recent meetings. The commenter feels that omission of any inspection fees for State licensed warehouses is discriminatory. One comment states that the proposed fees are much too high, and that ASCS should lock in any fee for at least five years. One comment states that user fees are not opposed, but that the fee schedule in the **Federal Register** discriminates against small warehouses. One comment states that the importance of the examination system is questioned. When examiners logged in each bale and knew what was missing, the audit provided valuable information. The commenter feels that if a bale by bale check was still done it would be useful and that he would be glad to pay the fees for the service. One comment supports the need for inspection fees, but believes we should consider a freeze on the level of fees for a specific time, say five years, on the basis that escalations should not be needed in the near term. One comment opposes the proposed fees. The commenter feels that the fees are too much, too soon, and if fees are a must, they should be phased in over not less than a 3-year period. One comment states that there is reluctant concurrence with the imposition of fees, but that they fully support the need for inspection fees to be imposed for cotton.

After consideration of these comments, ASCS decided to proceed with the implementation of fees on USWA licensed cotton warehousemen. To cancel or delay such fees would not be in accordance with the statutory requirements to collect fees for services. Since the USWA licensing authority has no control over, or influence on, State regulatory agencies or CCC, it is not feasible to announce all such fees at the same time. The CCC contractual year is not the same as the USDA fiscal year.

The State authority has no connection with the USWA programs.

Delaying Effective Date of USWA Fee Charges

A total of 10 comments were received regarding the effective date. Nine commenters feel that all cotton warehouses, including state licensed and CCC warehousemen, should be treated equitably in the timing of fee announcements. One comment, from a grain association, fully supports the proposal for cotton warehouses to pay their fair share of the costs of the federal warehouse system.

After consideration, ASCS decided it could not change the manner in which the initial annual fees would be assessed for cotton warehouses.

Maximum Limit on Fees

A total of 11 comments were received regarding caps on fees. Nine commenters state that they oppose the 160,000 cap on charges because some warehouses are larger, and that the cap would be discriminatory to the smaller capacity warehouses. One comment opposes the cap on capacity because there are additional expenses inspecting large warehouses and they should be charged accordingly. One comment also opposes the cap and feels that fees should be escalated without regard to an arbitrary cap.

After consideration of these comments, ASCS decided to remove the cap of 160,000 bales of capacity for cotton warehouses by adding an incremental increase with no cap.

Grain

Fee Increases

A total of five comments were received regarding the fee increase. All five commenters oppose the increase at this time and recommend deferring it until ASCS takes steps to streamline the program and cut costs.

After consideration of these comments, ASCS decided to go ahead with increases as proposed. To cancel or delay this increase would result in a major decrease in the services provided, and therefore the integrity of the USWA.

Future Fee Announcements

A total of four comments were received regarding future fee announcements. All four commenters oppose changing the fee setting process and eliminating advance public notice and comment.

These comments were considered, however, it was determined that the proposed system is necessary and will be implemented. The regulatory process of writing, clearing, and publishing proposed and final rules in the **Federal Register** takes, on the average, nine to twelve months. By removing the fees from the regulatory process, ASCS is able to respond in a timely manner and make necessary fee adjustments.

List of Subjects in 7 CFR Parts 735, 736, 737, 738, 739, 740, 741, and 742

Administrative practice and procedure, agricultural commodities, Reporting and recordkeeping requirements, Surety bonds, Warehouses.

Accordingly, 7 CFR parts 735 through 742 be amended as follows:

PART 735—COTTON WAREHOUSES

PART 736—GRAIN WAREHOUSES

PART 737—TOBACCO WAREHOUSES

PART 738—WOOL WAREHOUSES

PART 739—DRY BEAN WAREHOUSES

PART 740—NUT WAREHOUSES

PART 741—SIRUP WAREHOUSES

PART 742—COTTONSEED WAREHOUSES

1. The authority citation for 7 CFR parts 735, 736, 737, 738, 739, 740, 741, and 742 is revised to read as follows:

Authority: 7 U.S.C. 241 et seq.

2. Sections 735.50, 736.57, 737.48, 738.46, 739.55, 740.56, 741.48, and 742.58 are revised to read as follows:

§_____ License fees.

(a) Fees are collected in advance for each original, amended, modified, extended, reinstated, or duplicate warehouseman's license; and for each original, duplicate, or modified license issued to inspect, sample, grade, classify, or weigh commodities.

(b) Fee changes, if applicable, will be announced by Notice in the **Federal Register** on or before July 1, and effective the following October 1.

3. Sections 735.51, 736.58, 737.49, 738.47, 739.56, 740.57, 741.49, and 742.59 are revised to read as follows:

§_____ Warehouse annual and inspection fees.

Warehousemen must pay:

(a) An annual fee which will be determined by computing the capacity for each warehouse location under a single license and adding those amounts together to determine the total due. The fee will be assessed and payable when the warehouse bond is furnished in accordance with these regulations, for acceptance by the Secretary and annually thereafter on the bond renewal date. The capacity for each identifiable location will be determined by the Secretary. The total capacity of all locations may not exceed the capacity stated in the current license. An identifiable location is a fully functional public warehouse as determined by the Secretary. The annual fee a licensed warehouseman is assessed may be adjusted by the amount Commodity Credit Corporation (CCC) pays, if CCC has a storage contract or agreement with the warehouseman.

(b) An inspection fee for each original and amendment inspection.

(c) An inspection fee at the rate of 100 percent of the annual fee charged warehouses without a CCC storage contract or agreement, in all cases where the license has been suspended and the warehouseman has requested reinstatement. No fee will be charged if the Secretary determines that the suspension was not justified.

(d) A fee for each inspection requested by the warehouseman at the rate of 100 percent of the annual fee charged warehouses without a CCC storage contract or agreement.

Signed at Washington, DC, on October 4, 1994.

Bruce R. Weber,

Acting Administrator, Agricultural Stabilization and Conservation Service.

[FR Doc. 94–25052 Filed 10–7–94; 8:45 am]

BILLING CODE 3410–05–P

DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

8 CFR Part 204

[INS No. 1647–93]

RIN 1115–AD61

Priority Dates for Employment-Based Petitions

AGENCY: Immigration and Naturalization Service, Justice.

ACTION: Final rule.

SUMMARY: This final rule amends the Immigration and Naturalization Service regulations on priority dates for employment-based petitions based on labor certifications filed before October 1, 1991. This rule implements section 302(e)(2) of the Miscellaneous and Technical Immigration and Naturalization Amendments of 1991 (MTINA), which amended section 161 (c)(1) of the Immigration Act of 1990 (IMMACT). This rule is necessary to ensure full public awareness of the

October 1, 1993 deadline to file an employment-based petition, if the underlying labor certification was filed before October 1, 1991.

EFFECTIVE DATE: October 11, 1994.

FOR FURTHER INFORMATION CONTACT: Michael W. Straus, Senior Immigration Examiner, Adjudications Division, Immigration and Naturalization Service, 425 I Street, NW., Room 3214, Washington, DC 20536, telephone (202) 514–3228.

SUPPLEMENTARY INFORMATION: On November 29, 1991, the Service published a final rule on employment-based petitions in the **Federal Register** at 56 FR 60897–60913. The final rule, codified at 8 CFR 204.5(d), provided that the priority date for an employment-based petition accompanied by a labor certification shall be the date on which any office within the employment service system of the Department of Labor accepted the request for labor certification. A priority date determines when an alien who has had an immigrant visa petition approved on his or her behalf may submit his or her application for permanent resident status or an immigrant visa.

Subsequent to the promulgation of this regulation, the President signed into law the Miscellaneous and Technical Immigration and Naturalization Amendments of 1991, (MTINA) Public Law 102–232, dated December 12, 1991. Section 302(e)(2) of the MTINA, which amended section 161(c)(1) of the Immigration Act of 1990, (IMMACT) Public Law 102–649, dated November 29, 1990, addressed, among other things, the transition of labor certifications filed before October 1, 1991 into the new employment-based immigrant visa categories created by IMMACT. In this regard, section 302(e)(2) of MTINA provides that, in order to maintain the priority date of a labor certification application filed in connection with an employment-based petition which was submitted to a state employment office before October 1, 1991, the employer must file a petition under section 203(b) of the Act before October 1, 1993. Section 302(e)(2) of MTINA further provides that if the Department of Labor approves a pre-October 1, 1991 labor certification application subsequent to October 1, 1993, the employer must file a petition under section 203(b) of the Act within 60 days of the date of certification to maintain the pre-October 1, 1991 priority date. Although not specifically provided for in section 302(e)(2) of MTINA, the Service has interpreted that section to require that, in the case of labor certifications which the Department of Labor certified between August 2, 1993 and October 1, 1993, a petition under section 203(b) of the Act must be filed within 60 days after the date of certification to preserve the earlier priority date. The Service does not believe that Congress intended to provide those employers less than 60 days from the date of certification to file a petition under section 203(b) of the Act.

To implement section 302(e)(2) of MTINA, the Service issued an interim rule with request for comments on January 5, 1994 at 59 FR 501–502, providing that in the case of labor certifications accepted for processing by any office within the employment service system of the Department of Labor before October 1, 1991, the sponsoring employer must file a petition under section 203(b) of the Act before October 1, 1993, or within 60 days after the date of certification by the Department of Labor, whichever is later, in order to maintain the pre-October 1, 1991 priority date. If the petitioning employer fails to maintain the pre-October 1, 1991 priority date, the priority date shall be the date a new employment-based petition is properly filed with the Service.

The public was provided with a 30-day period, ending on February 4, 1994, to comment on the interim regulation. The Service received three comments.

Discussion of Comments

Statutory Interpretation

One commenter disagreed with the Service's interpretation of section 161(c) of IMMACT. Focusing on the requirement that a petitioner seeking to preserve a pre-October 1, 1991 priority date must file a "new petition", the commenter argued that Congress intended the priority date rule in section 161(c)(1)(A) of IMMACT to apply only to employment-based petitions filed before October 1, 1991 and not to applications for labor certification filed before that date. The commenter further contended that an employment-based petition filed after the Department of Labor certifies a labor certification would not be a "new" petition since an employment-based petition is considered to be "new" only if the petitioner has not previously filed an employment-based petition on behalf of the alien. In other words, the commenter basically argues that the use of the words "new petition" in section 161(c)(1)(A) of IMMACT presupposes the filing of an old petition. The Service disagrees with the commenter's argument.

In order to properly address the comment, it is necessary to examine carefully section 161(c)(1)(A) of IMMACT. The underlined portions of section 161(c)(1)(A), which specifically refer to labor certification applications, are the MTINA amendments, which were added after IMMACT became effective. The language of section 161(c)(1)(A) of IMMACT reads as follows:

(1) In the case of a petition filed under section 204(a) of the Immigration and Nationality Act before October 1, 1991, for preference status under section 203(a)(3) or section 203(a)(6) of such Act (as in effect before such date) *or an application for labor certification before such date under section 212(a)(14)*—

(A) in order to maintain the priority date with respect to such a petition *or application*, the petitioner must file (by not later than October 1, 1991, but not certified until after October 1, 1993, *or 60 days after the date of certification in the case of labor certifications filed in support of the petition under section 212(a)(14) of such Act before October 1, 1991, but not certified until after October 1, 1993*) a new petition for classification of the employment under paragraph (1), (2), or (3) of section 203(b) of such Act (as amended by this title), and

Before Congress amended section 161(c)(1)(A) of IMMACT by enacting section 302(e)(2) of the MTINA, section 161(c)(1)(A) provided that in order to maintain a priority date of an employment-based petition filed before October 1, 1991, a new petition must be filed by October 1, 1993. As used in section 161(c)(1)(A) of IMMACT, the term "new petition" clearly refers to an employment-based petition other than the one the petitioner had previously filed with the Service and not "new" in the sense of a first-time petition. Congress' use of the word "new" in section 302(e)(2) of MTINA does not alter the fact that the MTINA was amended specifically in order to apply the same priority date standard applicable to employment-based petitions to labor certifications applications filed before October 1, 1991. It is a basic rule of statutory construction that effect must be given to every word, clause, and sentence of a statute, so that no part will be inoperative, superfluous, or would emasculate the entire amendment. See § 46.06 Singer, Sutherland Statutory Interpretation, 5th Ed. (1992); *U.S.* v. *Menasche*, 348 U.S. 528, 538–39 (1955). Adopting the commenter's interpretation of section 161(c)(1)(A) of IMMACT would render the MTINA amendments to that section superfluous

simply because Congress retained the word "new petition." The Service cannot ignore the MTINA amendment. For this reason, the Service will not accept the commenter's reading of section 161(c) of IMMACT.

The commenter also criticized the Service for engaging in retroactive rulemaking, citing *Bowen* v. *Georgetown University Hospital*, 488 U.S. 204 (1988). The Supreme Court held in *Bowen* that courts should be reluctant to find authority for retroactive rulemaking absent an express statutory grant. See *id.* at 209. As stated in the preceding paragraph, however, this rule is based on an express statutory amendment creating the October 1, 1993 deadline. The *Bowen* case is not applicable to this situation, since the Service is simply implementing a clear statutory directive.

Timing of the Interim Rule

Two commenters criticized the Service for promulgating this regulation as an interim regulation after the October 1, 1993 deadline for submitting petitions elapsed. One commenter stated that the timing of the promulgation of the Service's regulation violated the spirit of the Administrative Procedures Act and was unfair to the public by not providing the public with adequate notice of the October 1, 1993 deadline by issuing the interim rule in January of 1994.

The timing of the interim regulation did not implicate the Administrative Procedures Act (APA) nor did it adversely impact the public. The MTINA amendments to section 161(c)(1)(A) of IMMACT clearly superseded the Service's regulation on establishing priority dates for employment-based petitions in the case of labor certifications filed before October 1, 1991. The interim rule merely made the regulations consistent with the statute. The purpose of the regulation was to inform the public that, under section 301(e)(2) of the MTINA, if a labor certification was filed before October 1, 1991, the petitioning employer should file an employment-based petition with the Service as soon as possible to maintain the priority date. It also notified the public of the statutory requirement that if a labor certification filed before October 1, 1991 is still pending with the Department of Labor, an employment-based petition must be filed within 60 days of the date of certification to preserve the priority date. Any impact on the public therefore resulted from the enactment of section 301(e)(2) of the MTINA and not by the promulgation of the interim rule.

Other Comments

One commenter objected to the interim rule on the ground that it had an impact on pending litigation involving substitution of labor certification beneficiaries by the employer. See *Kooritsky* v. *Reich*, No. 92–5277 (D.C. Cir. March 18, 1994). In the *Kooritsky* decision, the U.S. Court of Appeals for the District of Columbia invalidated on APA grounds a Department of Labor regulation which eliminated substitution of labor certification beneficiaries. The commenter argued that the interim rule adversely affected an employer's ability to substitute labor certification beneficiaries, because, under the interim rule, the substituted alien will not have the original priority date if the employer failed to file an employment-based petition before the October 1, 1993 deadline.

The same commenter also stated that the interim rule circumvents the Department of Labor's existing rule at 20 CFR 656.30 that a labor certification is valid indefinitely. The interim rule neither affects an employer's ability to substitute labor certification beneficiaries nor the Department of Labor's regulation. By issuing this interim rule, the Service simply implemented section 302(e)(2) of the MTINA, which deals solely with preservation of priority dates. Moreover, even though the MTINA amendment may affect a pre-October 1, 1991 priority date, it has no effect on the validity of the underlying labor certification.

One commenter suggested that the Service extend the October 1, 1993 filing deadline to a date 60 days after the effective date of this final rule. Absent a clear indication from Congress, the Service does not have the authority to go beyond the plain language of the statute and extend the October 1, 1993 deadline.

In sum, section 302(e)(2) of the MTINA requires that in order to preserve a pre-October 1, 1991 priority date, the employer must file an employment-based petition with the Service before October 1, 1993 or within 60 days after the Department of Labor approves the labor certification, whichever is later.

Regulatory Flexibility Act

The Commissioner of the Immigration and Naturalization Service, in accordance with the Regulatory Flexibility Act (5 U.S.C. 605(b)), has reviewed this regulation and by approving it certifies that this rule will not have a significant economic impact on a substantial number of small entities. This rule affects only a very limited number of petitioners and aliens who filed requests for labor certifications prior to October 1, 1991, but have not filed petitions under section 203(b) of the Act.

Executive Order 12866

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

Executive Order 12612

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

Executive Order 12606

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

List of Subjects in 8 CFR Part 204

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

Accordingly, the interim rule amending 8 CFR part 204 which was published at 59 FR 501–502 on January 5, 1994, is adopted as a final rule without change.

Dated: August 16, 1994.

Doris Meissner,

Commissioner, Immigration and Naturalization Service.

[FR Doc. 94–25078 Filed 10–7–94; 8:45 am]

BILLING CODE 4410–10–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 94–NM–171–AD; Amendment 39–9043; AD 94–21–02]

Airworthiness Directives; Dornier Model 328–100 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 Dornier Model 328–100 airplanes. This action requires repetitive tightening of the screws and quick-release fasteners on the wing/body fairing panels. This amendment is prompted by reports of loosened wing/body fairing panels. The actions specified in this AD are intended to prevent structural damage to the horizontal or vertical stabilizer and potential injury to persons on the ground due to loosened wing/body fairing panels that may separate from the airplane.

DATES: Effective October 26, 1994.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of October 26, 1994.

Comments for inclusion in the Rules Docket must be received on or before December 12, 1994.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM–103, Attention: Rules Docket No. 94–NM–171–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056.

The service information referenced in this AD may be obtained from Dornier Luftfahrt GmbH, P.O. Box 1103, D–82230 Wessling, Federal Republic of Germany. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Gary Lium, Aerospace Engineer, Standardization Branch, ANM–113, FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington 98055–4056; telephone (206) 227–1112; fax (206) 227–1320.

SUPPLEMENTARY INFORMATION: The Luftfahrt-Bundesamt (LBA), which is the airworthiness authority for the Federal Republic of Germany, recently notified the FAA that an unsafe condition may exist on all Dornier Model 328–100 airplanes. The LBA advises that during flight testing, prior to certification of Model 328–100 airplanes, the quick-release (camlock) fasteners on the wing/body fairing panels were found to be loose on several airplanes. In another instance, an operator of Model 328–100 airplanes reported that a loosened fairing panel separated from an in-service airplane and struck an antenna on the empennage while the airplane was in flight. Investigation into the cause of these loosened panels revealed that the flex of the wing, coupled with the relative motion between the fairing panel and its supporting structure, may have caused the fasteners to back out. Such loosened fasteners may have allowed air loads to pull the panel loose from its supports, which resulted in the panel separating from the airplane. In addition, the tightness of the fasteners may have compressed the relatively soft material of the fairing panel, which may have contributed to the loosening of the fasteners. This condition, if not corrected, could result in structural damage to the horizontal or vertical stabilizer and potential injury to persons on the ground due to loosened wing/body fairing panels that may separate from the airplane.

Dornier has issued Alert Service Bulletin ASB–328–53–004, dated August 2, 1994, which describes procedures for repetitive tightening of the screws and quick-release fasteners on the wing/body fairing panels. The LBA classified this alert service bulletin as highly recommended and issued LBA Airworthiness Directive 94–009/3, dated September 8, 1994, in order to assure the continued airworthiness of these airplanes in the Federal Republic of Germany.

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

Since an unsafe condition has been identified that is likely to exist or develop on other airplanes of the same type design registered in the United States, this AD is being issued to prevent structural damage to the horizontal or vertical stabilizer and potential injury to persons on the ground due to loosened wing/body fairing panels that may separate from the airplane. This AD requires repetitive tightening of the screws and quick-release fasteners on the wing/body fairing panels. The actions are required to be accomplished in accordance with the alert service bulletin described previously.

This is considered to be interim action. The manufacturer has advised that it currently is developing a modification that will positively address the unsafe condition addressed by this AD. Once this modification is developed, approved, and available, the FAA may consider additional rulemaking.

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 rule must submit a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket Number 94–NM–171–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, Incorporation by reference, Safety.

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

94–21–02 Dornier: Amendment 39–9043. Docket 94–NM–171–AD.

Applicability: All Model 328–100 airplanes, certificated in any category.

Compliance: Required as indicated, unless accomplished previously.

To prevent structural damage to the horizontal or vertical stabilizer and potential injury to persons on the ground due to loosened wing/body fairing panels that may separate from the airplane, accomplish the following:

(a) Within 25 hours time-in-service after the effective date of this AD, tighten the screws and quick-release fasteners on the wing/body fairing panels, in accordance with Dornier Alert Service Bulletin ASB–328–53–004, dated August 2, 1994. Repeat these procedures thereafter at intervals not to exceed 100 hours time-in-service.

Note 1: The proper torque values are specified in the alert service bulletin.

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

Note 2: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Standardization Branch, ANM–113.

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

(d) The tightening shall be done in accordance with Dornier Alert Service Bulletin ASB–328–53–004, dated August 2, 1994, including Figures 1 and 2 of Annex 1. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from Dornier Luftfahrt GmbH, P.O. Box 1103, D–82230 Wessling, Federal Republic of Germany. Copies may be inspected at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

(e) This amendment becomes effective on October 26, 1994.

Issued in Renton, Washington, on October 3, 1994.

S.R. Miller,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 94–24871 Filed 10–7–94; 8:45 am]

BILLING CODE 4910–13–P

14 CFR Part 71

[Airspace Docket No. 93–ANE–75]

Establishment of Class E Airspace; Eastport, ME; Correction

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final Rule; correction.

SUMMARY: This action corrects an error in the description of Class E airspace at Eastport, ME established in a final rule, published in the **Federal Register** on August 10, 1994 (59 FR 40801). That action was a result of a review of proposed standard instrument approach procedures (SIAP's) for Eastport Municipal Airport which showed a need for controlled airspace upward from 700 feet above the surface for instrument flight rules (IFR) operations at the airport. This action corrects an error in the latitude for the Eastport Municipal Airport.

EFFECTIVE DATE: 0901 UTC, October 13, 1994.

FOR FURTHER INFORMATION CONTACT: Charles M. Taylor, Airspace Specialist, System Management Branch, ANE–530, Federal Aviation Administration, 12 New England Executive Park, Burlington, MA 01803–5299; telephone (617) 238–7532; fax (617) 238–7560.

SUPPLEMENTARY INFORMATION:

History

On August 10, 1994, the FAA published a final rule (59 FR 40801) to amend part 71 of the Federal Aviation Regulations (14 CFR part 71) to establish Class E airspace at Eastport, ME. The proposal was prompted by a review of proposed standard instrument approach procedures (SIAP's) for Eastport Municipal Airport which showed a need for controlled airspace upward from 700 feet above the surface for instrument flight rules (IFR) operations at the airport. The Class E airspace description for Eastport, ME contains an error in the latitude for the Eastport Municipal Airport. The latitude should read 44°54′35″ North latitude.

Correction to Final Rule

Accordingly, pursuant to the authority delegated to me, the description of the Eastport, ME Class E airspace as published in the **Federal Register** on August 10, 1994, (59 FR 40801), on (FR Doc. 94–19404 page 40801, third column), is corrected in the amendment to the incorporation by reference to 14 CFR 71.1 as follows:

§ 71.1 [Corrected]

Subpart E—Class E Airspace

* * * * *

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

* * * * *

ANE ME E5 Eastport, ME (Corrected)

Eastport Municipal Airport, ME
(Lat. 44°54'35" N, long. 67°00'44" W)

That airspace extending upward from 700 feet above the surface within a 7.4-mile radius of the Eastport Municipal Airport, excluding that airspace outside of the United States.

Issued in Burlington, Massachusetts, on September 26, 1994.

Francis J. Johns,

Manager, Air Traffic Division, New England Region.

[FR Doc. 94–24956 Filed 10–7–94; 8:45 am]

BILLING CODE 4910–13–M

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14 CFR Part 93

[Docket No. 27664]

The High Density Rule

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of meeting.

SUMMARY: On September 20, 1994, the FAA published a notice of public meeting in the **Federal Register**, announcing that public meetings on the High Density Rule would be held in Washington, DC, New York, and Chicago. This notice announces the locations of the Washington, DC and New York meetings. The location of the Chicago meeting will be published in a separate **Federal Register** notice.

DATES: The public meeting in Washington, DC will be held on October 19, 1994, from 12 p.m. to 4 p.m. and from 6 p.m. to 8 p.m. The public meeting in New York will be held on October 21, 1994, from 12 p.m. to 4 p.m. and from 6 p.m. to 8 p.m. Pursuant to the September 20, 1994, Notice of public meeting, written comments are also invited and must be received on or before November 23, 1994.

ADDRESSES: The public meeting in Washington, DC will be held at the Marriott Crystal City, 1999 Jefferson Davis Highway, Arlington, VA 22202. The public meeting in New York will be held at the Marriott-LaGuardia Airport, 102–05 Ditmars Boulevard, East Elmhurst, NY 11369. Persons unable to attend the meetings may mail their comments in triplicate to: Federal Aviation Administration, Office of the Chief Counsel, Rules Docket (AGC–200), Docket No. 27664, 800 Independence Avenue, SW., Washington, DC 20591.

FOR FURTHER INFORMATION CONTACT: Requests to present a statement at one of the meetings or questions regarding the logistics of the meetings should be directed to Cindy Herman, Office of Rulemaking, 800 Independence Avenue, SW., Washington, DC 20591; telephone (202) 267–7627.

Questions concerning the subject matter of the meetings should be directed to Larry Barry, Federal Aviation Administration, Office of Aviation Policy, Plans, and Management Analysis, 800 Independence Avenue, SW., Washington, DC 20591; telephone (202) 267–3305.

SUPPLEMENTARY INFORMATION:

Participation at the Meeting

Pursuant to the September 20, 1994, Notice of public meeting, requests from persons who wish to present oral statements at the Washington, DC or New York public meetings should have been received by the FAA no later than October 3, 1994. Requests received after the date specified above will be scheduled if there is time available during the meeting. Such requests should be submitted to Cindy Herman as listed in the section titled **FOR FURTHER INFORMATION CONTACT** and should include at which meeting oral statements will be presented, a written summary of oral remarks to be presented, and an estimate of time needed for the presentation. Requests to present oral statements may be made on the day of the public meetings during the registration period, although time constraints may not permit the accommodation of such requests. The DOT will prepare an agenda of speakers that will be available at the meeting. The names of those individuals whose requests to present oral statements are received after the date specified above may not appear on the written agenda. To accommodate as many speakers as possible, the amount of time allocated to each speaker may be less than the amount of time requested.

Background

On September 20, 1994, the FAA published in the **Federal Register** a Notice of public meeting regarding the High Density Rule (59 FR 48165). Specifically, the DOT seeks comment on the following key issues:

(1) The economic, environmental, competitive, and operational aspects of the High Density Rule at the four airports.

(2) The projected air traffic environment.

(3) The process for allocating domestic and international slots.

(4) Access for small communities at High Density Rule airports.

(5) Potential alternatives to the current regulatory scheme at the High Density Rule airports.

These issues are intended to help focus public comments on areas that will be useful to the DOT in completing its review of the High Density Rule. The comments at the meetings need not be limited to these issues, and the DOT invites comments on any other aspect of the High Density Rule.

Meeting Procedures

The following meeting procedures, as established in the September 20, 1994, **Federal Register**, are to facilitate the meetings:

(1) There will be no admission fee or other charge to attend or to participate in the meetings. The meetings will be open to all persons who are scheduled to present statements or who register on the day of the meeting (between 10:45 a.m. and 11:45 a.m.) subject to availability of space in the meeting rooms. The meetings may adjourn early if scheduled for the meetings.

(2) An individual, whether speaking in a personal or a representative capacity on behalf of an organization, may be limited to a 10-minute statement. If possible, we will notify the speaker if additional time is available.

(3) The DOT will try to accommodate all speakers. If the available time does not permit this, speakers generally will be scheduled on a first-come-first-served basis. However, the DOT reserves the right to exclude some speakers if necessary to present a balance of viewpoints and issues.

(4) Sign and oral interpretation can be made available at the meeting, as well as an assistive listening device, if requested 10 calendar days before the meeting.

(5) Representatives of the DOT will preside over the meeting. A panel of DOT and FAA personnel involved in this issue will be present.

(6) The meeting will be recorded by a court reporter. A transcript of the meeting and any material accepted by the DOT representatives during the meeting will be included in the public docket. Any person who is interested in purchasing a copy of the transcript should contact the court reporter directly. Additional transcript purchase information will be available at the meeting.

(7) The DOT will review and consider all material presented by participants at the meeting. Position papers or material presenting views or arguments related to

the High Density Rule may be accepted at the discretion of the presiding officer and subsequently placed in the public docket. The DOT requests that persons participating in the meeting provide five copies of all materials to be presented for distribution to the DOT representatives; other copies may be provided to the audience at the discretion of the participant.

(8) Statements made by DOT representatives are intended to facilitate discussion of the issues or to clarify issues. Any statement made during the meeting by a DOT representative is not intended to be, and should not be construed as, a position of the DOT.

(9) The meetings are designed to solicit public views and more complete information on the High Density Rule. Therefore, the meetings will be conducted in an informal and nonadversarial manner. No individual will be subject to cross-examination by any other participant; however, DOT representatives may ask questions to clarify a statement and to ensure a complete and accurate record.

Issued in Washington, DC on September 30, 1994.

Dale E. McDaniel,

Deputy Assistant Administrator for Policy, Planning and International Aviation.

[FR Doc. 94–24957 Filed 10–7–94; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

21 CFR Part 1310

Contents of Records and Reports

AGENCY: Drug Enforcement Administration (DEA), Justice.

ACTION: Interim rule.

SUMMARY: This interim rule is issued by the Deputy Administrator of the Drug Enforcement Administration (DEA) to clarify what records shall be adequate to satisfy recordkeeping requirements for Listed Chemical transactions under provisions of the Controlled Substances Act (CSA) as amended by the Chemical Diversion and Trafficking Act of 1988 (CDTA) and the Domestic Chemical Diversion Control Act of 1993 (DCDCA). Specifically, the amendment clarifies that for prescription drug products, prescription and hospital records shall be adequate to satisfy recordkeeping requirements.

EFFECTIVE DATE: November 10, 1994.

DATES: Written comments and objections must be received by November 10, 1994.

ADDRESSES: Written comments and objections should be submitted in quintuplicate to the Administrator, Drug Enforcement Administration, Washington DC 20537, Attention: DEA Federal Register Representative/CCR.

FOR FURTHER INFORMATION CONTACT: Howard McClain Jr., Chief, Drug and Chemical Evaluation Section, Office of Diversion Control, Drug Enforcement Administration, Washington, DC 20537, Telephone (202) 307–7183.

SUPPLEMENTARY INFORMATION: On March 17, 1994, the Acting Administrator of the DEA published a proposed rule in the **Federal Register** (59 FR 12562) to eliminate the threshold for ephedrine under provisions of the Controlled Substances Act (CSA) as amended by the Chemical Diversion and Trafficking Act of 1988 (CDTA) and the Domestic Chemical Diversion Control Act of 1993 (DCDCA). This would require that recordkeeping, reporting and notification requirements of 21 CFR 1310 and 21 CFR 1313 apply to all transactions involving bulk ephedrine and single entity ephedrine products. Interested parties had until May 2, 1994 to submit comments and objections.

A comment submitted by Abbott Laboratories requested that prescription injectable ephedrine products continue to be exempt under the definition of "regulated transaction". Abbott further stated that there is no evidence of diversion of these products which are dispensed pursuant to a prescription.

While the DEA agrees that it is not currently aware of the diversion of these single entity ephedrine injectable products, the CSA does not provide for the exemption of a specific form of single entity ephedrine product. Therefore, recordkeeping, reporting and notification requirements will apply to these prescription injectable products. However, prescription and hospital records kept in the normal course of medical treatment are adequate to meet the recordkeeping requirements of 21 CFR 1310. Therefore 21 CFR 1310.06(b) is being modified to reflect that for purposes of this section, prescription and hospital records kept in the normal course of medical treatment shall be adequate to meet these recordkeeping requirements for each record required under 21 CFR 1310.03. Reports, as specified in 21 CFR 1310.05, must be filed although it is anticipated that they will rarely be necessary. In addition, notification requirements as set forth in 21 CFR 1313 must still be satisfied for these products.

This action is being published as an interim rule with an effective date coinciding with the final rule which eliminates the threshold for ephedrine since this will reduce the burden on hospitals and other institutions which dispense ephedrine prescription products.

The Attorney General has delegated authority under CSA and all subsequent amendments to the CSA to the Administrator of the DEA (28 CFR 0.100). The Administrator, in turn, has delegated this authority to the Deputy Administrator pursuant to 28 CFR 0.104 (59 FR 23637 (May 6, 1994)). The Deputy Administrator hereby certifies that this interim rulemaking will have no significant impact upon entities whose interests must be considered under the Regulatory Flexibility Act, 5 U.S.C. 601 et seq. This interim 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 E.O 12612, and it has been determined that the interim rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

List of Subjects in 21 CFR Part 1310

Drug traffic control, Reporting and recordkeeping requirements.

For reasons as set out above, 21 CFR Part 1310 is amended as follows:

PART 1310—[AMENDED]

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

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

2. Section 1310.06 is amended by revising paragraph (b) to read as follows:

§ 1310.06 Contents of records and reports.

* * * * *

(b) For purposes of this section, normal business records shall be considered adequate if they contain the information listed in paragraph (a) of this section and are readily retrievable from other business records of the regulated person. For prescription drug products, prescription and hospital records kept in the normal course of medical treatment shall be considered adequate.

* * * * *

Dated: August 24, 1994.

Stephen H. Greene,

Deputy Administrator, Drug Enforcement Administration.

[FR Doc. 94–25069 Filed 10–7–94; 8:45 am]

BILLING CODE 4410–09–M

21 CFR Parts 1310 and 1313

Elimination of Threshold for Ephedrine

AGENCY: Drug Enforcement Administration (DEA), Justice.

ACTION: Final rule.

SUMMARY: This final rule is issued by the Deputy Administrator of the Drug Enforcement Administration (DEA) to eliminate the threshold for ephedrine under provisions of the Controlled Substances Act (CSA) as amended by the Chemical Diversion and Trafficking Act of 1988 (CDTA) and the Domestic Chemical Diversion Control Act of 1993 (DCDCA) in order to reduce the diversion of ephedrine to clandestine laboratory operators. This will subject all transactions involving bulk ephedrine and single entity ephedrine drug products to the applicable provisions of the Controlled Substances Act (CSA).

EFFECTIVE DATE: November 10, 1994.

FOR FURTHER INFORMATION CONTACT: Howard McClain Jr., Chief, Drug and Chemical Evaluation Section, Office of Diversion Control, Drug Enforcement Administration, Washington, DC 20537 Telephone (202) 307–7183.

SUPPLEMENTARY INFORMATION: On March 17, 1994, the Acting Administrator of the DEA published a proposed rule in the **Federal Register** (59 FR 12562) to eliminate the threshold for ephedrine under provisions of the Controlled Substances Act (CSA) as amended by the Chemical Diversion and Trafficking Act of 1988 (CDTA) and the Domestic Chemical Diversion Control Act of 1993 (DCDCA). Interested parties had until May 2, 1994 to submit comments and objections.

Ephedrine is the primary precursor utilized in the clandestine synthesis of methamphetamine and methcathinone, both potent central nervous system (CNS) stimulants controlled under the CSA. The public health risks from the abuse of these drugs are well known and documented.

Ephedrine is a listed chemical under the Chemical Diversion and Trafficking Act of 1988 (CDTA) (Pub. L. 100–690). Under provisions of the CDTA (21 U.S.C. 802 (39)(A)), thresholds were originally assigned to each listed chemical. The CDTA imposes reporting, recordkeeping and notification requirements for regulated transactions which meet or exceed these threshold amounts of a listed chemical.

The Domestic Chemical Diversion Control Act (DCDCA) of 1993 (Pub. L. 103–200) became effective on April 16, 1994. This Act amends the CSA via modification of 21 U.S.C. 802 (39)(A) by redefining the term "regulated transaction" as a "distribution, receipt, sale, importation, or exportation, or an international transaction involving shipment of a listed chemical, or if the Attorney General establishes a threshold amount for a specific listed chemical, a threshold amount, including a cumulative threshold amount for multiple transactions" of a listed chemical. All regulated transactions in a listed chemical, regardless of size, are subject to CSA reporting, recordkeeping and notification requirements if no threshold is established.

In addition, the DCDCA further modifies the definition of a "regulated transaction" by removing the exemption for those transactions involving products which are marketed or distributed lawfully in the U.S. under the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 *et seq.*), if these products contain ephedrine (or its salts, optical isomers, or salts of optical isomers) as the only active medicinal ingredient or contain ephedrine (or its salts, optical isomers, or salts of optical isomers) in combination with therapeutically insignificant quantities of another active medicinal ingredient (21 U.S.C. 802 (39)(A)(iv)). The DCDCA also provides that the Attorney General shall by regulation remove this exemption for drug products that the Attorney General finds are being diverted in order to obtain a listed chemical for use in the illicit production of a controlled substance.

The threshold for ephedrine was originally established as 1.0 kilogram for domestic, import and export transactions (54 FR 31657). The threshold of 1.0 kilogram of ephedrine base is equivalent to greater than 48,000 ephedrine 25 mg dosage units.

Thresholds are continuously reviewed by DEA to determine if they are satisfactory to prevent diversion. Current evidence shows that the threshold for ephedrine of 1.0 kilogram is not adequate to prevent the diversion of ephedrine to clandestine laboratory operators in the United States. Clandestine laboratory operators are obtaining ephedrine in quantities much less than the current 1.0 kilogram threshold for use in the illicit production of methamphetamine and methcathinone. DEA had determined that in order to ensure the maximum effectiveness of the CSA in curtailing the diversion of ephedrine, there should be no threshold for ephedrine. Subsequently, all regulated transactions of ephedrine would be subject to reporting, recordkeeping and notification requirements of the CSA regardless of size.

Comments

Seven comments were received in response to the March 17, 1994, Notice of proposed rulemaking. Some comments pertained to provisions of the DCDCA which are not related to the ephedrine threshold. These comments will not be addressed in this Federal Register Notice, but DEA will consider them in preparing the Notice of Proposed Rulemaking pertaining to the DCDCA. A summary of relevant comments received is provided below:

A comment submitted by the National Wholesale Druggist Association (NWDA) did not raise any objections to the elimination of the ephedrine threshold. NWDA, however, raised the issue that the March 17, 1994, Notice of Proposed Rulemaking does not change the definition of "regulated transaction" in Section 1310.01 (f) to be consistent with the DCDCA. This will be remedied when the DEA publishes proposed regulations which implement the DCDCA in the near future.

A comment was also received from the National Association of Boards of Pharmacy (NABP). The NABP strongly supports the elimination of the ephedrine threshold. Furthermore, the NABP expresses its support for the more restrictive actions taken by certain state authorities whereby single entity ephedrine products have been placed in controlled substance schedules or placed on prescription-only status. The NABP also states that a nationwide Federal effort is needed to better monitor the distribution of single entity ephedrine products.

A comment was submitted on behalf of BDI Pharmaceuticals and raised the following issues:

BDI's comment states that the elimination of the threshold is prohibitory and will remove single entity ephedrine products from retail stores. However, the elimination of the threshold only imposes recordkeeping, reporting and notification requirements and will not remove products from the market. BDI states that the increased recordkeeping burden from the elimination of the threshold will decrease the number of retail stores willing to sell ephedrine products. BDI states that 21 CFR 1310.06(d) estimates that it will take approximately ten minutes to fulfill the recordkeeping requirements for each sale. BDI further states that this is an excessive burden which will be a major factor in a merchant's decision to drop the product. However, 21 CFR 1310.06(d) does not provide an estimate of the time required to keep sales records of each regulated chemical transaction and it is

estimated that creating and storing a transaction record requires an average of only one minute per record. Conversely, 21 CFR 1310.06(d) pertains to the amount of time needed for the filing of reports of suspicious transactions, unusual losses or domestic regulated transactions in a tableting or encapsulating machine as outlined in 21 CFR 1310.05. These situations, whereby reports should be filed, occur infrequently.

BDI's comment makes the point that asthma is a serious condition and elimination of the threshold for ephedrine will have an adverse impact upon asthma patients because the single entity product will become unavailable. DEA recognizes that asthma is a serious condition for which ephedrine has an approved treatment indication. DEA, in an effort to ensure that the elimination of the ephedrine threshold would not adversely effect the availability of medications for the treatment of patients suffering from this condition, has circulated the March 17, 1994, Notice of Proposed Rulemaking to the U.S. Food and Drug Administration (FDA). Within FDA, this Notice of Proposed Rulemaking was circulated to several offices for review and consideration. DEA has received an official response that FDA supports the proposed threshold elimination in order to address the misuse, diversion and trafficking associated with single entity ephedrine products. In addition, FDA's formal response also states that FDA believes that there may be other ephedrine products that may also need to be considered for regulation under the CSA as amended by the CDTA and DCDCA.

The comment received from the National Association of Boards of Pharmacy (NABP) which strongly supports the elimination of the ephedrine threshold also states that "NABP agrees that adoption of the proposed rule should have no significant impact on pharmacies, hospitals, or points of distribution that distribute medications containing ephedrine for the treatment of asthma and other conditions." The NABP comment also notes that other products are also available for the treatment of asthma.

BDI's comment claims that DEA is biased against single entity ephedrine products while many advertised combination products are not considered safe and effective. On the contrary, DEA is not supporting the use of one product over another for the treatment of asthma or any other medical condition. It is not DEA's mandate to make such determinations. It is, however, DEA's responsibility to prevent the diversion of chemicals for the illicit production of controlled substances. The DCDCA removes the exemption for single entity ephedrine products. However, it is important to note that the DCDCA also provides for the removal of an exemption for any drug or group of drugs that are being diverted to obtain the listed chemical for use in the illicit production of a controlled substance. Under such provisions, combination products used in the illicit production of controlled substances can lose their exemptions and thus be subjected to recordkeeping, reporting, notification and registration requirements. DEA plans to closely monitor such activity, and is prepared to pursue the removal of exemptions for those products.

BDI's comment implies that the high retail cost of its product line prevents these products from being a cost effective source of ephedrine for clandestine laboratory use. Depending upon the package size, BDI reports that 48,000 ephedrine 25 mg tablets would cost $3,000 to $9,000 at a retail outlet. In contrast, however, based on data available to DEA regarding the national range of street prices for methamphetamine in 1993, these products are a cost effective source of ephedrine for clandestine laboratory use.

BDI's comment states that the comment period should be extended. However, BDI's request for extension was denied by the Administrator on the grounds that sufficient information was included in the March 17, 1994, Notice of Proposed Rulemaking and ample time given for comments to be submitted.

BDI's comment states that the likely source of ephedrine at clandestine laboratories is bulk ephedrine from Canada. This is not substantiated by DEA information. Ephedrine tablets have been seized at many clandestine laboratories. It is important to note, however, that DEA has emphasized that smuggling from Mexico is also an important source of ephedrine for clandestine laboratory usage.

BDI's comment states that Congress did not contemplate the complete elimination of the ephedrine threshold. On the contrary, the language in the DCDCA is specific, i.e. the DCDCA uses the language "or if the Attorney General establishes a threshold amount for a specific listed chemical". Such language makes it clear that the normal case would be that listed chemicals would not have a threshold unless the Attorney General decides that a threshold is warranted and that the Attorney General may remove the threshold from chemicals already listed.

BDI's comment states that DEA has no evidence of retail package diversion. On the contrary, DEA does have evidence of the retail diversion of ephedrine tablets as a source of precursor material for clandestine laboratory use. In addition to the smuggling of ephedrine and purchase via mail order, ephedrine is obtained through the purchase of ephedrine tablets from gas stations, convenience stores and other retail outlets. This includes small 6 count packets of ephedrine and bottles of 24 dosage units. Investigative information shows that individuals have gone from store to store to buy out the stock of ephedrine until they obtain sufficient material for desired batch sizes.

T&M Distributing commented that DEA has not demonstrated that the current threshold is insufficient to control diversion, and has failed to consider the burden to public health. These specific issues have been addressed earlier in this **Federal Register** Notice.

A comment submitted by Abbott Laboratories requested that prescription injectable products continue to be exempt under the definition of "regulated transaction". Abbott further states that there is no evidence of diversion of these products which are sold by prescription only. While the DEA agrees that it is not currently aware of the diversion of these single entity ephedrine injectable products, the CSA does not provide for the exemption of a specific form of single entity ephedrine products. Therefore, recordkeeping, reporting and notification requirements will apply to these prescription injectable products. However, prescription and hospital records kept in the normal course of medical treatment are adequate to meet the recordkeeping requirements of 21 CFR part 1310. An Interim Rule, which modifies 21 CFR part 1310 to clarify this, will be published in the **Federal Register**.

Several comments proposed alternatives to the elimination of the threshold. BDI proposed that there be no monthly cumulative threshold for retail stores which stock only packages of 100 tablets or less and limit sales to 2.5 grams per transaction. A comment submitted by The Hammer Corporation suggested an alternative threshold of 61 tablets per individual transaction and 6000 tablets per month. Mr. G's Manufacturer and Wholesale Distributors suggested that 6 count or 42 count package sizes should be exempt at the retail level. T&M Distributing suggested that a threshold of 12,000

capsules or tablets per month be instituted.

DEA has considered all of these comments and suggested alternatives. However, given the small batch sizes encountered at U.S. clandestine methamphetamine and methcathinone laboratories, evidence of the diversion of ephedrine from various types of outlets, and the public health threat imposed by the diversion of these ephedrine products, DEA has determined that none of the suggested alternatives are sufficient to prevent the diversion of ephedrine consistent with the intentions of the Domestic Chemical Diversion Control Act of 1993 (DCDCA). Therefore DEA had determined that the elimination of the ephedrine threshold is necessary.

In making this determination, DEA recognizes that additional entities which distribute ephedrine products will not be required to keep records. Many of the entities which distribute ephedrine products are truckstops, convenience stores, gas stations and liquor stores. DEA has determined that (1) the sale of ephedrine is not a principal business activity of these entities and (2) the recordkeeping, reporting and notification requirements resulting from the elimination of the threshold are essential to prevent and detect the diversion of ephedrine products to clandestine laboratories.

The Attorney General has delegated authority under the CSA and all subsequent amendments to the CSA to the Administrator of the DEA (28 CFR 0.100) The Administrator, in turn, has redelegated this authority to the Deputy Administrator pursuant to 28 CFR 0.104 (59 FR 23637 (May 6, 1994)). The Deputy Administrator 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 position is further supported by The National Association of Boards of Pharmacy (NABP) which commented that the elimination of the ephedrine threshold "should have no significant impact on pharmacies, hospitals, or points of distribution that distribute medications containing ephedrine for the treatment of asthma and other conditions".

This final 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 E.O. 12612, and it has been determined that the final rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

List of Subjects

21 CFR Part 1310

Drug traffic control, Reporting and recordkeeping requirements.

21 CFR Part 1313

Drug traffic control, Chemical importation and exportation requirements. For reasons as set out above, 21 CFR part 1310 is amended as follows:

PART 1310—[AMENDED]

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

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

2. Section 1310.04 is amended by revising the introductory text to paragraph (f); removing paragraph (f)(1)(iii); redesignating paragraphs (f)(1)(iv) through (f)(1)(xxiv) as (f)(1)(iii) through (f)(1)(xxiii) respectively; and adding a new paragraph (g) to read as follows:

§ 1310.04 Maintenance of records.

* * * * *

(f) For those listed chemicals for which thresholds have been established, the quantitative threshold or the cumulative amount for multiple transactions within a calendar month, to be utilized in determining whether a receipt, sale, importation or exportation is a regulated transaction is as follows:

* * * * *

(g) For listed chemicals for which no thresholds have been established, the size of the transaction is not a factor in determining whether the transaction meets the definition of a regulated transaction as set forth in § 1310.01(f). All such transactions, regardless of size, are subject to recordkeeping and reporting requirements as set forth in this part 1310 and notification provisions as set forth in part 1313 of this chapter.

(1) Listed Chemicals For Which No Thresholds Have Been Established:

(i) Ephedrine, its salts, optical isomers, and salts of optical isomers

(ii) [Reserved]

(2) [Reserved]

For reasons as set out above, 21 CFR part 1313 is amended as follows:

PART 1313—[AMENDED]

1. The authority citation for part 1313 continues to read as follows:

Authority: 21 U.S.C. 802, 830, 871(b), 971.

2. Section 1313.12 is amended by revising the introductory text to paragraph (a) to read as follows:

§ 1313.12 Requirement of authorization to import.

(a) Each regulated person who imports a listed chemical that meets or exceeds the threshold quantities identified in § 1310.04(f) or is a listed chemical for which no threshold has been established as identified in § 1310.04(g) of this chapter, shall notify the Administrator of the importation not later than 15 days before the transaction is to take place.

* * * * *

3. Section 1313.21 is amended by revising the introductory text to paragraph (a) to read as follows:

§ 1313.21 Requirement of authorization to export.

(a) No person shall export or cause to be exported from the United States any chemical listed in § 1310.02 of this chapter, which meets or exceeds the threshold quantities identified in § 1310.04(f) or is a listed chemical for which no threshold has been established as identified in § 1310.04(g) of this chapter, until such time as the Administrator has been notified. Notification must be made not later than 15 days before the transaction is to take place. In order to facilitate the export of listed chemicals and implement the purpose of the Act, regulated persons may wish to provide notification to the Administration as far in advance of the 15 days as possible.

* * * * *

Dated: August 24, 1994.

Stephen H. Greene,

Deputy Administrator, Drug Enforcement Administration.

[FR Doc. 94–25070 Filed 10–7–94; 8:45 am]

BILLING CODE 4410–09–M

DEPARTMENT OF STATE

Bureau of Consular Affairs

22 CFR Part 40

[Public Notice 2092]

Regulations Pertaining to Both Nonimmigrants and Immigrants Under the Immigration and Nationality Act, as Amended; Failure To Comply with INA

AGENCY: Bureau of Consular Affairs, State.

ACTION: Interim rule with request for comments.

SUMMARY: This rule implements the provisions of section 506(a) of Pub. L. 103–317. This section prohibits the issuance of an immigrant visa to an alien for ninety days following an alien's departure from the U.S. unless

the alien was maintaining a lawful nonimmigrant status at the time of departure, or unless the alien is the spouse or unmarried child of an individual who obtained temporary or permanent resident status under section 210 or 245A of the Immigration and Nationality Act (INA) or section 202 of the Immigration Reform and Control Act of 1986 (IRCA). Section 506(b) extends the benefits of adjustment of status to permanent resident status to aliens who entered the U.S. without inspection and to certain other aliens.

DATES: This rule shall take effect on October 1, 1994. Interested persons are invited to submit written comments on or before November 10, 1994.

ADDRESSES: Written comments with a reference to this rule to insure proper and timely handling may be submitted in duplicate to: Chief, Legislation and Regulation Division, Visa Office, Washington, DC 20522–1013.

FOR FURTHER INFORMATION CONTACT: Stephen K. Fischel, Chief, Legislation and Regulations Division, 202–663–1204.

SUPPLEMENTARY INFORMATION:

Expansion of INA 245 Adjustment of Status

On August 26, 1994 the President signed into law the appropriations bill for the Department of State, Pub. L. 103–317. Section 506(b) thereof amends INA 245 to permit qualified immigrants to acquire permanent residence through adjustment of status in the United States even though they entered the United States without inspection or violated their nonimmigrant status after entry. The specific amendment to INA 245 is a new subsection (i) which reads as follows:

(i)(1) Notwithstanding the provisions of subsections (a) and (c) of this section, an alien physically present in the United States who—

(A) entered the United States without inspection; or

(B) is within one of the classes enumerated in subsection (c) of this section, may apply to the Attorney General for the adjustment of his or her status to that of an alien lawfully admitted for permanent residence. The Attorney General may accept such application only if the alien remits with such application a sum equalling five times the fee required for the processing of applications under this section as of the date of receipt of the application, but such sum shall not be required from a child under the age of seventeen, or an alien who is the spouse or unmarried child of an individual who obtained temporary or permanent resident status under section 210 or 245A of the Immigration and Nationality Act or section 202 of the Immigration Reform and Control Act of 1986 at any date, who—

(i) as of May 5, 1988, was the unmarried child or spouse of the individual who obtained temporary or permanent resident status under section 210 or 245A of the Immigration and Nationality Act or section 202 of the Immigration Reform and Control Act of 1986;

(ii) entered the United States before May 5, 1988, resided in the United States on May 5, 1988, and is not a lawful permanent resident; and

(iii) applied for benefits under section 301(a) of the Immigration Act of 1990. The sum specified herein shall be in addition to the fee normally required for the processing of an application under this section.

(2) Upon receipt of such an application and the sum hereby required, the Attorney General may adjust the status of the alien to that of an alien lawfully admitted for permanent residence if—

(A) the alien is eligible to receive an immigrant visa and is admissible to the United States for permanent residence; and

(B) an immigrant visa is immediately available to the alien at the time the application is filed.

We note that two section 245(i)'s of the INA have been enacted into law in the last two months. The other section 245(i) was enacted in the Crime Bill, Pub. L. 103–322, which created the "S" visa category and accompanying provisions enabling adjustment of status for "s" visa holders. The State Department and the INS view both section 245(i)'s as co-existing and will seek a legislative technical correction to rename one of the sections as 245(j).

As the provisions of INA 245 are administered by the Immigration and Naturalization Service (INS), appropriate regulations and/or implementing instructions will be promulgated by that agency. It is anticipated that many aliens benefiting from this amendment will indeed take advantage of the adjustment procedures rather than seek immigrant visa issuance abroad.

Companion Provision

This Act further amends the INA at section 212 by adding subsection "(o)", which reads as follows:

(o) An alien who has been physically present in the United States shall not be eligible to receive an immigrant visa within ninety days following departure therefrom unless—

(1) the alien was maintaining a lawful nonimmigrant status at the time of such departure, or

(2) the alien is the spouse or unmarried child of an individual who obtained temporary or permanent resident status under section 210 or 245A of the Immigration and Nationality Act or section 202 of the Immigration Reform and Control Act of 1986 at any date, who

(A) as of May 5, 1988, was the unmarried child or spouse of the individual who obtained temporary or permanent resident status under section 210 or 245A of the Immigration and Nationality Act or section 202 of the Immigration Reform and Control Act of 1986;

(B) entered the United States before May 5, 1988, resided in the United States on May 5, 1988, and is not a lawful permanent resident; and

(C) applied for benefits under section 301 (a) of the Immigration Act of 1990.

This amendment to INA 212 encourages aliens who can benefit from the broadened INA 245 adjustment of status provisions to take advantage of them by discouraging them from seeking immigrant visa issuance from a U.S. consular post abroad. To induce such aliens to seek INA 245 adjustment of status, Congress imposed a requirement that an immigrant visa applicant be physically absent from the United States for ninety days since the last departure before an immigrant visa can be issued. Under this amendment, an alien who departs from the United States would be eligible to receive an immigrant visa on the 91st day following the departure. As can be seen in the statutory language quoted above, two classes of aliens are exempted from this provision. The first class consists of aliens maintaining lawful nonimmigrant status at the time of departure. The second class consists of the spouses and children of certain aliens who benefited from the special agricultural worker program, the legalization program, and the Cuban-Haitian adjustment provisions of IRCA, and who sought benefits under the family unity provisions of the Immigration Act of 1990.

Interim Rule

This regulation is being promulgated to implement the INA 212(o) prohibitions of issuance on immigrant visas to aliens who have not complied with the ninety day physical absence requirement, unless the aliens fall within either one of the two specific excepted classes of aliens. Pursuant to this regulation, consular officers shall refuse to issue immigrant visas to aliens who have been physically present in the

United States unless 90 days have passed since their departure or unless they are members of either of the two excepted classes of aliens.

This rule is not expected to have a significant impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. This rule imposes no reporting or record-keeping action from the public requiring the approval of the Office of Management and Budget under the Paperwork Reduction Act requirements. This rule has been reviewed as required by E.O. 12778 and certified to be in compliance therewith. This rule is exempted from E.O. 12866 but has been reviewed to ensure consistency therewith and vetted with INS through OMB to ensure interagency coordination.

List of Subjects in 22 CFR Part 40

Immigrants, Ineligibilities, Passports and Visas

In view of the legislative mandate of Public Law 103–317, Part 40 to Title 22 is amended as follows:

PART 40—[Amended]

1. The authority citation for Part 40 is revised to read as follows:

Authority: 8 U.S.C. 1104; sec. 506(a), Pub. L. 103–317, 108 Stat. 1724.

2. The heading for Subpart K is revised to read as follows:

Subpart K—Failure To Comply with INA

3. Subpart K is amended by adding a § 40.104 to read as follows:

§ 40.104 Certain Immigrant Visa Applicants.

An alien who has been physically present in the United States shall not be eligible to receive an immigrant visa within ninety days following departure therefrom unless:

(a) the alien was maintaining a lawful nonimmigrant status at the time of such departure, or

(b) the alien is the spouse or unmarried child of an individual who obtained temporary or permanent resident status under INA 210 or 245A or section 202 of the Immigration Reform and Control Act of 1986 at any date, who:

(1) as of May 5, 1988, was the unmarried child or spouse of the individual who obtained temporary or permanent resident status under INA 210 or 245A or section 202 of the Immigration Reform and Control Act of 1986;

(2) entered the United States before May 5, 1988, resided in the United States on May 5, 1988, and is not a lawful permanent resident; and

(3) applied for benefits under section 301(a) of the Immigration Act of 1990.

Dated: October 4, 1994.

Mary A. Ryan,

Assistant Secretary for Consular Affairs.

[FR Doc. 94–24954 Filed 10–7–94; 8:45 am]

BILLING CODE 4710–06–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Parts 1 and 602

[TD 8566]

RIN 1545–AN82

General Asset Accounts Under the Accelerated Cost Recovery System

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Final regulations.

SUMMARY: This document contains final regulations on the election to maintain general asset accounts for depreciable assets to which section 168 of the Internal Revenue Code applies. These regulations reflect changes to the law made by the Tax Reform Act of 1986. The regulations will simplify certain depreciation calculations.

EFFECTIVE DATE: October 11, 1994.

For dates of applicability of these regulations, see *Dates* under **SUPPLEMENTARY INFORMATION.**

FOR FURTHER INFORMATION CONTACT: Kathleen Reed at (202) 622–3110 (not a toll-free number).

SUPPLEMENTARY INFORMATION:

Paperwork Reduction Act

The collection of information contained in these final regulations has been reviewed and approved by the Office of Management and Budget in accordance with the requirements of the Paperwork Reduction Act (44 U.S.C 3504(h)) under control number 1545–1331. The estimated annual burden per respondent or recordkeeper varies from .20 to .30 hours, depending on individual circumstances, with an estimated average of .25 hours.

Comments concerning the accuracy of this burden estimate and suggestions for reducing this burden should be sent to the Internal Revenue Service, Attn: IRS Reports Clearance Officer, PC:FP, Washington, DC 20224, and to the Office of Management and Budget, Attn: Desk Officer for the Department of the Treasury, Office of Information and Regulatory Affairs, Washington, DC 20503.

Background

On August 31, 1992, the IRS published a notice of proposed rulemaking in the **Federal Register** (57 FR 39374 [PS–55–89, 1992–2 C.B. 870]) proposing amendments to the Income Tax Regulations (26 CFR part 1) under section 168(i)(4). These amendments were proposed to reflect the amendments made by section 201 of the Tax Reform Act of 1986. The preamble to the notice contains an explanation of the proposed regulations.

Written comments responding to the notice were received, and a public hearing was held on November 4, 1992. After considering all written and oral comments, the proposed regulations under section 168(i)(4) are adopted as revised by this Treasury decision.

Explanation of Provisions

In General

The final regulations would simplify the computation of depreciation by allowing taxpayers an election to group assets into one or more general asset accounts under section 168(i)(4). The assets in any particular general asset account are depreciated as a single asset. Unlike the rules under section 168 as in existence before enactment of the Tax Reform Act of 1986, general asset account treatment is not limited to "mass assets."

As required by section 168(i)(4), the final regulations provide generally that the amount realized upon the disposition of an asset from a general asset account is recognized as ordinary income. In addition, special rules are provided for terminating general asset account treatment upon certain dispositions. For transactions described in section 168(i)(7)(B), the transferee generally is bound by the transferor's general asset account election.

Changes to the Proposed Regulations

This Treasury decision generally adopts the rules in the proposed regulations. Certain changes to the proposed regulations have been made, however, in response to comments. These changes and the comments that were not adopted in the final regulations are discussed below.

Assets Subject to Recapture. One commentator recommended that the proposed regulations be amended to allow general asset account treatment for assets qualifying for the credit under section 47 or 48. After considering this comment, the IRS and Treasury Department have concluded that it is appropriate to allow taxpayers greater flexibility in determining what assets will be included in a general asset

account. Therefore, the proposed rule that prohibits general asset account treatment for investment credit property has been deleted. Accordingly, under the final regulations, a general asset account may include any depreciable asset for which a credit or deduction is allowable.

A new rule, however, has been added in the final regulations to account for any basis increase upon recapture. The final regulations provide that upon recapture, the asset is removed from the general asset account as of the first day of the taxable year in which the recapture event occurs. In addition, corresponding adjustments to the unadjusted depreciable basis and depreciation reserve of the account must be made. This rule was formulated in view of the limited types of property currently eligible for the investment credit. The IRS, however, may consider other alternatives to take into account the basis increase upon recapture if the scope of property that qualifies for the investment credit is expanded.

Assets Used in a Personal Activity. The final regulations retain the rule of the proposed regulations that a general asset account may not include an asset if a taxpayer uses the asset both in a trade or business (or for the production of income) and in a personal activity at any time during the taxable year in which the asset is first placed in service by the taxpayer. Consistent with the retention of this rule in the final regulations, a new rule has been added providing that an asset in a general asset account becomes ineligible for general asset account treatment if a taxpayer uses the asset in a personal activity in a taxable year after the taxable year the asset is placed in service. If this change in use occurs, the final regulations provide that the taxpayer must use the method provided in § 1.168(i)-1(e)(3)(iii)(C) for adjusting a general asset account when an asset becomes ineligible for general asset account treatment.

Assets that Generate Foreign Source Income. A commentator suggested that the proposed regulations be amended to allow general asset account treatment for assets generating foreign source income.

In response to this comment, the final regulations allow general asset account treatment for assets generating foreign source income. If, however, the inclusion of these assets in a general asset account results in a substantial distortion of income, the Commissioner may disregard the general asset account election and make reallocations of income or expense as necessary to clearly reflect income.

The final regulations provide a rule coordinating the general asset account rules with the rules in § 1.8611–9T(g)(3) relating to allocation and apportionment of interest expense under the asset method. A general asset account will be treated as a single asset for purposes of applying the rules in § 1.861–9T(g)(3). If the general asset account generates income in more than one separate grouping (statutory and residual), then the account is a multiple category asset, as defined in § 1.861–9T(g)(3)(ii), and the income yield from the general asset account must be computed as if the account were a single multiple category asset.

The final regulations also provide rules for determining the source of income from a disposition of an asset in a general asset account. If the general asset account includes assets generating both United States and foreign source income, any amount of ordinary income, gain, or loss recognized on the disposition must be apportioned between United States and foreign sources based on the allocation and apportionment of depreciation allowed for the general asset account or for the disposed asset, as applicable. If the general asset account includes assets that generate foreign source income in more than one separate category under section 904(d)(1) or another section of the Internal Revenue Code, or under a United States income tax treaty that requires the foreign tax credit limitation to be determined separately for specified types of income, then the amount of ordinary income, gain, or loss recognized on the disposition that is treated as foreign source income must be allocated and apportioned to the applicable separate category or categories.

Disposition of All Assets or the Last Asset. One commentator questioned whether the rule under the proposed regulations that provided that a general asset account terminates on the disposition of all of the assets in the account or the last asset in the account was mandatory. In response to this comment, the final regulations clarify that this rule is an optional rule for taxpayers that maintain records showing the disposition of assets in a general asset account. The final regulations also provide that a taxpayer adopts the rule by reporting the gain or loss on the taxpayer's income tax return for the taxable year in which the disposition of all of the assets, or the last asset, in the general asset account occurs.

Qualifying Dispositions. Under the proposed regulations, a qualifying disposition of an asset in a general asset account occurs when the asset is disposed of as a direct result of a cessation, termination, curtailment, or disposition of a business, manufacturing or other income producing process, operation, facility, plant, or other unit (other than by transfer to a supplies, scrap, or similar account). One commentator recommended that the final regulations should provide an example showing that the sale of an undivided interest in mineral property, along with the related operating equipment, is a curtailment of a taxpayer's business and, thus, constitutes a qualifying disposition. A curtailment was intended to be limited to a genuine business contraction and not to include transactions involving the sale of an undivided interest, other than the taxpayer's entire interest in assets. To avoid any further misinterpretation, the final regulations delete the term "curtailment." The final regulations also clarify that a taxpayer adopts the rule to terminate general asset account treatment for an asset in a qualifying disposition by reporting the gain, loss, or other deduction on the taxpayer's income tax return for the taxable year in which the qualifying disposition occurs.

Anti-abuse rule. The final regulations add examples of transactions subject to the anti-abuse rule.

Election. Some commentators noted that the proposed regulations do not address whether the election is made by the common parent corporation or each member of an affiliated group, by a partnership or its partners, or by an S corporation or the S corporation shareholders. The final regulations clarify that the election is made by each member of an affiliated group, by the partnership, or by the S corporation, respectively.

The proposed regulations provide that the election to apply the regulations generally is binding on the taxpayer for computing taxable income as well as computing alternative minimum taxable income. A commentator suggested that the final regulations should allow taxpayers the option to make the election for either the regular income tax, the alternative minimum tax, or both. This rule was not adopted because of the separate and parallel nature of the regular tax and alternative minimum tax systems. Except as otherwise provided by statute or regulations, all Code provisions that apply in determining the regular taxable income of a taxpayer also apply in determining the alternative minimum taxable income of the taxpayer. The final regulations have not been expanded to include any exceptions. Consequently, an election to apply section 168(i)(4) for determining regular taxable income also applies for

determining alternative minimum taxable income. Therefore, the language "as well as alternative minimum taxable income" in the proposed rule is redundant and has been deleted from the final regulations.

Effective Date. For assets placed in service after December 31, 1986, in taxable years ending before the effective date of the final regulations, one commentator recommended that the final regulations should provide a retroactive election or, alternatively, a prospective election. Another commentator also requested a provision allowing a prospective election. The final regulations retain the rule of the proposed regulations that, for prior periods, a taxpayer may use any reasonable method that is consistently applied to the taxpayer's general asset accounts.

Dates

The final regulations are effective for property placed in service in taxable years ending on or after October 11, 1994. For property placed in service after December 31, 1986, in taxable years ending before October 11, 1994, the IRS will allow any reasonable method that is consistently applied to the taxpayer's general asset accounts.

Special Analyses

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

Drafting Information

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

List of Subjects

26 CFR Part 1

Income taxes, Reporting and recordkeeping requirements.

26 CFR Part 602

Reporting and recordkeeping requirements.

Adoption of Amendments to the Regulations

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

PART 1—INCOME TAXES

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

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

Section 1.168(i)–1 also issued under 26 U.S.C. 168(i)(4). * * *

Par. 2. Section 1.56(g)–1 is amended by adding a sentence at the end of paragraph (b), introductory text, to read as follows:

§ 1.56(g)–1 Adjusted current earnings.

* * * * *

(b) * * * See § 1.168(i)–1(k) for an election to use general asset accounts.

* * * * *

Par. 3. Sections 1.168(i)–0 and 1.168(i)–1 are added to read as follows:

§ 1.168(i)–0 Table of contents for the general asset account rules.

This section lists the major paragraphs contained in § 1.168(i)–1.

§ 1.168(i)–1 General asset accounts.

(a) Scope.
(b) Definitions.
(1) Unadjusted depreciable basis.
(2) Unadjusted depreciable basis of the general asset account.
(3) Adjusted depreciable basis of the general asset account.
(4) Expensed cost.
(c) Establishment of general asset accounts.
(1) Assets eligible for general asset accounts.
(i) General rules.
(ii) Special rules for assets generating foreign source income.
(2) Grouping assets in general asset accounts.
(i) General rules.
(ii) Special rules.
(d) Determination of depreciation allowance.
(1) In general.
(2) Special rule for passenger automobiles.
(e) Disposition of an asset from a general asset account.
(1) Scope.
(2) General rules for a disposition.
(i) No immediate recovery of basis.
(ii) Treatment of amount realized.
(iii) Effect of disposition on a general asset account.
(iv) Coordination with nonrecognition provisions.
(v) Examples.
(3) Special rules.
(i) In general.
(ii) Disposition of all assets remaining in a general asset account.
(iii) Disposition of an asset in a qualifying disposition.
(iv) Transactions subject to section 168(i)(7).
(v) Anti-abuse rule.
(f) Assets generating foreign source income.
(1) In general.
(2) Source of ordinary income, gain, or loss.
(i) Source determined by allocation and apportionment of depreciation allowed.
(ii) Formula for determining foreign source income, gain, or loss.
(3) Section 904(d) separate categories.
(g) Assets subject to recapture.
(h) Changes in use.
(1) Conversion to personal use.
(2) Other changes in use.
(i) Identification of disposed or converted asset.
(j) Effect of adjustments on prior dispositions.
(k) Election.
(1) Irrevocable election.
(2) Time for making election.
(3) Manner of making election.
(l) Effective date.

§ 1.168(i)–1 General asset accounts.

(a) *Scope.* This section provides rules for general asset accounts under section 168(i)(4). The provisions of this section apply only to assets for which an election has been made under paragraph (k) of this section.

(b) *Definitions.* For purposes of this section, the following definitions apply:

(1) *Unadjusted depreciable basis* is the basis of an asset for purposes of section 1011 without regard to any adjustments described in sections 1016(a)(2) and (3).

(2) *Unadjusted depreciable basis of the general asset account* is the sum of the unadjusted depreciable bases of all assets included in the general asset account.

(3) *Adjusted depreciable basis of the general asset account* is the unadjusted depreciable basis of the general asset account less the adjustments to basis described in sections 1016(a)(2) and (3).

(4) *Expensed cost* is the amount of any allowable credit or deduction treated as a deduction allowable for depreciation or amortization for purposes of section 1245 (for example, a credit allowable under section 30 or a deduction allowable under section 179, 179A, or 190).

(c) *Establishment of general asset accounts*—(1) *Assets eligible for general asset accounts*—(i) *General rules.* Assets that are subject to either the general depreciation system of section 168(a) or the alternative depreciation system of section 168(g) may be accounted for in one or more general asset accounts. An asset may be included in a general asset account only to the extent of the asset's unadjusted depreciable basis (for example, if, in 1995, a taxpayer places in service an asset that costs $20,000 and elects under section 179 to expense $17,500 of that asset's cost, the unadjusted depreciable basis of the asset is $2,500 and, therefore, only $2,500 of the asset's cost may be included in a general asset account). However, an asset is not to be included in a general asset account if the asset is used both in a trade or business (or for the production of income) and in a personal activity at any time during the taxable year in which the asset is first placed in service by the taxpayer.

(ii) *Special rules for assets generating foreign source income*—(A) Assets that generate foreign source income, both United States and foreign source income, or combined gross income of a FSC (as defined in section 922), DISC (as defined in section 992(a)), or possessions corporation (as defined in section 936) and its related supplier, may be included in a general asset account if the requirements of paragraph (c)(2)(i) of this section are satisfied. If, however, the inclusion of these assets in a general asset account results in a substantial distortion of income, the Commissioner may disregard the general asset account election and make any reallocations of income or expense necessary to clearly reflect income.

(B) A general asset account shall be treated as a single asset for purposes of applying the rules in § 1.861- 9T(g)(3) (relating to allocation and apportionment of interest expense under the asset method). A general asset account that generates income in more than one grouping of income (statutory and residual) is a multiple category asset (as defined in § 1.861–9T(g)(3)(ii)), and the income yield from the general asset account must be determined by applying the rules for multiple category assets as if the general asset account were a single asset.

(2) *Grouping assets in general asset accounts*—(i) *General rules.* If a taxpayer makes the election under paragraph (k) of this section, assets that are subject to the election are grouped into one or more general asset accounts. Assets that are eligible to be grouped into a single general asset account may be divided into more than one general asset account. Each general asset account must include only assets that—

(A) Have the same asset class (for further guidance, see Rev. Proc. 87–56, 1987–2 C.B. 674, and § 601.601(d)(2)(ii)(*b*) of this chapter);

(B) Have the same applicable depreciation method;

(C) Have the same applicable recovery period;

(D) Have the same applicable convention; and

(E) Are placed in service by the taxpayer in the same taxable year.

(ii) *Special rules.* In addition to the general rules in paragraph (c)(2)(i) of this section, the following rules apply when establishing general asset accounts—

(A) Assets without an asset class, but with the same characteristics described in paragraphs (c)(2)(i)(B), (C), (D), and (E) of this section, may be grouped into a general asset account;

(B) Assets subject to the mid-quarter convention may only be grouped into a general asset account with assets that are placed in service in the same quarter of the taxable year;

(C) Assets subject to the mid-month convention may only be grouped into a general asset account with assets that are placed in service in the same month of the taxable year; and

(D) Passenger automobiles for which the depreciation allowance is limited under section 280F(a) must be grouped into a separate general asset account.

(d) *Determination of depreciation allowance*—(1) *In general.* Depreciation allowances are determined for each general asset account by using the applicable depreciation method, recovery period, and convention for the assets in the account. The depreciation allowances are recorded in a depreciation reserve account for each general asset account. The allowance for depreciation under this section constitutes the amount of depreciation allowable under section 167(a).

(2) *Special rule for passenger automobiles.* For purposes of applying section 280F(a), the depreciation allowance for a general asset account established for passenger automobiles is limited for each taxable year to the amount prescribed in section 280F(a) multiplied by the excess of the number of automobiles originally included in the account over the number of automobiles disposed of during the taxable year or in any prior taxable year in a transaction described in paragraph (e)(3)(iii) (disposition of an asset in a qualifying disposition), (e)(3)(iv) (transactions subject to section 168(i)(7)), (e)(3)(v) (anti-abuse rule), (g) (assets subject to recapture), or (h)(1) (conversion to personal use) of this section.

(e) *Disposition of an asset from a general asset account*—(1) *Scope.* This paragraph (e) provides rules applicable to dispositions of assets included in a general asset account. For purposes of this paragraph (e), an asset in a general asset account is disposed of when ownership of the asset is transferred or when the asset is permanently withdrawn from use either in the taxpayer's trade or business or in the production of income. A disposition includes the sale, exchange, retirement, physical abandonment, or destruction of an asset. A disposition also occurs when an asset is transferred to a supplies, scrap, or similar account. A disposition does not include, however, the retirement of a structural component of real property.

(2) *General rules for a disposition*—(i) *No immediate recovery of basis.* Immediately before a disposition of any asset in a general asset account, the asset is treated as having an adjusted basis of zero for purposes of section 1011. Therefore, no loss is realized upon the disposition of an asset from the general asset account. Similarly, where an asset is disposed of by transfer to a supplies, scrap, or similar account, the basis of the asset in the supplies, scrap, or similar account will be zero.

(ii) *Treatment of amount realized.* Any amount realized on a disposition is recognized as ordinary income (notwithstanding any other provision of subtitle A of the Internal Revenue Code (Code)) to the extent the sum of the unadjusted depreciable basis of the general asset account and any expensed cost (as defined in paragraph (b)(4) of this section) for assets in the account exceeds any amounts previously recognized as ordinary income upon the disposition of other assets in the account. The recognition and character of any excess amount realized are determined under other applicable provisions of the Code (other than sections 1245 and 1250 or provisions of the Code that treat gain on a disposition as subject to section 1245 or 1250).

(iii) *Effect of disposition on a general asset account.* The unadjusted depreciable basis and the depreciation reserve of the general asset account are not affected as a result of a disposition of an asset from the general asset account.

(iv) *Coordination with nonrecognition provisions.* For purposes of determining the basis of an asset acquired in a transaction described in paragraph (e)(3)(iii)(B)(*4*) of this section (relating to certain nonrecognition provisions), the amount of ordinary income recognized

under this paragraph (e)(2) is treated as the amount of gain recognized on the disposition.

(v) *Examples.* The following examples illustrate the application of this paragraph (e)(2).

Example 1. (i) *R*, a calendar-year corporation, maintains one general asset account for ten machines. The machines cost a total of $10,000 and were placed in service in June 1995. Of the ten machines, one machine costs $8,200 and nine machines cost a total of $1,800. Assume this general asset account has a depreciation method of 200 percent declining balance, a recovery period of 5 years, and a half-year convention. *R* does not make a section 179 election for any of the machines. As of January 1, 1996, the depreciation reserve of the account is $2,000 [(($10,000 − $0) × 40%)/2].

(ii) On February 8, 1996, *R* sells the machine that cost $8,200 to an unrelated party for $9,000. Under paragraph (e)(2)(i) of this section, this machine has an adjusted basis of zero.

(iii) On its 1996 tax return, *R* recognizes the amount realized of $9,000 as ordinary income because such amount does not exceed the unadjusted depreciable basis of the general asset account ($10,000), plus any expensed cost for assets in the account ($0), less amounts previously recognized as ordinary income ($0). Moreover, the unadjusted depreciable basis and depreciation reserve of the account are not affected by the disposition of the machine. Thus, the depreciation allowance for the account in 1996 is $3,200 (($10,000 − $2,000)×40%).

Example 2. (i) The facts are the same as in *Example 1*. In addition, on June 4, 1997, *R* sells seven machines to an unrelated party for a total of $1,100. In accordance with paragraph (e)(2)(i) of this section, these machines have an adjusted basis of zero.

(ii) On its 1997 tax return, *R* recognizes $1,000 as ordinary income (the unadjusted depreciable basis of $10,000, plus the expensed cost of $0, less the amount of $9,000 previously recognized as ordinary income). The recognition and character of the excess amount realized of $100 ($1,100 − $1,000) are determined under applicable provisions of the Code other than section 1245 (such as section 1231). Moreover, the unadjusted depreciable basis and depreciation reserve of the account are not affected by the disposition of the machines. Thus, the depreciation allowance for the account in 1997 is $1,920 (($10,000 − $5,200)×40%).

(3) *Special rules*—(i) *In general.* This paragraph (e)(3) provides the rules for terminating general asset account treatment upon certain dispositions. While the rules under paragraphs (e)(3)(ii) and (iii) of this section are optional rules, the rules under paragraphs (e)(3)(iv) and (v) of this section are mandatory rules. A taxpayer applies paragraph (e)(3)(ii) or (iii) of this section by reporting the gain, loss, or other deduction on the taxpayer's timely filed (including extensions) income tax return for the taxable year in which the disposition occurs. For purposes of applying paragraph (e)(3)(iii) through (v) of this section, see paragraph (i) of this section for identifying the unadjusted depreciable basis of a disposed asset.

(ii) *Disposition of all assets remaining in a general asset account*—(A) *Optional termination of a general asset account.* Upon the disposition of all of the assets, or the last asset, in a general asset account, a taxpayer may apply this paragraph (e)(3)(ii) to recover the adjusted depreciable basis of the general asset account (rather than having paragraph (e)(2) of this section apply). Under this paragraph (e)(3)(ii), the general asset account terminates and the amount of gain or loss for the general asset account is determined under section 1001(a) by taking into account the adjusted depreciable basis of the general asset account at the time of the disposition. The recognition and character of the gain or loss are determined under other applicable provisions of the Code, except that the amount of gain subject to section 1245 (or section 1250) is limited to the excess of the depreciation allowed or allowable for the general asset account, including any expensed cost (or the excess of the additional depreciation allowed or allowable for the general asset account), over any amounts previously recognized as ordinary income under paragraph (e)(2) of this section.

(B) *Example.* The following example illustrates the application of this paragraph (e)(3)(ii).

Example. (i) *T*, a calendar-year corporation, maintains a general asset account for 1,000 calculators. The calculators cost a total of $60,000 and were placed in service in 1995. Assume this general asset account has a depreciation method of 200 percent declining balance, a recovery period of 5 years, and a half-year convention. *T* does not make a section 179 election for any of the calculators. In 1996, *T* sells 200 of the calculators to an unrelated party for a total of $10,000 and recognizes the $10,000 as ordinary income in accordance with paragraph (e)(2) of this section.

(ii) On March 26, 1997, *T* sells the remaining calculators in the general asset account to an unrelated party for $35,000. *T* chooses to apply paragraph (e)(3)(ii) of this section. As a result, the account terminates and gain or loss is determined for the account.

(iii) On the date of disposition, the adjusted depreciable basis of the account is $23,040 (unadjusted depreciable basis of $60,000 less the depreciation allowed or allowable of $36,960). Thus, in 1997, *T* recognizes gain of $11,960 (amount realized of $35,000 less the adjusted depreciable basis of $23,040). The gain of $11,960 is subject to section 1245 to the extent of the depreciation allowed or allowable for the account (plus the expensed cost for assets in the account) less the amounts previously recognized as ordinary income ($36,960 + $0 − $10,000 = $26,960). As a result, the entire gain of $11,960 is subject to section 1245.

(iii) *Disposition of an asset in a qualifying disposition*—(A) *Optional determination of the amount of gain, loss, or other deduction.* In the case of a qualifying disposition of an asset (described in paragraph (e)(3)(iii)(B) of this section), a taxpayer may apply this paragraph (e)(3)(iii) (rather than having paragraph (e)(2) of this section apply). Under this paragraph (e)(3)(iii), general asset account treatment for the asset terminates as of the first day of the taxable year in which the qualifying disposition occurs, and the amount of gain, loss, or other deduction for the asset is determined by taking into account the asset's adjusted basis. The adjusted basis of the asset at the time of the disposition equals the unadjusted depreciable basis of the asset less the depreciation allowed or allowable for the asset, computed by using the depreciation method, recovery period, and convention applicable to the general asset account in which the asset was included. The recognition and character of the gain, loss, or other deduction are determined under other applicable provisions of the Code, except that the amount of gain subject to section 1245 (or section 1250) is limited to the lesser of—

(*1*) The depreciation allowed or allowable for the asset, including any expensed cost (or the additional depreciation allowed or allowable for the asset); or

(*2*) The excess of—

(*i*) The original unadjusted depreciable basis of the general asset account plus, in the case of section 1245 property originally included in the general asset account, any expensed cost; over

(*ii*) The cumulative amounts of gain previously recognized as ordinary income under either paragraph (e)(2) of this section or section 1245 (or section 1250).

(B) *Qualifying dispositions.* A qualifying disposition is a disposition that does not involve all the assets, or the last asset, remaining in a general asset account and that is—

(*1*) A direct result of a fire, storm, shipwreck, or other casualty, or from theft;

(*2*) A charitable contribution for which a deduction is allowable under section 170;

(*3*) A direct result of a cessation, termination, or disposition of a business, manufacturing or other

income producing process, operation, facility, plant, or other unit (other than by transfer to a supplies, scrap, or similar account); or

(*4*) A transaction, other than a transaction described in paragraph (e)(3)(iv) of this section (pertaining to transactions subject to section 168(i)(7)), to which a nonrecognition section of the Code applies (determined without regard to this section), such as section 1031 or 1033.

(C) *Effect of a qualifying disposition on a general asset account.* If the taxpayer applies this paragraph (e)(3)(iii) to a qualifying disposition of an asset, then—

(*1*) The asset is removed from the general asset account as of the first day of the taxable year in which the qualifying disposition occurs;

(*2*) The unadjusted depreciable basis of the general asset account is reduced by the unadjusted depreciable basis of the asset as of the first day of the taxable year in which the disposition occurs;

(*3*) The depreciation reserve of the general asset account is reduced by the depreciation allowed or allowable for the asset as of the end of the taxable year immediately preceding the year of disposition, computed by using the depreciation method, recovery period, and convention applicable to the general asset account in which the asset was included; and

(*4*) For purposes of determining the amount of gain realized on subsequent dispositions that is subject to ordinary income treatment under paragraph (e)(2)(ii) of this section, the amount of any expensed cost with respect to the asset is disregarded.

(D) *Example.* The provisions of this paragraph (e)(3)(iii) are illustrated by the following example.

Example. (i) *Z*, a calendar-year corporation, maintains one general asset account for 12 machines. Each machine costs $15,000 and was placed in service in 1995. Of the 12 machines, nine machines that cost a total of $135,000 are used in *Z's* Kentucky plant, and three machines that cost a total of $45,000 are used in *Z's* Ohio plant. Assume this general asset account has a depreciation method of 200 percent declining balance, a recovery period of 5 years, and a half-year convention. *Z* does not make a section 179 election for any of the machines. As of January 1, 1997, the depreciation reserve for the account is $93,600.

(ii) On May 27, 1997, *Z* sells its entire manufacturing plant in Ohio to an unrelated party. The sales proceeds allocated to each of the three machines at the Ohio plant is $5,000. Because this transaction is a qualifying disposition under paragraph (e)(3)(iii)(B)(*3*) of this section, *Z* chooses to apply paragraph (e)(3)(iii) of this section.

(iii) For *Z's* 1997 return, the depreciation allowance for the account is computed as follows. As of December 31, 1996, the depreciation allowed or allowable for the three machines at the Ohio plant is $23,400. Thus, as of January 1, 1997, the unadjusted depreciable basis of the account is reduced from $180,000 to $135,000 ($180,000 less the unadjusted depreciable basis of $45,000 for the three machines), and the depreciation reserve of the account is decreased from $93,600 to $70,200 ($93,600 less the depreciation allowed or allowable of $23,400 for the three machines as of December 31, 1996). Consequently, the depreciation allowance for the account in 1997 is $25,920 (($135,000 − $70,200) × 40%).

(iv) For *Z's* 1997 return, gain or loss for each of the three machines at the Ohio plant is determined as follows. The depreciation allowed or allowable in 1997 for each machine is $1,440 [(($15,000 − $7,800) × 40%) / 2]. Thus, the adjusted basis of each machine under section 1011 is $5,760 (the adjusted depreciable basis of $7,200 removed from the account less the depreciation allowed or allowable of $1,440 in 1997). As a result, the loss recognized in 1997 for each machine is $760 ($5,000 − $5,760), which is subject to section 1231.

(iv) *Transactions subject to section 168(i)(7).* If an asset in a general asset account is transferred in a transaction described in section 168(i)(7)(B) (pertaining to treatment of transferees in certain nonrecognition transactions), the transferor must remove the transferred asset from the general asset account as of the first day of the taxable year in which the transaction occurs. In addition, the adjustments to the general asset account described in paragraph (e)(3)(iii)(C)(*2*) through (*4*) of this section must be made. The transferee is bound by the transferor's election under paragraph (k) of this section with respect to so much of the asset's basis in the hands of the transferee as does not exceed the asset's adjusted basis in the hands of the transferor. If all of the assets, or the last asset, in a general asset account are transferred, the transferee's basis in the assets or asset transferred is equal to the adjusted depreciable basis of the general asset account as of the beginning of the transferor's taxable year in which the transaction occurs, decreased by the amount of depreciation allocable to the transferor for the year of the transfer.

(v) *Anti-abuse rule*—(A) *In general.* If an asset in a general asset account is disposed of by a taxpayer in a transaction described in paragraph (e)(3)(v)(B) of this section, general asset account treatment for the asset terminates as of the first day of the taxable year in which the disposition occurs. Consequently, the taxpayer must determine the amount of gain, loss, or other deduction attributable to the disposition in the manner described in paragraph (e)(3)(iii)(A) of this section (notwithstanding that paragraph (e)(3)(iii)(A) of this section is an optional rule) and must make the adjustments to the general asset account described in paragraph (e)(3)(iii)(C)(*1*) through (*4*) of this section.

(B) *Abusive transactions.* A transaction is described in this paragraph (e)(3)(v)(B) if the transaction is not described in paragraph (e)(3)(iv) of this section and the transaction is entered into, or made, with a principal purpose of achieving a tax benefit or result that would not be available absent an election under this section. Examples of these types of transactions include—

(*1*) A transaction entered into with a principal purpose of shifting income or deductions among taxpayers in a manner that would not be possible absent an election under this section in order to take advantage of differing effective tax rates among the taxpayers; or

(*2*) An election made under this section with a principal purpose of disposing of an asset from a general asset account in order to utilize an expiring net operating loss or credit. The fact that a taxpayer with a net operating loss carryover or a credit carryover transfers an asset to a related person or transfers an asset pursuant to an arrangement where the asset continues to be used (or is available for use) by the taxpayer pursuant to a lease (or otherwise) indicates, absent strong evidence to the contrary, that the transaction is described in this paragraph (e)(3)(v)(B).

(f) *Assets generating foreign source income*—(1) *In general.* This paragraph (f) provides the rules for determining the source of any income, gain, or loss recognized, and the appropriate section 904(d) separate limitation category or categories for any foreign source income, gain, or loss recognized, on a disposition (within the meaning of paragraph (e)(1) of this section) of an asset in a general asset account that consists of assets generating both United States and foreign source income. These rules apply only to a disposition to which paragraph (e)(2) (general disposition rules), (e)(3)(ii) (disposition of all assets remaining in a general asset account), (e)(3)(iii) (disposition of an asset in a qualifying disposition), or (e)(3)(v) (anti-abuse rule) of this section applies.

(2) *Source of ordinary income, gain, or loss*—(i) *Source determined by allocation and apportionment of depreciation allowed.* The amount of any ordinary income, gain, or loss that is recognized on the disposition of an asset in a general asset account must be apportioned between United States and

foreign sources based on the allocation and apportionment of the—

(A) Depreciation allowed for the general asset account as of the end of the taxable year in which the disposition occurs if paragraph (e)(2) of this section applies to the disposition;

(B) Depreciation allowed for the general asset account as of the time of the disposition if the taxpayer applies paragraph (e)(3)(ii) of this section to the disposition of all of the assets, or the last asset, in the general asset account; or

(C) Depreciation allowed for the disposed asset for only the taxable year in which the disposition occurs if the taxpayer applies paragraph (e)(3)(iii) to the disposition of the asset in a qualifying disposition or if the asset is disposed in a transaction described in paragraph (e)(3)(v) (anti-abuse rule) of this section.

(ii) *Formula for determining foreign source income, gain, or loss.* The amount of ordinary income, gain, or loss recognized on the disposition that shall be treated as foreign source income, gain, or loss must be determined under the formula in this paragraph (f)(2)(ii). For purposes of this formula, the allowed depreciation deductions are determined for the applicable time period provided in paragraph (f)(2)(i) of this section. The formula is:

Foreign Source Income, Gain, or Loss from the Disposition of an Asset = Total Ordinary Income, Gain, or Loss from Disposition of an Asset × Allowed Depreciation Deductions Allocated and Apportioned to *Foreign Source Income* Total Allowed Depreciation Deductions for the General Asset Account or for the Disposed Asset (as applicable)

(3) *Section 904(d) separate categories.* If the assets in the general asset account generate foreign source income in more than one separate category under section 904(d)(1) or another section of the Code (for example, income treated as foreign source income under section 904(g)(10)), or under a United States income tax treaty that requires the foreign tax credit limitation to be determined separately for specified types of income, the amount of "foreign source income, gain, or loss from the disposition of an asset" (as determined under the formula in paragraph (f)(2)(ii) of this section) must be allocated and apportioned to the applicable separate category or categories under the formula in this paragraph (f)(3). For purposes of this formula, the allowed depreciation deductions are determined for the applicable time period provided in paragraph (f)(2)(i) of this section. The formula is:

Foreign Source Income, Gain, or Loss In a Separate Category = Forign Source Income, Gain, or Loss from the Disposition of an Asset × Allowed Depreciation Deductions Allocated and Apportioned to a Separate Category Total Allowed Depreciation Deductions and Apportioned to Foreign Source Income

(g) *Assets subject to recapture.* If the basis of an asset in a general asset account is increased as a result of the recapture of any allowable credit or deduction (for example, the basis adjustment for the recapture amount under section 30(d)(2), 50(c)(2), 179(d)(10), or 179A(e)(4)), general asset account treatment for the asset terminates as of the first day of the taxable year in which the recapture event occurs. Consequently, the taxpayer must remove the asset from the general asset account as of that day and must make the adjustments to the general asset account described in paragraph (e)(3)(iii)(C)(2) through (4) of this section.

(h) *Changes in use*—(1) *Conversion to personal use.* An asset in a general asset account becomes ineligible for general asset account treatment if a taxpayer uses the asset in a personal activity during a taxable year. Upon a conversion to personal use, the taxpayer must remove the asset from the general asset account as of the first day of the taxable year in which the change in use occurs and must make the adjustments to the general asset account described in paragraph (e)(3)(iii)(C)(*2*) through (*4*) of this section.

(2) *Other changes in use.* [Reserved].

(i) *Identification of disposed or converted asset.* A taxpayer may use any reasonable method that is consistently applied to the taxpayer's general asset accounts for purposes of determining the unadjusted depreciable basis of a disposed or converted asset in a transaction described in paragraph (e)(3)(iii) (disposition of an asset in a qualifying disposition), (e)(3)(iv) (transactions subject to section 168(i)(7)), (e)(3)(v) (anti-abuse rule), (g) (assets subject to recapture), or (h)(1) (conversion to personal use) of this section.

(j) *Effect of adjustments on prior dispositions.* The adjustments to a general asset account under paragraph (e)(3)(iii), (e)(3)(iv), (e)(3)(v), (g), or (h)(1) of this section have no effect on the recognition and character of prior dispositions subject to paragraph (e)(2) of this section.

(k) *Election*—(1) *Irrevocable election.* If a taxpayer makes an election under this paragraph (k), the taxpayer consents to, and agrees to apply, all of the provisions of this section to the assets included in a general asset account. Except as provided in paragraph (c)(1)(ii)(A), (e)(3), (g), or (h)(1) of this section, an election made under this section is irrevocable and will be binding on the taxpayer for computing taxable income for the taxable year for which the election is made and for all subsequent taxable years. An election under this paragraph (k) is made separately by each person owning an asset to which this section applies (for example, by each member of a consolidated group, at the partnership level (and not by the partner separately), or at the S corporation level (and not by the shareholder separately)).

(2) *Time for making election.* The election to apply this section shall be made on the taxpayer's timely filed (including extensions) income tax return for the taxable year in which the assets included in the general asset account are placed in service by the taxpayer.

(3) *Manner of making election.* In the year of election, a taxpayer makes the election under this section by typing or legibly printing at the top of the Form 4562, "GENERAL ASSET ACCOUNT ELECTION MADE UNDER SECTION

168(i)(4)," or in the manner provided for on Form 4562 and its instructions. The taxpayer shall maintain records (for example, "General Asset Account #1 - all 1995 additions in asset class 00.11 for Salt Lake City, Utah facility") that identify the assets included in each general asset account, that establish the unadjusted depreciable basis and depreciation reserve of the general asset account, and that reflect the amount realized during the taxable year upon dispositions from each general asset account. (But see section 179(c) and § 1.179–5 for the recordkeeping requirements for section 179 property.) The taxpayer's recordkeeping practices should be consistently applied to the general asset accounts. If Form 4562 is revised or renumbered, any reference in this section to that form shall be treated as a reference to the revised or renumbered form.

(l) *Effective date.* This section applies to depreciable assets placed in service in taxable years ending on or after October 11, 1994. For depreciable assets placed in service after December 31, 1986, in taxable years ending before October 11, 1994, the Internal Revenue Service will allow any reasonable method that is consistently applied to the taxpayer's general asset accounts.

PART 602—OMB CONTROL NUMBERS UNDER THE PAPERWORK REDUCTION ACT

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

Authority: 26 U.S.C. 7805.

§ 602.101(c) [Amended]

Par. 5. Section 602.101(c) is amended by adding the entry "1.168(i)–1....1545–1331" in numerical order to the table.

Margaret Milner Richardson,

Commissioner of Internal Revenue.

Approved: September 9, 1994

Leslie Samuels,

Assistant Secretary of the Treasury.

[FR Doc. 94–24949 Filed 10–7–94; 8:45 am]

BILLING CODE 4830–01–U

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[CO23–1–6540; FRL–5080–7]

Clean Air Act Approval and Promulgation of Air Quality Implementation Plan Revision for Colorado; Long-Term Strategy Review of Class I Visibility Protection

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: EPA approves revisions to the long-term strategy of Colorado's State Implementation Plan (SIP) for Visibility Protection, as submitted by the Governor with a letter dated November 18, 1992. The revisions address requirements to review periodically and, if necessary, revise the long-term strategy for visibility protection for states containing mandatory Class I Federal areas. EPA also corrects its error in a previous action on the State's Visibility protection provisions.

EFFECTIVE DATE: This rule will become effective on November 10, 1994.

ADDRESSES: Copies of the State's submittal and other information are available for inspection during normal business hours at the following locations:

Air Programs Branch, Environmental Protection Agency, Region VIII, 999 18th Street, suite 500, Denver, Colorado 80202–2405.

Colorado Department of Health, Air Pollution Control Division, 4300 Cherry Creek Drive South, Denver, Colorado 80222–1530.

The Air and Radiation Docket and Information Center, 401 M Street, SW., Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT: Amy Platt, Air Programs Branch, Environmental Protection Agency, Region VIII, (303) 293–1769.

SUPPLEMENTARY INFORMATION:

I. Background

Section 169A of the Clean Air Act [1] establishes as a National goal the prevention of any future, and the remedying of any existing, impairment of visibility in mandatory Class I Federal areas [2] which impairment results from man-made air pollution. Section 169A called for EPA to, among other things, issue regulations to assure reasonable progress toward meeting the National goal, section 169A(a)(4), including requiring each State with a mandatory Class I Federal area to revise its State implementation plan (SIP) to contain such emission limits, schedules of compliance and other measures as may be necessary to make reasonable progress toward meeting the National goal. Section 169A(b)(2).

EPA promulgated regulations that, in broad outline, required affected States to: (1) Coordinate development of SIPs with appropriate Federal land managers (FLMs); (2) develop a program to assess and remedy visibility impairment from new and existing sources; and (3) develop a long-term strategy to assure reasonable progress toward the National visibility goal. 45 FR 80084 (December 2, 1980) (codified at 40 CFR 51.300–51.307). The regulations provided for the remedying of visibility impairment that is reasonably attributable to a single existing stationary facility or small group of existing stationary facilities. These regulations required that the SIPs provide for periodic review and revisions, as appropriate, of the long-term strategy not less frequently than every three years, that the review process include consultation with the appropriate FLMs and that the State report to the public and EPA a specified assessment of its progress toward the National goal. See 40 CFR 51.306(c).

On July 12, 1985 (50 FR 28544) and November 24, 1987 (52 FR 45132), EPA disapproved SIPs of states that failed to comply with the requirements of, among others, the provisions of 40 CFR 51.302 (visibility general plan requirements), 51.305 (visibility monitoring), and 51.306 (visibility long-term strategy). EPA also incorporated corresponding Federal plans and regulations into the SIPs of these states pursuant to section 110(c)(1) of the Act. The Governor of Colorado submitted a SIP revision for visibility protection on December 21, 1987, which met the criteria of 40 CFR 51.302, 51.305, and 51.306 and consisted of five major sections: existing impairment, new source review, consultation with FLMs, monitoring strategy, and the long-term strategy. EPA approved this SIP revision in an August 12, 1988 **Federal Register** notice (53 FR 30428), and these revisions replaced the Federal plans and regulations in the Colorado Visibility SIP.

On May 13, 1994, EPA announced its proposed approval of revisions to the long-term strategy of Colorado's Class I Visibility SIP and revisions concerning the long-term strategy in the Colorado Air Quality Control Commission's (AQCC) Regulation No. 3 (59 FR 25002–25004). In that proposed rulemaking action, EPA described in detail its rationale for proposing approval, considering the specific factual issues presented. Rather than repeating that entire discussion in this notice, it is incorporated by reference here. Thus, the public should review the notice of proposed rulemaking for relevant background on this final rulemaking action.

[1] The Clean Air Act ("the Act") is codified, as amended, in the U.S. Code at 42 U.S.C. 7401, et seq.

[2] Mandatory class I Federal areas are certain national parks, wildernesses and international parks described in section 162(a). These areas are the responsibility of "Federal land managers" (FLMs), the Secretary of the department with authority over such lands. See section 302(i) of the Act.

EPA requested public comments on all aspects of the proposal (please reference 59 FR 25004). Comments were received and are discussed below. This final action on the revisions to the long-term strategy of Colorado's Class I Visibility SIP and revisions concerning the long-term strategy in Colorado AQCC's Regulation No. 3 is unchanged from the May 13, 1994 proposed approval action.

II. Response to Public Comments

One commenter responded to EPA's request for comments on its proposed rulemaking. These comments were received on June 17, 1994, in a letter dated June 12, 1994. Although the comment period ended on June 13, 1994, EPA is endeavoring to respond to these comments in an effort to facilitate the public's understanding of this action.

On July 14, 1993, the U.S. Forest Service (USFS) certified to the State of Colorado the existence of visibility impairment at the Mount Zirkel Wilderness Area, a mandatory Class I Federal area located in Colorado. (See July 14, 1993 letter from Elizabeth Estill, USFS, to Governor Roy Romer, which is included in the docket for this action.) The comments in response to EPA's proposed approval of Colorado's review and revision of its Long-Term Strategy address concerns that Colorado has not appropriately responded to the USFS's certification.

More specifically, the commenter asserts that EPA's proposed approval of the long-term strategy revision adopted by Colorado on November 18, 1992 is problematic because:

> [I]t ignores numerous deficiencies in the State's efforts to implement the visibility protection program since that time. In particular, Colorado has failed to respond in a timely or effective manner to the certification of visibility impairment in the Mount Zirkel Wilderness Area that was filed by the U.S. Forest Service on July 13, 1993.

The commenter asserts that EPA has a duty to notify the State of Colorado that its visibility protection plan, as currently being implemented, is deficient and to explain what actions are needed to remedy those deficiencies. The commenter recommends that, in any event, EPA should attach conditions to any final decision to approve the State's submittal. In particular, the commenter states that EPA must notify the State of Colorado that its next long-term strategy revision "must include emission limitations representing the best available retrofit technology (BART) and schedules for compliance with BART in response to the U.S. Forest Service's certification of visibility impairment in the Mount Zirkel Wilderness Area."

EPA does not agree with the commenter that the SIP revision that is the subject of this action (*i.e.*, the November 18, 1992 Visibility SIP revision regarding the long-term strategy review and report) should be conditioned with requirements involving the Mount Zirkel issue or that the State's response to the USFS's certification of visibility impairment for the Mount Zirkel Wilderness Area should otherwise affect the approvability of this relatively limited action. The November 18, 1992 submittal was adopted prior to the U.S. Forest Service's certification of impairment of the Mount Zirkel Wilderness Area on July 14, 1993. Therefore, EPA assessed the adequacy of the SIP revision relevant to the time and conditions of the submittal and found it approvable (as discussed in further detail in the proposed rulemaking at 59 FR 25002–25004, May 13, 1994).

EPA believes it would be unreasonable to expect that the State's long-term strategy review would address circumstances that have not yet transpired, especially when EPA's regulations require periodic review and revision, as appropriate, at least every three years. See 40 CFR 51.306(c). Thus, the applicable regulatory scheme itself has a built-in on-going assessment of the State's progress in addressing visibility impairment in light of new developments and circumstances.

Even if the State's response to the USFS's certification of visibility impairment at the Mount Zirkel Wilderness Area was within the scope of the this rulemaking action, the commenter has requested inappropriate relief in that it presupposes a particular result. The commenter requested that EPA direct the State to include emission limitations representing BART in its next long-term strategy review. While it ultimately may be appropriate for the State to include emission limitations in its next long-term strategy review and revision, a necessary adjunct to the imposition of such emission limitations is that the State has identified existing stationary facilities which may reasonably be anticipated to cause or contribute to visibility impairment at the Mount Zirkel Wilderness Area. See 40 CFR 51.302(c)(4)(i).

Nevertheless, EPA is aware that significant changes have occurred since the November 18, 1992 submittal. Further, EPA is concerned about the visibility protection progress the State makes between the November 18, 1992 submittal and the next long-term strategy review and revision due by September 1, 1995. EPA's concern is heightened by the USFS's certification of visibility impairment at the Mount Zirkel Wilderness Area. The State's interim efforts must be guided by its responsibility to make reasonable progress toward the national visibility protection goal. See, *e.g.*, Clean Air Act section 169A(a)(1) and 40 CFR 51.302(c)(2)(i), 51.300(a), 51.306(a)(3) and 51.306(c).

By finalizing this action, the submittal of the next long-term strategy review and report is a federally-enforceable obligation due by September 1, 1995 (see 59 FR 25003). Federal regulations (see 40 CFR 51.306) require the State to coordinate with the FLM in its long-term strategy review process and to report on the following:

(1) The progress achieved in remedying existing impairment of visibility in any mandatory Class I Federal area;

(2) The ability of the long-term strategy to prevent future impairment of visibility in any mandatory Class I Federal area;

(3) Any change in visibility since the last such report;

(4) Additional measures, including the need for SIP revisions, that may be necessary to assure reasonable progress toward the national visibility goal;

(5) The progress achieved in implementing BART and meeting other schedules set forth in the long-term strategy;

(6) The impact of any exemption granted under section 303;

(7) The need for BART to remedy existing visibility impairment of any integral vista listed in the plan since the last such report.

EPA's regulations call for the State to make progress in remedying existing visibility impairment in mandatory Class I Federal areas and to report on measures that may be necessary to assure reasonable progress toward the national visibility goal. The State should move expeditiously to assess the visibility impairment at the Mount Zirkel Wilderness Area. Further, the State should prioritize its assessment by examining the potential sources of visibility impairment identified in the USFS's certification. The State's assessment should be designed to provide results that can be addressed in the next long-term strategy report, due by September 1, 1995. See the July 29, 1994 letter from John Seitz, EPA Office of Air Quality Planning and Standards, in response to a letter from the commenter to Mary Nichols, EPA Assistant Administrator for Air and Radiation. In its letter to Mary Nichols, which was incorporated in its

comments on this action, the commenter expressed concerns about the State's response to the USFS certification.

EPA expects the State to address the U.S. Forest Service's certification of impairment at the Mt. Zirkel Wilderness Area in its next long-term strategy review and report, due by September 1, 1995. In order for EPA to assess the progress the State achieves in remedying the existing visibility impairment at the Mt. Zirkel Wilderness Area, that report should include the results to date of the State's reasonable attribution study, results of any other relevant analyses, and a decision on whether or not there is adequate information to determine if the visibility impairment at Mt. Zirkel Wilderness Area is reasonably attributable to any specific stationary source/sources. If the State concludes that it has adequate information, it follows that the State should determine whether or not the impairment is attributable to specific sources. If the State concludes that it has insufficient information, the State should indicate the steps that are being taken to collect the necessary information and by what date such information will be available.

EPA will carefully review the State's next long-term strategy to ensure that it meets applicable statutory and regulatory requirements. In the interim, EPA will provide guidance to help achieve these ends. Finally, should EPA determine that the State's visibility protection plan is substantially inadequate to ensure that the applicable statutory and regulatory requirements are met, EPA has discretion to call for a revision to the plan to correct the inadequacies. See Clean Air Act section 110(k)(5).

III. This Action

Section 110(k) of the Act sets out provisions governing EPA's review of SIP submittals (see 57 FR 13565–13566). In a letter dated November 18, 1992, the Governor of Colorado submitted to EPA revisions to the State's long-term strategy of the Class I Visibility Protection SIP. As described in EPA's proposed action (59 FR 25002–25004, May 13, 1994), these revisions were made to address the Federal and Colorado requirements to review and, if necessary, revise the long-term strategy at least every three years. This submittal updates the State's visibility long-term strategy. Pursuant to section 110(k)(1) of the Act, EPA found the submittal to be complete and so notified the Governor in a letter dated January 15, 1993.

In this final rulemaking, EPA announces its approval of these revisions to the Colorado's long-term strategy of the Class I Visibility Protection SIP, including revisions to AQCC Regulation No. 3. See Clean Air Act section 110(k)(3). The revisions were made to address when subsequent long-term strategy review and revision report cycles would occur. The revision indicates that the long-term strategy report will be made available by September 1 at least every third year following the submittal of the previous report. With this final approval, the submittal of the next report by September 1, 1995 will be a federally-enforceable obligation.

Regulation No. 3 was also revised to clarify a discrepancy with EPA requirements regarding the scope of review of the long-term strategy. The State revised the language to indicate that the long-term strategy must be reviewed, among other reasons, to determine "[t]he need for BART to remedy existing impairment in an integral vista declared since plan approval." This change brings the State's program into conformance with EPA regulations. See 40 CFR 51.306(c)(7). Declaration of an integral vista allows for protection of visibility resources outside a mandatory Class I area affecting views from within the area. See 40 CFR 51.301(n). The State has not identified any integral vistas at this time, but may do so in the future at its discretion.

Finally, this SIP revision consists of replacing the original long-term strategy with the revised long-term strategy adopted by the State in August, 1992. The SIP revisions address when the long-term strategy review is to be completed, factors to be assessed in periodic long-term strategy reviews, and components of the long-term strategy plan (*e.g.*, existing impairment, prevention of future impairment, smoke management practices, FLM consultation and communication, and annual visibility data reports).

Please see EPA's proposed rulemaking for further details on the above revisions (59 FR 25002–25004).

EPA is also correcting, under section 110(k)(6) of the Clean Air Act, the provision of 40 CFR 52.344(a) ("Visibility protection"). In a previous rulemaking action, EPA should have revised the provision to indicate that Colorado's visibility protection program was approved, except for visibility new source review (NSR) as it applied to certain industrial source categories. With this action, EPA corrects § 52.344(a) to reflect accurately the status of program approval in Colorado. (Please reference EPA's proposed rulemaking for further details on this correction (59 FR 25002–25004).)

IV. Final Action

This document announces EPA's final rulemaking on the action proposed on May 13, 1994 (59 FR 25002). EPA is taking final action to approve the action it proposed. See Clean Air Act section 110(k)(3). This includes approving revisions to Colorado AQCC Regulation No. 3 to bring it into conformance with Federal requirements for the long-term strategy and to revise the reporting schedule. EPA has determined that these revisions are consistent with applicable Federal requirements for long-term strategy review under the Clean Air Act's visibility protection program for mandatory Class I Federal areas.

Further, EPA is correcting its error in failing to reflect accurately Colorado's Visibility SIP approval status in a previous action on the State's Visibility protection provisions.

Under the Regulatory Flexibility Act, 5 U.S.C. 600, *et seq.*, EPA must prepare a regulatory flexibility analysis assessing the impact of any proposed or final rule on small entities. 5 U.S.C. 603 and 604. Alternatively, EPA may certify that the rule will not have a significant economic impact on a substantial number of small entities. Small entities include small businesses, small not-for-profit enterprises, and government entities with jurisdiction over populations of less than 50,000.

Approvals of SIP submittals under section 110 and subchapter I, part D of the Clean Air 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 Clean Air Act, preparation of a regulatory flexibility analysis would constitute Federal inquiry into the economic reasonableness of state action. The Clean Air Act forbids EPA to base its actions concerning SIPs on such grounds. *Union Electric Co.* v. *U.S. E.P.A.*, 427 U.S. 246, 256–66 (1976); 42 U.S.C. 7410(a)(2).

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by December 12, 1994. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule for the purposes of judicial

review nor does it extend the time within which a petition for judicial review must be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements (see section 307(b)(2)).

The Office of Management and Budget (OMB) has exempted this regulatory action from Executive Order 12866 review.

List of Subjects in 40 CFR Part 52

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

Dated: September 21, 1994.

William P. Yellowtail,

Regional Administrator.

Chapter I, title 40 of the Code of Federal Regulations is amended as follows:

PART 52—[AMENDED]

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

Authority: 42 U.S.C. 7401–7671q.

Subpart G—Colorado

2. Section 52.320 is amended by adding paragraph (c)(60) to read as follows:

§ 52.320 Identification of plan.

* * * * *

(c) * * *

(60) Revisions to the Long-Term Strategy of the Colorado State Implementation Plan for Class I Visibility Protection were submitted by the Governor in a letter dated November 18, 1992. The submittal completely replaces the previous version of the Long-Term Strategy and includes amendments to Air Quality Control Commission Regulation No. 3, "Air Contaminant Emissions Notices."

(i) Incorporation by reference.

(A) Revisions to the Visibility Chapter of Regulation No. 3 as follows: XV.F.1.c. as adopted on August 20, 1992, and effective on September 30, 1992.

3. Section 52.344 (a) is revised to read as follows:

§ 52.344 Visibility protection.

(a) A revision to the SIP was submitted by the Governor on December 21, 1987, for visibility general plan requirements, monitoring, and long-term strategies.

* * * * *

[FR Doc. 94–24913 Filed 10–7–94; 8:45 am]

BILLING CODE 6560–50–P

40 CFR Part 52

[MI29–02–6658; FRL–5079–1]

Approval and Promulgation of Air Quality Implementation Plans; Michigan; Revision to the State Implementation Plan Vehicle Inspection and Maintenance Program

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: In this action, the EPA is approving a revision to the Michigan State Implementation Plan (SIP) for attainment of the National Ambient Air Quality Standards for ozone. On November 12, 1993 and on July 19, 1994 Michigan submitted a SIP revision request to the EPA to satisfy the requirements of sections 182(b)(4) and 182(c)(3) of the Clean Air Act, as amended in 1990 (Act), and the Federal motor vehicle inspection and maintenance (I/M) rule at 40 CFR part 51, subpart S. This revision establishes and requires the implementation of an I/M program in the Grand Rapids and Muskegon ozone nonattainment areas. On July 15, 1994, the EPA published a notice of proposed rulemaking (NPRM) for the State of Michigan. The NPRM proposed approval of the Michigan I/M SIP provided that the State submitted materials sufficient to address the deficiencies found in the original submittal. No public comments were received on the NPRM and the State submitted materials sufficient to remedy all the deficiencies in the original submittal, therefore, the EPA is publishing this final action.

EFFECTIVE DATE: This rule will become effective on November 10, 1994.

ADDRESSES: Copies of the State's submittals and the EPA's technical support document (TSD) are available for public review at U.S. Environmental Protection Agency, Region 5, Air and Radiation Division, Air Toxics and Radiation Branch, Regulation Development Section, 77 West Jackson Boulevard, Chicago, Illinois, 60604. Interested persons wanting to examine these documents should make an appointment at least 24 hours before the visiting day.

FOR FURTHER INFORMATION CONTACT: Brad J. Beeson, at the EPA, Region 5, (312) 353–4779.

SUPPLEMENTARY INFORMATION

I. Introduction

The Act requires States to make changes to improve existing I/M programs or implement new ones. Section 182 requires any ozone nonattainment area which has been classified as "marginal" (pursuant to section 181(a) of the Act) or worse with an existing I/M program that was part of a SIP, or any area that was required by the 1977 Amendments to the Act to have an I/M program, to immediately submit a SIP revision to bring the program up to the level required in the past the EPA guidance or to what had been committed to previously in the SIP, whichever was more stringent. All carbon monoxide nonattainment areas were also subject to this requirement to improve existing or previously required programs to this level. In addition, all ozone nonattainment areas classified as moderate or worse must implement a "basic" or an "enhanced" I/M program depending upon its classification, regardless of previous requirements.

In addition, Congress directed the EPA in section 182(a)(2)(B) to publish updated guidance for State I/M programs, taking into consideration findings of the Administrator's audits and investigations of these programs. The States were to incorporate this guidance into the SIP for all areas required by the Act to have an I/M program.

II. Background

The State of Michigan currently contains 3 ozone nonattainment areas which are required to implement I/M programs in accordance with the Act. The Detroit-Ann Arbor ozone nonattainment area is classified as moderate and contains the following 7 counties: Wayne, Oakland, Macomb, Washtenaw, St. Clair, Livingston, and Monroe. The Grand Rapids ozone nonattainment area is classified as moderate and contains 2 counties: Kent and Ottawa. The Muskegon ozone nonattainment area is classified as moderate and is comprised of Muskegon county. These designations for ozone were published in the **Federal Register** (FR) on November 6, 1991 and November 30, 1992 and have been codified in the Code of Federal Regulations (CFR). See 56 FR 56694 (November 6, 1991) and 57 FR 56762 (November 30, 1992), codified at 40 CFR 81.300 through 81.437.

On November 12, 1993 the Michigan Department of Natural Resources (MDNR) submitted to the EPA a revision that provided for an I/M program in Western Michigan (i.e., the Grand

Rapids and Muskegon nonattainment areas). Under the requirements of the EPA completeness review procedures (40 CFR Part 51, appendix V) and the requirements of section 110(k) of the Act, the submittal, as it applies to Western Michigan, was deemed complete by the EPA on April 18, 1994.

In its original review, the EPA found several areas in the State's submittal that did not meet the requirements of the I/M rule. The sections of the State's submittal found to be insufficient included: Motorist compliance enforcement program oversight; enforcement against contractors, stations, and inspectors; public information and consumer protection; improving repair effectiveness; and compliance with recall notices.

While the EPA found the State's submittal deficient in several respects, the EPA published on July 15, 1994 at 59 FR a document 36123 proposing to approve the majority of the State's submittal, and to conditionally approve or disapprove the insufficient sections of the original submittal unless necessary, appropriate, and approvable materials were submitted by the State 2 weeks prior to the close of the public comment period.

III. State's Supplemental Submittal

On July 19, 1994 the Michigan Department of Natural Resources (MDNR) submitted supplementary materials to the EPA related to the I/M program in Western Michigan. The supplementary submittal was made to remedy the deficiencies in the State's original submittal.

IV. The EPA's Analysis of the State's Supplemental Submittal

The EPA has reviewed the State's supplemental submittal for consistency with the statutory requirements of the EPA regulations. A summary of the EPA's analysis is provided below. The following summary is limited to the sections of the State's original submittal that were deficient. For a discussion of the rest of the State's submittal, see the July 15, 1994 (59 FR 36123) NPRM.

A. Motorist Compliance Enforcement Program Oversight

While the original submittal addressed some of the required elements of this section (40 CFR 51.362), it did not fully satisfy all the elements, in particular procedures through which the activities of enforcement personnel are quality-controlled.

However, the State's original and supplemental submittals taken together provide an approvable basis for this section. The original and supplemental submittals provide for regular auditing of the State's enforcement program and the following of effective management practices, including adjustments to improve the program when necessary. These program oversight and information management activities are described in the State's submittals and include: the establishment of written procedures for personnel engaged in I/M document handling and processing and an I/M database which will be compared to the registration database to determine program effectiveness.

B. Enforcement Against Contractors, Stations and Inspectors

While the initial SIP submittal established an innovative Total Quality Management (TQM) program for ensuring that the I/M program will be run effectively, the submittal did not satisfy all the elements of the I/M rule, 40 CFR 51.364.

The State's supplemental submittal together with the original submittal, however, includes sufficient materials to approve this section. The original and supplemental submittals, in addition to the TQM program, include specific penalties for offenses committed by contractors, stations, and inspectors in accordance with the Federal I/M rule. The SIP also includes the State's enforcement procedures. The MDOT has the authority to immediately suspend a station inspector for violations that directly affect emission reduction benefits. The enforcement procedures also include the authority to immediately dismiss inspectors that intentionally cause a vehicle to improperly pass or fail.

C. Public Information and Consumer Protection

The State's original submission addressed all the elements of this section (40 CFR 51.368), except for a provision to automatically supply test repair facility performance data and diagnostic information to motorists that fail the emissions test.

However, the supplemental submittal details the information that will be provided to motorists that fail the emissions test, including test repair facility performance data and diagnostic information. Therefore, taken together, the original and supplemental submittals sufficiently address all the elements of this section.

D. Improving Repair Effectiveness

The original submittal sufficiently addressed all the elements of the section (40 CFR 51.369), except for the issue of repair facility performance monitoring.

The State's supplemental submittal, however, provides the necessary materials to establish an acceptable system of repair facility performance monitoring. The supplemental submittal establishes a program to provide motorists whose vehicles fail the I/M test with performance monitoring statistics of certified repair facilities. Therefore, the supplemental submittal together with the original submittal sufficiently addresses all the elements of this section.

E. Compliance with Recall Notices

The State's original submittal did not sufficiently address the elements required by this section, 40 CFR 51.370.

However the State's supplemental submission along with the original submittal provides a sufficient basis for approval of this section. The original and supplemental submittals ensure that vehicles included in either a voluntary emission recall or a remedial plan determination pursuant to the CAA, have had the appropriate repair made prior to the inspection. The managing contractor will identify vehicles which have not been identified as having completed recall repairs. Motorists with unresolved recall notices will be required to show proof of compliance or will be denied the opportunity for inspection. The SIP also commits to comply with the policies of the National Recall Committee and additional the EPA rulemaking when available.

F. Concluding Statement

The EPA has reviewed the Western Michigan I/M SIP revision submitted to the EPA, using the criteria stated above. The State's original submittal along with the supplemental submittal represent an acceptable approach to the I/M requirements and meet all the criteria required for approvability.

A more detailed analysis of the State's supplemental submittal and how it meets Federal requirements is contained in the EPA's Technical Support Document (TSD), dated August 30, 1994 which is available from the Region 5 Office, listed above.

V. Response to Comments

On July 15, 1994 (59 FR 36123), the EPA published an NPRM for the State of Michigan. The NPRM proposed approval in part, and conditional approval or disapproval depending upon the materials submitted by the State 2 weeks prior to close of the comment period. No public comments were received on the NPRM.

Final Action

By this action, the EPA is fully approving this submittal. The EPA has reviewed the State submittal against the statutory requirements and for consistency with the EPA regulations and finds it to be acceptable. The rationale for the EPA's action is explained in the NPRM and will not be restated here.

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 a SIP shall be considered in light of specific technical, economical, and environmental factors and in relation to relevant statutory and regulatory requirements.

As noted elsewhere in this action, the EPA received no adverse public comment on the proposed action. As a direct result, the Regional Administrator has reclassified this action from Table 1 to Table 3 under the processing procedures published in the FR on January 19, 1989 (54 FR 2214), and revisions to these procedures issued on October 4, 1993 in an the EPA memorandum entitled "Changes to State Implementation Plan (SIP) Tables."

Regulatory Process

This action has been classified as a Table 3 action by the Regional Administrator under the procedures published in the FR on January 19, 1989 (54 FR 2214–2225), as revised by an October 4, 1993 memorandum from Michael H. Shapiro, Acting Assistant Administrator for Air and Radiation. The Office of Management and Budget has exempted this action from Executive Order 12866 review.

Under the Regulatory Flexibility Act, 5 U.S.C. 600 *et seq.*, the EPA must prepare a regulatory flexibility analysis assessing the impact of any proposed or final rule on small entities (5 U.S.C. 603 and 604). Alternatively, the EPA may certify that the rule will not have a significant impact on a substantial number of small entities. Small entities include small businesses, small not-for-profit enterprises, and government entities with jurisdiction over populations of less than 50,000.

SIP approvals under section 110 and subchapter I, part D of the 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 any 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 the EPA to base its actions concerning SIPs on such grounds (*Union Electric Co.* v. *U.S. E.P.A.*, 427 U.S. 246, 256 (S.Ct. 1976); 42 U.S.C. 7410(a)(2).

List of Subjects in 40 CFR Part 52

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

Dated: September 15, 1994.

Robert Springer,

Acting Regional Administrator.

40 CFR part 52 is amended as follows:

PART 52—[AMENDED]

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

Authority: 42 U.S.C. 7401–7671q.

Subpart X—Michigan

2. Section 52.1170 is amended by adding paragraph (c)(97) to read as follows:

§ 52.1170 Identification of plan.

* * * * *

(c) * * *

(97) On November 12, 1993, the State of Michigan submitted a revision to the State Implementation Plan (SIP) for the implementation of a motor vehicle inspection and maintenance (I/M) program in the Grand Rapids and Muskegon ozone nonattainment areas. This revision included House Bill No. 4165 which establishes an I/M program in Western Michigan, SIP narrative, and the State's Request for Proposal (RFP) for implementation of the program. House Bill No. 4165 was signed and effective on November 13, 1993.

(i) Incorporation by reference.

(A) House Bill No. 4165; signed and effective November 13, 1993.

(ii) Additional materials.

(A) SIP narrative plan titled "Motor Vehicle Emissions Inspection and Maintenance Program for Southeast Michigan, Grand Rapids MSA, and Muskegon MSA Moderate Nonattainment Areas," submitted to the EPA on November 12, 1993.

(B) RFP, submitted along with the SIP narrative on November 12, 1993.

(C) Supplemental materials, submitted on July 19, 1994, in a letter to EPA.

[FR Doc. 94–25074 Filed 10–7–94; 8:45 am]

BILLING CODE 6560–50–P

40 CFR Part 52

[TX–44–1–6665, FRL–5088–4]

Transportation Conformity; Petition for Exemption From Nitrogen Oxides Provisions, Victoria County, Texas

AGENCY: Environmental Protection Agency (EPA).

ACTION: Withdrawal of final rule.

SUMMARY: The EPA published without prior proposal a **Federal Register** notice approving a petition from the State of Texas requesting that Victoria County, an incomplete data ozone nonattainment area, be exempted from the requirement to perform the oxides of nitrogen (NOx) portion of the build/no-build test required by the Federal transportation conformity rule. This petition for exemption was submitted by the State of Texas on May 4, 1994. EPA's direct final approval was published on August 12, 1994 (59 FR 41416).

The EPA subsequently received adverse comments on the action. Accordingly, the EPA is withdrawing its direct final approval. All public comments received will be addressed in a subsequent final rule.

EFFECTIVE DATE: This withdrawal will be effective on October 11, 1994.

ADDRESSES: Copies of the petition submitted by the State of Texas and other information relevant to this action are available for inspection during normal business hours at the following location: U.S. Environmental Protection Agency, Region 6, Air Programs Branch (6T-A), 1445 Ross Avenue, Suite 700, Dallas, Texas 75202–2733.

Anyone wishing to review this petition at the U.S. EPA Region 6 office is asked to contact the person below to schedule an appointment 24 hours in advance.

FOR FURTHER INFORMATION CONTACT: Mr. Mick Cote, Planning Section (6T-AP), EPA Region 6, telephone (214) 665–7219.

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Hydrocarbons, Incorporation by reference, Intergovernmental regulations, Ozone, Reporting and recordkeeping, and Volatile organic compounds.

Authority: 42 U.S.C. 7401–7671q.

Therefore, the final rule appearing at 59 FR 41416, August 12, 1994, which was to become effective October 11, 1994, is withdrawn.

Dated: September 26, 1994.

Jane N. Saginaw,

Regional Administrator (6A).

[FR Doc. 94–25073 Filed 10–7–94; 8:45 am]

BILLING CODE 6560–50–P

40 CFR Part 52

[FL09049091095818a; FRL095067092]

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

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: EPA is approving revisions to the Florida State Implementation Plan (SIP). These revisions were submitted to EPA through the Florida Department of Environmental Protection (FDEP) on January 8, 1993. The revisions correct minor deficiencies in the Motor Vehicle Inspection Program (MVIP) and revise the air quality classifications to coincide with the 1990 Clean Air Act Amendments in Florida's SIP. This plan has been submitted by the FDEP as an integral part of the program to achieve and maintain the National Ambient Air Quality Standards (NAAQS) for ozone, carbon dioxide, and nitrogen dioxide. These regulations meet all of the requirements and therefore EPA is approving the SIP revisions.

DATES: This direct final rule will be effective December 12, 1994, unless adverse or critical comments are received by November 10, 1994. If the effective date is delayed, timely notice will be published in the **Federal Register**

ADDRESSES: Written comments should be addressed to: Alan Powell, Regulatory Planning and Development Section, Air Programs Branch, Air, Pesticides & Toxics Management Division, Region IV Environmental Protection Agency, 345 Courtland Street, NE., Atlanta, Georgia 30365.

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

Air and Radiation Docket and Information Center (Air Docket 6102), U.S. Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460.

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

Florida Department of Environmental Protection, Twin Towers Office Building, 2600 Blair Stone Road, Tallahassee, Florida 32399092400.

FOR FURTHER INFORMATION CONTACT: Alan Powell, Regulatory Planning and Development Section, Air Programs Branch, Air, Pesticides & Toxics Management Division, Region IV Environmental Protection Agency, 345 Courtland Street, NE., Atlanta, Georgia 30365

The telephone number is 404/347092864. Reference file FL0491095818.

SUPPLEMENTARY INFORMATION: On November 15, 1990, the President signed into law the Clean Air Act Amendments of 1990. The Clean Air Act as amended in 1990 (CAA) includes new requirements for the improvement of air quality in ozone nonattainment areas. Under section 181(a) of the CAA, nonattainment areas were categorized by the severity of the ozone problem, and progressively more stringent control measures were required for each category of higher ozone concentrations. The basis for classifying an area in a specific category was based on the ambient air quality data obtained in the three year period 1987091989. The Jacksonville area (Duval County) was classified as transitional because it did not have any ozone violations; the Tampa/St. Petersburg (Hillsborough and Pinellas counties) area was classified as a marginal ozone nonattainment area, and the South Florida (Broward, Palm Beach, and Dade counties) area was classified as a moderate ozone nonattainment area. The CAA delineates the SIP requirements for ozone nonattainment areas based on their classifications in section 182.

On January 8, 1993, Florida through the FDEP submitted a revision to the Florida SIP that made minor corrections to the emissions testing program and revised the air quality classifications to coincide with the CAA. The revisions address requirements of section 182 of the CAA.

Rule 1709242, Motor Vehicles Emissions Standards and Test Procedures

The regulation for this rule was originally approved March 3, 1992 (57 FR 7550). The revisions to this rule address several minor problems which have arisen during the first years of operation of the MVIP. Specifically, definitions have been changed to correct some ambiguity in testing requirements, and the pass/fail criteria for emissions testing are amended to test based on vehicle weight only instead of vehicle body type. The latter change was made to make the testing criteria consistent with the vehicle registration databases. The regulation also shortens the equipment calibration requirement time frame from 7 days to 72 hours and establishes specific training requirements for vehicle emissions inspectors. The Florida I/M regulation meets all of the pre-enactment guidance as required by section 182(a)(2)(b) of the CAA.

Rule 1709275, Air Quality Areas

These changes coincide with the 1990 Clean Air Act Amendments definition for nonattainment areas. The rule specifies current ozone nonattainment areas and outlines redesignation procedures. These changes reaffirm EPA's promulgation of designations and classifications for areas of the country with respect to the NAAQS for ozone, CO, PM0910 and lead in accordance with the requirements of the CAA (56 FR 56694, November 16, 1991).

Final Action

The EPA is publishing this action without prior proposal because the Agency views this as a noncontroversial amendment and anticipates no adverse comments. However, in a separate document in this **Federal Register** publication, the EPA is proposing to approve the SIP revision should adverse or critical comments be filed. This action will be effective December 12, 1994, unless by November 11, 1994, adverse or critical comments are received.

If the EPA receives such comments, this action will be withdrawn before the effective date by publishing a subsequent document that will withdraw the final action. All public comments received will then be addressed in a subsequent final rule based on this action serving as a proposed rule. The EPA will not institute a second comment period on this action. Any parties interested in commenting on this action should do so at this time. If no such comments are received, the public is advised that this action will be effective December 12, 1994.

The Agency has reviewed this request for revision of the federally-approved state implementation plan for conformance with the provisions of the 1990 Clean Air Act Amendments enacted on November 15, 1990. The Agency has determined that this action conforms with those requirements.

Under section 307(b)(1) of the Act, 42 U.S.C. 7607 (b)(1), petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by December 12, 1994. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality

of this rule for purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2) of the Act, 42 U.S.C. 7607 (b)(2).)

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 2214092225), as revised by an October 4, 1993, memorandum from Michael Shapiro, Acting Assistant Administrator for Air and Radiation. A future document will inform the general public of these tables. On January 6, 1989, the Office of Management and Budget (OMB) waived Table 2 and 3 SIP revisions from the requirements of section 3 of Executive Order 12291 for two years. The EPA has submitted a request for a permanent waiver for Table 2 and Table 3 SIP revisions. The OMB has agreed to continue the waiver until such time as it rules on EPA's request. This request continues in effect under Executive Order 12866 which superseded Executive Order 12291 on September 30, 1993.

Nothing in this action shall be construed as permitting or allowing or establishing a precedent for any future request for a revision to any state implementation plan. Each request for revision to the state implementation plan shall be considered separately in light of specific technical, economic, and environmental factors and in relation to relevant statutory and regulatory requirements.

Under the Regulatory Flexibility Act, 5 U.S.C. 600 *et seq.*, EPA must prepare a regulatory flexibility analysis assessing the impact of any proposed or final rule on small entities. 5 U.S.C. 603 and 604. Alternatively, EPA may certify that the rule will not have a significant impact on a substantial number of small entities. Small entities include small businesses, small not-for-profit enterprises, and government entities with jurisdiction over populations of less than 50,000.

SIP approvals under section 110 and subchapter I, part D of the CAA do not create any new requirements, but simply approve requirements that the State is already imposing. Therefore, because the Federal SIP-approval does not impose any new requirements, I certify that it does not have a significant impact on any small entities affected. Moreover, due to the nature of the Federal-state relationship under the CAA, preparation of a regulatory flexibility analysis would constitute Federal inquiry into the economic reasonableness of state action. The CAA forbids EPA to base its actions concerning SIPs on such grounds. *Union Electric Co.* v. *U.S. E.P.A.*, 427 U.S. 246, 2560966 (S.Ct. 1976); 42 U.S.C. 7410(a)(2).

List of Subjects in 40 CFR Part 52

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

Dated: August 22, 1994.

Patrick M. Tobin,

Acting Regional Administrator.

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

PART 52—[AMENDED]

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

Authority: 42.U.S.C. 7401097671q.

Subpart K—Florida

2. Section 52.520 is amended by adding paragraph (c)(84) to read as follows:

§1A52.520 Identification of plan.

* * * * *

(c) ***

(84) Revisions to Florida Administrative Code Chapters 1709242 and 1709275 which were effective February 2, 1993.

(i) Incorporation by reference.

(A) Revisions to Florida Administrative Code 1709242 and 1709275 which were effective February 2, 1993.17.242.200(2), (16), (22), (250926), (29), (31); 17.242.400(2093), (4)(a), (4)(b), (5) introductory text and (5)(a);1709242.500(1)(a-b), (3)(b)1.; 1709242.600(2), (3) introductory text, (3)(a)1., (3)(a)7., (3)(c), (5)(d); 1709242.700 (4) introductory text, (4)(a), (4)(c-d), (5); 1709242.800(1), 1709242.900(1)(b), (2), (3)(c), (4); 1709275.100; 1709275.200 introductory text, (15), (170918); 275.300(1)(c), (3) introductory text,(3)(a), (3)(b)introductory text, (3) introductory text, (3)(b) introductory text, (3)(b)2. introductory text, (3)(b)2.b.-c., (3)(b)3. introductory text, (3)(b)3.a.; 17.275.400(2095); 1709275.410(1093),(6); 1709275.420(1);1709275.600(1),(2) introductory text, (2)(b-c)

(ii) Other material. None.

* * * * *

[FR Doc. 94–25075 Filed 10–7–94; 8:45 am]

BILLING CODE 6560–50–F

40 CFR Part 60

[AD–FRL–5087–5]

RIN 2060–AF14

Standards of Performance for New Stationary Sources: Automobile and Light-Duty Truck Surface Coating Operations

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: On July 29, 1982, a revision to the new source performance standard (NSPS) for automobile and light-duty truck prime coat operations was proposed. Analysis of data submitted after this proposal showed that the best demonstrated prime coating system and prime coat materials could not consistently meet the proposed revised standard. This revised final NSPS is consistent with the performance of the best demonstrated prime coating system and prime coat materials. This revision of the standard does not reflect a change in the basis of the standard, but reflects a better understanding of the performance of the prime coating system and prime coat materials upon which the standard was originally based. The intended effect of this NSPS is to require all new, modified, and reconstructed prime coat operations at automobile and light-duty truck assembly plants to use the best demonstrated system of continuous emission reduction considering costs, nonair quality health, and environmental and energy impacts.

EFFECTIVE DATE: October 11, 1994.

Under section 307(b)(1) of the Clean Air Act (Act), judicial review of this revision of a NSPS is available only by filing a petition for review in the U.S. Court of Appeals for the District of Columbia Circuit within 60 days of today's publication of this rule. Under section 307(b)(2) of the ACT, the requirements that are the subject of today's rule may not be challenged later in civil or criminal proceedings to enforce these requirements.

ADDRESSES: Docket. Docket number A–82–10, containing supporting information used in developing the revised standard, is available for public inspection and copying between 9 a.m. and 4 p.m., Monday through Friday, at EPA's Central Docket Section, West Tower Lobby, Gallery 1, Waterside Mall,

401 M Street, SW., Washington, DC 20460. A reasonable fee may be charged for copying.

FOR FURTHER INFORMATION CONTACT: Mr. David Salman, Chemicals and Petroleum Branch, Emission Standards and Engineering Division (MD–13), U.S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711, telephone (919) 541–0859.

SUPPLEMENTARY INFORMATION:

The Revised Standard

The revised standard limits emissions from electrodeposition (EDP) prime coat operations as follows:

1. For R_T greater than or equal to 0.160, the emission limit is 0.17 kg VOC per liter of applied coating solids.

2. For R_T greater than or equal to 0.040 and less than 0.160, the emission limit is $0.17 \times 350^{(0.160-R_T)}$ kg of VOC per liter of applied coating solids.

3. For R_T less than 0.040, no emission limit applies. R_T is the solids turnover ratio. This is the ratio of the volume of coating solids added to an EDP system during a calendar month divided by the total volume capacity of the EDP system.

Prime coat systems other than EDP systems would be required to comply with a single numerical emission limit of 0.17 kg VOC per liter of applied coating solids.

This revision is not a relaxation of the original prime coat standard since it does not reflect a change in the technological basis upon which the original standard was based. It does reflect a better understanding of the operation and performance of this technology based on an analysis of additional data which were not available at the time the standard was originally developed. Consequently, this revision does not result in any environmental, energy, cost, or economic impacts.

Information collection requirements contained in this regulation (60.393) have been approved by the Office of Management and Budget (OMB) under the provisions of the Paperwork Reduction Act of 1980 U.S.C. 3501 *et seq.* and have been assigned OMB control number 2060–0034.

I. Background

On October 5, 1979, pursuant to Section 111 of the Act, standards of performance to limit emissions of volatile organic compounds (VOC) from new, modified, and reconstructed automobile and light-duty truck surface coating operations were proposed (44 FR 57792). Final standards limiting VOC emissions from prime coat operations to 0.16 kg VOC per liter of applied coating solids were promulgated in the **Federal Register** on December 24, 1980 (45 FR 85410).

On February 19, 1981, General Motors Corporation (GM) petitioned the Administrator to convene a proceeding under section 307(d)(7)(B) of the Act to reconsider the prime coat standard. The basis for the petition was new data, which had become available following promulgation of the standard, on the performance of the technology which served as the basis for this standard. The basis for the standard promulgated on December 24, 1980, was cathodic EDP prime coat systems which use low-VOC content waterborne materials. An EDP system consists of a large tank filled with coating material. Metal parts are submerged in the tank and a voltage is applied to help deposit the coating solids onto the parts. The low-VOC content cathodic EDP technology was quite new at the time of promulgation; and data on only one system, which had operated for less than 1 year, were available. Following receipt of GM's petition for reconsideration, data and information on the performance of this technology were solicited from GM, Ford Motor Company (FMC), American Motors Corporation (AMC), Volkswagen Corporation (VW), Chrysler Corporation, Nissan, Honda, Inmont, and Pittsburgh Plate Glass Corporation (PPG). Analysis of the additional data received confirmed that the promulgated standard did not accurately reflect the performance of cathodic EDP prime coat systems. Consequently, a revised standard of 0.17 kg VOC per liter of applied coating solids (6-month average using the best 6 months out of a 7-month period) was proposed on July 29, 1982.

A public hearing was not requested. The official public comment period closed on September 27, 1982.

II. Comments and Changes to the Standard

Six comments were received on the proposed revised standard. Three were from automobile manufacturers, one from a coating manufacturer, one from an industry trade association, and one from a State regional control agency. A significant amount of additional data on the performance of EDP prime coating systems was included with these comments. These data covered the performance of 37 cathodic EDP prime coating systems using 10 different low-VOC content prime coating materials over approximately 3,000 weeks of operation.

Several commenters stated that the additional data included with their comments demonstrated that cathodic EDP prime coating systems could not continuously meet the proposed revised emission limit. In addition, several commenters suggested that flow control additive (FCA) added to the EDP prime coat system to maintain good flow characteristics during periods when the system is not coating vehicles should be excluded from the emission calculations. The commenters felt that the addition of FCA during production downtime was not representative of normal operation and, if not accommodated in some manner, would cause unavoidable violations of the emission limit. The commenters argued that since the standard is expressed in terms of kg of VOC per liter of applied coating solids, at times of near-zero use (i.e., essentially no solids applied), even small evaporative losses result in the standard being exceeded by a wide margin.

All of the data and information that were available, including the new data and information received during the comment period, were reanalyzed. The cathodic EDP prime coat materials used by FMC, GM, AMC, and VW were very similar. The sole suppliers were PPG, Inmont Corporation, and FMC. The coating materials consist of three components: resin, pigment, and FCA. Table 1 presents the solids, solvent, and water composition of these three components for a representative coating.

TABLE 1.—REPRESENTATIVE COATING MATERIAL FORMULATION

[Percent by volume]

Formulation	Solids content	VOC content	Water content
Resin	32.4	2.9	64.7
Pigment	33.0	13.3	53.7
Flow control additive	4.3	95.4	0.3

Each of these components may be added separately to the EDP prime coating tank. The solvent contained in these components leaves the EDP tank either by transport on the surface of the automobile body or by evaporation from the liquid surface of the tank. Upon leaving the EDP tank, the solvent clinging to the automobile body evaporates. All of the solvent added to the EDP tank is ultimately released to the atmosphere. The VOC emissions released to the atmosphere per unit of solids applied to the automobile body may, therefore, be determined directly by measuring the amount of VOC and solids added to the EDP tank because additions are made to the tank to keep the coating material in a near steady-state condition.

The ratio of resin to pigment added to the EDP tank is recommended by the coating manufacturers and can vary with R_T. The FCA is added as needed to provide the desired coating properties and finish quality and to maintain the coating material in a near steady-state condition. Because of the high-solvent content of the FCA (95 percent by volume) and the variable ratio (compared to resin and pigment) with which it is added to the EDP system, this component is of overriding importance in determining emissions from the EDP system.

All of the data were verified as being representative of good operation. Two potential sources of variation were differences in the operation and maintenance of EDP tanks from plant to plant and differences among prime coat materials. Variations in performance due to these two factors were analyzed and were not found to be statistically significant. Based on this analysis, the coating material, coating equipment, and operation and maintenance for all of the data obtained were determined to represent best demonstrated technology. Therefore, all of the data were used in establishing the revised emission limit.

All companies submitting data were able to provide data on a weekly basis. Averaging periods of 4 weeks, 8 weeks, 12 weeks, 24 weeks, and the best 24 out of 28 weeks (6 out of 7 months) were employed to examine the performance of EDP systems including and excluding periods when the paint line was shut down, i.e., downtime. This analysis revealed that the exclusion of periods of downtime slightly reduced the variability in VOC emissions. Even with downtime excluded, however, the proposed revised standard was not met consistently.

In addition to periods of downtime, periods of low production also appeared to adversely affect performance. The relative usage of an EDP system over any time period can be measured by either comparing the amount of new coating material or new coating solids added to the total capacity of the system. The volume of coating solids added gives a better indication of usage because it is a measure of production, i.e., the number of vehicles coated. This is because, regardless of the coating material used, the same volume of coating solids must be deposited to coat a particular part to a specified film thickness. The other major constituents of the EDP, coating material, VOC and water, do not become part of the final dry coating and can evaporate from the tank during periods of downtime. Therefore, using the volume of new coating material added would not give a consistent measure of usage for systems that use coating materials which contain varying amounts of solids, VOC, and water.

The total volume of coating solids added to the EDP tank divided by the total volume of the entire EDP system was found to correlate well with VOC emissions. This ratio has been termed the solids turnover ratio (R_T). The relationship between R_T and VOC emissions for 4-week periods is shown in Table 2.

As seen in Table 2, VOC emissions, in terms of kilograms per liter of solids deposited, decrease as R_T increases. At R_T's above 0.160, emissions are below 0.17 kg of VOC per liter of applied coating solids. Sources which operate at R_T's of less than 0.160, however, cannot consistently meet an emission limit of 0.17 kg of VOC per liter of applied coating solids. Further analysis of the data used to generate Table 2 indicates that for R_T between 0.040 and 0.160, VOC emissions are related to R_T by the following equation: $0.17 \times 350^{(0.160-R_T)}$ kg of VOC per liter of applied coating solids.

TABLE 2.—SOLIDS TURNOVER RATIO VERSUS EDP PRIME COAT SYSTEM PERFORMANCE FOR 4-WEEK PERIODS

Solids turnover ratio (R_T)	VOC emissions [1]	Number of observations	Cumulative percent of data
$R_T<0.040$	[0.17–19.0]	796	40
$0.040\leq R_T<0.060$	0.33	496	49
$0.060\leq R_T<0.080$	0.29	334	62
$0.080\leq R_T<0.100$	0.23	360	76
$0.100\leq R_T<0.120$	0.23	305	88
$0.120\leq R_T<0.140$	0.19	175	95
$0.140\leq R_T<0.160$	0.19	64	97
$0.160\leq R_T$	0.17	70	100
Totals	.....	2,602	.....

[1] VOC emission level in kilograms of VOC per liter of coating solids deposited which was exceeded by no more than 1 percent of the data at each turnover level.

The R_T's of less than 0.040 represent periods of zero or abnormally low production. These low-operating levels occurred more frequently than normal during the period in which the data in Table 2 were generated because of the depressed operating level of the industry at that time. Operation at R_T's below 0.040 results in widely varying VOC emissions in terms of kg VOC per liter of applied coating solids. Under these low-operating conditions, emissions expressed in units of the standard range from 0.17 kg of VOC per liter of applied coating solids to over 19 kg of VOC per liter of applied coating solids. Since operation with R_T's below 0.040 result in widely varying emissions even when EDP prime coat systems are operated and maintained properly, it is infeasible to establish a standard for these low-operating levels that distinguishes between proper and improper operation regarding emissions of VOC. In addition, since the number of vehicles produced during 4-week periods with R_T's less than 0.040 is small, the total VOC emissions from the EDP tank during such periods of operation are only a fraction of the emissions emitted when the EDP tank is operating properly at full production. Consequently, the revised standard includes no emission limit for operation at R_T's of 0.040 or less.

The emission limits discussed above, therefore, were selected for the final revised standard. If there is little or no production, almost no solids would be added to the EDP system, the R_T would always be below 0.040, and the owner would not have to comply with an emission limit. Prime coat systems other than EDP would be required to comply with a single numerical emission limit of 0.17 kg of VOC per liter of applied coating solids.

One commenter suggested that the revised prime coat emission limit be based on the performance of the single EDP system with the best observed performance. As mentioned earlier, however, the statistical analysis performed on 37 EDP prime coating systems showed that there was no statistically significant difference in the observed performance of any of the EDP systems. Consequently, all of the data on all of the EDP systems were used to develop the final revised emission limits.

One commenter suggested that the units of the prime coat standard be changed from kilograms of VOC per liter of applied coating solids to kilograms of VOC per liter of coating minus water. The commenter indicated that this change would make the prime coat standard units consistent with most State emission limits for existing facilities. Such a change would have the effect of deleting the requirement that a transfer efficiency be used in determining compliance with the emission limit. For an EDP system, the system upon which the standard is based, the transfer efficiency that is allowed to be used for determining compliance is 100 percent. Therefore, for an EDP system, such a change would have little effect on the allowable or actual emissions. However, if prime coat application systems other than EDP which have transfer efficiencies of less than 100 percent are used, then the suggested changes in the units of the standard could result in allowing increased actual VOC emissions while still apparently meeting the emission limit. Since there is a possibility that systems other than EDP will be used in the future and a format of kg of VOC per liter of applied coating solids is most consistent with the use of the solids turnover ratio, the units of the standard were not changed.

The Administrator certifies that a regulatory flexibility analysis under 5 U.S.C. 605(b), is not required for this rulemaking because the rulemaking would not have a significant impact on a substantial number of small entities. The rulemaking would not impose any new requirements; therefore, no additional costs would be imposed.

Under Executive Order 12866 (58 FR 51735 (October 4, 1993)), the Agency must determine whether the regulatory action is "significant" and therefore subject to OMB review and the requirements of the Executive Order. The Order defines "significant regulatory action" as one that is likely to result in a rule that may:

1. Have an annual effect on the economy of $100 million or more or adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, 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 or recipients thereof; or

4. Raise novel legal or policy issues arising out of legal mandates, the president's priorities, or the principles set forth in the Executive Order.

Pursuant to the terms of Executive Order 12866, it has been determined that this rule is a "significant regulatory action" within the meaning of the Executive Order. For this reason, this action was submitted to OMB for review. Changes made in response to OMB suggestions or recommendations will be documented in the public record.

Information collection requirements contained in this regulation (60.393) have been approved by OMB under the provisions of the Paperwork Reduction Act of 1980, 44 U.S.C. 3501 *et seq.* and have been assigned OMB control number 2060–0034.

List of Subjects in 40 CFR Part 60

Environmental protection, Air pollution control, Motor vehicles, Volatile organic compounds.

Dated: September 30, 1994.

Carol M. Browner,

Administrator.

40 CFR part 60 is amended as follows:

PART 60—STANDARDS OF PERFORMANCE FOR NEW STATIONARY SOURCES

1. The authority citation for part 60 continues to read as follows:

Authority: Sections 101, 111, 114, 116, and 301 of the Clean Air Act as amended (42 U.S.C. 7401, 7411, 7414, 7416, 7601).

2. Section 60.391 is amended by adding definitions in alphabetical order to paragraphs (a) and (b) to read as follows:

§ 60.391 Definitions.

* * * * *

(a) * * *

Solids Turnover Ratio (R_T) means the ratio of total volume of coating solids that is added to the EDP system in a calendar month divided by the total volume design capacity of the EDP system.

* * * * *

Volume Design Capacity of EDP System (LE) means the total liquid volume that is contained in the EDP system (tank, pumps, recirculating lines, filters, etc.) at its designed liquid operating level.

* * * * *

(b) * * *

LE = the total volume of the EDP system (liters),

* * * * *

3. Section 60.392 is amended by revising paragraph (a) to read as follows:

§ 60.392 Standards for volatile organic compounds.

* * * * *

(a) Prime Coat Operation

(1) For each EDP prime coat operation:

(i) 0.17 kilogram of VOC per liter of applied coating solids when R_T is 0.16 or greater.

(ii) 0.17 x 350 ($^{0.160-R_T}$) kg of VOC per liter of applied coating solids when R_T is greater than or equal to 0.040 and less than 0.160.

(iii) When R_T is less than 0.040, there is no emission limit.

(2) For each nonelectrodeposition prime coat operation: 0.17 kilogram of VOC per liter of applied coating solids.

* * * * *

4. Section 60.393 is amended by adding paragraph (c)(l)(i)(E) to read as follows:

§ 60.393 Performance test and compliance provisions.

* * * * *

(c) * * *

(1) * * *

(i) * * *

(E) For each EDP prime coat operation, calculate the turnover ratio (R_T) by the following equation:

$$R_T = \frac{L_S}{L_E}, \text{ truncated after 3 decimal places.}$$

Then calculate or select the appropriate limit according to § 60.392(a).

* * * * *

[FR Doc. 94–25066 Filed 10–7–94; 8:45 am]

BILLING CODE 6560–50–P

OFFICE OF PERSONNEL MANAGEMENT

45 CFR Part 801

Voting Rights Program

AGENCY: Office of Personnel Management.

ACTION: Final rule with request for comments.

SUMMARY: The Office of Personnel Management (OPM) is establishing a new office for filing applications or complaints under the Voting Rights Act of 1965, as amended. The Attorney General has determined that this designation is necessary to enforce the guarantees of the Fourteenth and Fifteenth amendments to the Constitution. This amendment establishes Barbour County, Alabama, as a new office for filing applications or complaints.

DATES: This rule is effective October 11, 1994. In view of the need for its publication without an opportunity for prior comment, comments will still be considered. To be timely, comments must be received on or before November 10, 1994.

ADDRESSES: Send or deliver comments to Stephanie J. Peters, Attorney, Office of Personnel Management, Room 7350, 1900 E Street NW., Washington, DC. 20415.

FOR FURTHER INFORMATION CONTACT: Stephanie J. Peters, (202) 606–1920.

SUPPLEMENTARY INFORMATION: The Attorney General has designated Barbour County as an additional examination point under the provisions of the Voting Rights Act of 1965, as amended. She determined on October 6, 1994, that this designation is necessary to enforce the guarantees of the Fourteenth and Fifteenth amendments to the Constitution. Accordingly, pursuant to section 6 of the Voting Rights Act of 1965, as amended, 42 U.S.C. 1973d, OPM will appoint Federal Examiners to review the qualifications of applicants to be registered to vote and Federal Observers to observe local elections.

Under § 553(b)(3)(B) of title 5 of the United States Code, the Director finds that good cause exists for waiving the general notice of proposed rulemaking. The notice is being waived because of OMP's legal responsibilities under 42 U.S.C. 1973e(a) and other parts of the Voting Rights Act of 1965, as amended, which require OPM to publish counties certified by the U.S. Attorney General and location within these counties where citizens can be federally listed and become eligible to vote, and where Federal observers can be sent to observe local elections.

Under § 553(d)(3) of title 5 of the United States Code, the Director finds that good cause exists to make this amendment effective in less than 30 days. The regulation is being made effective immediately in view of the pending election to be held in the subject county, where Federal observers will observe the election under the authority of the Voting Rights Act of 1965, as amended.

Regulatory Flexibility Act

I certify that this regulation will not have a significant economic impact on a substantial number of small entities because it adds one new location to the list of counties in the regulations concerning OPM's responsibilities under the Voting Rights Act.

List of Subjects in 45 CFR Part 801

Administrative practice and procedure, Voting Rights.

U.S. Office of Personnel Management.

James B. King,

Director.

Accordingly, OPM is amending 45 CFR Part 801 as follows:

PART 801—VOTING RIGHTS PROGRAM

1. The authority citation for Part 801 continues to read as follows:

Authority: 5 U.S.C. § 1103; secs. 7, 9, 79 Stat. 440, 411 (42 U.S.C. §§ 1973e, 1973g).

2. Appendix A to Part 801 is amended by adding alphabetically Barbour County of Alabama to read as follows:

§ 801.202 Time and place for filing and forms of application.

APPENDIX A TO PART 801

* * * * *

Alabama

* * * * *

Barbour; Holiday Inn, Room 101, Barbour St. at Riverside Drive, Eufaula, Alabama, 36027, (205) 687–7903.

* * * * *

[FR Doc. 94–25260 Filed 10–7–94; 8:45 am]

BILLING CODE 6325–01–M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 675

[Docket No. 931100–4043; I.D. 100594A]

Groundfish of the Bering Sea and Aleutian Islands Area

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

ACTION: Prohibition of retention.

SUMMARY: NMFS is prohibiting retention of Greenland turbot in the Aleutian Islands subarea (AI) of the Bering Sea and Aleutian Islands management area

(BSAI). NMFS is requiring that catches of Greenland turbot in the AI be treated in the same manner as prohibited species and discarded at sea with a minimum of injury. This action is necessary because the Greenland turbot total allowable catch (TAC) in the AI has been reached.

EFFECTIVE DATE: 12 noon, Alaska local time (A.l.t.), October 5, 1994, until 12 midnight, A.l.t., December 31, 1994.

FOR FURTHER INFORMATION CONTACT: Michael L. Sloan, 907–586-7228.

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

In accordance with § 675.20(a)(7)(ii), the Greenland turbot TAC for the AI was established by the final 1994 initial specifications of groundfish (59 FR 7656, February 16, 1994) and subsequent apportionment of reserve (59 FR 21673, April 26, 1994) as 2,333 metric tons.

The Director, Alaska Region, NMFS, has determined in accordance with § 675.20(a)(9), that the Greenland turbot TAC in the AI subarea has been reached. Therefore, NMFS is requiring that further catches of Greenland turbot in the AI be treated as prohibited species in accordance with § 675.20(c)(3), effective from 12 noon, A.l.t., October 5, 1994, until 12 midnight, A.l.t., December 31, 1994.

Classification

This action is taken under 50 CFR 675.20 and is exempt from review under E.O. 12866.

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

Dated: October 5, 1994.

Richard H. Schaefer,

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

[FR Doc. 94–25054 Filed 10–5–94; 1:45 pm]

BILLING CODE 3510–22–F

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50 CFR Part 678

[Docket No. 920409–3047; I.D. 082294C]

Atlantic Shark Fisheries; Large Coastal Sharks

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

ACTION: Rescission of closure.

SUMMARY: NMFS rescinds the closure of the fishery for large coastal sharks conducted in the Atlantic Ocean, Gulf of Mexico, and Caribbean Sea. This action is necessary because new information indicates that the second semiannual quota for large coastal sharks has not been taken.

EFFECTIVE DATE: The closure is rescinded effective October 4, 1994.

FOR FURTHER INFORMATION CONTACT: C. Michael Bailey, 301–713–2347; Michael Justen, 813–570–5305; or Kevin B. Foster, 508–281–9260.

SUPPLEMENTARY INFORMATION: The Atlantic shark fishery is managed by the Secretary of Commerce according to the Fishery Management Plan (FMP) for Atlantic Sharks under authority of the Magnuson Fishery Conservation and Management Act (16 U.S.C. 1801 *et seq.*). Fishing by U.S. vessels is governed by regulations implementing the FMP at 50 CFR part 678.

Section 678.23(b) of the regulations provides for two semiannual quotas of large coastal sharks to be harvested in or from the Western North Atlantic Ocean, including the Gulf of Mexico and Caribbean Sea, by commercial fishermen. The second semiannual quota is available for harvest from July 1 through December 31, 1994.

The Assistant Administrator for Fisheries, NOAA, (AA) had determined, based on the best available data on reported catch and projections of future landings, that the semiannual quota for large coastal sharks in or from the Western North Atlantic Ocean, including the Gulf of Mexico and Caribbean Sea, for the period July 1 through December 31, 1994, would be attained by October 10, 1994. Therefore, a closure document was published in the **Federal Register** on August 30, 1994 (59 FR 44644), to take effect October 10, 1994.

Upon further analysis of the landings data, including new information that became available since announcement of the closure date, the AA has determined that a portion of the quota for the large coastal shark fishery remains unharvested. Therefore, the closure date of October 11, 1994, is rescinded effective October 4, 1994, in order to allow an opportunity for shark fishermen to take their full allocation. If the AA determines that the catch will equal the quota, a new closure date will be announced.

Classification

This action is taken under 50 CFR part 678 and is exempt from review under E.O. 12866.

Dated: October 4, 1994.

Richard H. Schaefer,

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

[FR Doc. 94–24952 Filed 10–4–94; 4:10 pm]

BILLING CODE 3510–22–F

Proposed Rules

Federal Register
Vol. 59, No. 195
Tuesday, October 11, 1994

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

DEPARTMENT OF AGRICULTURE

Office of the Secretary

7 CFR Part 1

Administrative Regulations; Privacy Act Regulations

AGENCY: Office of the Secretary, U.S. Department of Agriculture.

ACTION: Proposed rule.

SUMMARY: This proposed rule would amend 7 CFR 1.22 by exempting four systems of records from certain sections of the Privacy Act (5 U.S.C. 552a) pursuant to 5 U.S.C. 552a(j). The previous list of exempt systems published in the **Federal Register** at 54 FR 39517, September 27, 1989, was omitted inadvertently from 7 CFR 1.22. The list of exempt systems contained in the **Federal Register** notice at 54 FR 39517 is proposed to be amended by this notice. In addition, this proposed rule would amend 7 CFR 1.123 by changing the list of Office of Inspector General (OIG) systems of records covered under those sections to reflect changes in the names of two of the systems of records, to add a third system which is being split-off from one of the other systems, and to include the investigative records portion of a fourth system.

These proposed amendments are being made in conjunction with the notice of proposed amendments to the USA/OIG systems of records which is published elsewhere in today's issue of the **Federal Register**.

DATES: Comments must be submitted on or before December 12, 1994.

ADDRESSES: Interested persons may submit comments to Paula F. Hayes, Assistant Inspector General for Policy Development and Resources Management, Office of Inspector General, USDA, Washington, DC 20250–2310.

FOR FURTHER INFORMATION CONTACT: Paula F. Hayes, Assistant Inspector General for Policy Development and Resources Management, Office of Inspector General, USDA, Washington, DC 20250–2310 (202–720–6979).

SUPPLEMENTARY INFORMATION: For the system listed as USDA/OIG–2, "Intelligence Records," OIG proposes to change the name to "Informant and Undercover Agent Records" which represents a more descriptive title for the records contained in the system. For the system listed as USDA/OIG–3, "Investigative Files and Subject/Title Index," OIG proposes to change the name to "Investigative Files and Automated Investigative Indices System" to reflect computerization of part of the system. OIG also proposes to add systems USDA/OIG–4, "OIG Hotline Complaint Records," and USDA/OIG–5, "Consolidated Assignments, Personnel Tracking, and Administrative Information Network (CAPTAIN)," to the exemption lists in 7 CFR 1.122 and 1.123. It is proposed that the hotline records no longer be considered part of the "Investigative Files" system (USDA/OIG–3), but be set up as a separate system of records because the heavy volume of activity in this area necessitates a separate control. It is also proposed that the investigative records portion of system USDA/OIG–5, which is a computerized data base system, be considered exempt similar to other investigative records.

These amendments are not considered substantive because the basic OIG records covered by the exemptions in 7 CFR 1.122 and 1.123 remain the same as before. The justifications for these exemptions were published with the proposed rule at 54 FR 11204, March 17, 1989, and were further explained when the final rule was published at 54 FR 39517, September 27, 1989. Although two new systems of records are proposed to be added to the exemption lists, the exemptions for those records are not new because the records were previously considered exempted as part of the "Investigative Files" system.

This proposed rule has been reviewed under Departmental Regulation 1512–1 and Executive Order No. 12866 and has been determined not to be a "significant regulatory action" for the following reasons:

(1) It would not have an annual effect on the economy of $100 million or more or adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities;

(2) Would not create a serious inconsistency or otherwise interfere with an action taken or planned by another agency;

(3) Would not alter the budgetary impact of entitlements, grants, user fees, or loan programs or rights and obligations of recipients thereof; and

(4) 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.

In addition, it has been determined that this proposed rule would 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 7 CFR Part 1

Privacy.

For the reasons set out in the preamble, it is proposed to amend 7 CFR, subtitle A, part 1, subpart G, as follows:

PART 1—ADMINISTRATIVE REGULATIONS

Subpart G—Privacy Act Regulations

1. The authority citation for subpart G continues to read as follows:

Authority: 5 U.S.C. 552a.

2. It is proposed to amend Sections 1.122 by adding the lists of exempt systems of records for the Office of Inspector General and § 1.123 by revising the lists of exempt systems of records for the Office of Inspector General to read as follows:

§ 1.122 General exemptions.

* * * * *

Office of Inspector General

Informant and Undercover Agent Records, USDA/OIG–2.

Investigative Files and Automated Investigative Indices System, USDA/OIG–3.

OIG Hotline Complaint Records, USDA/OIG–4.

Investigations Subsystem and Investigative Employee Time Records portions of the Consolidated Assignments, Personnel Tracking, and Administrative Information Network (CAPTAIN), USDA/OIG–5.

§ 1.123 Specific exemptions.

* * * * *

Office of Inspector General

Informant and Undercover Agent Records, USDA/OIG–2.

Investigative Files and Automated Investigative Indices System, USDA/OIG–3.

OIG Hotline Complaint Records, USDA/OIG–4.

Investigations Subsystem and Investigative Employee Time Records portions of the Consolidated Assignments, Personnel Tracking, and Administrative Information Network (CAPTAIN), USDA/OIG–5.

* * * * *

Done at Washington, DC., this 28th day of September 1994.

Mike Espy,

Secretary of Agriculture.

[FR Doc. 94–25006 Filed 10–7–94; 8:45 am]

BILLING CODE 3410–23–M

Animal and Plant Health Inspection Service

9 CFR Part 113

[Docket No. 93–039–1]

Viruses, Serums, Toxins and Analogous Products; Standard Requirement for Escherichia Coli Bacterins

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Proposed rule.

SUMMARY: We are proposing to amend the regulations by adding a Standard Requirement for *Escherichia coli* bacterins. This amendment would provide a uniform procedure to demonstrate the immunogenicity of reference bacterins made from *E. coli* master seed bacteria. This amendment would also provide uniform procedures to requalify a reference bacterin for which the dating period has expired. In addition, the amendment would specify the potency test requirements for the release of serials of *E. coli* bacterins for immunogenicity and potency.

The purpose of this regulation is to standardize the requirements for the production and testing of *E. coli* bacterins for immunogenicity and potency.

DATES: Consideration will be given only to comments received on or before December 12, 1994.

ADDRESSES: Please send an original and three copies of your comments to Chief, Regulatory Analysis and Development, PPD, APHIS, USDA, room 804, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782. Please state that your comments refer to Docket No. 93–039–01. Comments received may be inspected at USDA, room 1141, South Building, 14th Street and Independence Avenue SW., Washington, DC, between 8 a.m. and 4:30 p.m., Monday through Friday, except holidays. Persons wishing to inspect comments are requested to call ahead (202) 690–2817 to facilitate entry into the comment reading room.

FOR FURTHER INFORMATION CONTACT: Dr. David A. Espeseth, Deputy Director, Veterinary Biologics, BBEP, APHIS, USDA, room 838, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782, (301) 436–8245.

SUPPLEMENTARY INFORMATION:

Background

Standard Requirements are prescribed in 9 CFR part 113 for the preparation and testing of veterinary biological products. A Standard Requirement consists of test methods, procedures, and criteria which define the standards of purity, safety, potency, and efficacy for a given type of veterinary biological product. Where a Standard Requirement for a product does not exist in the regulations, production procedures and specifications for purity, safety, and potency of a product are provided in an Outline of Production filed with the Animal and Plant Health Inspection Service. Once uniform standards for a type of product are established, they are codified in the regulations.

Because there is no Standard Requirement in 9 CFR part 113 for *Escherichia coli (E. coli)* bacterins, each manufacturer of these products has devised its own procedures, which are usually a part of a filed Outline of Production, to meet the requirements of the Virus-Serum-Toxin Act that all veterinary biological products be pure, safe, potent, and efficacious. Therefore, even though all of the procedures and methods must be satisfactory to the Animal and Plant Health Inspection Service, there are a number of different procedures which are used by firms producing biological products containing *E. coli* as one of the components. At this time, we are prepared to propose adding a new § 113.124 to the standards which would contain uniform test methods, procedures, and criteria to be used by licensed manufacturers of *E. coli* bacterins to provide assurance that these bacterins are immunogenic and potent.

Immunogencity

The effectiveness of a veterinary biologic to ameliorate disease in animals is of paramount importance to the consumers of veterinary biological products. The test for immunogenicity ascertains the efficacy of a veterinary biologic. Based on experience with immunogenicity tests, the Animal and Plan Health Inspection Service is proposing uniform requirements for establishing the immunogenicity of a Master Reference made from *E. coli* master seed. This would be accomplished by specifying in proposed § 113.124(a): (1) The minimum number of pregnant dams to vaccinate and the number of nonvaccinated controls; (2) procedures for challenge of neonates with virulent *E. coli*; and (3) the criteria for satisfactory protection against challenge and thereby demonstration of immunogenicity of the Master Reference. The immunogenicity test of master seed bacteria described in proposed § 113.124(a) would be required of all new product license applications prior to licensure. The test would establish the immunogenicity of the Master Reference used in the relative potency test required for release of serials of biological product.

As do all biologics, reference bacterins may lose potency and immunogenicity with the passage of time. The loss of potency and immunogenicity is not constant for all biologics because of differences between master seeds, production methods, adjuvants, diluents, conditions of storage and other variables used in the manufacture of biologics. Therefore the proposed amendment in § 113.124(b) describes the testing that must be conducted on an *E. coli* Master Reference to determine if it is still sufficiently potent and immunogenic after its date of expiration to permit extending the date of expiration.

Potency

Different potency tests are currently used for *E. coli* bacterns. Potency tests used to compare serials of product to a reference bacterin are: mouse tests, guinea pig tests, and enzyme linked immunosorbent assays (ELISA). As proposed, new § 113.124(c) would require the use of a standard *in vitro* method for testing serials of *E. coli* bacterins. The proposed standard method is a parallel line immunoassay that compares, for both the unknown and the reference, the linear regression of the optical density (OD) versus the logarithm of antigen concentration determined by ELISA. The Animal and Plant Health Inspection Service has proposed use of this standard *in vitro* potency test for *E. coli* bacterins because its use provides three advantages: (1) It ensures the use of a valid test method and makes potency testing more uniform; (2) it ensures that

serials of product are potent before release; and (3) it reduces significantly the number of laboratory animals required for testing *E. coli* bacterins.

If adopted, this standard test would require that manufacturing firms have personnel proficient in performing the ELISA procedure and the equipment necessary to perform the tests.

Executive Order 12866 and Regulatory Flexibility Act

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

This proposed rule, if adopted, would aid firms manufacturing *E. coli* bacterins. The proposal contains Standard Requirements for immunogenicity testing which would provide uniformity among firms instead of each firm having to meet the Animal and Plant Health Inspection Service requirements by its own designed methods. This would reduce a firm's cost of research and development needed to design a method to test immunogenicity. The proposed rule would prescribe *in vitro* potency testing of serials of product with minimal costs to manufacturing firms since the National Veterinary Services Laboratories of the Animal and Plant Health Inspection Service have developed and standardized the tests and would provide the critical reagents needed to perform the tests.

The manufacturers producing *E. coli* bacterins would need to have personnel proficient in conducting ELISA tests. The necessary equipment and personnel, however, should already be available for other routine procedures in most biologic, research and diagnostic laboratories. Also, the ELISA *in vitro* potency test is less expensive than the mouse potency test now used by the majority of firms producing *E. coli* bacterins.

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

Executive Order 12778

This proposed rule has been reviewed under Executive Order 12778, Civil Justice Reform. If this proposed rule is adopted: (1) All State and local laws and regulations that are in conflict with this rule will be preempted; (2) no retroactive effect will be given to this rule; and (3) administrative proceedings will not be required before parties may file suit in court challenging this rule.

Paperwork Reduction Act

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

List of Subjects in 9 CFR Part 113

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

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

PART 113—STANDARD REQUIREMENTS

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

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

2. A new § 113.124 would be added to read as follows:

§ 113.124 Escherichia Coli Bacterin (E. coli).

Bacterins for the prevention of colibacillosis in mammalian neonates born to vaccinated dams shall be prepared from bacterial cultures which are inactivated and nontoxic. Each lot of Master Seed Bacteria and serial or subserial of product containing *Escherichia coli* shall meet the applicable requirements described in § 113.100 and the special requirements prescribed in this section. A lot of Master Seed Bacteria found unsatisfactory by any prescribed test shall not be used. A serial or subserial found unsatisfactory by any prescribed test shall not be released.

(a) Each lot of Master Seed Bacteria shall be tested for immunogenicity in each species for which the bacterin is recommended. The immunogenicity of the Master Seed Bacteria shall be established as follows:

(1) A Qualifying Serial of product with a minimum level of potency shall be produced from the highest allowable passage of the Master Seed Bacteria for use in the immunogenicity test. The allowable passage level must be specified in the filed Outline of Production. The relative potency of the Qualifying Serial compared to the References shall be established as provided in paragraph (b) of this section.

(2) At least 30 pregnant cows or heifers (20 vaccinates and 10 controls) or at least 13 sows or gilts (8 vaccinates and 5 controls) shall be used as test animals. The animals shall be randomly divided between vaccinates and controls. If the neonates to be protected are ovine or caprine, the number of test animals must be specified in a protocol approved by the Animal and Plant Health Inspection Service.

(3) Pregnant dams used as vaccinates shall be injected with one dose of the serial of product by the method recommended on the label. If two doses are recommended, the second dose shall be administered at the time interval recommended on the label. Serum samples shall be collected from each dam immediately prior to each inoculation, 2 weeks after the last inoculation, and at parturition. Colostral samples shall be collected from each dam at parturition.

(4) Challenge of the neonates.

(i) Challenge culture(s), one for each *E. coli* pilus type for which protection is claimed, shall be provided or approved by the Animal and Plant Health Inspection Service. The challenge culture(s) used in the efficacy test(s) shall be aliquoted into individual doses, and stored frozen at minus 70 °C until needed.

(ii) After parturition, each neonate shall be allowed to suckle normally for at least 4 hours. Four to 12 hours after parturition, each neonate shall be weighed, have a serum sample collected, and then be challenged.

(iii) Each neonate shall receive orally a predetermined dose of challenge culture.

(iv) Each neonate shall be examined at least twice daily for 7 days postchallenge for signs of colibacillosis. Neonates that die shall be necropsied to determine the cause of death.

(5) Interpretation of results.

(i) If the mortality of the neonates from nonvaccinated bovine dams is less than 60 percent, the test is inconclusive and may be repeated.

(ii) If at least 80 percent of the neonates from vaccinated bovine dams do not survive without showing clinical signs of colibacillosis, the immunogenicity of the serial of product and the Master Seed Bacteria is unsatisfactory.

(iii) For porcine, ovine, and caprine neonates, if a statistically significant greater number of neonates from vaccinated dams do not survive, or the survivors do not show a significant reduction in clinical signs of colibacillosis, or both, when compared with neonates from nonvaccinated control dams, the immunogenicity of the serial of product and the Master Seed Bacteria is unsatisfactory. The level of significance required is $p < 0.05$. Clinical signs shall be evaluated by a method of scoring and statistical

analysis acceptable to the Animal and Plant Health Inspection Service.

(b) References for *in vitro* potency tests.

(1) Comparison of the Qualifying Serial and Working References

(i) If the Qualifying Serial is the Working Reference, no comparative potency testing between the Qualifying Serial and the reference is required.

(ii) If the Qualifying Serial is not the Working Reference, then the potency of the Qualifying Serial relative to the Working Reference shall be determined using a parallel line immunoassay that is approved by the Animal and Plant Health Inspection Service. To be acceptable, the geometric mean of the relative potency values obtained for the Qualifying Serial in at least 5 independent parallel line immunoassays shall be less than or equal to 1.00.

(iii) If the Master Reference is different from either the Working Reference or the Qualifying Serial, or both, the dilution of the Master Reference with a potency equal to that of the Working Reference shall be determined by using a parallel line immunoassay as specified in paragraph (b)(1)(ii) of this section.

(2) Dating period for References. References shall have an initial dating period equal to the dating period of the product or as supported by data acceptable to the Animal and Plant Health Inspection Service. The dating period begins on the date of initiation of the immunogenicity test or repeat immunogenicity test. The expiration date(s) of References shall be stated in the Outline of Production.

(3) Requalifying a Master Reference.

(i) To requalify and extend the dating period of a Master Reference, a repeat immunogenicity test shall be conducted using a Qualifying Serial of product as defined in § 101.5(q)(2). If the Master Reference or Working Reference is a serial of product, the Qualifying Serial becomes the new Master Reference or the new Working Reference.

(ii) The protocol and the method of evaluation of the repeat immunogenicity test to requalify a Master Reference must be approved by the Animal and Plant Health Inspection Service. The results of the immunogenicity test specified in paragraphs (a)(2) through (a)(5) of this section will be a determining factor in what constitutes an appropriate test to requalify a Master Reference. Different methods of requalifying a Master Reference are:

(A) Challenge of neonates born to vaccinated host animals.

(B) Challenge of vaccinated animals of another species whose immunological response has been shown to correlate with protection of neonates of the species for which the product is recommended.

(C) Serum and colostral antipilus titers of dams, or serum antipilus titers of neonates, or both, when antibody titers show a meaningful correlation to protection in the original immunogenicity test specified in paragraphs (a)(2) through (a)(5) of this section.

(iii) Requalifying and extending the dating period of a Master Reference may also be done by monitoring the potency of the Master Reference by *in vitro* methods over time by procedures approved by the Animal and Plant Health Inspection Service and then conducting a repeat immunogenicity test as in paragraphs (b)(3)(i) and (b)(3)(ii) of this section when any decline in potency is detected.

(4) An Outline of Production change must be approved by the Animal and Plant Health Inspection Service to provide an extension of the expiration date of a Master Reference.

(c) Test requirements for release of serials.

(1) Each serial and subserial shall meet the applicable requirements prescribed in § 113.100 and the requirements of this paragraph. Any serial or subserial found unsatisfactory by a prescribed test shall not be released.

(2) Potency test. Bulk or final container samples of completed product shall be tested for potency using the parallel line immunoassay and the Working Reference correlated directly to the immunogenicity test described in paragraph (a) or indirectly as described in paragraph (b)(1) of this section. The potency test(s) must be specific for each pilus type for which protection is claimed. The antigen capture antibody and the antigen indicator monoclonal antibody for the *in vitro* potency test is supplied by the Animal and Plant Health Inspection Service. To be satisfactory and eligible for release, each pilus antigen in each serial of product shall have a relative potency greater than or equal to 1.00 when compared to the Working Reference(s). Serials not satisfactory on the initial relative potency test may be retested in accordance with § 113.8 (c)(1) through (c)(5).

Done in Washington, DC, this 4th day of October 1994.

Terry L. Medley,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 94–25056 Filed 10–7–94; 8:45 am]

BILLING CODE 3410–34–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 94–NM–155–AD]

Airworthiness Directives; Canadair Model CL–600–2B19 (Regional Jet Series 100) Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This document proposes the supersedure of an existing airworthiness directive (AD), applicable to certain Canadair Model CL–600–2B19 series airplanes, that currently requires a revision to the Airplane Flight Manual (AFM) to restrict altitude and airspeed operations of the airplane under certain conditions of hydraulic system failure. This action would add a requirement to remove certain shear pins and install certain new shear pins on the elevator flutter dampers, and replace certain shear pins at repetitive intervals. This proposal is prompted by the development of a temporary repair that entails repetitive replacement of discrepant pins in a timely manner to prevent failure of the pins. The actions specified by the proposed AD are intended to prevent undampened vibration of the elevators in normal cruise conditions; when combined with hydraulic system failures, this condition could result in reduced controllability of the airplane.

DATES: Comments must be received by December 6, 1994.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM–103, Attention: Rules Docket No. 94–NM–155–AD, 1601 Lind Avenue SW., Renton, Washington 98055–4056. Comments may be inspected at this location between 9:00 a.m. and 3:00 p.m., Monday through Friday, except Federal holidays.

The service information referenced in the proposed rule may be obtained from Bombardier, Inc., Canadair, Aerospace Group, P.O. Box 6087 Station Centre-ville, Montreal, Quebec H3C 3G9, Canada. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the FAA, Engine and Propeller Directorate, New York Aircraft Certification Office, 181 South Franklin Avenue, Valley Stream, New York.

FOR FURTHER INFORMATION CONTACT: Franco Pieri, Aerospace Engineer, Airframe Branch, ANE–172, New York Aircraft Certification Office, FAA, Engine and Propeller Directorate, 181 South Franklin Avenue, Room 202, Valley Stream, New York 11581; telephone (516) 791–6221; fax (516) 791–9024.

SUPPLEMENTARY INFORMATION:

Comments Invited

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

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

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket Number 94–NM–155–AD." The postcard will be date stamped and returned to the commenter.

Availability of NPRMs

Any person may obtain a copy of this NPRM by submitting a request to the FAA, Transport Airplane Directorate, ANM–103, Attention: Rules Docket No. 94–NM–155–AD, 1601 Lind Avenue SW., Renton, Washington 98055–4056.

Discussion

On January 3, 1994, the FAA issued AD 94–01–09, amendment 39–8791 (59 FR 1471, January 11, 1994), applicable to certain Canadair Model CL–600–2B19 (Regional Jet Series 100) series airplanes, to require a revision to the Limitations Section of the FAA-approved Airplane Flight Manual (AFM) to restrict altitude and airspeed operations of the airplane under certain conditions of hydraulic system failure. That action was prompted by a report of sheared-off shear pins found on one airplane's elevator dampers. The requirements of that AD are intended to prevent undampened vibration of the elevators in normal cruise conditions; when combined with hydraulic system failures, this condition can result in reduced controllability of the airplane.

Since the issuance of that AD, Bombardier, Inc., has developed a temporary repair, which involves removing the existing shear pins and installing new shear pins on the elevator flutter dampers, and then replacing the shear pins at repetitive intervals. The intent of this temporary repair is to replace discrepant pins in a timely manner in order to prevent the failure of the pins. (The manufacturer is currently developing a permanent modification.) Failure of the shear pins on the elevator damper, if not detected and corrected, may lead to undampened vibration of the elevators during normal cruise conditions; when combined with hydraulic system failures, this situation could result in reduced controllability of the airplane.

Bombardier has issued Canadair "Regional Jet" Service Bulletin S.B. 601R–27–017, dated May 12, 1994, which describes procedures for accomplishing a temporary repair that entails the removal of shear pins having part number (P/N) HST22DU8–13, and the installation of new shear pins having P/N 601R24063–2501, on the elevator flutter dampers. This service bulletin also describes procedures for replacement of the new shear pins at repetitive intervals. Transport Canada Aviation, which is the airworthiness authority for Canada, classified this service bulletin as mandatory and issued Canadian Airworthiness Directive CF–93–32R1, dated August 12, 1994, in order to assure the continued airworthiness of these airplanes in Canada.

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

Since an unsafe condition has been identified that is likely to exist or develop on other airplanes of the same type design registered in the United States, the proposed AD would supersede AD 94–01–09 to require removal of existing shear pins and installation of certain new shear pins on the elevator flutter dampers; and to require replacement of shear pins at repetitive intervals. The actions would be required to be accomplished in accordance with the service bulletin described previously.

The proposed AD would also continue to require the previously-required revision to the Limitations Section of the FAA-approved AFM to restrict altitude and airspeed operations under conditions of single or double hydraulic failure.

This is considered interim action until final action is identified, at which time the FAA may consider additional rulemaking.

The FAA estimates that 19 airplanes of U.S. registry would be affected by this proposed AD.

The AFM revision that was previously required by AD 94–01–09, and retained in this proposal, takes approximately 1 work hour per airplane to accomplish, at an average labor rate of $55 per work hour. Based on these figures, the total cost impact of the AFM revision requirement on U.S. operators is estimated to be $55 per airplane. The FAA estimates that all affected U.S. operators have previously accomplished this requirement; therefore, the future cost impact of this requirement is minimal.

The removal, installation, and replacement of shear pins that would be required by this proposal would take approximately 5 work hours per airplane to accomplish, at an average labor rate of $55 per work hour. Required parts would be supplied by the manufacturer at no cost to operators. Based on these figures, the total cost impact of these proposed requirement on U.S. operators is estimated to be $5,225, or $275 per airplane.

The total cost impact figures discussed above are based on assumptions that no operator has yet accomplished any of the proposed requirements of this AD action, and that no operator would accomplish those actions in the future if this AD were not adopted.

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

federalism implications to warrant the preparation of a Federalism Assessment.

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

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration proposes to amend 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 removing amendment 39–8791 (59 FR 1471, January 11, 1994), and by adding a new airworthiness directive (AD), to read as follows:

Bombardier, Inc. (Formerly Canadair): Docket 94–NM–155–AD. Supersedes AD 94–01–09, Amendment 39–8791.

Applicability: Model CL–600–2B19 (Regional Jet Series 100) series airplanes; serial numbers 7003 and subsequent; certificated in any category.

Compliance: Required as indicated, unless accomplished previously.

To prevent undampened vibration of the elevators in normal cruise conditions which, when combined with hydraulic system failures, could result in reduced controllability of the airplane, accomplish the following:

(a) Within 30 days after January 26, 1994 (the effective date of AD 94–01–09, amendment 39–8791), revise the Limitations Section of the FAA-approved Airplane Flight Manual (AFM) to include the following restrictions of altitude and airspeed operations under conditions of single or double hydraulic system failure; and advise the flight crew of these revised limits. Revision of the AFM may be accomplished by inserting a copy of this AD in the AFM.

Note 1: The restrictions described in the AFM Temporary Revision (TR) RJ/30 meet the requirements of this paragraph. Therefore, inserting a copy of TR RJ/30 in lieu of this AD in the AFM is considered an acceptable means of compliance with this paragraph.

SINGLE HYDRAULIC SYSTEM FAILURE

Altitude limit (maximum)	Airspeed limit (maximum)
31,000 feet	0.55 Mach (199 KIAS)
30,000 feet	0.55 Mach (204 KIAS)
28,000 feet	0.55 Mach (213 KIAS)
26,000 feet	0.55 Mach (222 KIAS)
24,000 feet	0.55 Mach (232 KIAS)
22,000 feet	0.55 Mach (241 KIAS)
20,000 feet and below	252 KIAS

DOUBLE HYDRAULIC SYSTEM FAILURE

Altitude Limit (maximum)	Airspeed Limit (maximum)
10,000 feet	200 KIAS

(b) For airplanes having serial numbers 7003 through 7044, inclusive: Within 45 days after the effective date of this AD, remove shear pins having part number (P/N) HST22DU8–13 that are installed on the elevator flutter dampers, and install new shear pins having P/N 601R24063–2501, in accordance with Canadair Regional Jet Service Bulletin S.B. 601R–27–017, dated May 12, 1994. Thereafter, prior to the accumulation of 800 flight hours on any shear pin having P/N 601R24063–2501, replace it with a new shear pin having P/N 601R24063–2501.

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

Note 2: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Standardization Branch, ANM–113.

(d) 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. Issued in Renton, Washington, on October 4, 1994.

S.R. Miller, Acting Manager,

Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 94–25059 Filed 10–7–94; 8:45 am]

BILLING CODE 4910–13–U

14 CFR Part 71

[Airspace Docket No. 94–ASW–8]

Proposed Alteration of Jet Routes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This proposed rule would realign Jet Route J–10 from the Twentynine Palms, CA, Very High Frequency Omnidirectional Range/Tactical Air Navigation (VORTAC) to the Farmington, NM, VORTAC and extend Jet Route J–231 from the St. Johns, AZ, VORTAC to the Twentynine Palms VORTAC. This action would enhance air safety, simplify routings, and reduce controller workload.

DATES: Comments must be received on or before November 25, 1994.

ADDRESSES: Send comments on the proposal in triplicate to: Manager, Air Traffic Division, ASW–500, Docket No. 94–ASW–8, Federal Aviation Administration, 2601 Meacham Blvd, Fort Worth, TX 76193–0500.

The official docket may be examined in the Rules Docket, Office of the Chief Counsel, Room 916, 800 Independence Avenue, SW., Washington, DC, weekdays, except Federal holidays, between 8:30 a.m. and 5:00 p.m.

An informal docket may also be examined during normal business hours at the office of the Regional Air Traffic Division.

FOR FURTHER INFORMATION CONTACT: William C. Nelson, Airspace and Obstruction Evaluation Branch (ATP–240), Airspace-Rules and Aeronautical Information Division, Air Traffic Rules and Procedures Service, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591; telephone: (202) 267–9295.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory

decisions on the proposal. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy-related aspects of the proposal. Communications should identify the airspace docket number and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Airspace Docket No. 94–ASW–8." The postcard will be date/time stamped and returned to the commenter. All communications received on or before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in light of comments received. All comments submitted will be available for examination in the Rules Docket both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRM's

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Inquiry Center, APA–220, 800 Independence Avenue, SW., Washington, DC 20591, or by calling (202) 267–3485. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRM's should also request a copy of Advisory Circular No. 11–2A, which describes the application procedure.

The Proposal

The FAA is considering an amendment to part 71 of the Federal Aviation Regulations (14 CFR part 71) to realign J–10 from the Twentynine Palms, CA, VORTAC to the Farmington, NM, VORTAC and extend J–231 from the St. Johns, AZ, VORTAC to the Twentynine Palms VORTAC. This realignment would reduce sector complexity northeast of Phoenix AZ, resulting in more efficient utilization of the airspace. This action would enhance safety, simplify routings, and decrease the controllers workload. Jet routes are published in paragraph 2004 of FAA Order 7400.9B dated July 18, 1994, and effective September 16, 1994, which is incorporated by reference in 14 CFR 71.1. The jet routes listed in this document would be published subsequently in the Order.

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

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

The Proposed Amendment

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

PART 71—[AMENDED]

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

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

§ 71.1 [Amended]

2. The incorporation by reference in 14 CFR 71.1 of the Federal Aviation Administration Order 7400.9B, Airspace Designations and Reporting Points, dated July 18, 1994, and effective September 16, 1994, is amended as follows:

Paragraph 2004—Jet Routes

* * * * *

J–10 [Revised]

From Los Angeles, CA, via INT Los Angeles 083° and Twentynine Palms, CA, 269° radials; Twentynine Palms; INT of Twentynine Palms 075° and Flagstaff, AZ, 251°T(237°M) radials; Flagstaff; Farmington, NM; Blue Mesa, CO; INT Blue Mesa 060° and Denver, CO, 225° radials; Denver; INT Denver 058° and North Platte, NE, 260° radials; North Platte, NE; Wolbach, NE; Des Moines, IA; to Iowa City, IA.

* * * * *

J–231 [Revised]

From Twentynine Palms, CA; INT Twentynine Palms 075°T(060°M) and Drake, AZ, 262°T(248°M) radials; Drake; INT Drake 111°T(097°M) and St. Johns, AZ; 268°T(256°M) radials; St. Johns; Anton Chico, NM; to Liberal, KS.

* * * * *

Issued in Washington, DC, on September 22, 1994.

Harold W. Becker,

Manager, Airspace-Rules and Aeronautical Information Division.

[FR Doc. 94-24960 Filed 10-7-94, 8:45 am]

BILLING CODE 4910–13–P

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14 CFR Part 71

[Airspace Docket No. 94–AGL–12]

Proposed Alteration of VOR Federal Airway V–36

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This proposed rule would amend Federal Airway V–36 by extending the airway from Sault Ste Marie, MI, to Thunder Bay, ON, Canada, via Wawa, ON, Canada. Modifying the airway would simplify routings for air traffic transitioning in that airspace from the United States to Canada. In addition, the airspace designation would be changed to reflect the relocation of the Toronto, ON, Canada, Very High Frequency Omnidirectional Range/Distance Measuring Equipment (VOR/DME).

DATES: Comments must be received on or before November 25, 1994.

ADDRESSES: Send comments on the proposal in triplicate to: Manager, Air Traffic Division, AGL–500, Docket No. 94–AGL–12, Federal Aviation Administration, O'Hare Lake Office Center, 2300 East Devon Avenue, Des Plaines, IL 60018.

The official docket may be examined in the Rules Docket, Office of the Chief Counsel, Room 916, 800 Independence Avenue, SW., Washington, DC, weekdays, except Federal holidays, between 8:30 a.m. and 5:00 p.m.

An informal docket may also be examined during normal business hours at the office of the Regional Air Traffic Division.

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

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy-related aspects of the proposal. Communications should identify the airspace docket number and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Airspace Docket No. 94–AGL–12." The postcard will be date/time stamped and returned to the commenter. All communications received on or before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in light of comments received. All comments submitted will be available for examination in the Rules Docket both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRM's

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Inquiry Center, APA–220, 800 Independence Avenue, SW., Washington, DC 20591, or by calling (202) 267–3485. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRM's should also request a copy of Advisory Circular No. 11–2A, which describes the application procedure.

The Proposal

The FAA is considering an amendment to part 71 of the Federal Aviation Regulations (14 CFR part 71) to modify V–36 by extending the airway from Sault Ste Marie, MI, to Thunder Bay, ON, Canada, via Wawa, ON, Canada, excluding the airspace in Canada. Extending the airway has become necessary because of the volume of air traffic utilizing V–36. This action would simplify routings and reduce the workload for pilots and controllers. In addition, the airspace designation would be changed to reflect the relocation of the Toronto, ON, Canada, VOR/DME. Domestic VOR Federal airways are published in paragraph 6010(a) of FAA Order 7400.9B dated July 18, 1994, and effective September 16, 1994, which is incorporated by reference in 14 CFR 71.1. The airway listed in this document would be published subsequently in the Order.

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

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

The Proposed Amendment

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

PART 71—[AMENDED]

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

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

§ 71.1 [Amended]

2. The incorporation by reference in 14 CFR 71.1 of the Federal Aviation Administration Order 7400.9B, Airspace Designations and Reporting Points, dated July 18, 1994, and effective September 16, 1994, is amended as follows:

Paragraph 6010(a)—Domestic VOR Federal Airways

* * * * *

V–36 [Revised]

From Thunder Bay, ON, Canada; Wawa, ON, Canada; Sault Ste Marie, MI; Elliot Lake, ON, Canada; Wiarton, ON, Canada; INT Wiarton 150° and Toronto, ON, Canada, 304°T(314°M) radials; Toronto; INT Toronto 150°T(160°M) and Buffalo, NY, 306° radials; Buffalo; Elmira, NY; INT Elmira 110° and LaGuardia, NY, 310° radials; to INT LaGuardia 310° and Stillwater, NJ, 043° radials. The airspace within Canada is excluded.

* * * * *

Issued in Washington, DC, on September 22, 1994.

Harold W. Becker,

Manager, Airspace-Rules and Aeronautical Information Division.

[FR Doc. 94–24962 Filed 10–7–94; 8:45 am]

BILLING CODE 4910–13–P

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

29 CFR Part 1609

Guidelines on Harassment Based on Race, Color, Religion, Gender, National Origin, Age, or Disability

AGENCY: Equal Employment Opportunity Commission (EEOC).

ACTION: Withdrawal of the proposed guidelines.

SUMMARY: The Proposed Guidelines on Harassment Based on Race, Color, Religion, Gender, National Origin, Age, or Disability (58 F.R. 51266, October 1, 1993) are being withdrawn from consideration because they did not achieve the stated goal of "consolidat[ing], clarify[ing] and explicat[ing]" existing law pertaining to harassment on these bases.

FOR FURTHER INFORMATION CONTACT:

Elizabeth M. Thornton, Deputy Legal Counsel, or Dianna B. Johnston, Assistant Legal Counsel, Office of Legal Counsel, EEOC 1801 L Street NW., Washington, DC 20507; telephone (202) 663–4679 (voice) or (202) 663–7026 (TDD).

Tony E. Gallegos,

Chairman, Equal Opportunity Commission.

[FR Doc. 94–25635 Filed 10–7–94; 8:45 am]

BILLING CODE 6750–01–M

POSTAL SERVICE

39 CFR Part 111

Revisions to Standards Concerning Physical Mailpiece Dimensions, Addressing, and Address Placement

AGENCY: Postal Service.

ACTION: Proposed rule; extension of comment period.

SUMMARY: The Postal Service published in the **Federal Register** (59 FR 31178–31183) on June 17, 1994, a proposal to amend the Domestic Mail Manual concerning standards defining a mailpiece's dimensions and relating them to processing category and other criteria, as well as standards concerning the content and placement of delivery and return addresses; the location of, and the use of a ZIP Code or ZIP+4 code in, the return address on certain mail; terms related to post office boxes and standards for their use in addressing mail; and the prohibition of dual addresses on certain types of mail. The Postal Service requested comments by August 1, 1994. Owing to the needs of the mailing public, from whom several requests for additional time were received, the Postal Service extended the comment period to September 16, 1994 (59 FR 37190). Continuing interest from customers has prompted the Postal Service to further extend the comment period, to October 31, 1994, and to schedule a public meeting on October 20, 1994 (announced separately in this issue of the **Federal Register**), for discussion of the proposed rule.

DATES: Comments on the proposed rule must be received on or before October 31, 1994.

ADDRESSES: Mail or deliver written comments to the Manager, Mailing Standards, USPS Headquarters, 475 L'Enfant Plaza SW., Washington, DC 20260–2419. Copies of all written comments will be available for inspection and photocopying between 9 a.m. and 4 p.m., Monday through Friday, in Room 6800 at the above address.

FOR FURTHER INFORMATION CONTACT: Leo F. Raymond, (202) 268–5199.

Stanley F. Mires,

Chief Counsel, Legislative.

[FR Doc. 94–25038 Filed 10–7–94; 8:45 am]

BILLING CODE 7710–12–P

39 CFR Part 111

Revisions to Standards Concerning Physical Mailpiece Dimensions, Addressing, and Address Placement

AGENCY: Postal Service.

ACTION: Proposed rule; notice of public meeting.

SUMMARY: The Postal Service will hold a public meeting to facilitate the receipt of comments regarding the pending proposed rule revising Domestic Mail Manual standards for physical mailpiece dimensions, addressing, and address placement.

DATES: October 20, 1994, 8:30 a.m.

ADDRESSES: Marriott Crystal Gateway Hotel, 1700 Jefferson Davis Highway, Arlington, VA.

FOR FURTHER INFORMATION CONTACT: Leo F. Raymond, (202) 268–5199.

SUPPLEMENTARY INFORMATION: The Postal Service published in the **Federal Register** (59 FR 31178–31183) on June 17, 1994, a proposal to amend the Domestic Mail Manual concerning standards defining a mailpiece's dimensions and relating them to processing category and other criteria, as well as standards concerning the content and placement of delivery and return addresses; the location of, and the use of a ZIP Code or ZIP+4 code in, the return address on certain mail; terms related to post office boxes and standards for their use in addressing mail; and the prohibition of dual addresses on certain types of mail. The Postal Service initially requested comments by August 1, 1994. The Postal Service extended the comment period, first to September 16, 1994 (59 FR 37190), and subsequently to October 31, 1994 (announced separately in this issue of the **Federal Register**).

Several customers have also requested an opportunity to present their views and concerns in person regarding the proposed rule. Generally, the Postal Service neither finds a need for nor holds public meetings about proposed rules. Nevertheless, the Postal Service has decided to grant the request for a public meeting regarding this particular rulemaking because of the varied yet interrelated issues it discusses, the desirability of exploring effective alternatives to achieve the objectives of the proposed rule, and the advantages of discussion of the proposed rule among postal managers and interested customer participants. Comments submitted at the meeting may be written or oral; all will be considered as comments on the record. Oral comments will be transcribed for future reference and will be available for inspection and photocopying between 9 a.m. and 4 p.m., Monday through Friday, in Room 6800 at the above address. Interested parties may submit written comments in accordance with the instructions in the **Federal Register** notices cited earlier. Individuals wishing to make oral comments at the meeting are asked to limit them to 10 minutes. In order that the Postal Service may properly plan for the meeting, individuals who will attend are required to notify the party identified above or the Manager, Mailing Standards, USPS Headquarters, 475 L'Enfant Plaza SW., Washington, DC 20260–2419, in writing or by telephone at (202) 268–5304 no later than October 13, 1994.

Stanley F. Mires,

Chief Counsel, Legislative.

[FR Doc. 94–25080 Filed 10–7–94; 8:45 am]

BILLING CODE 7710–12–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[FL–049–1–5818b; FRL–5067–3]

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

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The EPA proposes to approve the state implementation plan (SIP) revision submitted by the State of Florida for the purpose of correcting minor deficiencies in the Motor Vehicle Inspection Program and revising the air quality classifications in Florida's SIP to coincide with the 1990 Clean Air Act Amendments. In the final rules section of this **Federal Register**, the EPA 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 rational for the approval is set forth in the direct final rule. If no adverse comments are received in response to that direct final rule, no further activity is contemplated in relation to this proposed rule. If EPA 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. The EPA 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: To be considered, comments must be received by November 10, 1994.

ADDRESSES: Written comments should be addressed to: Alan Powell, Regulatory Planning and Development Section, Air Programs Branch, Air, Pesticides & Toxics Management Division, Region IV Environmental Protection Agency, 345 Courtland Street, NE., Atlanta, Georgia 30365.

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

Air and Radiation Docket and Information Center (Air Docket 6102), U.S. Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460.

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

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

FOR FURTHER INFORMATION CONTACT: Alan Powell, Regulatory Planning and Development Section, Air Programs Branch, Air, Pesticides & Toxics Management Division, Region IV Environmental Protection Agency, 345 Courtland Street, NE., Atlanta, Georgia 30365.

The telephone number is 404/347–2864. Reference file FL0491–5818.

SUPPLEMENTARY INFORMATION: For additional information see the direct final rule which is published in the rules section of this **Federal Register**.

Dated: August 22, 1994.

Patrick M. Tobin,

Acting Regional Administrator.

[FR Doc. 94–25076 Filed 10–7–94; 8:45 am]

BILLING CODE 6560–50–F

FEDERAL COMMUNICATIONS COMMISSION

47 CAR Part 73

[MM Docket No. 94–118, RM–8521]

Radio Broadcasting Services; Norris, TN

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: The Commission requests comments on a petition filed by Norris Broadcasting Company proposing the allotment of Channel A to Norris, Tennessee, as the community's first local FM service. Channel A can be allotted to Norris with a site restriction of 4.1 kilometers (2.5 miles) northeast in order to avoid a short-spacing conflict with Station WSKZ(FM), Channel 293C, Chattanooga, Tennessee. The coordinates for Channel A at Norris are 36–13–47 and 84–02–59.

DATES: Comments must be filed on or before November 28, 1994, and reply comments on or before December 13, 1994.

ADDRESSES: Federal Communications Commission, Washington, D.C. 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner, or its counsel or consultant, as follows: Neal J. Friedman, Esq., Pepper & Corazzini, 1776 K Street NW., Suite 200, Washington, D.C. 20006 (Counsel for petitioner).

FOR FURTHER INFORMATION CONTACT: Pam Blumenthal, Mass Media Bureau, (202) 634–6530.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Notice of Proposed Rule Making, MM Docket No. 94–118, adopted September 26, 1994, and released October 5, 1994. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC's Reference Center (Room 239), 1919 M Street, NW., Washington, D.C. The complete text of this decision may also be purchased from the Commission's copy contractor, ITS, Inc., (202) 857–3800, 2100 M Street, NW., Suite 140, Washington, D.C. 20037.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CAR 1.1204(b) for rules governing permissible *ex parte* contacts.

For information regarding proper filing procedures for comments, see 47 CAR 1.415 and 1.420.

List of Subjects in 47 CAR Part 73

Radio broadcasting.

Federal Communications Commission.

John A. Karousos,

Assistant Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 94–24944 Filed 10–7–94; 8:45 am]

BILLING CODE 6712–01–M

47 CFR Part 73

[MM Docket No. 94–117, RM–8520]

Radio Broadcasting Services; Bulls Gap, TN

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: The Commission requests comments on a petition filed by Bulls Gap Broadcasting proposing the allotment of Channel 264A to Bulls Gap, Tennessee, as the community's first local FM service. Channel 264A can be alloted to Bulls Gap in compliance with the Commission's minimum distance separation requirements with a site restriction of of 2.2 kilometers (1.4 miles) west in order to avoid a short-spacing conflict with the licensed operation of Station WZJS (FM), Channel 264A, Banner Elk, North Carolina. The coordinates for Channel 264A at Bulls Gap are 36–15–23 and 83–06–34.

DATES: Comments must be filed on or before November 28, 1994, and reply comments on or before December 13, 1994.

ADDRESSES: Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner, or its counsel or consultant, as follows:

FOR FURTHER INFORMATION CONTACT: Pam Blumenthal, Mass Media Bureau, (202) 634–6530.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Notice of Proposed Rule Making, MM Docket No. 94–117, adopted September 26, 1994, and released October 5, 1994. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC's Reference Center (room 239), 1919 M Street NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, ITS, Inc., (202) 857–3800, 2100 M Street NW., Suite 140, Washington, DC 20037.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1204(b) for rules governing permissible *ex parte* contacts.

For information regarding proper filing procedures for comments, see 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

John A. Karousos,

Assistant Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 94–24945 Filed 10–7–94; 8:45 am]

BILLING CODE 6712–01–M

DEPARTMENT OF DEFENSE

GENERAL SERVICES ADMINISTRATION

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

48 CFR Parts 22, 31, and 42

[FAR Case 93–5]

Federal Acquisition Regulation; Employee Compensation Costs

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

ACTION: Proposed rule.

SUMMARY: The Civilian Agency Acquisition Council (CAAC) and the Defense Acquisition Regulations Council (DARC) are considering changes to the Federal Acquisition Regulation to clarify the regulations concerning the allowability of personal services compensation costs. This regulatory action was subject to Office of Management and Budget (OMB) review pursuant to Executive Order No. 12866 dated September 30, 1993.

DATES: Comments should be submitted on or before December 12, 1994 to be considered in the formulation of a final rule.

ADDRESSES: Interested parties should submit written comments to: General Services Administration, FAR Secretariat (VRS), 18th & F Streets, NW, Room 4037, Washington, DC 20405.

Please cite FAR case 93–5 in all correspondence related to this case.

FOR FURTHER INFORMATION CONTACT: Jeremy F. Olson at (202) 501–3221 in reference to this FAR case. For general information, contact the FAR Secretariat, Room 4037, GS Building, Washington, DC 20405; telephone: (202) 501–4755. Please cite FAR case 93–5.

SUPPLEMENTARY INFORMATION:

A. Background

The Federal Acquisition Regulation (FAR) currently requires contracting officers to evaluate the compensation systems of a contractor and to make a determination as to the allowability of personal services compensation costs claimed by the contractor (FAR 31.205–6 and 42.302(a)(1)). The Defense Contract Audit Agency has raised concerns that the language in FAR 31.205–6(b) may be susceptible to differing interpretations and that the FAR does not provide adequate guidance with regard to contractor compensation systems. Some have misinterpreted the current cost principle to place equal weight on all factors affecting the reasonableness of compensation. Others have held that all the factors affecting reasonableness are stated in the cost principle.

This proposed rule is intended to make it clear that the Government requires contractors to maintain sound compensation systems that consistently provide employee compensation costs that are reasonable, complaint with laws and regulations, and subject to applicable financial controls. The proposed rule does not require a contractor to change its compensation practices or its compensation system. The basic requirement that the contractor demonstrate the reasonableness of its compensation costs for personal services still exist. An adequate system requires documented compliance with the cost principle, enforced by internal reviews. An inadequate system does not automatically mean that the compensation claimed is unreasonable. However, an inadequate system may be a factor in the contracting officer's evaluation of whether the compensation claimed is reasonable. An inadequate system generally indicates that a contractor lacks sufficient documentation to support the reasonableness of its compensation costs and/or lacks adequate controls to ensure that its established policies are properly enforced.

This proposed rule clarifies existing language at FAR 22.101–2; adds definitions at FAR 31.001; adds a new paragraph FAR 31.205–6(a)(6) addressing contractor compensation systems and referencing a new FAR subpart 42.13; clarifies the standard for reasonableness of labor-management compensation agreements at FAR 31.205–6 (b) and (c); removes the examples from FAR 31.205–6(b); revises FAR 31.205–6(b)(2) to clarify what special circumstances are covered, provide guidance to contracting officers confronted with those situations, remove references to the Internal Revenue Code, and make unallowable or place limitations on certain high-risk type of payments; revises FAR 31.205–6(i) to remove the current series of allowable examples and substitute a general allowability rule to preclude the need to add further examples to paragraph (i); clarifies FAR 42.302(a)(1); and establishes a new FAR subpart 42.13 which contains policies, procedures, and minimum standards applicable to contractor compensation system and reviews of such systems.

This proposed rule also makes editorial changes, corrects administrative errors, and adds clarifying language throughout FAR 31.205–6. Most notable of these changes is the redesignation of FAR 31.205–6(f)(2) to a restructured and renamed FAR 31.205–6(d) to improve the flow of the cost principle and provide a more logical placement of the language.

B. Regulatory Flexibility Act

This proposed rule clarifies a condition of cost allowability for contractors who wish to be reimbursed under Government contracts subject to FAR 31.2. The Regulatory Flexibility Act, 5 U.S.C. 601, *et seq.*, applies, but the rule is not expected to have a significant economic impact on a substantial number of small entities because most contracts awarded to small entities are awarded on a competitive, fixed-price basis and the cost principles do not apply. An Initial Regulatory Flexibility Analysis has, therefore, not been performed. Comments from small entities concerning the affected FAR subpart will be considered in accordance with Section 610 of the Act. Such comments must be submitted separately and cite FAR Case 93–5 in correspondence.

C. Paperwork Reduction Act

The Paperwork Reduction Act (Pub. L. 96–511) does not apply because the proposed rule does not impose recordkeeping requirements or information collection requirements or collection of information from offerors, contractors, or members of the public which require the approval of the Office of Management and Budget under 44 U.S.C. 3501, *et seq.*

List of Subjects in 48 CFR Parts 22, 31, and 42

Government procurement.

Dated: October 3, 1994.

Albert A. Vicchiolla,

Director, Office of Federal Acquisition Policy.

Therefore, it is proposed that 48 CFR parts 22, 31, and 42 be amended as set forth below:

1. The authority citation for 48 CFR parts 22, 31, and 42 continues to read as follows:

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

PART 22—APPLICATION OF LABOR LAWS TO GOVERNMENT ACQUISITIONS

2. Section 22.101–2 is amended by revising paragraph (a) to read as follows:

22.101–2 Contract pricing and administration.

(a) Contractor labor policies and compensation practices, whether or not included in labor-management agreements, are not acceptable bases for allowing costs in cost reimbursement contracts or for recognition of costs in pricing fixed-price contracts if they result in unreasonable or unallowable costs to the Government. For a discussion of cost reasonableness, as it affects the allowability of costs resulting from labor-management agreements, see 31.205–6(c).

* * * * *

PART 31—CONTRACT COST PRINCIPLES AND PROCEDURES

3. Section 31.001 is amended by adding in alphabetical order the definitions "Compensation system", "Job", "Job class of employees", and "Labor market" to read as follows:

§ 31.001 Definitions.

* * * * *

Compensation system, as used in this part, means the contractor's system(s) for planning, administering, and controlling all remuneration paid currently or accrued, in whatever form and whether paid immediately or deferred, for services rendered by employees of a contractor during contract performance.

* * * * *

Job, as used in this part, means a homogeneous cluster of work tasks, the completion of which serves an enduring purpose for the organization. Taken as a whole, the collection of tasks, duties, and responsibilities constitutes the assignment for one or more individuals whose work is of the same nature and is performed at the same skill/responsibility level—as opposed to a position, which is a collection of tasks assigned to a specific individual. Within a job, there may be pay categories which are dependent on the degree of supervision required by the employee while performing assigned tasks which are performed by all persons with the same job.

Job class of employees, as used in this part, means employees performing in positions within the same job.

* * * * *

Labor market, as used in this part, means an arena where individuals exchange their labor for compensation. Labor markets are identified and defined by some complex combination of the following factors: (1) geography, (2) education and/or technical background required, (3) experience required by the job, (4) licensing or certification requirements, (5) occupational membership, and (6) industry.

* * * * *

4. Section 31.205–6 is amended by revising paragraph (a), (b), (c), (d), (f), and (i), to read as follows:

31.205–6 Compensation for personal services.

(b) *General.* Compensation for personal services includes all remuneration paid currently or accrued, in whatever form and whether paid immediately or deferred, for services rendered by employees to the contractor during the period of contract performance (except as otherwise provided for in other paragraphs of this subsection). It includes, but is not limited to, salaries; wages; director's and executive committee members' fees; bonuses (including stock bonuses); incentive awards; employee stock options and stock appreciation rights; employee stock ownership plans; employee insurance; fringe benefits; contributions to pension, other post-retirement benefits, annuity, and employee incentive compensation plans; and allowances for off-site pay, incentive pay, location allowances, hardship pay, severance pay, and cost of living differential. Compensation for person services is allowable subject to the following general criteria and additional requirements contained in other parts of this cost principle:

(1) Compensation for personal services must be for work performed by the employee in the current year and must not represent a retroactive adjustment of prior years' salaries or wages (but see 31.205–6(g), (h), (j), (k), (m), and (o) of this subsection). Each element of compensation has a net present value for the current year which expresses the cash value of the compensation paid to employees in the year that it is earned.

(2) Compensation in total must be reasonable for the work performed; however, specific restrictions on individual compensation elements must be observed where they are prescribed.

(3) Each element of compensation must be based upon and conform to the terms and conditions of the contractor's written compensation plan that is followed consistently.

(4) No presumption of allowability will exist where the contractor introduces major revisions to existing compensation plans or systems or introduces new plans or systems (see 31.201–3). Advance agreements on the allowability of increased costs are recommended (see 31.109).

(5) Costs that are otherwise unallowable under Subpart 31.2 shall not be allowable under this subsection 31.205–6 solely on the basis that they constitute compensation for personal services.

(6) Contractor compensation systems must have adequate internal and administrative controls to ensure the integrity of the system and its data (see 42.1304(b) for minimum standards).

(b) *Reasonableness.* The compensation for personal services paid or accrued to each employee must be reasonable for the work performed. Compensation will be considered reasonable if each of the allowable elements making up the employee's compensation package is reasonable. This paragraph addresses the reasonableness of compensation except when the compensation is set by provisions of a labor-management agreement under terms of the National Labor Relations Act or similar state statues. The tests for reasonableness of labor-management agreements are set forth in paragraph (c) of this subsection. In addition to the provisions of 31.201–3, in testing the reasonableness of individual elements for particular employees or job classes of employees, consideration should be given to factors determined to be relevant by the contracting officer.

(1) Among others, factors which may be relevant include the adequacy of the contractor's compensation system (see subpart 42.13), general conformity with the compensation paid by other firms of the same size, the compensation paid by other firms in the same industry, the compensation paid by firms in the same geographic area, the compensation paid by firms engaged in predominantly non-Government work, and the cost of comparable service obtainable from from outside sources.

In addition to the adequacy of the compensation system, the relative significance of other factors in

evaluating the reasonableness of compensation depends on the degree to which the factors are representative of the labor market for the job being evaluated. In administering this principle, it is recognized that not every compensation case need be subjected in detail to the tests described in this cost principle. The tests need be applied only when a general review reveals amounts or types of compensation that appear unreasonable or unjustified. Based on initial review of the facts, contracting officers or their representatives may challenge the reasonableness of any individual element or the sum of the individual elements of compensation paid or accrued to particular employees or job classes of employees. In such cases, there is no presumption of reasonableness and, upon challenge, the contractor must demonstrate the reasonableness of the compensation item in question. In doing so, the contractor may introduce, and the contracting officer will consider, not only any circumstances surrounding the compensation item challenged, but also the magnitude of other compensation elements which may be lower than would be considered reasonable in themselves. However, the contractor's right to introduce offsetting compensation elements into consideration is subject to the following limitations:

(i) Offsets will be considered only between the allowable elements of an employee's (or a job class of employees') compensation package or between the compensation packages of employees in jobs within the same job grade or level.

(ii) Offsets will be considered only between the allowable portion of the compensation elements of employees or job classes of employees. However, any of the compensation elements or portions thereof, whose amount is not measurable, shall not be introduced or considered as an offset item. Compensation elements include:

(A) Wages and salaries.

(B) Incentive bonuses.

(C) Deferred compensation.

(D) Pension and savings plan benefits.

(E) Health insurance benefits.

(F) Life insurance benefits.

(G) Compensated personal absence benefits.

(iii) In considering offsets, the magnitude of the compensation elements in question must be taken into account. In determining the magnitude of compensation elements, the timing of receipt by the employee must be considered.

(2) Compensation costs under certain conditions give rise to the need for special consideration. Among such conditions are the following:

(i) Compensation to sole proprietors, partners or persons who are contractually entitled to acquire a partnership interest in a contractor enterprise, persons who own 10 percent or more of an incorporated contractor's stock, persons who are contractually entitled to acquire at least 10 percent of an incorporated contractor's stock, persons who are officers or directors of an incorporated contractor, or persons who otherwise have a substantial financial interest in the contractor's enterprise. To be allowable, compensation of each such person or member of their family must be reasonable for the personal services rendered. Such employees are assumed to have influence over their own compensation and the compensation of their family members.

(A) The reasonableness of the compensation of each such employee or family member must be separately supported for the cost to be allowable. The determination of reasonableness for each such individual will be based on the application of the provisions of this cost principle to the individual with no offsets allowed from any other employee, job class of employees, or other jobs within a job grade.

(B) If a contractor seeks to justify compensation for such individuals in excess of the average compensation paid by comparable firms (the reasonable compensation for the services rendered), it must be based upon superior performance demonstrated by quantifiable performance measurements which use comparisons with firms of similar size and industry, consistently applied from year to year.

(C) Severance payments (see 31.205–6(g)) paid to such individuals or to members of their families are not allowable in excess of the payments otherwise allowable and paid in accordance with the provisions of the contractor's severance policy in effect for the majority of the contractor's employees for the three year period prior to the individual's dismissal. However, severance payments are not allowable if paid to sole proprietors, partners (or persons contractually entitled to acquire a partnership interest in the contractor), or persons who hold (or are contractually entitled to acquire) at least 10 percent of a corporate contractor's stock.

(D) Early retirement incentive payments (see 31.205–6(j)(7)) paid to such individuals or to members of their families are not allowable unless the payments are otherwise allowable, paid in accordance with the provisions of a contractor early retirement incentive plan made available to all other employees with similar eligibility. If the total paid to all such individuals and members of their families exceeds 10 percent of the plan's cost, the excess over the 10 percent is not allowable cost. However, early retirement incentive payments are not allowable if paid to sold proprietors, partners (or persons contractually entitled to acquire a partnership interest in the contractor), or persons who hold (or are contractually entitled to acquire) at least 10 percent of a corporate contractor's stock.

(E) Payment in lieu of salary for services rendered by partners and sole proprietors is allowable as compensation to the extent that it would otherwise be allowable and reasonable as compensation for the same personal services if those services had been rendered by an employee of the contractor.

(ii) Substantially increased compensation resulting from a change in a contractor's compensation policy or system, particularly when it is concurrent with an increase in the ratio of Government contracts to other business, or any change in the treatment of allowability of specific types of compensation related to changes in Government policy. Contracting officers or their representatives should question such increased costs unless the contractor presents supporting data to show to the contracting officer's satisfaction that the changed compensation plan or system produces reasonable costs to the Government (see also 31.201–3 and 31.205–6(a)(4)).

(iii) The contractor's business is such that its compensation levels are not subject to the restraints that normally occur in the conduct of competitive business.

(c) *Labor-management agreements.* If costs of compensation established under "arm's length" negotiated labor-management agreements are otherwise allowable, the costs are reasonable if, as applied to work in performing Government contracts, they are not determined to be unwarranted by the character and circumstances of the work or discriminatory against the Government. The application of the provisions of a labor-management agreement designed to apply to a given set of circumstances and conditions of employment (e.g., work involving extremely hazardous activities or work not requiring recurrent use of overtime) is unwarranted when applied to a Government contract involving significantly different circumstances and conditions of employment (e.g.,

work involving less hazardous activities or work continually requiring use of overtime). It is discriminatory against the Government if it results in employee compensation (in whatever form or name) in excess of that being paid for similar non-Government work under comparable circumstances.

Disallowance of costs will not be made under this paragraph (c) unless—

(1) The contractor has been permitted an opportunity to justify the costs; and

(2) Due consideration has been given to whether unusual conditions pertain to Government contract work, imposing burdens, hardships, or hazards on the contractor's employees, for which compensation that might otherwise appear unreasonable is required to attract and hold necessary personnel.

(d) *Form of payment.* (1) Compensation for current services includes compensation paid (or to be paid in the future) to employees in the form of cash, corporate securities, such as stocks, bonds, and other financial instruments (see subparagraph (d)(2) of this subsection regarding valuation), or other assets, products, or services valued at fair market value.

(2) When compensation is paid with securities of the contractor or of an affiliate, the following additional restrictions apply—

(i) Valuation placed on the securities shall be the fair market value on the measurement date (e.g., the first date the number of shares awarded is known) determined upon the most objective basis available; and

(ii) Accruals for the cost of the securities before issuing the securities to the employees shall be subject to adjustment according to the possibilities that the employees will not receive the securities and that their interest in the accruals will be forfeited.

* * * * *

(f) *Bonuses and incentive compensation.* (1) Incentive compensation for management employees, cash bonuses, suggestion awards, safety awards, and incentive compensation based on production, cost reduction, or efficient performance are allowable provided the awards are paid or accrued under a written plan established before the services are rendered and the basis for the award is supported in writing according to the criteria in the plan (see also 31.205–6(a)(3)).

(2) When the bonus and incentive compensation payments are deferred, the costs are subject to the requirements of subparagraph (f)(1) and paragraph (k) of this subsection.

* * * * *

(i) Compensation based on changes in the prices of corporate securities or corporate security ownership.

(1) Any compensation which is calculated, or valued, based on change in the price of corporate securities is unallowable.

(2) Any compensation represented by dividend payments or which is calculated based on dividend payments is unallowable.

(3) If a contractor pays an employee in lieu of the employee receiving or exercising a right, option, or benefit which would have been unallowable under this paragraph (i), such payments are also unallowable.

(4) See subparagraph (d)(2) of this subsection for valuation of corporate securities provided as compensation and subparagraph (j)(8) of this subsection for valuation of contributions to employee stock ownership plans.

* * * * *

PART 42—CONTRACT ADMINISTRATION

5. Section 42.302(a)(1) is revised to read as follows:

§ 42.302 Contract administration functions.

(a) * * *

(1) Review the contractor's compensation system(s), as set forth in Subpart 42.13.

* * * * *

6. Subpart 42.13 and the Table of Contents, consisting of sections 42.1300 through 42.1306, are added to read as follows:

Sec.

42.1300 Scope of subpart
42.1301 Definitions
42.1302 Policy
42.1303 Applicability
42.1304 General
42.1305 Responsibilities
42.1306 Procedures

SUBPART 42.13—CONTRACTOR COMPENSATION SYSTEMS

§ 42.1300 Scope of subpart.

This subpart prescribes policies, procedures, and standards for evaluating contractor compensation systems.

42.1301 Definitions.

Compensation system has the same meaning as in 31.001.

Job has the same meaning as in 31.001.

Job analysis, as used in this subpart, means a systematic process of collecting and evaluating relevant information about jobs to be used in job evaluation processes.

Job evaluation, as used in this subpart, means a systematic process of establishing the relative value of jobs within an organization based on job analysis data and assigning jobs to a hierarchical order such as job grades so that pay rates can be established.

Labor market has the same meaning as in 31.001.

42.1302 Policy.

All contractors subject to 42.1303 must have compensation systems that consistently provide employee compensation costs that are reasonable under 31.205–6, compliant with Government laws and regulations, and subject to applicable financial control systems.

42.1303 Applicability.

(a) The specific requirements of this subpart apply to the extent specified by the agency responsible for contract administration.

(b) This subpart applies to the total contractor organization or a separate entity of it such as an affiliate, division, or subdivision that performs its own compensation system administration.

(c) This subpart does not apply to small businesses; those portions of contractor compensation systems that cover employees whose compensation is subject to collective bargaining agreements; or educational institutions and nonprofit organizations, unless the Office of Management and Budget has authorized such entities to use the commercial cost principles in Subpart 31.2.

(d) All contractors who receive prime contracts or subcontracts must have a compensation system which conforms to the standards at 42.1304, except when all contracts and subcontracts are—

(1) Awarded under the set-aside, or section 8(a), procedures of Part 19;

(2) Less than the small purchase threshold set forth in 13.000; or

(3) Other than cost type contracts or fixed-price contracts covered by 31.102.

42.1304 General.

(a) Compensation system reviews are conducted to ensure that contractor compensation systems comply with the policies in 42.1302.

(b) Compensation systems may be appropriately tailored, as determined by the contracting officer, based on the size of the contractor. As a minimum, such systems should—

(1) Adequately describe the policies, procedures, and operating instructions regarding—

(i) Design and operation of job analysis and job evaluation processes,

wage and salary pay structure(s), and performance appraisal and merit pay systems;

(ii) Pay policies, bases, and methods used to formulate pay increases and starting rates;

(iii) Approval levels, guidelines, and supporting documentation for all compensation actions; and

(iv) Compliance with laws, regulations, and contract requirements.

(2) Have jobs which—

(i) Are defined with valid, up-to-date documentation;

(ii) Have accurate job evaluation documentation;

(iii) Are accurately assigned to a job grade or level as determined by job evaluation results; and

(iv) Assure that pay rates are competitive with comparable external labor market average pay rates (i.e., are based on relevant labor market survey data obtained, analyzed, and compared with the contractor's benchmark jobs, including the five jobs with the highest aggregate cost impact on the contractor).

(3) Not exceed the average of benchmark job pay rates within job grades or levels by more than 10 percent of the average of relevant labor market data without justification that there is no material harm to the Government;

(4) Require periodic internal reviews of policy compliance, administrative process measures, adequacy of documentation, and reports to management on the results of reviews and recommendations for improvements, and require corrective action plans to be developed, implemented, and tested; and

(5) Provide audit trails and maintain records necessary to evaluate and to verify through testing that the system is operating as desired.

42.1305 Responsibilities.

(a) The administrative contracting officer (ACO) will neither approve nor disapprove a contractor's compensation system, but only determine whether it adequately conforms to the standards set forth in 42.1304.

(b) The cognizant auditor will advise and assist the ACO in evaluating both the contractor's compensation system and the contractor's correction of any deficiencies. Auditors shall assess the significance of contractor deficiencies and provide the ACO an estimate of any adverse material impact to the Government resulting from such deficiencies.

(c) If the contractor notifies the Government that disclosed information relative to its compensation system contains employee, commercial, or financial information which it regards as privileged and confidential, such information shall be protected. Such information shall not be released outside the Government except in accordance with established agency procedures.

42.1306 Procedures.

(a) *System evaluation.* Cognizant audit and contract administration activities will jointly establish and manage programs for evaluating contractor compensation systems. Evaluations will be based on the information provided by the contractor. Evaluations and reports shall be accomplished as a contract audit and contract administration office team effort. The ACO shall appoint a team leader and ensure representation of appropriate functional specialties. Evaluations shall be tailored to take full advantage of the day-to-day work done as an integral part of both the contract audit and contract administration activities. A system evaluation shall be conducted at least every three years, except where the ACO, in consultation with the auditor, determines that past experience and a current vulnerability assessment of the contractor discloses low risk. If the ACO determines that the Government is subject to high risk, compensation system evaluations should be done more frequently. To the extent possible, the evaluation team leader should inform the contractor and the ACO of significant findings during the conduct of the evaluation. The team leader should apprise the contractor during an exit conference of any significant findings.

(b) *Disposition of evaluation team findings*—(1) *Reporting on findings.* The report shall address the evaluation team findings and recommendations. If there are significant compensation system deficiencies, the report shall provide an estimate of any adverse material impact to the Government resulting from those deficiencies and a recommendation as to the acceptability of the contractor's corrective action plan.

(2) *Field pricing reports.* When the report of an evaluation indicates that there is a significant compensation system deficiency, all field pricing reports for that contractor will contain a recommendation relating to proposed cost and pricing data adjustments necessary to protect the interest of the Government, until the deficiency(ies) is (are) corrected.

(3) *Initial notification to contractor.* Upon receipt of the system evaluation report, the ACO shall provide a copy to the contractor and allow 30 days, or a reasonable extension thereto, for submission of its written response. If no significant deficiencies are identified, the ACO will notify the contractor in a timely manner.

(i) *Contractor agreement.* If the contractor agrees with the report findings and recommendations, the contractor should be provided 60 days from the original notification date to correct any identified deficiencies or submit a corrective action plan showing milestones and actions to eliminate the deficiencies.

(ii) *Contractor disagreement.* If the contractor disagrees with the report findings and recommendations, the contractor's response should contain the rationale for each area of disagreement.

(4) *Evaluation of contractor's response.* The ACO, in consultation with the auditor, will evaluate the contractor's written response and determine whether—

(i) The compensation system contains deficiencies which need correction;

(ii) Any deficiencies are significant enough to result in the disallowance of costs or suspension of payments under public vouchers; and

(iii) Proposed corrective actions are adequate to correct the deficiencies.

(5) *Contracting officer responsibility.* (i) When the ACO determines that there is a significant compensation system deficiency, the ACO may disallow, or suspend payment of, costs claimed on public vouchers in accordance with 42.803. The disallowance or suspension of payment shall remain in effect until the ACO determines that the contractor's corrective action plan is adequate.

(ii) When a compensation system report indicates that there is a significant deficiency, the ACO should ensure that the effect or the deficiency(ies) is (are) considered in the review of the contractor's estimating system pursuant to 15.811.

(6) *Notification of determination.* The ACO shall notify the contractor and the auditor of the determination and any decision to disallow costs or suspend payments under public vouchers. The notice shall identify the deficiencies requiring correction and indicate acceptance or rejection of the contractor's corrective action plan.

(7) *Monitoring contractor's corrective action.* The auditor and ACO will monitor the contractor's progress toward correction of deficiencies. If the contractor fails to make adequate progress toward corrective action, the ACO shall take further appropriate action to ensure that the contractor corrects the deficiency(ies). Actions which should be considered by the ACO include, but are not limited to, bringing the issue to the attention of higher level

management, disapproval of the contractor's cost estimating system, and/or recommendations concerning award of future contracts.

[FR Doc. 94–24931 Filed 10–7–94; 8:45 am]
BILLING CODE 6820–34–M

DEPARTMENT OF INTERIOR

Fish and Wildlife Service

50 CFR Part 17

Endangered and Threatened Wildlife and Plants; Notice of Public Meeting on California Candidate Plant Species

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of public meeting.

SUMMARY: As part of the 1991 settlement of litigation over the Fish and Wildlife Service's (Service) progress in proposing for listing as endangered or threatened species approximately 159 California plants designated as "category 1" listing candidates, the Service is holding the fourth annual public meeting. The meeting will provide a forum for discussing issues related to proposing the plants for listing under the Endangered Species Act (16 U.S.C. 1531–1544).

DATES: The public meeting will be held from 9:30 a.m. to 12:30 p.m. on Monday, October 24, 1994 in Claremont, California.

ADDRESSES: The public meeting will be held at the Rancho Santa Ana Botanic Garden, 1500 North College Avenue, Claremont, California.

FOR FURTHER INFORMATION CONTACT: Fred Roberts, Botanist, Carlsbad Field Office, 2730 Loker Avenue West, Carlsbad, California 92008 (telephone 619/413–9440).

SUPPLEMENTARY INFORMATION:

Background

On August 21, 1991, the U.S. District Court of the Eastern District of California approved a settlement of a lawsuit brought by the California Native Plant Society to challenge delays by the Service in proposing to list 159 species of California plants as endangered or threatened. Under the terms of the settlement approved by the court, the Service is holding the fourth annual public meeting to discuss the Service's progress in proposing the plants for listing as well as other issues related to development of listing proposals for the plants. The meeting will be held in Claremont, California on October 24, 1994, at the time and place specified above.

Author: The primary author of this notice is Fred Roberts, Botanist, U.S. Fish and Wildlife Service, Carlsbad Field Office, 2730 Loker Avenue West, Carlsbad, California 92008 (telephone 619/413–9440).

Authority

The authority for this action is the Endangered Species Act of 1973, as amended.

List of Subjects in CFR Part 17

Endangered and threatened species, Exports, imports, Reporting and recordkeeping requirements, Transportation.

Dated: October 4, 1994.

Thomas Dwyer,

Acting Regional Director.

[FR Doc. 94–25053 Filed 10–7–94; 8:45 am]
BILLING CODE 4310–55–M

Notices

Federal Register
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This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Office of the Secretary

Meat Import Limitations; Fourth Quarterly Estimate

The Meat Import Act of 1979, as amended (19 U.S.C. 2253 note) (the "Act"), provides for limiting the quantity of fresh, chilled, or frozen meat of bovine, sheep (except lamb), and goats; and processed meat of beef or veal (Harmonized Tariff Schedule of the United States subheadings 0201.10.00, 0201.20.20, 0201.20.40, 0201.20.60, 0201.30.20, 0201.30.40, 0201.30.60, 0202.10.00, 0202.20.20, 0202.20.40, 0202.20.60, 0202.30.20, 0202.30.40, 0202.30.60, 0204.21.00, 0204.22.40, 0204.23.40, 0204.41.00, 0204.42.40, 0204.43.40, and 0204.50.00), other than products of Canada and Mexico, which may be imported into the United States in any calendar year. Such limitations are to be imposed when the Secretary of Agriculture estimates that imports of articles, other than products of Canada and Mexico, provided for in Harmonized Tariff Schedule of the United States subheadings 0201.10.00, 0201.20.40, 0201.20.60, 0201.30.40, 0201.30.60, 0202.10.00, 0202.20.40, 0202.20.60, 0202.30.40, 0202.30.60, 0204.21.00, 0204.22.40, 0204.23.40, 0204.41.00, 0204.42.40, 0204.43.40, and 0204.50.00 (hereinafter referred to as "meat articles"), in the absence of limitations under the Act during such calendar year, would equal or exceed 110 percent of the estimated quantity of meat articles prescribed for calendar year 1994 by section 2(c) as adjusted under section 2(d) of the Act.

As announced in the Notice published in the **Federal Register** on January 6, 1994 (59 FR 727), the estimated aggregate quantity of meat articles other than products of Canada and Mexico prescribed by section 2(c) as adjusted by section 2(d) of the Act for calendar year 1994 is 1,108.1 million pounds.

In accordance with the requirements of the Act, I have determined that the fourth quarterly estimate of the aggregate quantity of meat articles other than products of Canada and Mexico which would, in the absence of limitations under the Act, be imported during calendar year 1994 is 1,218.8 million pounds.

Done at Washington, D.C. this 30th day of September, 1994.

Mike Espy,

Secretary of Agriculture.

[FR Doc. 94–25009 Filed 10–7–94; 8:45 am]

BILLING CODE 3410–10–M

Privacy Act of 1974; Systems of Records

AGENCY: Office of the Secretary, USDA.

ACTION: Notice of revision of Privacy Act systems of records.

SUMMARY: Notice is hereby given pursuant to 5 U.S.C. 552a(e)(4) that the United States Department of Agriculture (USDA) proposes to revise the Privacy Act Systems of Records maintained by the Office of Inspector General (OIG) in order to update the information in the systems and provide individuals with more current and more detailed information concerning the records maintained in the USDA/OIG systems of records. The proposed revisions include removing two categories of records from existing systems and setting them up as separate systems, deleting two systems for which records are no longer maintained, establishing one entirely new system of records, and condensing/consolidating routine uses.

DATES: This revision is effective upon final publication of the amendments to 7 CFR 1.122 and 1.123 published in proposed form elsewhere in today's issue of the **Federal Register** unless changes are made in response to comments received from the public. Comments must be submitted on or before December 12, 1994.

ADDRESSES: Interested persons may submit comments to Paula F. Hayes, Assistant Inspector General for Policy Development and Resources Management, Office of Inspector General, U.S. Department of Agriculture, Washington , DC 20250–2310.

FOR FURTHER INFORMATION CONTACT: Paula F. Hayes, Assistant Inspector General for Policy Development and Resources Management, Office of Inspector General, U.S. Department of Agriculture, Washington, DC 20250–2310 (202–720–6979).

SUPPLEMENTARY INFORMATION: Proposed updates applicable to all USDA/OIG systems include changes in addresses to reflect changes in addresses to reflect changes in office locations, and changes in titles of system managers and contact persons to reflect organizational changes. Other proposals specifically applicable to particular systems are as follows.

For USDA/OIG–1, "Employee Records, USDA/OIG," to clarify further the types of records that may be on file USDA/OIG proposes to add two categories, security clearance forms and exit interviews, and to add an explanation that the qualifications category in regard to law enforcement employees may include such records as Attorney General designations, training certificates, physical fitness data, and the medical officer's certification section of medical examination forms. Also to assist employees in locating their records, USDA/OIG proposes to add references to two OPM systems and one USDA system which also cover employee records. Furthermore, the proposed changes include the addition of citations to the National Archives and Records Administration General Records Schedules which govern the retention and disposition of employee records.

The routine uses listed under system USDA/OIG–1, which are basically the same for all systems and which were last published in 54 FR 39552, September 27, 1989, are proposed to be condensed, consolidated, and reduced in number from 17 to 12. The proposed routine use changes, which are primarily for clarification purposes, are as follows:

—The use providing for release of records to an entity to enable the entity to recover money or property of USDA (previously numbered 14), and the use pertaining to release of records to a licensing agency where violations or potential violations of licensing standards are indicated (previously numbered 16), would be incorporated with other enforcement

type releases under the routine use numbered 1.

—The use governing the release of records to contractors for debt collection purposes (previously numbered 17), would be included as part of the routine use numbered 2 which covers the release of records to obtain information relevant to an OIG decision.

—The use allowing release of records to another agency that is considering suspension or debarment action (previously numbered 13), would become part of the routine use numbered 3 which generally pertains to the release of records to another agency for use in hiring or licensing decisions.

—The use covering the release of records for use in a proceeding before a court or adjudicative body (previously numbered 6), would be combined with the routine use numbered 5 concerning release of records to the Department of Justice for litigation purposes. Ad Hoc forums and administrative tribunals would also be added.

—The use pertaining to the disclosure of records to private contractors performing work for OIG (previously numbered 11) would be reworded to identify more precisely what the use covers and to include Privacy Act safeguards. It would be renumbered as 9.

—The use providing for the release of records pursuant to a grand jury subpoena or request (previously numbered 12), is proposed to be revised to recognize the role of the cognizant U.S. Attorney and it would be renumbered as 11.

The other routine uses would remain basically the same as previously published except for the following changes in the numbering sequence: routine uses previously numbered 7, 8, 9, and 15, would now be numbered 6, 7, 8, and 12, respectively.

Concerning USDA/OIG–2, "Intelligence Records, USDA/OIG," the proposal would change the system name to "Informant and Undercover Agent Records" which represents a more descriptive title for the records contained in the system. Also, to clarify the categories of individuals covered by the system, USDA/OIG proposes to delete subjects, who are covered in USDA/OIG–3, and add confidential informants, investigative operatives, and undercover OIG special agents or other law enforcement personnel. In addition, the proposal includes adding criminal histories and undercover identification documents as categories of records in the system.

For USDA/OIG–3, "Investigative Files and Subject/Title Index, USDA/OIG," the proposal would change the system name to "Investigative Files and Automated Investigative Indices System" to reflect computerization of part of the system. This proposed change from manually prepared index cards to an automated indices system is also reflected throughout the system description. Concerning categories of individuals covered by the system, USDA/OIG proposes to delete applicants for employment (who are covered under USDA/OIG–1), individuals whose names have been checked through the system, and complainants who have requested anonymity or confidentiality regarding their identity. The proposal also changes the retention period for records in this system from 15 years to 10 years to bring it into line with the guidelines in the National Archives and Records Administration General Records Schedules.

In regard to the system numbered USDA/OIG–4, the system now called "Liaison Records" is being deleted because these records are no longer maintained, and it is proposed to assign the number USDA/OIG 4 to "OIG Hotline Complaint Records," which records are proposed to be taken out of the "Investigative Files" system (USDA/OIG–3) and set up as a separate system of records. OIG has a special staff just for the initial handling of incoming hotline complaints and the volume of activity in this area is sufficient to justify a separate system. Also, not all complaints result in investigations and in those instances there would not be an investigative file as such. In addition, this would be of assistance to individual complainants in that OIG would be able to respond more quickly to followup requests from individuals as to the status or disposition of their complaints. This record system would be exempt from certain provisions of the Privacy Act just as the hotline records are currently exempt under system USDA/OIG–3.

For USDA/OIG–5, "Management Information and Data Analysis System, USDA/OIG," the proposal would change the name of the system to "Consolidated Assignments, Personnel Tracking, and Administrative Information Network (CAPTAIN)," to reflect an update of this computerized data base system. The proposal also includes changes in various data elements of the system so that they accurately reflect the information in these updated automated records. The routine uses are basically the same as in the previous system.

Concerning the system numbered USDA/OIG–6, the proposal is to eliminate the system now called "Audit Information System" because these records are no longer maintained in such a manner that they can be retrieved by individual name or other individual identifier, and then reassign the number USDA/OIG–6 to the "Training Tracking System," which records will be separated from the "Employee Records" system (USDA/OIG–1). The majority of employee training records will still remain part of the "Employee Records" system. The proposed system is only for tracking OIG audit employee training. This separate computerized system is needed because of the complex continuing education requirements for auditors. For instance, General Accounting Office Government Auditing Standards require that every 2 years auditors complete 80 hours of training contributing to their professional proficiency, of which at least 20 hours of the training should be completed in any 1 year, and for auditors working on Government audits, at least 24 of the 80 hours should be directly related to Government auditing. The data elements in this system are similar to those in "Employee Records" except that a routine use has been added concerning the furnishing of records to a Federal agency or professional organization if relevant to a determination of professional proficiency and compliance with general qualification standards for Government auditing.

USDA/OIG–7, "Freedom of Information Act and Privacy Act Request Records, USDA/OIG," is a proposed new system covering requests from individuals, under either of the cited Acts, for OIG records. The volume of requests is such that some form of control system is needed. This proposal would benefit both the agency and the individual by providing a control mechanism for ensuring requests are acted upon and for determining the status of pending requests when necessary to respond to a followup inquiry from a requester.

Accordingly, USDA hereby proposes to revise the full text of the OIG Systems of Records last published in full in 50 FR 50814, December 12, 1985, and amended in part in 54 FR 39552, September 27, 1989.

A Privacy Act Systems Report relating to these changes, required by 5 U.S.C. 552a(r), has been sent to the Committee on Government Operations of the House of Representatives, the Committee on Governmental Affairs of the Senate, and the Office of Management and Budget.

Done at Washington, DC, this 28th of September 1994.

Mike Espy,

Secretary of Agriculture.

USDA/OIG–1

SYSTEM NAME:

Employee Records, USDA/OIG.

SYSTEM LOCATION:

In the headquarters offices of the U.S. Department of Agriculture (USDA), Office of Inspector General (OIG) and Office of Personnel (OP) in the Agriculture Administration Building, 14th Street and Independence Avenue SW, Washington, DC 20250–2307, and in the following OIG regional offices and suboffices:

OIG Regional Offices

600 Harrison Street, Suite 225, San Francisco, California 94107
401 West Peachtree Street NW., Room 2328, Audit; Room 2329, Investigations, Atlanta, Georgia 30365–3520
111 North Canal Street, Suite 1130, Chicago, Illinois 60606–7295
6505 Belcrest Road, Room 428–A, Hyattsville, Maryland 20782
9435 Holmes Road, Room 233, Audit; Room 220, Financial Management and ADP Audit Operations; Room 210, Investigations, Kansas City, Missouri 64141
26 Federal Plaza, Room 1409, New York, New York 10278
101 South Main, Room 324, Audit; Room 311, Investigations, Temple, Texas 76501

OIG/Audit Suboffices

700 West Capitol, Room 2518, Little Rock, Arkansas 72201
1510 "J" Street, Suite 120, Sacramento, California 95814
2850 McClellan, Suite 3500, Fort Collins, Colorado 80525
3008 NW. 13th Street, Suite B, Gainesville, Florida 32609
3736 Government Street, Alexandria, Louisiana 71302
13800 Old Gentilly Road, New Orleans, Louisiana 70129
3001 Coolidge Road, Suite 150, East Lansing, Michigan 48823–6321
375 Jackson Street, Suite 320, St. Paul, Minnesota 55101–1850
Millsaps Building, Suite 400, 201 West Capitol Street, Jackson, Mississippi 39201
1520 Market Street, Room 1624, St. Louis, Missouri 63103
100 Centennial Mall North, Room 276, Lincoln, Nebraska 68508
Mercer Corporate Park, 310 Corporate Boulevard, Robinsville, NJ 08691–1598
26 Federal Plaza, Room 1415, New York, New York 10278
4407 Bland Road, Room 100, Raleigh, North Carolina 27609
200 N. High Street, Room 346, Columbus, Ohio 43215–2408
511 Northwest Broadway, Room 501, Portland, Oregon 97209
One Credit Union Place, Suite 350, Harrisburg, Pennsylvania 17110–2992
233 Cumberland Bend, Room 204, Nashville, Tennessee 37228
1200 Main Tower, Room 880, Dallas, Texas 75202

OIG/Investigation Suboffices

522 N. Central Avenue, Room 206, Phoenix, Arizona 85004
300 N. Los Angeles Street, Room 3124, Los Angeles, California 90012
1510 "J" Street, Suite 110, Sacramento, California 95814
Federal Building, Customs House, 721 19th Street, Room 404, Denver, Colorado 80202
6039 Lakeside Boulevard, Indianapolis, Indiana 46278–1989
3001 Coolidge Road, Suite 150, East Lansing, Michigan 48823–6321
375 Jackson Street, Suite 320, St. Paul, Minnesota 55101–1850
Millsaps Building, Suite 410, 201 West Capitol Street, Jackson, Mississippi 39201
911 Washington Avenue, Suite 203, St. Louis, Missouri 63101
4407 Bland Road, Room 110, Raleigh, North Carolina 27609
200 North High Street, Room 350, Columbus, Ohio 43215–2408
120 South Warner Road, King of Prussia, Pennsylvania 19406
233 Cumberland Bend, Room 208, Nashville, Tennessee 37228
1200 Main Tower, Room 880, Dallas, Texas 75202
1000 Second Avenue, Suite 1950, Seattle, Washington 98104

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

OIG temporary and permanent employees, former employees of OIG and predecessor offices, and applicants for employment.

CATEGORIES OF RECORDS IN THE SYSTEM:

These records show or relate to employment, personnel management, and work-related information, including position, classification, title, grade, pay rate, pay, temporary and permanent addresses and telephone numbers for home and work, copies of security clearance forms, program and performance evaluations, promotions, retirement, disciplinary actions, appeals, incentive programs, unemployment compensation, leave, complaints and grievances, health benefits, equal employment opportunity, automation of personnel data, travel information, accident reports and related information, activity reports, participation in savings and contribution programs, availability for employment, for assignment, or for transfer, qualifications (for law enforcement employees this includes Attorney General designations, training certificates, physical fitness data, and medical officer's certification excluding any personal medical data), awards, hours worked, issuance of credentials, passports, and other identification, assignment and accountability of property and other things of value, parking space assignments, training and development, special assignments, and exit interviews.

Other employee records are covered by other systems as follows: For Official Personnel Folder (OPF) data refer to USDA/OP–1, Personnel and Payroll System for USDA Employees; for medical records, including SF–78, Certificate of Medical Examination, and drug testing records, refer to OPM/GOVT–10, Employee Medical File System; for pre-employment inquiries refer to USDA/OIG–3, Investigative Files and Automated Investigative Indices; for annual financial disclosure statements refer to OPM/GOVT–8, Confidential Statements of Employment of Financial Interests.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Pub. L. 95–452, as amended, 5 U.S.C. App.; 5 U.S.C. 301; 7 U.S.C. 2270.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

(1) A record from the system of records which indicates either by itself or in combination with other information, a violation or potential violation of a contract or of law, whether civil, criminal, or regulatory, or which otherwise reflects on the qualifications or fitness of a licensed (or seeking to be licensed) individual, may be disclosed to a Federal, State, local, foreign, or self-regulatory agency (including but not limited to organizations such as professional associations or licensing boards), or other public authority that investigates or prosecutes or assists in such investigation, prosecution, enforcement, implementation, or issuance of this statute, rule, regulation, order, or license.

(2) A record from the system of records may be disclosed to a Federal, State, local, or foreign agency, other public authority, consumer reporting agency, or professional organization maintaining civil, criminal, or other relevant enforcement or other pertinent records, such as current licenses, in order to obtain information relevant to an OIG decision concerning employee retention or other personnel action, issuance of a security clearance, letting of a contract or other procurement action, issuance of a benefit, establishment of a claim, collection of a

delinquent debt, or initiation of an administrative, civil, or criminal action.

(3) A record from the system of records may be disclosed to a Federal, State, local, foreign, or self-regulatory agency (including but not limited to organizations such as professional associations or licensing boards), or other public authority, to the extent the information is relevant and necessary to the requestor's hiring or retention of an individual or any other personnel action, issuance or revocation of a security clearance, license, grant, or other benefit, establishment of a claim, letting of a contract, reporting of an investigation of an individual, for purposes of a suspension or debarment action, or the initiation of administrative, civil, or criminal action.

(4) A record from the system of records may be disclosed to any source—private or public—to the extent necessary to secure from such source information relevant to a legitimate OIG investigation, audit, or other inquiry.

(5) A record from the system of records may be disclosed to the Department of Justice in the course of litigation when the use of such records by the Department of Justice is deemed relevant and necessary to the litigation and may be disclosed in a proceeding before a court, Ad Hoc forum, adjudicative body, or administrative tribunal, or in the course of civil discovery, litigation, or settlement negotiations, when a party to a legal action or an entity or individual having an interest in the litigation includes of the following:

(a) The OIG are any component thereof;

(b) Any employee of the OIG in his or her official capacity;

(c) Any employee of the OIG in his or her individual capacity where the Department of Justice has agreed to represent the employee; or

(d) The United States, where the OIG determines that litigation is likely to affect USDA or any of its components.

(6) A record from the system of records may be disclosed to a Member of Congress from the record of an individual in response to an inquiry from the Member of Congress made at the request of that individual. In such cases however, the Member's right to a record is no greater than that of the individual.

(7) A record from the system of records may be disclosed to the Department of Justice for the purpose of obtaining its advice an inquiry relating to an OIG audit, investigation, or other inquiry, including Freedom of Information or Privacy Act matters.

(8) A record from the system of records may be disclosed to the Office of Management and Budget for the purpose of obtaining its advice regarding OIG obligations under the Privacy Act or in connection with the review of private relief legislation.

(9) A record from system of records may be disclosed to a private firm with which OIG comtemplates it will contract or with which its has contracted for the purpose of performing any functions or analyses that facilitate, or are relevant to an OIG investigation, audit, inspection, or other inquiry. Such contractor or private firm shall be required to maintain Privacy Act safeguards with respect to such information.

(10) record from the system of records may be disclosed in response to a subpoena issued by a Federal agency having the power to subpoena records of other Federal agencies if the OIG determines that: (a) The records are both relevant and necessary to the proceeding, and (b) such release is compatible with the purpose for which the records were collected.

(11) A record from the system of records may be disclosed to a grand jury agency pursuant either to a Federal or State grand jury subpoena, or to a prosecution request that such record be released for the purpose of its introduction to a grant jury provided that the grand jury channels its request through the cognizant U.S. Attorney, that the U.S. Attorney has been delegated the authority to make such requests by the Attorney General, that she or he actually signs the letter specifying both the information sought and the law enforcement purpose served. In the case of a State grand jury subpoena, the State equivalent of the U.S. Attorney and Attorney General shall be substituted.

(12) A record from the system for records may be disclosed, as a routine use, to a Federal, State, local, or foreign agency, or other public authority, for use in computer matching programs to prevent and detect fraud and abuse in benefit programs administered by any agency, to support civil and criminal law enforcement activities of any agency and its components, and to collect debts and overpayments owed to any agency and its components.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained on computers and automated image filing systems, and in file folders, notebooks, and card file boxes.

RETRIEVABILITY:

By name of individual employee and by social security number.

SAFEGUARDS:

Computer files are password protected and other records are kept in limited-access areas during duty hours and in locked offices during nonduty hours.

RETENTION AND DISPOSAL:

Retention periods and disposal methods vary by record categories as set forth in National Archives and Records Administration General Records Schedules 1 (Civilian Personnel Records) and 2 (Payrolling and Pay Administration Records). Personal information that the agency deems to be potentially derogatory or embarrassing, is shredded when retention period expires.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Resources Management Division, Policy Development and Resources Management, Office of Inspector General, U.S. Department of Agriculture, Washington, DC 20250–2307.

NOTIFICATION PROCEDURE:

Any individual may request information regarding this system of records, or information as to whether the system contains records pertaining to him/her from the Director, Information Management Division, Policy Development and Resources Management, Office of Inspector General, U.S. Department of Agriculture, Washington, DC 20250–2309.

RECORD ACCESS PROCEDURES:

An individual may request access to a record in this system which pertains to him/her by submitting a written request to the Director, Information Management Division, Policy Development and Resources Management, Office of Inspector General, U.S. Department of Agriculture, Washington, DC 20250–2309.

CONTESTING RECORD PROCEDURES:

An individual may contest information in this system which pertains to him/her by submitting a written request to the Assistant Inspector General for Policy Development and Resources Management, Office of Inspector General, U.S. Department of Agriculture, Washington, DC 20250–2310.

RECORD SOURCE CATEGORIES:

The primary information is furnished by the individual employee. Additional information is provided by supervisors, coworkers, references, and others.

USDA/OIG–2

SYSTEM NAME:

Informant and Undercover Agent Records, USDA/OIG.

SYSTEM LOCATION:

In the OIG headquarters office in the Agriculture Administration Building, 14th Street and Independence Avenue SW, Washington, DC 20250–2317, and in the OIG regional offices and Investigations suboffices listed in the system of records designated USDA/OIG–1.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Confidential informants, investigative operatives, and undercover OIG special agents or other law enforcement personnel.

CATEGORIES OF RECORDS IN THE SYSTEM:

Names, occupations, criminal histories, and other information about confidential informants and investigative operatives, together with allegations against them, and the types of information previously furnished by or to be expected from them. Types, dates of issuance and destruction, and details of false identification documents used by OIG special agents and other law enforcement personnel for undercover activities.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Pub. L. 95–452, as amended, 5 U.S.C. APP.; 5 U.S.C. 301; 7 U.S.C. 2270.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Routine uses (1) through (12) listed in the system of records designated USDA/OIG–1.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Stored on sheets of paper and index cards, and in file folders and computers.

RETRIEVABILITY:

Retrievable by name of confidential informant, investigative operative, or special agent.

SAFEGUARDS:

Computer files are password protected and other records are kept in limited-access areas during duty hours and in locked offices during nonduty hours.

RETENTION AND DISPOSAL:

Confidential informant and investigative operative information is kept for 5 years after the date it is put into inactive status. It is then destroyed. Undercover identification documents are kept until the agency determines them to be outdated. They are then destroyed.

SYSTEM MANAGER AND ADDRESS:

Assistant Inspector General for Investigations, Office of Inspector General, U.S. Department of Agriculture, Washington, DC 20250–2317.

NOTIFICATION PROCEDURE:

Inquiries and requests should be addressed to the Director, Information Management Division, Policy Development and Resources Management, Office of Inspector General, U.S. Department of Agriculture, Washington, DC 20250–2309.

RECORD ACCESS PROCEDURES:

To request access to information in this system write to the Director, Information Management Division, Policy Development and Resources Management, Office of Inspector General, U.S. Department of Agriculture, Washington, DC 20250–2309.

CONTESTING RECORD PROCEDURES:

To contest information in this system, send request to the Assistant Inspector General for Policy Development and Resources Management, Office of Inspector General, U.S. Department of Agriculture, Washington, DC 20250–2310.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

Pursuant to 5 U.S.C. 552a(j)(2), this system of records has been exempted from all provisions of the Privacy Act of 1974, 5 U.S.C. 552a, as amended, except subsections (b), (c) (1) and (2), (e)(4) (A) through (F), (e)(6), (7), (9), (10) and (11), and (i).

Pursuant to 5 U.S.C. 552a (k)(2) and (k)(5), this system has been exempted from the following provisions of the Privacy Act of 1974, 5 U.S.C. 552a: subsections (c)(3), (d), (e)(1), (e)(4) (G), (H) and (I), and (f).

USDA/OIG–3

SYSTEM NAME:

Investigative Files and Automated Investigative Indices System, USDA/OIG.

SYSTEM LOCATION:

Physical files are kept in the OIG headquarters office in the Agriculture Administration Building, 14th Street and Independence Avenue SW, Washington, DC 20250–2307, and in the OIG regional offices and Investigations suboffices listed in the system of records designated USDA/OIG–1.

The OIG regional offices and Investigations suboffices maintain physical files containing the report of investigation and the workpapers for each case investigated by that office. The headquarters files contain a copy of every investigative report, but no workpapers and not necessarily the copies of all correspondence in all cases. Older investigative files may be stored in Federal Records Centers or on microfiche, microfilm, or electronic image filing systems. Therefore, delays in retrieving this material can be expected.

Selected portions of records have been computerized—see section 1 of "Categories of records" below. These records, used as a research tool, are accessible by computer terminals located in each OIG office. These records are maintained on a computer in the Agriculture Administration Building.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

The individual names in the OIG index fall into one or more of the following categories:

Subjects. These are individuals against whom allegations of wrongdoing have been made. In some instances, these individuals have been the subjects of investigations conducted by OIG to establish whether allegations were true. In other instances, the allegations were deemed too frivolous or indefinite to warrant inquiry.

Principals. These are individuals who are not named subjects of investigative inquiries, but may be responsible for potential violations. For example, the responsible officers of a firm alleged to have violated laws or regulations might be individually listed in the OIG index.

Complainants. These are individuals, who have not requested anonymity or confidentiality regarding their identity, who allege wrongdoing, mismanagement, or unfair treatment relating to USDA employees and/or programs.

Others. These are all other individuals closely connected with a matter of investigative interest.

CATEGORIES OF RECORDS IN THE SYSTEM:

The OIG Investigative Files and Automated Investigative Indices System consist of:

1. Computerized records searchable by case number or alphabetically by the names of individuals, organizations, and firms, with a separate record for each containing, if applicable, identification of the OIG file or files which contain information on that subject, and if such information was available when the record was created or modified, the individual's name, address, sex, race, date and place of birth, relationship to the investigation, FBI or State criminal identification number, and social security number (very few have the dates when entries were made into the index);

2. Files containing sheets of paper or microfiche of such sheets from investigative and other reports, correspondence, and informal notes and notations concerning (a) one investigative matter or (b) a number of incidents of the same sort of alleged violation or irregularity; and

3. Where an investigation is being or will be conducted, but has not been completed, various case management records, investigator's notes, statements of witnesses, and copies of records. These are contained on cards and sheets of paper located in an OIG office or in the possession of the OIG investigator. Certain management records are retained after the investigative report is released as a means of following action taken on the basis of the OIG investigative report.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Pub. L. 95–452, as amended, 5 U.S.C. App.; 5 U.S.C. 301; 7 U.S.C. 2270.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Routine uses (1) through (12) listed in the system of records designated USDA/OIG–1.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

The OIG Automated Investigative Indices System consists of computerized records. The investigative files are stored in steel lektriever cabinets, on microfiche sheets, microfilm, electronic image filing systems, or in Federal Records Centers.

RETRIEVABILITY:

Computerized records are retrievable alphabetically or by using the case number, with each record identifying one or more OIG investigative case files or administrative files arranged numerically by file number. Information in investigative or administrative files concerning individuals not indexed is considered irretrievable.

SAFEGUARDS:

These records are kept in limited-access areas during duty hours, in locked offices during nonduty hours, or in the possession of the investigator. Computer files are password protected.

RETENTION AND DISPOSAL:

The investigative case files are maintained for 10 years after the case is closed. Administrative files are kept for 5 years after the case is closed. Computerized records are destroyed at the same time as the physical files to which they relate.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Resources Management Division, Policy Development and Resources Management, Office of Inspector General, U.S. Department of Agriculture, Washington, DC 20250–2307.

RECORD ACCESS PROCEDURES:

To request access to information in this system, write to Director, Information Management Division, Policy Development and Resources Management, Office of Inspector General, U.S. Department of Agriculture, Washington, DC 20250–2309.

CONTESTING RECORD PROCEDURE:

To contest information in this system, send request to Assistant Inspector General for Policy Development and Resources Management, Office of Inspector General, U.S. Department of Agriculture, Washington, DC 20250–2310.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

Pursuant to 5 U.S.C. 552a(j)(2), this system of records has been exempted from all provisions of the Privacy Act of 1974, 5 U.S.C. 552a, as amended, except subsections (b), (c)(1) and (2), (e)(4)(A) through (F), (e)(6), (7), (9), (10) and (11), and (i).

Pursuant to 5 U.S.C. 552a(k)(2) and (k)(5), this system has been exempted from the following provisions of the Privacy Act of 1974, 5 U.S.C. 552a: subsections (c)(3), (d), (e)(1), (e)(4)(G), (H) and (I), and (f).

USDA/OIG–4

SYSTEM NAME:

OIG Hotline Complaint Records, USDA/OIG.

SYSTEM LOCATION:

In the OIG headquarters office in the Agriculture Administration Building, 14th Street and Independence Avenue SW., Washington, DC 20250–2317.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

1. Complainants are persons who report or complain of possible criminal, civil, or administrative violations of law, rule, regulation, policy, or procedure, or fraud, waste, abuse, mismanagement, gross waste of funds, or abuse of authority in USDA programs or operations, or specific dangers to public health or safety, misuse of government property, personnel misconduct, discrimination, or other irregularities affecting USDA.

2. Subjects are persons against whom such complaints are made.

CATEGORIES OF RECORDS IN THE SYSTEM:

1. Identities of complainants, if known, and subjects.

2. Details of each allegation.

3. OIG case number and control number(s) used by other agencies for tracking each complaint.

4. Responses from agencies to which complaints are referred for inquiry.

5. Summary of substantiated information and results of agency inquiry into the complaint.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Pub. L. 95–452, as amended, 5 U.S.C. APP.; 5 U.S.C. 301.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSE OF SUCH USES:

Routine uses (1) through (12) listed in the system of records designated USDA/OIG–1.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Stored in a computer and on sheets of paper in file folders.

RETRIEVABILITY:

Retrievable by name of subject or complainant or by case number.

SAFEGUARDS:

Files are kept in a limited access area and are in locked storage when not in use. Access to computerized information is protected by requiring a confidential password.

RETENTION AND DISPOSAL:

Physical files and computerized records are retained 10 years after closing, after which they are shredded and deleted, respectively.

SYSTEM MANAGER(S) AND ADDRESS:

Assistant Inspector General for Investigations, Office of Inspector

General, U.S. Department of Agriculture, Washington, DC 20250–2317.

NOTIFICATION PROCEDURE:

Inquiries and requests should be addressed to Director, Information Management Division, Policy Development and Resources Management, Office of Inspector General, U.S. Department of Agriculture, Washington, DC 20250–2309.

RECORD ACCESS PROCEDURES:

To request access to information in this system, write to Director, Information Management Division, Policy Development and Resources Management, Office of Inspector General, U.S. Department of Agriculture, Washington, DC 20250–2309.

CONTESTING RECORD PROCEDURES:

To contest information in this system, send request to Assistant Inspector General for Policy Development and Resources Management, Office of Inspector General, U.S. Department of Agriculture, Washington, DC 20250–2310.

RECORD SOURCE CATEGORIES:

Identities of complainants and subjects are provided by individual complainants. Additional information may be provided by individual complainants, subjects, and/or third parties.

SYSTEMS EXEMPT FROM CERTAIN PROVISIONS OF THE ACT:

Pursuant to 5 U.S.C. 552a(j)(2), this system of records has been exempted from all provisions of the Privacy Act of 1974, 5 U.S.C. 552a, as amended, except subsection (b), (c)(1) and (2), (e)(4)(A) through (F), (e)(6), (7), (9), (10) and (11), and (i).

Pursuant to 5 U.S.C. 552(k)(2) and (k)(5), this system has been exempted from the following provisions of the Privacy Act of 1974, 5 U.S.C. 552a: subsections (c)(3), (d), (e)(1), (e)(4)(G), (H), and (I), and (f).

USDA/OIG–5

SYSTEM NAME:

Consolidated Assignments Personnel Tracking Administrative Information Network (CAPTAIN), USDA/OIG.

SYSTEM LOCATION:

U.S. Department of Agriculture, National Computer Center, 8930 Ward Parkway, Kansas City, Missouri 64114.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

OIG professional employees who participate in either audit or investigative assignments.

Subjects of investigations.

CATEGORIES OF RECORDS IN THE SYSTEM:

CAPTAIN provides OIG management officials with a wide range of information of Audit and Investigations operations. The system identifies individual assignments of employees and provides information on their use of direct and indirect time, significant dates relating to each assignments, reported dollar deficiencies, recoveries, penalties, the number of investigative prosecutions, convictions, other legal and administrative actions, the identify of all professionals who participated in the assignment, and subjects of investigation. The system is used to manage audit and investigative assignments and to facilitate reporting of OIG activities to Congress and other Governmental entities.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM

Pub. L. 95–452, as amended, 5 U.S.C. App.; 5 U.S.C. 301; 7 U.S.C. 2270.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Routine uses (1) through (12) listed in the system of records designated USDA/OIG–1.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained on computer discs, magnetic tape, and in file folders and notebooks.

RETRIEVABILITY:

Information in the system generally can be retrieved by OIG personnel in headquarters and the regions. Information is generally retrieved by assignment number or geographic location. However, information can be retrieved by any field in the system, including subject name, employee name, and employee social security number.

SAFEGUARDS:

Normal computer security is maintained including password protection. Printouts and source documents are kept in limited-access areas during duty hours and in locked offices during nonduty hours.

RETENTION AND DISPOSAL:

Computer files and other records are cleared, retired, or destroyed, when no longer useful, in accordance with National Archives and Records Administration and USDA record retention and/or destruction schedules.

SYSTEM MANAGER(S) AND ADDRESSES:

Audit Subsystem—Assistant Inspector General for Audit, Office of Inspector General, U.S. Department of Agriculture, Washington, DC 20250–2311.

Investigations Subsystem—Assistant Inspector General for Investigations, Office of Inspector General, U.S. Department of Agriculture, Washington, DC 20250–2317.

NOTIFICATION PROCEDURE:

Any individual may request information regarding this system of records, or information as to whether the system contains records pertaining to him/her, from the Director, Information Management Division, Policy Development and Resources Management, Office of Inspector General, U.S. Department of Agriculture, Washington, DC 20250–2309.

RECORD ACCESS PROCEDURES:

An individual may request access to a record in this system which pertains to him/her by submitting a written request to the Director, Information Management Division, Policy Development and Resources Management, Office of Inspector General, U.S. Department of Agriculture, Washington, DC 20250–2309.

CONTESTING RECORD PROCEDURES:

Any individual may contest information in this system which pertains to him/her by submitting a written request to the Assistant Inspector General for Policy Development and Resources Management, Office of Inspector General, U.S. Department of Agriculture, Washington, DC 20250–2310.

RECORD SOURCE CATEGORIES:

Information in the system is obtained from various source documents related to audit and investigation activities including assignment letters, employee time reports, case entry sheets, etc.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

Pursuant to 5 U.S.C. 552a(j)(2), the Investigations Subsystem and the Employee Time System are exempted from all provisions of the Privacy Act of 1974, 5 U.S.C. 552a, as amended, except subsections (b), (c) (1) and (2), (e)(4) (A) through (F), (e) (6), (7), (9), (10) and (11), and (i).

Pursuant to 5 U.S.C. 552a (k)(2) and (k)(5), the Investigations Subsystem and the Employee Time System are exempted from the following provisions of the Privacy Act of 1974, 5 U.S.C. 552a: subsections (c)(3), (d), (e)(1), (e)(4) (G), (H) and (I), and (f).

USDA/OIG–6

SYSTEM NAME:

Training Tracking System, USDA/OIG.

SYSTEM LOCATION:

U.S. Department of Agriculture, National Computer Center, 8930 Ward Parkway, Kansas City, Missouri 64114.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

OIG audit employees.

CATEGORIES OF RECORDS IN THE SYSTEM:

The system contains records of audit employee training history.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Pub. L. 95–452, as amended, 5 U.S.C. App.; 5 U.S.C. 301; 7 U.S.C. 2270.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

(1) A record from the system of records may be disclosed, as a routine use, to a Federal agency or professional organization, to document continuing education credits required by the Government Auditing Standards, U.S. General Accounting Office Standards of Audit of Governmental Organizations, Programs, Activities, and Functions, if relevant to the determination of professional proficiency and compliance with the general qualification standard for government auditing, and retention of an employee or other personnel action.

(2) Routine uses (1) through (12) listed in the system of records designated USDA/OIG–1.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained on computer and in file folders.

RETRIEVABILITY:

By name of individual, social security number, or group of employees.

SAFEGUARDS:

Computer files are password protected and other records are kept in limited-access areas during duty hours and in locked offices during nonduty hours.

RETENTION AND DISPOSAL:

Records are retained as long as the agency determines they are needed. They are then destroyed.

SYSTEM MANAGER AND ADDRESS:

Assistant Inspector General for Audit, Office of Inspector General, U.S. Department of Agriculture, Washington, DC 20250–2311.

NOTIFICATION PROCEDURE:

Any individual may request information regarding this system of records, or information as to whether the system contains records pertaining to him/her from the Director, Information Management Division, Policy Development and Resources Management, Office of Inspector General, U.S. Department of Agriculture, Washington, DC 20250–2309.

RECORD ACCESS PROCEDURES:

An individual may request access to a record in this system which pertains to him/her by submitting a written request to the Director, Information Management Division, Policy Development and Resources Management, Office of Inspector General, U.S. Department of Agriculture, Washington, DC 20250–2309.

CONTESTING RECORD PROCEDURES:

An individual may contest information in this system which pertains to him/her by submitting a written request to the Assistant Inspector General for Policy Development and Resources Management, Office of Inspector General, U.S. Department of Agriculture, Washington, DC 20250–2310.

RECORD SOURCE CATEGORIES:

Informaiton in the system comes entirely from OIG audit employees.

USDA/OIG–7

SYSTEM NAME:

Freedom of Information Act and Privacy Act Request Records, USDA/OIG.

SYSTEM LOCATION:

Files are kept in the OIG headquarters office in the Agriculture Administration Building, 14th Street and Independence Avenue SW., Washington, DC 20250–2309.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

This system contains records of individuals who have made requests under the Freedom of Information Act or Privacy Act.

CATEGORIES OF RECORDS IN THE SYSTEM:

The request records consist of the incoming request, all correspondence developed during the processing of the request, and the final reply.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Pub. L. 95–452, as amended, 5 U.S.C. App.; 5 U.S.C. 301.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Used by OIG employees as an internal control mechanism for tracking the disposition of requests and for responding to individuals who are checking on the status of their requests.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are stored in file folders.

RETRIEVABILITY:

Records are retrievable by name using a control number that is assigned upon date of receipt.

SAFEGUARDS:

Freedom of Information Act and Privacy Act request records are stored in file cabinets in limited-access areas during duty hours and in locked offices during nonduty hours.

RETENTION AND DISPOSAL:

Records are disposed of in accordance with National Archives and Records Administration General Records Schedule 14 pertaining to informational services records.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Information Management Division, Policy Development and Resources Management, Office of Inspector General, U.S. Department of Agriculture, Washington, DC 20250–2309.

NOTIFICATION PROCEDURE:

Any individual may request information regarding this system of records, or information as to whether the system contains records pertaining to him/her, from the Director, Information Management Division, Policy Development and Resources Management, Office of Inspector General, U.S. Department of Agriculture, Washington, DC 20250–2309.

RECORD ACCESS PROCEDURES:

An individual may request access to a record in this system which pertains to him/her by submitting a written request to the Director, Information

Management Division, Policy Development and Resources Management, Office of Inspector General, U.S. Department of Agriculture, Washington, DC 20250–2309.

CONTESTING RECORD PROCEDURES:

An individual may contest information in this system which pertains to him/her by submitting a written request to the Assistant Inspector General for Policy Development and Resources Management, Office of Inspector General, U.S. Department of Agriculture, Washington, DC 20250–2310.

RECORD SOURCE CATEGORIES:

Information in this system comes from the individual making the request and from OIG employees processing the request.

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BILLING CODE 3410–23–M

Forest Service

Opportunity to Comment on Development of Long-Term Strategy for Management of Anadromous Fish-Producing Watersheds in California

AGENCY: Forest Service, USDA.

ACTION: Notice; opportunity for public comment.

SUMMARY: The USDA Forest Service (FS) (lead agency) and the USDI Bureau of Land Management (BLM) (cooperating agency) will develop and implement a long-term strategy for management of anadromous fish-producing watersheds in California. The objective of the strategy is to maintain and restore ecological functions and processes that create good habitat for Pacific salmon and steelhead trout. The area to be addressed includes portions of Mill, Deer, and Antelope Creek watersheds managed by the Lassen National Forest; portions of nine watersheds managed by the Los Padres National Forest; portions of the Redding Resource Area, Ukiah District, of the BLM; and portions of the Carmel River Watershed in the Hollister Resource Area, Bakersfield District, of the BLM. Areas managed by the FS and BLM already implementing direction from the President's Forest Plan for the Pacific Northwest are not included because long-term management direction for anadromous fish-producing watersheds is already provided. The Mendocino, Shasta-Trinity, Klamath, and Six Rivers National Forests and other areas managed by the FS and BLM within the range of the northern spotted owl are therefore excluded. The geographic area to be addressed is that covered by PACFISH interim management direction for anadromous fish-producing watersheds in California. (PACFISH refers to the proposed interim management strategy analyzed in the Environmental Assessment for the Implementation of Interim Strategies for Managing Anadromous Fish-producing Watersheds in Eastern Oregon and Washington, Idaho, and portions of California (PACFISH EA)).

Preliminary review indicates that implementation of FS land and resource management plans and BLM resource management plans for the affected areas already provides protection of anadromous fish habitat. However, the adequacy of those plans and consistency among plans and between the FS and BLM is being reviewed in light of information developed for the PACFISH EA. The analysis conducted for the PACFISH EA indicates that implementation of PACFISH will have minor environmental effects in California because of the relatively small size, discontiguous, and geographically dispersed ownership pattern of the affected FS and BLM administered lands, and because of the protection already afforded by the implementation of existing management plans.

The PACFISH interim management strategy is intended to arrest degradation of riparian and aquatic habitat and initiate ecosystem recovery across four western States while long term strategies are prepared. In addition to the relatively small area in California, the interim strategy also covers an extensive area of FS and BLM administered lands in Oregon, Washington, and Idaho. Long-term strategies for the management of anadromous fish-producing watersheds will be developed for those areas within the context of the Eastside Ecosystem Management Project and the Upper Columbia River Basin Project.

For the development of a long-term management strategy in California, this comment process will be used by the FS and BLM to help determine whether existing management plans (with or without the addition of PACFISH interim direction) adequately protect anadromous fish habitat; what, if any, additional issues need to be addressed; the appropriate level of National Environmental Policy Act analysis for the development of such a strategy; and the level of interagency coordination necessary to insure a consistent approach to management on FS and BLM administered lands in California.

DATES: Comments concerning the analysis should be received in writing by January 9, 1995.

ADDRESSES: Send written comments to Katherine Clement, Director, Land Management Planning, 630 Sansome Street, San Francisco, CA 94111.

FOR FURTHER INFORMATION CONTACT: Katherine Clement, Director, Land Management Planning, (415) 705–1834.

SUPPLEMENTARY INFORMATION: Pacific salmon and steelhead trout occur naturally from southern California northward to the Arctic Ocean. These fish populations comprise a large number of stocks, or populations that originate from specific watersheds during specific times of year as juveniles, migrate to the ocean, and generally return to reproduce in their natal watersheds. Of the more than 400 stocks from California, Idaho, Oregon, and Washington recently evaluated in a report published by the American Fisheries Society, 106 were found to be extinct, 214 were considered to be at "moderate" or "high" risk of extinction or of "special concern," and about 120 were considered "secure.".

The analysis conducted for the PACFISH EA indicates that implementation of the interim management will have minor environmental effects in California because of the relatively small size, discontinuous, and geographically dispersed ownership pattern of the affected BLM and FS administered lands, and because of the protection already afforded by the implementation of existing management plans. Details follow.

Lassen National Forest—Mill, Deer, and Antelope Creek Watersheds

The existing Lassen National Forest Plan includes direction for protection and improvement of anadromous fish habitat. Three anadromous fish-producing watersheds exist on the Forest: Mill, Deer, and Antelope Creeks. Along most of their lengths, these creeks are managed as proposed Wild and Scenic Rivers under the existing forest plan Outside the Wild and Scenic River corridors established by the plan, watershed disturbance is limited by other standards and guidelines established by the plan. All lands in and adjacent to lakes, streams, ephemeral and perennial wetlands, bogs, seeps, and pothole lakes are assigned the riparian/fish prescription. Activities within riparian zones are limited to those that enhance riparian objectives. Final widths of reiparian zones are set

following site-specific evaluation. The forest plans directs preparation of detailed anadromous fish and Wild and Scenic River management plans following site-specific analyses. Other prescriptions that limit watershed disturbance include primitive recreation, late-successional, research natural area, and existing and proposed Wilderness.

In addition, the Lassen National Forest Plan will be amended by the California Spotted Owl EIS that is under preparation for the ten national forests in the Sierran province. Alternatives considered in that EIS include enhanced riparian standards and guidelines, with special provisions for the anadromous fish-producing watersheds on the Lassen. The standards and guidelines are based on the Aquatic Conservation Strategy in the President's Forest Plan for the Pacific Northwest, and on the proposed PACFISH interim management direction. A decision on this EIS is expected in 1995. The alternative selected may further limit disturbance in anadromous fish-producing watersheds.

Los Padres National Forest—Mine Coastal Watershed Areas

The existing Los Padres National Forest Plan includes direction for protection and improvement of anadromous fish habitat. The forest has developed a Riparian Conservation Strategy to aid in implementation of the forest plan direction. Standards and guidelines for watershed protection and programs for in-stream habitat improvements and prescribed fire for chaparral management are included in the plan. Wildfires in chaparral and riparian woodlands are identified in the plan as having the greatest effect on anadromous fish habitat. Scheduled timber harvest is not permitted under the plan (the allowable sale quantity is zero).

BLM—Redding and Hollister Resources Areas

In California, BLM manages two areas with anadromous fish-producing watersheds outside the area implementing the President's Forest Plan for the Pacific Northwest. BLM has reviewed the current resource management plans (RMPs) for the Redding Resource Area, Ukiah District, and the Hollister Resource Area, Bakersfield District, and has determined that PACFIAH interim management direction is in conformance with the existing plans.

The Redding Resource Area includes about 24 miles in scattered parcels along the Upper Sacramento River and tributaries, including Battle, Clear, Deer, and Paynes Creeks. The enhancement of anadromous fisheries is identified as an objective in the Redding RMP.

The Hollister Resource Area includes a parcel of approximately 1300 acres of upland area within an andromous fish-producing watershed in the upper Carmel River drainage. The Hollister RMP identifies watershed enhancement as a major land use objective.

Elements of the PACFISH interim management, including interim Riparian Management Objectives and Riparian Habitat Conservation Area widths, may need to be refined for long-term management, in light of specific conditions in California.

Written comments from the public on this analysis should be submitted as indicated at the beginning of this notice. Comments would be most useful if sent by the date specified and if they address clearly the proposed action: development and implementation of a long-term strategy for the management of anadromous fish-producing watersheds on FS and BLM administered lands in California, outside areas implementing the President's Forest Plan for the Pacific Northwest. Alternatives that may be considered include continuation of existing management direction for the affected national forests and BLM resource areas; integration of PACFISH interim management with features of existing plans that provide equal or greater long-term protection of anadromous fish habitat; and application of the Aquatic Conservation Strategy from the President's Forest Plan for the Pacific Northwest in all anadromous fish-producing watersheds of the Lassen National Forest and Redding Resource Area. The analysis of public comments and review of existing management plans could reaffirm the adequacy of existing plan direction, or it could lead to amendment of those plans, documented with one or more environmental analyses. If more than one analysis is conducted, they may be structured by unit, by agency, or by geography. For example, two joint FS/BLM analyses might be conducted—one for portions of the Lassen National Forest and Redding Resources Area, and another for portions of the Los Padres National Forest and Hollister Resource Area. A decision on the nature, scope, and structure of the analysis necessary for long-term management is expected by April 1995.

The responsible official for the FS is G. Lynn Sprague, Regional Forester, 630 Sansome Street, San Francisco, CA 94111, The responsible official for the BLM is ED Hastey, State Director, 2800 Cottage Way, Sacramento, CA 95825.

Dated: September 15, 1994.

G. Lynn Sprague,

Regional Forester.

[FR Doc. 94–24866 Filed 10–7–94; 8:45 am]

BILLING CODE 3410–11–M

DEPARTMENT OF COMMERCE

International Trade Administration

Consortia of American Businesses in the Newly Independent States Announcement of Availability of Funds

AGENCY: International Trade Administration, Commerce.

ACTION: Notice.

SUMMARY: On May 24, 1994, 59 FR Part VI, the Department announced the availability of federal grant funds under the CABNIS program and its intention to select non-profit organizations to participate as grantees under the program. The Department of Commerce has selected three additional applicants to receive federal funding under the Consortia of American Businesses in the Newly Independent States (CABNIS) initiative. Each of the three selected applicants is a non-profit consortium created to help for-profit U.S. member companies do business and enhance private sector development in the independent states formed since the breakup of the Soviet Union. The grantees will be required to match federal funding. The grantees will use CABNIS seed money over a three year period to form and nurture U.S. business consortia of for-profit firms interested in doing business in the Newly Independent States, and establish and operate consortia offices in the region. The three new grantees are the American Agribusiness Equipment Consortium, Alexandria, VA; Partners In Economic Reform, Washington, DC; and Virginia Commonwealth University, Richmond, VA.

FOR FURTHER INFORMATION CONTACT: W. Dawn Busby, Director, Office of Export Trading Company Affairs, Trade Development, U.S. Department of Commerce, Tel. (202) 482–5131. This is not a toll-free number.

Dated: October 4, 1994.

W. Dawn Busby,

Director, Office of Export Trading Company Affairs.

[FR Doc. 94–25090 Filed 10–7–94; 8:45 am]

BILLING CODE 3510–DR–P

National Institute of Standards and Technology

[Docket No. 940816-4216]

RIN 0693-AA70

Approval of Federal Information Processing Standards Publication 189, Portable Operating System Interface (POSIX); Part 2: Shell and Utilities

AGENCY: National Institute of Standards and Technology (NIST), Commerce.

ACTION: Notice.

SUMMARY: The purpose of this notice is to announce that the Secretary of Commerce has approved a new standard, which will be published as FIPS Publication 189, Portable Operating System Interface (POSIX)—Part 2: Shell and Utilities. This standard adopts the International Standard ISO/IEC 9945-2:1993, Information Technology—Portable Operating System Interface (POSIX)—Part 2: Shell and Utilities, which defines a command language interpreter (shell) and a set of utility programs. On January 28, 1994 (59 FR 4034) and February 17, 1994 (59 FR 8041), notices were published in the **Federal Register** that a Federal Information Processing Standard for Portable Operating System Interface (POSIX)—Part 2: Shell and Utilities was being proposed for Federal use.

NIST reviewed written comments submitted by interested parties and other available material. On the basis of this review, NIST recommended that the Secretary approve the standard as a Federal Information Processing Standard (FIPS), and prepared a detailed justification document for the Secretary's review in support of that recommendation.

The detailed justification document which was presented to the Secretary, and which includes an analysis of the written comments received, is part of the public record and is available for inspection and copying in the Department's Central Reference and Records Inspection Facility, Room 6020, Herbert C. Hoover Building, 14th Street between Pennsylvania and Constitution Avenues NW., Washington, DC 20230.

This FIPS contains two sections: (1) An announcement section, which provides information concerning the applicability, implementation, and maintenance of the standard; and (2) a specifications section, which deals with the technical requirements of the standard. Only the announcement section of the standard is provided in this notice.

EFFECTIVE DATE: This standard is effective April 3, 1995.

ADDRESSES: Interested parties may purchase copies of this standard, including the technical specifications section, from the National Technical Information Service (NTIS). Specific ordering information from NTIS for this standard is set out in the Where to Obtain Copies Section of the announcement section of the standard.

FOR FURTHER INFORMATION CONTACT: Ms. Sheila Frankel, (301) 975-3297, Computer Systems Laboratory, National Institute of Standards and Technology, Gaithersburg, MD 20999.

Dated: October 3, 1994.

Samuel Kramer,

Associate Director.

Federal Information Processing Standards Publication 189

Announcing the Standard for Portable Operating System Interface (POSIX)—Part 2: Shell and Utilities

Federal Information Processing Standards Publications (FIPS PUBS) are issued by the National Institute of Standards and Technology after approval by the Secretary of Commerce pursuant to Section 111 (d) of the Federal Property and Administrative Services Act of 1949 as amended by the Computer Security Act of 1987, Public Law 100-235.

Name of Standard. Portable Operating System Interface (POSIX)—Part 2: Shell and Utilities (FIPS PUB 189).

Category of Standard. Software Standard, Operating Systems.

Explanation. This publication announces the adoption of International Standard ISO/IEC 9945-2:1993, Information Technology—Portable Operating System Interface (POSIX)—Part 2: Shell and Utilities as a Federal Information Processing Standard (FIPS). ISO/IEC 9945-2:1993 defines a command language interpreter (shell) and a set of utility programs.

This standard is for use by computing professionals involved in system and application software development and implementation and is part of a series of specifications needed for application portability. This standard addresses the Applications Portability Profile functional area that deals with methods by which a person interacts with the operating systems.

Approving Authority. Secretary of Commerce.

Maintenance Agency. U.S. Department of Commerce, National Institute of Standards and Technology, Computer Systems Laboratory.

Cross Index. International Standard ISO/IEC 9945-2:1993, Information Technology—Portable Operating System Interface (POSIX)—Part 2: Shell and Utilities

Related Documents.

a. Federal Information Resources Management Regulations subpart 201-20.333, Standards, and subpart 201-39.1002, Federal Standards.

b. FIPS 151-2 (POSIX).

c. Federal Information Processing Standards Publication 160, C.

d. ISO/IEC 9899: Information Technology—Programing Languages—C.

e. Test Methods for Measuring Conformance to POSIX, IEEE Std 1003.3-1991.

f. Test Methods for Measuring Conformance to POSIX, IEEE Proposed Std 2003 (Draft 1.0).

g. Test Methods for Measuring Conformance to POSIX.1, IEEE Std 2003.1-1992.

h. Test Methods for Measuring Conformance to POSIX.2, IEEE Proposed Std 2003.2 (Draft 8).

i. Interpretation Procedures for Federal Information Processing Standards for Software, FIPS PUB 29-3, 1992 October 29.

j. NVLAP Program Handbook, Computer Applications Testing POSIX Conformance Testing, NISTIR 4522, March 1991 (latest revision).

k. NIST POSIX Testing Policy—General Information, April 15, 1993 (latest revision).

l. NIST POSIX Testing Policy, Certificate of Validation Requirements, FIPS 151-2, August 15, 1993 (latest revision).

Related On-Line Information. Information on the NIST POSIX Testing Program is available on an electronic mail (email) file server system. Documents available are: registers of validated products, general information on NIST POSIX testing policy, and information on requirements for certificates of validation.

To access the system:

You must be able to send and receive email via the Internet. For most email systems, send an email message to posix@nist.gov. When the email system prompts you for the "subject" of the message, you may type anything. The body of the email message should consist of one or more basic commands to the email server, with each command on a separate line. For example, to request the email server to send you a listing of all available files, enter the command: send index. To request a brief description of all valid commands, enter the command: help. To receive a more detailed explanation on how to use the mail server, enter: send help.

After you enter the command(s), indicate that your email message is complete as required by your email system.

The NIST mail server program will read the message and send the requested document(s) and/or information to your email address.

If you need help contact the Systems and Software Technology Division, B266 Technology Building, NIST, Gaithersburg, MD 20899, telephone: 301–975–3295.

Objectives. This FIPS permits Federal departments and agencies to exercise more effective control over the production, management, and use of the Government's information resources. The primary objectives of this FIPS are:

a. To promote portability of computer application programs at the source code level, thus reducing staff hours required to tailor computer programs for different vendor systems and architectures.

b. To simplify computer program documentation by the use of a standard portable system interface design.

c. To increase portability of acquired skills, allowing people to operate a wide range of application platform implementations without additional training or study, resulting in reduced personnel training costs.

d. To maximize the return on investment in generating or purchasing computer programs by insuring operating system compatibility.

Government-wide attainment of the above objectives depends upon the widespread availability and use of comprehensive and precise standard specifications.

Applicability. This FIPS shall be used for POSIX command language interpreters and utilities that are either developed or acquired for Government use. This FIPS is applicable to the entire range of computer hardware, including:

a. Notebooks and Subnotebooks,

b. Laptops,

c. Micro-computer systems,

d. Mini-computer systems,

e. Workstations,

f. Mainframes,

g. Other systems that require POSIX-like command language interfaces.

Specificaitons. The FIPS PUB 189 specifications are the specifications contained in the International Standard ISO/IEC 9945–2:1993, Information Technology—Portable Operating System Interface (POSIX)—Part 2: Shell and Utilities, with the modifications specified below. ISO/IEC 9945–2:1993 defines a command language interpreter (shell) and a set of utility programs. ISO/IEC 9945–2:1993 (hereinafter referred to as POSIX.2) refers to and is a complement to ISO/IEC 9945–1, Information Technology—Portable Operating System Interface (POSIX)—Part 1: System Application Program Interface (API) [C Language].

POSIX.2 contains a number of features that are labelled obsolescent. These features violate the general syntactic guidelines of POSIX.2. They were included in POSIX.2 to provide upward compatibility of existing applications, and may be deleted from POSIX.2 at some future date. The POSIX.2 standard requires that strictly conforming applications do not use any of these features. It is strongly recommended that agencies that require the POSIX.2 FIPS prohibit users from using these features in the development of new applications. Therefore, the following obsolescent features are not required for a system to be the associated POSIX.2 FIPS. (For each feature a reference to the associated POSIX.2 text is provided):

- Zero-length prefix in the PATH environment variable [See POSIX.2 Section 2.6 Lines 2699–2700]
- The — option in the set special built-in utility [See POSIX.2 Section 3.14.11 Lines 1599–1600 and 1726–1730]
- The awk string function length with no argument and no parentheses [See POSIX.2 Section 4.1.7.6.2.2 Lines 621–622]
- The octal number form of the mode operand in the chmod utility [See POSIX.2 Section 4.7.7 Lines 2090–2091]
- The — option in the ed utility [See POSIX.2 Section 4.20.1 Lines 3529–3530; Section 4.20.3 Line 3542]
- The — option in the env utility [See POSIX.2 Section 4.21.1 Lines 4034–4035; Section 4.21.3 Line 4048]
- The -perm [-]onum primary in the find utility [See POSIX.2 Section 4.24.4 Lines 4361–4368]

OSIX.2 Section 4.24.4 Lines 4361–4368]

- The egrep and fgrep utilities [See POSIX.2 Section 4.28.1 Lines 4793–4799; Section 4.28.2 Lines 4815–4832; Section 4.28.3 Lines 4850–4851]
- The -number option in the head utility [See POSIX.2 Section 4.29.1 Lines 4953–4954; Section 4.29.3 Lines 4971–4974]
- The -j field, -j1 field, and -j2 field options and the -o list option (where list is composed of multiple arguments) in the join utility [See POSIX.2 Section 4.31.1 Lines 5133–5135; Section 4.31.3 Lines 5168–5170 and 5182–5184]
- The -signal_name and -signal_number options in the kill utility [See POSIX.2 Section 4.32.1 Lines 5259–5261; Section 4.32.3 Lines 5294–5311]
- The +pos1 and -pos2 options in the sort utility and the -o output option following a file operand [See POSIX.2 Section 4.58.1 Lines 9583–9585; Section 4.58.3 Lines 9599–9601, 9618–9620, and 9674–9675; Section 4.58.7 Lines 9746–9762]
- The -[number] [c–1][f] and +[number][c–1][f] options in the tail utility [See POSIX.2 Section 4.60.1 Lines 10058–10060; Section 4.60.3 Lines 10098–10105]
- The date_time operand in the touch utility [See POSIX.2 Section 4.63.1 Lines 10337–10338; Section 4.63.4 Lines 10403–10416]
- The -s option in the tty utility [See POSIX.2 Section 4.66.1 Lines 10659–10660; Section 4.66.3 Lines 10669–10671]
- The octal number form of the mask operand in the umask utility [See POSIX.2 Section 4.67.4 Lines 10755–10756 and 10759–10760]
- The -n and +m options in the uniq utility [See POSIX.2 Section 4.69.1 Lines 10890–10891; Section 4.69.3 Lines 10918–10919]

If the User Portability Utilities Option is required, the following obsolescent features are not required for a system to be compliant with the POSIX.2 FIPS:

- The - and +command options in the ex utility [See POSIX.2 Section 5.10.1 Lines 985–986; Section 5.10.3 Lines 1004 and 1028]
- The -tabstop and -tab1,tab2,...tabn options in the expand utility [See POSIX.2 Section 5.11.1 Lines 2056–2057; Section 5.11.3 Lines 2083–2085]
- The +command option in the more utility [See POSIX.2 Section 5.18.1 Lines 2726–2727; Section 5.18.3 Line 2769]
- The - option in the newgrp utility [See POSIX.2 Section 5.19.1 Lines 3123–3124; Section 5.19.3 Line 3185]
- The - increment option in the nice utility [See POSIX.2 Section 5.20.1 Lines 3242–3243; Section 5.20.3 Line 3260]
- The nice_value operand in the renice utility; combinations of the [-p] pid, -g gid, and -u user options [See POSIX.2 Section 5.24.1 Lines 3796–3798; Section 5.24.3 Lines 3837–3838, 3847–3848, and 3850–3851; Section 5.24.4 Lines 3860–3864]
- The -line_count option in the split utility [See POSIX.2 Section 5.25.1 Lines 3906–3907; Section 5.25.3 Line 3942]
- The - and -number options in the strings utility [See POSIX.2 Section 5.26.1 Lines 3996–3997; Section 5.26.3 Lines 4010 and 4014]
- The +command option in the vi utility [See POSIX.2 Section 5.35.1 Lines 4722–4723; Section 5.35.3 Line 4744]

If the C-Language Development Utilities Option is required, the following obsolescent feature is not required for a system to be compliant with the [See POSIX.2 FIPS:

• The -c option in the lex utility [See POSIX.2 Section A.2.1 Lines 218–219; Section A.2.3 Line 231]

Recommendations

Users of this standard should be aware that it does not require the Portable Operating System Interface (POSIX)—Part 2: Shell and Utilities to be implemented on a FIPS 151–2 conforming implementation. Users should also be aware that certain utilities and functions are optional in ISO/IEC 9945–2:1993. To provide the greatest support for application portability, it is recommended that an implementation conforming to this FIPS also provide the following features:

1. User Portability Utilities Option (POSIX2_UPE, POSIX.2 Section 5) and Full Terminal Operations Option (POSIX2_CHAR_TERM, POSIX.2 Section 2.14).

2. A FIPS 151–2 conforming operating system interference.

3. Software Development Utilities Option (POSIX2_SW_DEV, POSIX.2 Section 6), when software will be developed or source-level software will be installed on the systems being acquired

4. C-Language Development Utilities Option (POSIX2_C_DEV, POSIX.2 Annex A), when software written in the C language will be developed or installed on the systems being acquired.

5. C-Language Bindings Option (POSIX2_C_BIND, POSIX.2 Annex B), when software written in the C language will be used on the systems being acquired.

6. FORTRAN Development Utilities Option (POSIX2_FORT_DEV, POSTIX.2 Annex C), when software written in FORTRAN will be developed or installed on the systems being acquired.

7. FORTRAN Runtime Utilities Option (POSIX2_FORT_RUN, POSIX.2 Annex C), when FORTRAN software will be used on the systems being acquired.

Furthermore, it is strongly recommended that Federal users require Feature 1 and, in addition, ensure that purchased systems are capable of supporting Features 2–5, listed above. Even when these features are not needed at the time of initial purchase, changed requirements may demand some or all of these in the future, either for the development of new applications, for the importing of applications from other systems, or to maximize compatibility among multiple in-house systems.

Implementation. This standard becomes effective April 3, 1995. This standard is compulsory and binding for use in all solicitations and contracts for new operating systems and/or applications development where POSIX shell and utility interfaces are required.

a. Acquisition of Conforming Portable Shell and Utilities. Organizations developing applications which are to be acquired after the publication date of this standard and which have applications portability as a requirement should consider the use of this FIPS. Conformance to this FIPS should be considered whether the operating system enviornments are:

1. developed internally,

2. acquired as part of an ADP system procurement,

3. acquired by separate procurement,

4. used under an ADP leasing arrangement, or

5. specified for use in contracts for programming services.

b. Interpretation of the FIPS for Shell and Utilities. NIST provides for the resolution of questions regarding the FIPS specifications and requirements, and issues official interpretations as needed. All questions about the interpretation of this FIPS should be addressed to: Director, National Computer Systems Laboratory, Attn: POSIX Shell and Utilities FIPS Interpretation, National Institute of Standards and Technology, Gaithersburg, MD 20899.

c. Validation of Conforming Operating Systems Environments. NIST is developing cooperatively with industry a validation suite for measuring conformance to this standard. This suite will be required for testing conformance of POSIX Shell and Utilities implementations. These testing requirements will be announced at a future date.

Waivers.

Under certain exceptional circumstances, the heads of Federal departments and agencies may approve waivers to Federal Information Processing Standards (FIPS). The head of such agency may redelegate such authority only to a senior official designated pursuant to section 3506(b) of Title 44, U.S. Code. Waivers shall be granted only when:

a. Compliance with a standard would adversely affect the accomplishment of the mission of an operator of a Federal computer system, or

b. Cause a major adverse financial impact on the operator which is not offset by Governmentwide savings.

Agency heads may act upon a written waiver request containing the information detailed above. Agency heads may also act without a written waiver request when they determine that conditions for meeting the standard cannot be met. Agency heads may approve waivers only by a written decision which explains the basis on which the agency head made the required finding(s). A copy of each such decision, with procurement sensitive or classified portions clearly identified, shall be sent to: National Institute of Standards and Technology; ATTN: FIPS Waiver Decisions, Technology Building, Room B–154; Gaithersburg, MD 20899.

In addition, notice of each waiver granted and each delegation of authority to approve waivers shall be sent promptly to the Committee on Government Operations of the House of Representatives and the Committee on Governmental Affairs of the Senate and shall be published promptly in the **Federal Register.**

When the determination on a waiver applies to the procurement of equipment and/or services, a notice of the waiver determination must be published in the *Commerce Business Daily* as a part of the notice of solicitation for offers of an acquisition or, if the waiver determination is made after that notice is published, by amendment to such notice.

A copy of the waiver, any supporting documents, the document approving the waiver and any supporting and accompanying documents, with such deletions as the agency is authorized and decides to make under 5 U.S.C. Sec. 552(b), shall be part of the procurement documentation and retained by the agency.

WHERE TO OBTAIN COPIES: Copies of this publication are for sale by the National Technical Information Service, U.S. Department of Commerce, Springfield, VA 22161. (Sale of the included specifications document is by arrangement with the Institute of Electrical and Electronics Engineers, Incorporated.) When ordering, refer to Federal Information Processing Standards Publication 189 (FIPSPUB189), and title. Payment may be made by check, money order, or deposit account.

Appendix A—Application Portability Profile

FIPS 189 is the second component of a series of specifications needed for the operating system services area of an applications portability profile. FIPS 151–1 (and its replacement, FIPS 151–2) provided the crucial first step by providing vendor independent interface specification between an application program and an operating system. When fully extended, POSIX will provide the functionality required to support source code portability for a wide range of applications across many different machines and operating systems.

NIST has published Special Publication 500–210, Application Portability Profile (APP), The U.S. Government's Open System Environment Profile, OSE/1, Version 2.0, June 1993. The APP has been developed to provide sufficient functionality to accommodate a broad range of application requirements. The functional components of the APP constitute a framework for organizing standard elements that can be used to develop and maintain portable applications. A key aspect of the APP is that it is based on an open system environment defined by non-proprietary specifications. Components may be added or deleted as technology changes and as Federal government requirements change.

[FR Doc. 94–25049 Filed 10–7–94; 8:45 am]

BILLING CODE 3510–CN–M

Notice of Government Owned Inventions Available for Licensing

AGENCY: National Institute of Standards and Technology Commerce.

SUMMARY: The inventions listed below are owned by the U.S. Government, as represented by the Department of Commerce, and are available for licensing in accordance with 35 U.S.C. 207 and 37 CFR Part 404 to achieve expeditious commercialization of results of federally funded research and development.

FOR FURTHER INFORMATION CONTACT: Technical and licensing information on these inventions may be obtained by writing to: Marcia Salkeld, National Institute of Standards and Technology, Office of Technology Commercialization, Physics Building, Room B–256, Gaithersburg, MD 20899; Fax 301–869–2751. Any request for information should include the NIST Docket No. and Title for the relevant invention as indicated below.

SUPPLEMENTARY INFORMATION: The inventions available for licensing area:

NIST Docket No. 90–030D

Title: Monomers For Double Ring-Opening Polymerization With Expansion

Description: NIST researchers have created a new class of monomers that undergo double ring-opening polymerization with an expansion in volume. When used in resinous compositions the result is a volume neutral curing process at ambient temperature, and a final product that exhibits high adhesive strength.

NIST Docket No. 90–036

Title: Epitaxial Iron Films Exhibiting Large Polar Kerr Rotation

Description: The invention is a magneto-optic iron film that greatly enhances Kerr rotation compared with conventional iron films. The material could be utilized in magneto-optic data storage media.

NIST Docket No. 93–028C

Title: Nanocomposite Material for Magnetic Refrigeration and Superparamagnetic System using the Same

Description: NIST researchers have developed new materials and systems that make magnetic refrigeration practical for household uses. The materials are atomically-engineered superparamagnetic materials that exhibit a large magnetocaloric effect at selected temperatures.

NIST Docket No. 93–042

Title: Photochromic Compositions and Materials Containing Bacteriorhodopsin

Description: This invention is a method to form photochromic compositions and materials from the light-sensitive protein, bacteriorhodopsin. The invention can be used to record and store information in real time.

NIST Docket No. 93–047

Title: Process For UV–Photopatterning of Thiolate Monolayers Self-Assembled on Gold, Silver and Other Substrates

Description: New NIST technology provides a photopatterning process to precisely control the spatial position of thiol compounds on a surface. The process creates a monolayer that can be used to bind biological species such as proteins or enzymes at known locations on a surface, and could be very important for a variety of technologies including biosensing, immunoassay diagnostics, pharmacological testing, and cell growth studies.

NIST Docket No. 94–017CIP

Title: Method and Apparatus for Visualization of Internal Stresses in Solid Non-Transparent Materials by Ultrasonic Techniques and Ultrasonic Computer Tomography of Stress

Description: New NIST technology makes visualing internal stresses in sold materials in three dimensions possible. By using an acoustic microscope, an ultrasonic generator and a computer, this technology provides for the measurement of residual stresses and their distribution as a function of depth.

Dated: October 3, 1994.

Samuel Kramer,

Associate Director.

[FR Doc. 94–25050 Filed 10–7–94; 8:45 am]

BILLING CODE 3510–13–M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[I.D. 092194C]

Marine Mammals

AGENCIES: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce; and Fish and Wildlife Service (FWS), Interior.

ACTION: Receipt of applications for scientific research permits (P368D and P132B).

SUMMARY: Notice is hereby given that Moss Landing Marine Laboratories, P.O. Box 450, Moss Landing, CA 95039–0450, (Principal Investigators: Drs. James T. Harvey, Daniel P. Costa, John Calambokidis and Ms. Dawn Goley) and PRBO International Biological Research, 4990 Shoreline Highway, Stinson Beach, CA 94970 (Principal Investigators: William J. Sydeman and Sarah G. Allen) have applied in due form for permits to take marine mammals for purposes of scientific research.

DATES: Written comments must be received on or before November 10, 1994.

ADDRESSES: Both applications and related documents are available for review upon written request or by appointment in the following office(s):

Permits Division, Office of Protected Resources, NMFS, 1315 East-West Highway, Room 13130, Silver Spring, MD 20910 (301/713–2289); and

Southwest Region, NMFS, 501 W. Ocean Blvd., Suite 4200, Long Beach, CA 90802–4213 (310/980–4016).

Written data or views, or requests for a public hearing on these requests, should be submitted to the Director, Office of Protected Resources, NMFS, NOAA, U.S. Department of Commerce, 1315 East-West Highway, Room 13130, Silver Spring, MD 20910, within 30 days of the publication of this notice. Those individuals requesting a hearing should set forth the specific reasons why a hearing on this particular request would be appropriate.

Concurrent with the publication of this notice in the **Federal Register**, the Secretary of Commerce is forwarding copies of these applications to the Marine Mammal Commission and its Committee of Scientific Advisors.

SUPPLEMENTARY INFORMATION: The subject permits are requested 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.*), the regulations governing the taking, importing, and exporting of endangered fish and wildlife (50 CFR part 222), the Fur Seal Act of 1966, as amended (16 U.S.C. 1151 *et seq.*), and fur seal regulations at 50 CFR part 215.

(P368D) Moss Landing Marine Laboratories requests a Permit to incidentally harass an unspecified number of species of the suborders Mysticete, Odontocete, Pinnipedia, and the southern sea otter during aerial and shipboard surveys, behavioral observations (resulting from acoustical studies), photographic identification and tagging (radio tags and/or TDRs). Mysticetes (except Northern right whales), Odontocetes (except killer and pilot whales, northern right whale dolphin, Dall's and harbor porpoise), and California sea lions will be opportunistically tagged with a VHF and/or TDR. Acoustic signals (0.5–20 kHz) will be recorded and monitored continuously while conducting shipboard surveys. The study area is off the California coast where the marine mammal fauna is diverse and abundant, with seasonality of occurrence for many species. The primary objectives are to determine the general ecology and behavior of marine mammals off California, and secondarily, determine the effects of the Acoustic Thermometry of Oceanic Climate Project (ATOC) signals on the ecology and behavior of marine mammals. The applicants are not seeking a permit to take marine mammals using ATOC-type sounds but to study the ecology and behavior of marine mammals using various methodologies and while studying the effects of a sound source.

(P132B) PRBO International Biological Research requests a Permit to flipper tag and/or mark up to 2900 Northern elephant seals (*Mirounga angustirostris*) on the South Farallon Islands and at Point Reyes National Seashore annually. Up to 50 elephant seals may be retagged annually. During the tagging and marking activities, and during opportunistic collection of dead prematurely born northern sea lion pups, up to 100 harbor seals (*Phoca vitulina*), 1200 California sea lions (*Zalophus californianus*) and 70 northern sea lions (*Eumetopias jubatus*) may be incidentally harassed.

Dated: October 5, 1994.

William W. Fox, Jr.,

Director, Office of Protected Resources, National Marine Fisheries Service.

Dated: October 5, 1994.

Margaret Tieger,

Acting Chief, Branch of Permits, Office of Management Authority, U.S. Fish and Wildlife Service.

[FR Doc. 94–25055 Filed 10–7–94; 8:45 am]

BILLING CODE 3510–22–F

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[Docket No. 940844–4282; I.D. 082394C]

RIN 0648–AG75

West Coast Salmon Fisheries; Northwest Emergency Assistance Plan

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

ACTION: Notice of program for financial assistance.

SUMMARY: NMFS establishes a program, the Northwest Emergency Assistance Plan (NEAP), that will provide $12 million of assistance to salmon fishermen in the Pacific Northwest who have been affected by a fishery resource disaster during 1992 through 1994, while providing conservation benefits to salmon resources. These disaster relief funds, which were made available under the Interjurisdictional Fisheries Act (IFA), will be applied toward the following three programs, administered by the following intermediaries: A vessel permit buyout program—Washington Department of Fish and Wildlife; and a habitat restoration jobs program—Soil Conservation Services (SCS) of the U.S. Department of Agriculture (USDA); and a data collection jobs program—Pacific States Marine Fisheries Commission (PSMFC). The intent is to provide assistance to those commercial fishermen who have recently participated in the salmon fisheries, who were substantially reliant on West Coast salmon resources for their income, and who suffered an uninsured loss as a result of a significant reduction in income because of the resource disaster. The intent is also to provide this assistance in a manner likely to contribute to conservation/restoration efforts for salmon.

EFFECTIVE DATE: October 11, 1994.

FOR FURTHER INFORMATION CONTACT:

Bruce Morehead, (301) 713–2358, or Stephen Freese, (206) 526–6113.

SUPPLEMENTARY INFORMATION:

Background

On May 26, 1994, the Secretary of Commerce (Secretary) declared a fishery disaster and, with the Office of Management and Budget (OMB), announced a $15.7 million emergency aid package for Oregon, Washington, and northern California. This aid is intended to alleviate the economic hardship suffered by individuals and communities because of the collapse of salmon stocks in fishing areas along the Northwest coast. Included in this package is $12 million available under the section 308(d) of the Interjurisdictional Fisheries Act of 1986, 16 U.S.C. 4107(d), to undertake the NEAP program, as described in this notice.

In addition, $3 million is being administered by the Rural Development Administration (RDA) of USDA. Grants by RDA will be made to public bodies and private nonprofit corporations to finance development of small business enterprises in cities under 50,000 in population. The Economic Development Administration (EDA) of the Department of Commerce is making $882,000 available, instead of the $700,000 originally announced as part of the $15.7 million aid package. Grants by EDA have been earmarked to communities for tourism development and to tribes for stream reclamation.

In addition to the $15.7 million package, aid to salmon fishermen is also being provided by the Small Business Administration and the Farmers Home Administration, in the form of loans and debt restructuring programs, and by the Federal Emergency Management Agency (FEMA) and the Department of Labor (DOL) in the form of unemployment assistance, up to $14 million, to dislocated Washington, Oregon, and California fishermen who are unemployed as a direct result of the continuing effects of El Niño on salmon fishing.

On behalf of the Secretary, NMFS published an advance notice of proposed rulemaking (ANPR) on June 3, 1994 (59 FR 28838), to solicit public comment on issues to be considered in development and implementation of the $12 million NEAP program. In addition to the ANPR, NOAA's Office of Sustainable Development and Intergovernmental Affairs arranged a series of eight town meetings designed to gather information about the effects of the decline in the salmon resources on

local communities and fishermen. A notice of the proposed program, which included responses to comments received on the ANPR, was published on September 7, 1994 (59 FR 46224). Comments received in response to that notice are summarized and responded to in this document.

Fishery Resource Disaster

Although West Coast (Washington, Oregon, and California) salmon stocks experience annual fluctuations in abundance, stock abundances in the last few years have been exceptionally low. West Coast salmon species are coho, chinook, chum, sockeye, and pink salmon. Landings of chinook and coho, have declined significantly, from roughly 6.2 million fish in 1988 to 2 million fish in 1993. Chinook salmon fisheries in the ocean waters off Washington and Oregon north of Cape Falcon were closed in 1994 by the Federal Government. Other salmon fisheries in the ocean waters off central and southern Oregon and northern California are at reduced levels and are closed to fishing for coho. Additional information regarding the declines in chinook and coho can be found in the ANPR and the notice of the proposed program, and is not repeated here.

Despite increasingly stringent management measures enacted in recent years to protect these salmon stocks, they have reached a critical stage of depletion, due in part to environmental conditions unfavorable to salmon survival that include: (1) An extended drought in California, in combination with the already depressed condition of northern California stocks; (2) less than normal snowpack throughout the western United States; (3) drought followed by extensive flooding in the State of Washington; and (4) poor upwelling, due to an extreme El Niño ocean warming event during 1992–1993, all of which are believed to have been responsible for extremely poor salmon survival.

Comments and Responses

During the comment period, thirty-three comment letters were received including several that had multiple signatures. Almost all of the comments were from Oregon and California. Almost all comments recommended the need for direct grants while the majority of comments were recommending reduction in the total Washington State targeted-state distribution and for elimination of the Washington State permit buyout program. Other major comment areas concerned loosening of the eligibility criteria, and recommendations for improvements in the Habitat Restoration and the Data Collection Jobs Programs.

Direct Assistance to Impacted Salmon Fishermen

Comment: Many respondents requested that direct assistance be provided to eligible salmon fishermen for a variety of needs including family related expenses and vessel maintenance and moorage.

Response: NOAA has decided not to provide direct assistance to impacted salmon fishermen for a number of reasons. Direct aid is inconsistent with other Federal actions such as the aid granted to distressed New England fishermen or to distressed Northwest timber workers. DOL Disaster Unemployment Assistance is available in all three states. Special administrative mechanisms would need to be established which would slow relief and increase administrative expense. Another key consideration is that direct aid, unlike the jobs and permit buyout programs, would do little to improve the prospects for an overcapitalized salmon fishery.

State Funding Targets

Comments were received concerning the state funding targets. Several comments acknowledged that Washington State may have suffered the greatest impact but did not agree that Washington's share should be as high as 55 percent, particularly if the share was based on information concerning the private recreational harvests and associated impacts. Alternative suggestions were to divide the aid equally between the three states; to allocate 40 percent to Washington State and 30 percent each to the other states; or to base the allocations on the apportionment guidelines used for other purposes under the IFA.

Comment: Targeted state distributions between the states should be changed.

Response: After careful review of such factors as potential salmon fishing employment, commercial revenues and recreational expenditures, NOAA has chosen to maintain the state funding targets at 55 percent to Washington, 22.5 percent to the Oregon, and 22.5 percent to California as proposed. These percentages are established as targets that allow some flexibility and not as rigid allocations, since no data can conclusively apportion the relative economic impact among the three states.

Eligibility Requirements

The proposal identified eligibility criteria for participation in both the jobs programs and the permit buyout program. Under the proposal for the buyout program, the commercial fisherman would have been required to demonstrate that he/she suffered a loss between a selected base year and 1992 or 1993. Under the proposal for the jobs programs, the commercial fisherman would have been required to show that: At least 50 percent of his/her income in the base year was derived from fishing, he/she fished in either 1992 or 1993, his/her income declined by at least 50 percent between the base year and 1992 or 1993, and his/her 1993 gross income must be no more than $25,000 for individuals or $50,000 in combined spousal income (husband's plus wife's). Several comments and suggestions sought relaxation of the eligibility criteria, thereby enlarging the pool of eligible participants.

Comment: Several commenters suggested that NMFS should expand the years for comparison to determine loss. Currently, the commercial fisherman selects a base year from 1986–1989 and compares fishery income to either 1992 or 1993. Expanding the possible base years to include 1990 and the possible comparison years to include 1994 would broaden the number of participants eligible for the programs.

Response: NMFS has made changes in how NEAP eligibility and uninsured losses are determined to give added opportunity for participation by fishermen. Fishermen can use 1991 and 1994 in addition to 1992 and 1993 as years to establish eligibility with respect to earning commercial fisheries income. For calculating the amount of uninsured loss, 1990 can be used as a base year and 1994 can be used as a comparison year. If a fisherman had commercial fisheries income in 1991, but none in 1992 through 1994, income for the comparison year can be zero.

Comment: Decrease the percentage of base year fishery income necessary to qualify for the jobs programs.

Response: Under the proposal, the commercial fisherman must show that at least 50 percent of his/her income is derived from fishing in the selected base year. Suggestions were made to reduce this to 40 percent. Because of limited funds, the purpose of using 50 percent is to capture individuals who depended on fishing for a majority of their income.

Comment: Modify the gross income requirements for the jobs programs.

Response: Under the current proposal, if single, the applicant's 1993 gross income must have been less than $25,000 and if married the 1993 gross combined income of the applicant and his/her spouse must have been less than $50,000. There is a suggestion to increase the $25,000 level to $40,000. Maintaining this $25,000 cap is

expected to assist the neediest fishermen and will allow for a sufficient pool of applicants.

Comment: Apply eligibility criteria equally to all programs.

Response: Under the current proposal, to qualify for the permit buyout program an individual need only show an uninsured loss. To qualify for the jobs programs, however, an individual must meet additional criteria. Extending the jobs' criteria to the buyout program would exacerbate the administrative complexities of the program. It could possibly lead to more funds being absorbed in administrative costs and less funds going directly to fishermen. By reducing the number of potential bidders under the buyout program, the additional criteria would tend to raise the price paid for each permit and reduce the number of permits that could be purchased.

Habitat Restoration Jobs Program

Comment: Flexibility should be afforded to the habitat restoration jobs program to allow for broader types of activities. Respondents suggested the following: pre-restoration stream surveys, post-restoration monitoring, public education, and habitat protection.

Response: NMFS will provide flexibility to SCS to include a wider range of habitat related activities as part of this program.

Comment: Priority should be given to those projects that include matching or in-kind contributions.

Response: NOAA will stipulate in the Interagency Agreement with SCS that greater consideration be given to those projects that include a cost share/match or in-king contribution.

Comment: Funds provided to California for purposes of the habitat restoration jobs program should be divided equally between the resource conservation districts and the Salmon Stamp Program.

Response: SCS will consider providing these funds to the California Association of Resource Conservation, which in turn will award funds to Tribal organizations, conservation districts, state agencies and other organizations capable of conducting habitat restoration work based on scientific merit and priority needs.

Comment: None of the NEAP money should be made available for the Columbia/Snake, Klamath/Trinity, or Central Valley watersheds, because they have already received substantial Federal funds. Instead, funds should be directed to smaller but more critical habitats.

Response: Currently almost all Federal funds spent to undertake habitat restoration projects in the named watersheds are applied to projects on public lands. To complement these existing Federally funded activities, NOAA intends for funds under this program to be used primarily for projects on private lands in the named watersheds. At the same time, program funds may also be used to restore other critical watersheds.

Comment: A number of respondents expressed concerns that no specific criteria were identified to assess scientific merit and/or need for individual habitat restoration jobs projects. Another respondent stated that projects should be developed after a watershed analysis. Similarly, there were concerns that the habitat restoration jobs program not overlap or duplicate other similar state and Federal projects undertaken as part of the Forest Plan.

Response: NMFS is working with SCS to develop a review process that evaluates the biological aspects of individual projects and ensures the activities do not duplicate ongoing efforts. As deemed appropriate, a watershed analysis will be required for projects.

Comment: Specific caps should be stipulated for the administrative costs associated with the habitat jobs restoration program.

Response: The Interagency Agreement between NOAA and SCS will stipulate that the cumulative administrative costs for the habitat restoration jobs program not exceed 15%.

Data Collection Jobs Program

Comment: Funds provide to the PSMFC should not be restricted by state allocation levels. All applicants, regardless of residence, should compete openly for a single pool of funds.

Response: The PSMFC has the flexibility to deviate from the state allocation targets, if there is substantial justification. State distribution targets are intended as guides rather than rigid allocations. Final state distributions may differ from these targets.

Other

Comment: If the jobs programs are not available until spring, some fishermen will be participating in other fisheries, and unable to participate in the program.

Response: The timing of many habitat restoration jobs will be limited by weather and biological considerations. It is intended that the habitat restoration jobs program include a broader range of projects, which may provide for jobs during all seasons.

Comment: The jobs programs are not structured to lead to permanent employment at a living wage. There is no long-term assistance for training, placement, or business startup.

Response: The intent of the programs is to compensate fishermen for uninsured losses and not to provide long-term assistance for other employment or business opportunities.

Comment: Salmon fishermen currently receiving unemployment funds and or Federally funded training should not be ineligible to participate in the habitat restoration jobs program.

Response: Salmon fishermen receiving Federal unemployment funds or Federally funded training are not precluded from receiving funds from NEAP. However, funds received for such purposes are considered compensation. The IFA provides that eligible commercial fishermen may only receive 75% of their total uncompensated and uninsured loss, and may not receive in excess of $100,000 in total Federal compensation.

Comment: Why are support industries and government entities ineligible for assistance?

Response: NOAA acknowledges that the closure of the salmon fishery negatively impacted the recreational support industries, fish processing workers, and local governments. However, the IFA clearly provides that aid under this authority will be made available only to commercial fishermen.

Comment: Why is this program taking so long to get started?

Response: Certain procedural steps must be undertaken to comply with the IFA and other applicable law. These steps include opportunity for public notice and comment. Also the programs need to be designed and made operational. All three programs require agreements with the administrative intermediaries who in turn must create programs and processes that comply with the NEAP. All efforts are being undertaken to expedite the assistance.

Comment: Because of the recent Sonoma County, California, FEMA disaster declaration, the geographic range of the jobs programs needs to be expanded.

Response: The listing of counties was to serve as a means of illustration of the likely counties where projects are to take place. The eligibility criteria do not require that fishermen must live in the county where the projects take place. Habitat restoration projects are geographically limited to locations within close commuting distance of commercial fishermen as defined under

this action. However, for sake of completeness Sonoma County will be specifically mentioned as well as the counties bordering on the tributaries of the Columbia River.

Changes From the Proposed Program

In response to comments, NMFS has made substantive changes to NEAP, from the proposed program, to provide added opportunity and flexibility for participation by fishermen impact by the disaster. As noted in the response to comments, these changes are: (1) Fishermen can use 1991 or 1994 in addition to 1992 or 1993 as years to establish eligibility with respect to earning commercial fishing income; (2) fishermen can use 1990 as a base year and 1994 as a comparison year to calculate the amount of uninsured loss; (3) charterboat permit holders are eligible for the buyout program at the discretion of Washington State; and (4) the geographical range for habitat restoration projects has been expanded.

NEAP Program

I. Statutory Authority

Section 308(d) of the IFA, codified at 16 U.S.C. 4107(d), authorizes the Secretary to award grants to persons engaged in commercial fisheries, for uninsured and uncompensated losses determined by the Secretary to have been suffered as a direct result of a fishery resource disaster. Set forth below are the conditions and definitions established by NOAA, pursuant to authority delegated by the Secretary, to implement the programs described in part III.

The IFA requires that "the Secretary shall determine the extent, and the beginning and ending dates of any fishery resource disaster" (16 U.S.C. 4107(d)(2)). Although there have been declining trends in landings from the salmon fisheries in recent years, a sharp decline did not occur until after 1991. This sharp decline coincided with an extreme El Niño ocean warming event during 1992–1993. The 1994 season is the first season in which all ocean fisheries for coho were closed; the projected chinook harvest for ocean fisheries indicates a new record low will be achieved, eclipsing the previous record low in 1992. Therefore, for the purposes of the NEAP, the beginning and ending dates of the fishery resource disaster are January 1, 1992, and December 31, 1994, respectively.

The extent of this disaster includes the waters and habitat associated with the salmon fisheries of northern California, Oregon and Washington.

II. Definitions

For the purposes of the NEAP program:

Commercial fishermen are vessel owners, operators, or crews directly involved in the commercial fishery.

Commercial fishery is defined as the salmon fishery off the coasts and in the state waters of Washington, Oregon, and California for purposes of either selling the salmon harvested or providing a vessel for hire that carries recreational fishermen to engage in fishing for a fee (e.g., charterboats and headboats). Subsistence fisheries do not fall under this definition.

Commercial fishery income is earned income derived from participation in the commercial fishery.

Gross income includes all income received in the form of money, goods, property, and services that is not exempt from Federal income tax.

Loss is defined as a loss of income not subject to Federal or state compensation and determined by a multi-step procedure, as follows:

1. The applicant (commercial fisherman) selects a base year from the years 1986 through 1990.

2. The applicant determines his/her commercial fishery income from 1992, 1993, or 1994, and selects whichever year commercial fisheries income was the highest. This is the comparison year. If an applicant had no commercial fisheries income from 1992 to 1994, the amount for the comparison year is zero.

3. If the amount of the applicant's commercial fishery income, as selected in step 2 above, is less than the applicant's commercial fishery income from the base year, then a loss has occurred. The amount of the annual loss is the difference between the applicant's base year commercial fishery income and that from the comparison year selected in step 2 above.

4. The amount of the annual loss calculated in step 3 above is multiplied by three to determine the applicant's total loss for the disaster period.

(Note: The Federal assistance programs announced in this notice are limited to compensation to commercial fishermen for uninsured losses that have not been addressed through compensation from other state or Federal programs.)

Salmon means chinook (king) salmon (*Oncorhynchus tshawytscha*), coho (silver) salmon (*Oncorhynchus kisutch*), pink (humpback) salmon (*Oncorhynchus gorbuscha*), chum (dog) salmon (*Oncorhynchus keta*), and sockeye (red) salmon (*Oncorhynchus nerka*).

III. Program Descriptions

A. Vessel Permit Buyout Program

This program is intended to compensate commercial fishermen for uninsured lost income and to aid the long-term viability of the fishery resource by reducing fishing effort on the stocks.

Only Washington State has indicated a strong interest in a buyout program and currently has a limited entry program that meets the program requirements. Therefore, Washington State will function as the sole administrative intermediary. However, if another state or tribal government entity has in place an appropriate limited-entry system and wants to participate in the buyout program, NMFS will consider allowing buyouts of limited entry permits issued under appropriate limited entry permit programs other than Washington State's. Washington State, in consultation with NMFS, shall design a permit buyout program that is consistent with state and Federal management and grant regulations, including a "permit offer" application that allows assessment of the uninsured, and otherwise uncompensated, loss of the applicant, any receipt of benefits by the applicant from all other assistance programs associated with this disaster, and the gross income of the applicant in 1993 (or, if married, the combined gross income of both spouses). The administrative costs charged by Washington State shall be kept at a minimum; such costs should not exceed 7.5 percent of the total funds distributed for this program.

Offers to sell gillnet or troll permits from commercial fishermen who participate under limited entry systems of qualified government entities will be solicited by the State of Washington. (Qualified government entities are those governments that administer limited-entry commercial salmon fisheries and can ensure that permits bought out will not be replaced.) These commercial fishermen will need to demonstrate an uninsured, and otherwise uncompensated, loss as a result of the fishery resource disaster, as defined for the purposes of NEAP.

Permits will be selected for buyout based on a sealed bid process. Starting with the lowest offers, permits will be purchased until the funds are exhausted. Maximum purchase prices for these permits will be limited to amounts that ensure that the offerer (commercial fisherman) will not be receiving total benefits from this and any other program that exceed 75 percent of his or her uninsured, and

otherwise uncompensated, commercial fishery loss resulting from this fishery resource disaster, and in no case more than $100,000 per individual. The State of Washington, in consultation with NMFS, will reserve the right to reject any and all bids.

This program was originally designed to be applied to the Washington State troll and gillnet fleets. However, Washington State may elect to include the charterboat fleet. Fishermen may contact the Washington Department of Fish and Wildlife for updates on the development of this program. For more details about the buyout program, consult the September 7, 1994, notice of the proposed program.

B. Habitat Restoration Program

The habitat restoration program will hire eligible commercial fishermen (i.e., those who suffered uninsured losses as a result of the West Coast salmon fishery disaster), both tribal and non-tribal, at a "living wage" to perform work that has a long-term beneficial impact on the habitat of the salmon. Generally, "living wages" are wages commensurate with the prevailing rate for similar work conducted in a specific locality. Depending on the locality and the skills required, living wage may range up to $10–15 per hour. The types of work fishermen may do under this program will involve the operation of backhoes and skiploaders, and undertaking the necessary plantings of vegetation. Generally, fishermen will need 1 to 2 days of training. Commercial fishermen who meet the eligibility criteria will be hired on a first-come, first-served basis by contractors associated with projects that have been solicited and approved by the administrative intermediary.

Habitat restoration projects are to take place in areas geographically accessible to displaced fishermen, which include the coastal counties from Sonoma County, CA, to Whatcom County, WA; Clallam County, WA; and counties bordering on Puget Sound or the Columbia River or its tributaries. If within commenting distance, projects can be undertaken in other counties, if they contain habitat important to the salmon resources associated with the fishery resource disaster.

NMFS intends to enter into an agreement with the SCS to serve as the administrative intermediary for the habitat restoration program. A discussion of the rationale for choosing the SCS as the intermediary for this program can be found in the September 7, 1994, notice of the proposed program.

The SCS will enter into agreements with the appropriate state conversation agency, conversation commission, or association of conservation districts, which, in turn, will develop: A grant solicitation process, including guidelines for making a grant application; a grant application review process; deadlines for grant applications; and a monitoring and evaluation process. Each state conservation agency, conservation commission, or association of conservation districts will develop agreements with state employment departments to establish a program to determine the eligibility of commercial fishermen according to the criteria described elsewhere in this notice.

While it is NMFS' intention to make financial assistance available as soon as possible, it should be noted that, due to weather, habitat considerations, and the need for project review, planning, and implementing, it is unlikely that many fishermen will start receiving wages in this program prior to April 1, 1995. Every effort to expedite the program will be made.

C. Data Collection Jobs Program

NMFS has chosen the PSMFC as the administrative intermediary for the data jobs program in the three affected states. NMFS has selected the PSMFC as the administrative intermediary because PSMFC goals, objectives, and organizational structure coincide largely with the implementation needs of this program. The rationale for choosing the PSMFC as the intermediary for this program is discussed in the September 7, 1994, notice of the proposed program.

The data collection program will provide jobs associated with collecting information or performing tasks that will be of use to scientists and fishery managers. Under this program, eligible commercial fishermen, both tribal and non-tribal, will be hired on a first-come, first-served basis, at a "living wage," up to $10–15 per hour, to perform various tasks by contractors associated with approved projects. Examples of these tasks include collecting tissue samples for genetic research, measuring parameters of the ocean environment (temperature, upwelling, etc.), performing baseline surveys of habitat, participating in test fisheries to determine ocean fish distribution, and assisting hatchery technicians in collecting information or in improving hatchery operations. Commercial fishing vessels may also be chartered to do research. For some tasks, as with the habitat restoration program, training of fishermen will be required.

Proposals will be competitively solicited by the administrative intermediary from states, tribes, academia, and industry or conservation organizations for projects to be considered under this data collection jobs program. These proposals will be ranked according to criteria established in section IV of this notice. To ensure that this program complements the habitat restoration program and does not duplicate other Federal assistance programs, representatives from NMFS and SCS will be members of this review panel. Priority will be given to projects that provide the greatest benefits to displaced fishermen; address the sustainability or rebuilding of anadromous species, especially threatened or endangered salmon stocks; address Federal, Pacific Fishery Management Council, PSMFC, or state fishery research needs; are based on sound scientific methodology; and have low administrative costs. Applicants must demonstrate ability to manage and account for Federal funds. Matching funds or cost sharing are not required, but may be taken into consideration during the final selection process. The timing of the actual employment of fishermen will depend on the planning and proposal selection process, as well as the best seasons in which to undertake research.

IV. Eligibility Criteria

For purposes of the habitat restoration and data collection programs under NEAP, job applicants must meet all of the following eligibility criteria to receive assistance:

1. The applicant must show an uninsured loss.

2. In the base year (1986, 1987, 1988, 1989, or 1990) used by the applicant in determining loss, the applicant must have earned at least 50 percent of gross income from the commercial fishery.

3. The applicant must have earned commercial fishery income in 1991, 1992, 1993, or 1994.

4. The applicant's 1992, 1993, or 1994 commercial fishery income, whichever is greater, must have declined by at least 50 percent from the applicant's commercial fishery income from the base year selected. If an applicant had no commercial fishery income in 1992–1994 and had commercial fishery income during a base year, this criterion is satisfied.

5. If single, the applicant's 1993 gross income must have been less than $25,000. If married, the applicant's 1993 gross combined income of the applicant and his/her spouse must have been less than $50,000.

No person may receive financial assistance under NEAP that exceeds 75 percent of any uninsured and otherwise uncompensated commercial fishery loss resulting from the fishery resource

disaster, and no person may receive more than $100,000 of Federal funds in the aggregate for all losses resulting from the disaster.

The intent of these criteria is to provide the available assistance to those commercial fishermen who have been most heavily dependent on salmon fishing and who have suffered the greatest losses. In order to comply with the requirements of the IFA, an uninsured loss must be shown. The second criterion is intended to determine those applicants that have been dependent on the commercial fishery for most of their livelihood. The third criterion is intended to limit eligibility to those who commercially fished during the disaster period. The final two criteria are intended to focus the available financial assistance on those commercial fishermen who have suffered the greatest losses due to the disaster and who do not have significant income from other sources.

In applying for any of the programs, a commercial fisherman will be required to submit documentation, including salary, earnings, or crew-share statements and affidavits that demonstrate eligibility.

Discussion of the rationale for these criteria was provided in the notice of the proposed program and is not repeated here.

V. Program and State Funding Targets

NMFS anticipates that the NEAP program will result in the following distribution of available financial assistance among the affected states and programs: 55 percent of available funds will be distributed to the State of Washington and 22.5 percent of available funds will be distributed to each of the States of Oregon and California. NMFS emphasizes that these are "target" distributions, not fixed percentages, and are flexible; redistributions could be made, if increased total benefits can be achieved.

Classification

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

This action establishes a financial assistance program that will contain collection-of-information requirements subject to the Paperwork Reduction Act. The necessary information collection forms and specific reporting requirements have not been fully identified at this time, and will be developed in conjunction with the intermediaries administering the program, and submitted to OMB for approval prior to implementation.

Because this notice establishes a program to address some of the immediate needs of salmon fishermen affected by the resource disaster, there is good cause under section 553(d)(3) of the Administrative Procedure Act to make this notice effective upon publication in the **Federal Register**. Any delay in making this program effective will delay relief to those adversely affected by the disaster and, therefore, delaying the effective date of this notice for 30 days in contrary to the public interest.

Dated: October 4, 1994.

Gary Matlock,

Program Management Officer, National Marine Fisheries Service.

[FR Doc. 94–24997 Filed 10–4–94; 5:06 pm]

BILLING CODE 3510–22–M

DEPARTMENT OF EDUCATION

Office of Special Education and Rehabilitative Services

[CFDA No.: 84.133N]

The National Institute on Disability and Rehabilitation Research (NIDRR)

AGENCY: Department of Education.

ACTION: Correction notice.

SUMMARY: On June 3, 1994 a notice inviting applications for new awards under certain programs for fiscal year 1995 was published in the **Federal Register** (59 FR 29138). That notice included the program for Special Projects and Demonstrations for Spinal Cord Injury Centers. The Committee reports accompanying the fiscal year 1995 Appropriation bill direct NIDRR to increase funding for Spinal Cord model systems to $7 million to increase the number of Centers to be funded. In response to this directive and in order to allow potential applicants time to respond, NIDRR is changing the deadline for transmittal of applications, the estimated number of awards, and the estimated average size of awards for the funding priority on Special Projects and Demonstrations for Spinal Cord Injuries.

On page 29140, the table on Special Projects and Demonstrations for Spinal Cord Injuries is corrected to read:

Deadline for Transmittal of Applications: 11/18/94.

Estimated Number of Awards: 15–20.

Estimated Average Size of Awards: $350,000–450,000.

FOR FURTHER INFORMATION CONTACT: Dianne Villines, U.S. Department of Education, Room 3417 Switzer Building, 600 Independence Avenue, S.W., Washington, DC 20202. Telephone: (202) 205–9141. Individuals who use a telecommunications device for the deaf (TDD) may call the TDD number at (202) 205–8887.

Authority: 29 U.S.C. 760–76.

Dated: October 5, 1994.

Judith E. Heumann,

Assistant Secretary for Special Education and Rehabilitative Services.

[FR Doc. 94–25010 Filed 10–7–94; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. IR–1096–001, et al.]

Missouri Basin Municipal Power Agency, et al; Electric Rate and Corporate Regulation Filings

September 30, 1994.

Take notice that the following filings have been made with the Commission:

1. Missouri Basin Municipal Power Agency

[Docket No. IR–1096–001]

Notice is hereby given that the Missouri Basin Municipal Power Agency (Missouri Basin) has filed on September 16, 1994, pursuant to Section 292.402 of the Commission's Regulations, a petition for waiver of certain obligations imposed under Sections 292.303(a) and 292.303(b) of the Commission's Regulations (18 CFR Part 292, Subpart C) which implement Section 210 of the Public Utility Regulatory Policies Act of 1978 (PURPA). Missouri Basin has duly implemented the Commission's PURPA Regulations by filing a PURPA implementation plan on March 1, 1982.

Missouri Basin requests a waiver on behalf of its 58 member municipalities located in the states of Iowa, Minnesota, North Dakota and South Dakota (Members). Specifically, Missouri Basin seeks a waiver of the requirement contained in 18 CFR 292.303(a) which would require these member electric cooperatives to purchase power made available from any qualifying facility (QF) and of the obligation in 18 CFR 292.303(b) which would require Missouri Basin to make sales to any QF. The applicant believes that purchases by the Members from QFs or sales by Missouri Basin to QFs are unnecessary to encourage cogeneration or small power production and are not otherwise required by Section 210 of PURPA.

Comment date: November 10, 1994; in accordance with Standard Paragraph E at the end of this notice.

2. United States Department of Energy—Southeastern Power Administration (Cumberland Basin System)

[Docket No. EF94–3021–000]

Take notice that on September 26, 1994, the Southeastern Power Administration supplemented its earlier filing for the Cumberland Basin System by supplying a missing page from its Exhibit C.

Comment date: October 13, 1994, in accordance with Standard Paragraph E at the end of this notice.

3. PSI Energy, Inc.

[Docket No. ER94–1517–000]

Take notice that on September 26, 1994, PSI Energy, Inc. (PSI), tendered for filing an amended Service Schedule in the FERC Filing in Docket No. ER94–1517–000 to comply with a FERC Staff request. Copies of the filing were served on the Rainbow Energy Marketing Corporation, North Dakota Public Service and the Indiana Utility Regulatory Commission.

Comment date: October 17, 1994, in accordance with Standard Paragraph E at the end of this notice.

4. Portland General Electric Company

[Docket No. ER94–1630–000]

Take notice that on September 26, 1994, Portland General Electric Company (PGE) tendered for filing clarifying amendments to its September 7, 1994, filing in the above-captioned docket.

Copies of the filing were served upon the list of entities appearing on the Certificate of Service attached to the filing letter.

Comment date: October 17, 1994, in accordance with Standard Paragraph E at the end of this notice.

5. Maine Public Service Company

[Docket No. ER94–1638–000]

Take notice that on September 8, 1994, Maine Public Service Company (Maine Public) filed an executed Service Agreement with PowerNet, G.P. Maine Public states that the service agreement is being submitted pursuant to its tariff provision pertaining to the short-term non-firm sale of capacity and energy which establishes a ceiling rate at Maine Public's cost of service for the units available for sale.

Maine Public requests that the service agreement become effective on September 1, 1994, and requests waiver of the Commission's regulations regarding filing.

Comment date: October 17, 1994, in accordance with Standard Paragraph E at the end of this notice.

6. Imprimis Corporation

[Docket No. ER94–1672–000]

Take notice that on September 22, 1994, Imprimis Corporation (Imprimis), tendered for filing, pursuant to Rule 207 of the Commission's Rules and Regulations, 18 CFR 385.207, a Petition for Order Approving Rate Schedule and Granting Waivers. Imprimis requests that its proposed FERC Rate Schedule No. 1 be made effective December 1, 1994.

The proposed rate schedule would allow Imprimis to charge market-based rates for the sales it intends to make to purchasers for resale. Imprimis also asks the Commission to waive certain of its regulatory and reporting requirements.

Comment date: October 17, 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, N.E., Washington, D.C. 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. 94–24963 Filed 10–7–94; 8:45 am]

BILLING CODE 6717–01–P

[Docket No. ER94–1673–000, et al.]

PECO Energy Company, et al.; Electric Rate and Corporate Regulation Filings

October 3, 1994.

Take notice that the following filings have been made with the Commission:

1. PECO Energy Company

[Docket No. ER94–1673–000]

Take notice that on September 22, 1994, PECO Energy Company (PECO) tendered for filing an Agreement between PECO and Delaware Municipal Electric Corporation (DEMEC) dated September 20, 1994.

PECO states that the Agreement sets forth the terms and conditions for the sale of system energy which it expects to have available for sale from time to time and the purchase of which will be economically advantageous to DEMEC. In order to optimize the economic advantage to both PECO and DEMEC, PECO requests that the Commission waive its customary notice period and permit the agreement to become effective on September 20, 1994.

PECO states that a copy of this filing has been sent to DEMEC and will be furnished to the Pennsylvania Public Utility Commission.

Comment date: October 17, 1994, in accordance with Standard Paragraph E at the end of this notice.

2. Appalachian Power Company

[Docket No. ER94–1674–000]

Take notice that on September 22, 1994, Appalachian Power company (APCo), tendered for filing: (1) an extension of and modification to a transmission service agreement (TSA) between APCo and the City of Danville, Virginia, Electric Department (Danville); and (2) an extension of an amendment to an electric service agreement (ESA), also between APCo and Danville. The TSA was previously accepted for filing and designated as Service Agreement No. 6 under FERC Electric Tariff Original Volume No. 1, and the amendment to the ESA was previously accepted for filing and designated as Supplement No. 5 to APCo Rate Schedule FERC No. 124. The Extension of and modification to the TSA provides for transmission service to be made available to Danville from October 1, 1994, through December 31, 1994, while the extension of the amendment to the ESA accommodates the power and energy to be transmitted pursuant to the TSA, as extended. Waiver of notice requirements was requested to accommodate an effective date of October 1, 1994.

A copy of the filing was served upon Danville, the Virginia State Corporation Commission, and the Public Service Commission of West Virginia.

Comment date: October 17, 1994, in accordance with Standard Paragraph E at the end of this notice.

3. Wisconsin Electric Power Company

[Docket No. ER94–1675–000]

Take notice that on September 22, 1994, Wisconsin Electric Power Company (Wisconsin Electric), tendered for filing an Electric Service Agreement and a Transmission Service Agreement

between itself and Rainbow Energy Marketing Corporation (Rainbow). The Electric Service Agreement provides for service under Wisconsin Electric's Coordination Sales Tariff. The Transmission Service Agreement allows Rainbow to receive transmission service under Wisconsin Electric' FERC Electric Tariff, Original Volume 1, Rate Schedule T–1.

Wisconsin Electric requests an effective date of sixty days from date of filing. Copies of the filing have been served on Rainbow and the Public Service Commission of Wisconsin.

Comment date: October 17, 1994, in accordance with Standard Paragraph E at the end of this notice.

4. Texas-Ohio Power Marketing, Inc.

[Docket No. ER94–1676–000]

Take notice that on September 23, 1994, Texas-Ohio Power Marketing, Inc. (TOPM), tendered for filing pursuant to Rules 205 and 207 of the Commission's Rules of Practice and Procedure, 18 CFR 385.205 and 385.207, an application requesting the Commission to accept and approve its Rate Schedule No. 1 to be effective on and after November 23, 1994, and grant waivers and blanket approvals under various regulations of the Commission.

TOPM intends to engage in electric power and energy transactions as a marketer and a broker. In transactions where TOPM purchases power, including capacity and related services, and/or energy from electric utilities, qualifying facilities and independent power producers, and resells such power and/or energy to other purchasers, TOPM will be functioning as a marketer. It proposes to make such sales at rates and on terms and conditions to be mutually agreed with the purchasing party. In transactions where TOPM does not take title to the electric power and/or energy, TOPM will be limited to the role of a broker and will charge a fee for its services. TOPM is not in the business of generating, transmitting or distributing electric power. TOPM does not currently have or contemplate acquiring title to any electric power transmission facilities.

Comment date: October 17, 1994, in accordance with Standard Paragraph E at the end of this notice.

5. Kansas City Power & Light Company

[Docket No. ER94–677–00]

Take notice that on September 23, 1994, Kansas City Power & Light Company (KCPL) tendered for filing an Amendatory Agreement No. 1 to Municipal Participation Agreement (MPA), between KCPL and the City of Higginsville, Missouri dated April 8, 1992. KCPL states that the Amendatory Agreement reflects the City's intention to purchase and own up to 40 MW of generation and associated 69 kV substation and interconnection facilities, which KCPL will have sole authority to dispatch.

KCPL requests an effective date of June 1, 1996.

Comment date: October 17, 1994, in accordance with Standard Paragraph E at the end of this notice.

6. Kentucky Utilities Company

[Docket No. ER94–1678–000]

Take notice that on September 22, 1994, Kentucky Utilities Company (KU) tendered for filing a Transmission Service Interim Agreement between AES Power, Incorporated (AES) and KU. KU requests an effective date of August 19, 1994.

Comment date: October 17, 1994, in accordance with Standard Paragraph E at the end of this notice.

7. Florida Power & Light Company

[Docket No. ER94–1679–000]

Take notice that on September 23, 1994, Florida Power & Light Company (FPL), tendered for filing the First Amended Exhibit A of the Contract for Interchange Service between Florida Power & Light Company and City of Vero Beach, Florida dated September 14, 1994; and the First Amended Exhibit A of the Contract for Interchange Service between Florida Power and Light Company and Fort Pierce Utilities Authority, dated September 14, 1994.

Comment date: October 17, 1994, in accordance with Standard Paragraph E at the end of this notice.

8. Boston Edison Company

[Docket No. ER94–1680–000]

Take notice that on September 26, 1994, Boston Edison Company (Edison), tendered for filing an amendment to Edison's FERC Electric Tariff, Original Volume No. 6—Power Sales and Exchange Tariff (the Tariff). The purpose of this amendment is to expand the availability of this tariff to transactions with power marketers.

Edison states that it has served the filing on all utilities that have signed service agreements under the Tariff and on the Massachusetts Department of Public Utilities.

Edison requests that this amendment become effective on November 25, 1994.

Comment date: October 17, 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, N.E., Washington, D.C. 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. 94–24964 Filed 10–7–94; 8:45 am]

BILLING CODE 6717–01–P

[Docket No. CP94–814–000, et al.]

Columbia Gas Transmission Corporation et al.; Natural Gas Certificate Filings

October 3, 1994.

Take notice that the following filings have been made with the Commission:

1. Columbia Gas Transmission Corp. Columbia Gulf Transmission Co.

[Docket No. CP94–814–000]

Take notice that on September 28, 1994, Columbia Gas Transmission Corporation (Columbia Gas), P.O. Box 1273, Charleston, West Virginia, 25325–1273 and Columbia Gulf Transmission Company (Columbia Gulf), P.O. Box 683, Houston, Texas, 77001, filed a joint application pursuant to Section 7(b) of the Natural Gas Act requesting authority to abandon an exchange service provided by Columbia Gas and Columbia Gulf for Gulf Oil Corporation (Gulf) performed under Columbia Gas' Rate Schedule X–85 and Columbia Gulf's Rate Schedule X–63, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

The exchange service was authorized in Docket No. CP79–97–000 which approved the agreement that Columbia Gas and Columbia Gulf would receive up to 15,000 Mcf/d from Gulf's reserves at Eugene Island Area at Platform Nos. 331–A, 313–A, 314–A, and 314–B, offshore Louisiana. Columbia Gas and Columbia Gulf would then deliver equivalent volumes of gas at West

Cameron Block 245, offshore Louisiana, into a pipeline owned jointly by Texas Eastern Transmission Corporation, Northern Natural Gas Company, and Transcontinental Gas PipeLine Corporation. The exchange was on a gas-for-gas basis. On July 6, 1993, Columbia Gas notified Columbia Gulf and Gulf of its cancellation of the exchange service to be effective July 6, 1994. The agreement between Columbia Gas, Columbia Gulf, and Gulf provided for a five-year primary term continuing from year-to-year thereafter, unless canceled by either party by at least one year's prior written notice. Columbia Gas has terminated its gas purchase contracts, and states that the exchange is no longer required, gas last flowed in January 1983.

Comment date: October 24, 1994, in accordance with Standard Paragraph F at the end of this notice.

2. Koch Gateway Pipeline Co.

[Docket No. CP94–815–000]

Take notice that on September 29, 1994, Koch Gateway Pipeline Company (Koch), P.O. Box 1478, Houston, Texas 77251–1478, filed in Docket No. CP94–815–000 a request pursuant to Section 157.205 of the Commission's Regulations to operate an existing delivery point facilities initially constructed under Section 311(a) of the Natural Gas Policy Act of 1978 (NGPA) for Entex, Inc. (Entex), a local distribution company, under Koch's blanket certificate issued in Docket No. CP82–430–000, pursuant to Section 7 of the Natural Gas Act, all as more fully set forth in the request on file with the Commission and open to public inspection.

Koch proposes to operate a two-inch tap on Koch's 4-inch Jasper Line in Jasper County, Texas to provide service for Entex under its Part 284, Subpart G blanket transportation certificate issued in Docket No. CP88–6–000. Koch indicates that it constructed these facilities for Entex under Section 311 (a) of the NGPA. Koch states that Entex reimbursed Koch approximately $3,446 for the total cost of the construction of the tap which connects to measuring and regulating equipment owned and operated by Entex.

Koch states that Entex proposes to add this delivery point to its existing firm transportation agreement with Koch. Koch indicates that Entex estimates its peak day requirement at this delivery point would be 200 MMBtu. Koch states that these facilities would not have an impact on Koch's curtailment plan since the proposed firm service is for a minor peak day requirement and the level of firm service would remain within the certificated entitlement of service. Koch states that it has sufficient capacity to render the proposed service without detriment or disadvantage to its other existing customers and that its tariff does not prohibit the proposed modification of facilities.

Comment date: November 17, 1994, in accordance with Standard Paragraph G at the end of this notice.

3. El Paso Natural Gas Co.

[Docket No. CP94–819–000]

Take notice that on September 29, 1994, El Paso Natural Gas Company (El Paso), Post Office Box 1492, El Paso, Texas 79978, filed in Docket No. CP94–819–000 a request pursuant to Sections 157.205(b) and 157.212 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205(b) and 157.212) for authorization to establish a delivery point in Maricopa County, Arizona, for firm transportation and delivery of natural gas to Southwest Gas Corporation (Southwest), under El Paso's blanket certificate issued in Docket No. CP82–435–000 pursuant to Section 7 of the Natural Gas Act, all as more fully set forth in the request on file with the Commission and open to public inspection.

El Paso states that it provides firm transportation service for Southwest pursuant to the terms and conditions of a transportation service agreement dated August 9, 1991, (TSA). The TSA provides for the firm transportation of Southwest's full requirements of natural gas to consumers situated within the State of Arizona.

It is further stated that the gas quantity that El Paso proposes to deliver to Southwest at the delivery point is 983,200 Mcf annually, 2,694 Mcf per day, and 983,200 Mcf peak day.

El Paso states that establishment of the proposed delivery point is not prohibited by El Paso's existing tariff. El Paso further states that it has sufficient capacity to accomplish the deliveries of the requested gas volumes without detriment or disadvantage to El Paso's customers.

Accordingly, El Paso requests authorization to establish the 67th Avenue Tap as a delivery point at approximately milepost 3.75 on its North Phoenix Line in Maricopa County, Arizona.

Comment date: November 17, 1994, in accordance with Standard Paragraph G at the end of this notice.

4. Texas Gas Transmission Corp.

[Docket No. CP94–821–000]

Take notice that on September 29, 1994, Texas Gas Transmission Corporation (Applicant), P.O. Box 1160, Owensboro, Kentucky 42302, filed in Docket No. CP94–821–000 for approval under Section 157.205 to construct and operate a delivery point in Henderson County, Kentucky.

Applicant proposes to construct and operate a 3" meter station on its Spencer Chemical 6" pipeline in Henderson County, Kentucky. The delivery point will connect with Henderson Municipal Gas Department (Henderson). Applicant will be able to deliver a maximum of 2,400 MMBtu per day to Henderson at this point. Henderson will serve the new delivery point with gas moved under its FT and NNS agreements with applicant and does not require an increase in existing contract quantities to serve this new delivery point. Applicant states that the proposed delivery point will allow Henderson to meet increased load growth in the area.

Applicant will obtain a new right-of-way in connection with this construction and will enlarge an existing meter lot to approximately 40 feet by 60 feet in order to accommodate this meter station. Texas Gas is in the process of obtaining the environmental and cultural clearance required by Section 157.206(d) of the Commission's Regulations.

Comment date: November 17, 1994, in accordance with Standard Paragraph G at the end of this notice.

Standard Paragraphs

F. Any person desiring to be heard or to make any protest with reference to said application should on or before the comment date, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this

application if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate and/or permission and approval for the proposed abandonment are required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for applicant to appear or be represented at the hearing.

G. Any person or the Commission's staff may, within 45 days after issuance of the instant notice by the Commission, file pursuant to Rule 214 of the Commission's Procedural Rules (18 CFR 385.214) a motion to intervene or notice of intervention and pursuant to § 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) a protest to the request. If no protest is filed within the time allowed therefor, the proposed activity shall be deemed to be authorized effective the day after the time allowed for filing a protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request shall be treated as an application for authorization pursuant to Section 7 of the Natural Gas Act.

Lois D. Cashell,

Secretary.

[FR Doc. 94–24965 Filed 10–7–94; 8:45 am]

BILLING CODE 6717–01–P

[Docket No. CP94–811–000, et al.]

Texas Gas Transmission Corp., et al.; Natural Gas Certificate Filings

September 30, 1994,

Take notice that the following filings have been made with the Commission:

1. Texas Gas Transmission Corp. Union Oil Company of California

[Docket No. CP94–811–000]

Take notice that on September 28, 1994, Texas Gas Transmission Corporation (Texas Gas), Post Office Box 1160, Owensboro, Kentucky 42302 and Union Oil Company of California (Unocal), 14141 Southwest Freeway, Sugar Land, Texas 77478 filed, in Docket No. CP94–811–000, a joint application pursuant to section 7(b) of the Natural Gas Act and part 157 of the Commission's Regulations for an order permitting and approving the abandonment of an exchange service, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Texas Gas and Unocal propose to abandon an interruptible exchange service, pursuant to an exchange agreement dated November 5, 1985 (Agreement), of up to 15,000 Mcf per month of natural gas. Texas Gas states that under the Agreement it delivered up to 15,000 Mcf per month to a location at or near Unocal's Bayou Pigeon Meter Station located in Iberia Parish, Louisiana and received equivalent quantities of gas from Unocal at the Bayou Pigeon delivery point, at a delivery point in the Lake Pagie Field, or at other mutually agreeable locations. Texas Gas also states that the term of its Agreement coincided with the term of a gas purchase contract, with Unocal, involving gas reserves in the Bayou Pigeon Field. Texas Gas asserts the gas purchase contract expired on November 1, 1993, and thus the Agreement also terminated on this same date.

Texas Gas and Unocal state there is no abandonment of any facilities pursuant to the instant application.

Comment date: October 21, 1994, in accordance with Standard Paragraph F at the end of this notice.

2. CNG Transmission Corp.

[Docket No. CP94–795–000]

Take notice that on September 22, 1994, CNG Transmission Corporation (CNG), 445 West Main Street, Clarksburg, West Virginia 26301, Koch Gateway Pipeline Company (Gateway), filed in Docket No. CP94–795–000 an application pursuant to section 157.211(b) of the Commission's Regulations under the Natural Gas Act (NGA) for authorization to construct new delivery facilities that would serve as an additional delivery point to National Fuel Gas Supply Corporation (NFG Supply), under the blanket certificate issued in Docket No. CP82–537–000, all as more fully set forth in the request on file with the Commission and open to public inspection.

CNG states that NFG Supply currently transports local production gas to its affiliate, National Fuel Gas Distribution (NFG Distribution), for distribution of approximately 325 consumers in the Village of Wilcox, in Jones Township, Elk County, Pennsylvania. CNG further states that NFG Supply serves these consumers by utilizing CNG's B–5 and B–M7 lines. Because of the age and condition of these lines, and a declining supply, NFG Supply desires to retire these lines. CNG proposes to construct a four-inch tap, measuring and regulation station and add approximately 150 feet of 4-inch connecting line from CNG's pipeline system near the Village of Wilcox. This would replace the gas supply delivering it through the new facilities to NFG Supply so that NFG Distribution could continue serving its consumers in Wilcox and vicinity. CNG states that the estimated cost of the construction is $124,596.00, and that NFG Supply has agreed to reimburse CNG.

Comment date: November 14, 1994, in accordance with Standard Paragraph G at the end of this notice.

3. Tennessee Gas Pipeline Co.

[Docket No. CP94–806–000]

Take notice that on September 27, 1994, Tennessee Gas Pipeline Company (Tennessee), P.O. Box 2511, Houston, Texas 77252, filed an application in Docket No. CP94–806–000 pursuant to Section 7(b) of the Natural Gas Act for permission and approval to abandon certain firm storage transportation services, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Tennessee proposes to abandon firm storage transportation service under Rate Schedules SST and FSST effective March 31, 1995, for the following customers:

The Berkshire Gas Company
Colonial Gas Company
Yankee Gas Services Company
Connecticut Natural Gas Corporation
Energy North Natural Gas, Inc.
Essex County Gas Company
The Southern Connecticut Gas Company
Valley Gas Company
Long Island Lighting Company
Central Hudson Gas & Electric Corporation

Tennessee states that it has provided written notice to these customers of its intent to terminate service upon expiration of the primary term of the contract.

Tennessee asserts that it would offer the SST and FSST customers replacement service under Tennessee's Rate Schedule FT–A. Tennessee also asserts that firm capacity which is associated with providing FSST and SST service for those customers who reject this offer would be immediately posted on Tennessee's bulletin board as available under Tennessee's FT–A Rate Schedule. Tennessee states that these customers would have the right of first refusal to match any bids received at the maximum rate under Rate Schedule FT–A up to a maximum term of 20 years from March 31, 1995, and receive service under Part 284 of the Commission's Regulations.

Comment date: October 21, 1994, in accordance with Standard Paragraph F at the end of this notice.

4. Texas Gas Transmission Corp. Union Oil Company of California

[Docket No. CP94–807–000]

Take notice that on September 27, 1994, Texas Gas Transmission Corporation (Texas Gas), Post Office Box 1160, Owensboro, Kentucky 42302 and Union Oil Company of California (Unocal), 14141 Southwest Freeway, Sugar Land, Texas 77478 filed, in Docket No. CP94–807–000, a joint application pursuant to Section 7(b) of the Natural Gas Act and Part 157 of the Commission's Regulations for an order permitting and approving the abandonment of an exchange service, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Texas Gas and Unocal propose to abandon an interruptible exchange service, pursuant to an exchange agreement dated June 23, 1983 (Agreement), of up to 15,000 Mcf per month of natural gas. Texas Gas states that under the Agreement it delivered up to 15,000 Mcf per month to a location near Unocal's Welsh Meter Station located in Jefferson Davis Parish, Louisiana and received equivalent quantities of gas from Unocal at locations in the Welsh Field or at other mutually agreeable locations. Texas Gas also states that the term of its Agreement coincided with the term of a gas purchase contract, with Unocal, involving gas reserves in the Welsh Field. Texas Gas asserts the gas purchase contract expired on November 1, 1993, and thus the Agreement also terminated on this same date.

Texas Gas and Unocal state there is no abandonment of any facilities pursuant to the instant application.

Comment date: October 21, 1994, in accordance with Standard Paragraph F at the end of this notice.

5. ANR Pipeline Co.

[Docket No. CP94–813–000]

Take notice that on September 28, 1994, ANR Pipeline Company (Applicant), 500 Renaissance Center, Detroit, Michigan 48243, filed in Docket No. CP94–813–000 for approval under Sections 157.205, 157.211 to construct and operate an interconnection between Applicant and Wisconsin Natural Gas Company (WNGC) in Kenosha County, Wisconsin.

The proposed Kenosha Interconnection consists of a hot tap and valve assembly located in the existing right of way of Applicant's existing 10-inch and 12-inch pipeline in Kenosha County, Wisconsin. The proposed facility will cost $191,000. Applicant states that the proposed interconnection will allow WNGC to provide natural gas for Wisconsin Electric Power Company's Paris Generating Station in the Town of Paris, Kenosha County, Wisconsin.

Deliveries under the proposed service will total 119,040 Mcf per day. Applicant will provide WNGC with deliveries under Rate Schedules NNS, FSS, ETS and MBS of Applicant's FERC Gas Tariff, Second Revised Volume No. 1.

Comment date: November 14, 1994, in accordance with Standard Paragraph G at the end of this notice.

Standard Paragraphs

F. Any person desiring to be heard or to make any protest with reference to said application should on or before the comment date, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate and/or permission and approval for the proposed abandonment are required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for applicant to appear or be represented at the hearing.

G. Any person or the Commission's staff may, within 45 days after issuance of the instant notice by the Commission, file pursuant to Rule 214 of the Commission's Procedural Rules (18 CFR 385.214) a motion to intervene or notice of intervention and pursuant to § 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) a protest to the request. If no protest is filed within the time allowed therefor, the proposed activity shall be deemed to be authorized effective the day after the time allowed for filing a protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request shall be treated as an application for authorization pursuant to section 7 of the Natural Gas Act.

Lois D. Cashell,

Secretary.

[FR Doc. 94–24966 Filed 10–7–94; 8:45 am]

BILLING CODE 6717–01–P

[Docket No. MG88–2–005]

Algonquin Gas Transmission Company; Notice of Filing

October 4, 1994.

Take notice that on September 30, 1994, Algonquin Gas Transmission Company (Algonquin) submitted revised standards of conduct under Order Nos. 497 *et seq.*[1] and Order No. 566.[2] Algonquin states that it is revising its standards of conduct to incorporate the changes required by Order No. 566.

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, N.E., Washington, D.C., 20426, in accordance with Rules 211 or 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 or 385.214 (1993)). All such motions to

[1] Order No. 497, 53 FR 22139 (June 14, 1988), III FERC Stats. & Regs. ¶ 30,820 (1988); Order No. 497–A, *order on rehearing*, 54 FR 52781 (December 22, 1989), III FERC Stats. & Regs. 30,868 (1989); Order No. 497–B, *order extending sunset date*, 55 FR 53291 (December 28, 1990), III FERC Stats. & Regs. ¶ 30,908 (1990); Order No. 497–C, *order extending sunset date*, 57 FR 9 (January 2, 1992), III FERC Stats. & Regs. ¶ 30,934 (1991), rehearing denied, 57 FR 5815 (February 18, 1992), 58 FERC ¶ 61,139 (1992); Tenneco Gas v. FERC (affirmed in part and remanded in part), 969 F. 2d 1187 (D.C. Cir. 1992); Order No. 497–D, *order on remand and extending sunset date*, III FERC Stats. & Regs. ¶ 30,958 (December 4, 1992), 57 FR 58978 (December 14, 1992); Order No. 497–E, *order on rehearing and extending sunset date*, 59 FR 243 (January 4, 1994), 65 FERC ¶ 61,381 (December 23, 1993); Order No. 497–F, *order denying rehearing and granting clarification*, 59 FR 15336 (April 1, 1994), 66 FERC ¶ 61,347 (March 24, 1994); and Order No. 497–G, *order extending sunset date*, 59 FR 32884 (June 27, 1994), III FERC Stats. & Regs. ¶ 30,996 (June 17, 1994).

[2] Standards of Conduct and Reporting Requirements for Transportation and Affiliate Transactions, Order No. 566, 59 FR 32885 (June 27, 1994), III FERC Stats. & Regs. ¶ 30,997 (June 17, 1994).

intervene or protest should be filed on or before October 19, 1994. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 94–24967 Filed 10–7–94; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. RP94–419–000]

East Tennessee Natural Gas Company; Notice of Proposed Changes in FERC Gas Tariff

October 4, 1994.

Take notice that on September 30, 1994, East Tennessee Natural Gas Company (East Tennessee), tendered for filing as part of its FERC Gas Tariff, Second Revised Volume No. 1, First Revised Sheets Nos. 50 through 57.

East Tennessee states that the purpose of this filing is to allow East Tennessee to provide an alternative no-notice service to its shippers on a trial basis from November 1, 1994 through October 31, 1995. East Tennessee requests an effective date for the above-referenced sheets of November 1, 1994.

East Tennessee states that the above-referenced tariff sheets represent East Tennessee's LMS–MA Rate Schedule, which is used to provide balancing and no-notice service (DDS) to delivery point operators (Balancing Parties) on the East Tennessee system. East Tennessee states that its customers have requested that it provide an alternative no-notice service that allows customers to use their FS Storage and firm transportation on Tennessee Gas Pipeline Company (Tennessee) for balancing purposes. East Tennessee states that its proposed alternative no-notice service will meet this need.

Under the proposed revisions to the LMS–MA Rate Schedule, East Tennessee states that a Balancing Party has two choices with respect to no-notice service. The Balancing Party may elect to use the currently authorized no-notice service (DDS Option) or, if the Balancing Party has access to Tennessee's firm storage and transportation, the Balancing Party may release such storage and associated transportation to East Tennessee, and elect the newly proposed Storage Swing Option. Under the Storage Swing Option, East Tennessee will use the Balancing Party's Tennessee storage and transportation to provide no-notice service. Any variance between the quantity of gas scheduled for delivery at the Balancing Party's Delivery Point(s) and the actual quantity delivered Daily Variance), shall be treated as an automatic injection into or withdrawal out of storage. East Tennessee will operate the storage contracts in such a manner that a Balancing Party electing the Storage Swing Option can deviate from scheduled quantities by up to the Maximum Daily Withdrawal Quantity assigned without incurring any Daily Variance Charges or imbalances under the LMS–MA Rate Schedule.

East Tennessee states that it will not charge any administrative fee for this service but rather will bill the Balancing Party that elects the Storage Swing Option the applicable rates under the Tennessee Agreements for storage and transportation services, plus any applicable charges for firm transportation provided by East Tennessee, just as if the Balancing Party had actually made the nominations for the storage service in advance.

East Tennessee requests that the revisions to the LMS–MA Rate Schedule that provide for the Storage Swing Option remain in effect on a trial basis only until October 31, 1995. After one year of offering the Storage Swing Option, East Tennessee shall have the option of continuing the storage swing option as currently proposed, revising and enhancing the service to better meet customer needs, or discontinuing the Storage Swing Option if it proves unduly burdensome to administer.

East Tennessee and Tennessee request that the Commission grant all waivers its deems necessary for acceptance of this filing.

East Tennessee certifies that a copy of this cover letter has been mailed to all affected customers and state regulatory commissions as shown on the service list.

Any person desiring to be heard or to make any protest with reference to said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Sections 211 and 214 of the Commission's Rules of Practice and Procedure, 18 CFR 385.211 and 385.214. All such petitions or protests should be filed on or before October 12, 1994. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to this proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file and available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 94–24972 Filed 10–7–94; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. RP94–424–000]

Proposed Changes in FERC Gas Tariff; ANR Pipeline Company

October 4, 1994.

Take notice that on September 30, 1994, ANR Pipeline Company (ANR), tendered for filing as part of its FERC Gas Tariff, the tariff sheets listed below, with an effective date of November 1, 1994:

Second Revised Volume No. 1
- Fifth Revised Sheet No. 17
- Second Revised Sheet No. 17A

Original Volume No. 2
- Twenty-Sixth Revised Sheet Nos. 16 through 19
- Twenty-Eighth Revised Sheet No. 20
- Twenty-Seventh Revised Sheet No. 21
- Twenty-Fifth Revised Sheet No. 22
- Second Revised Sheet No. 22A

ANR states that the referenced tariff sheets are being submitted pursuant to the "Rate Adjustment for Viking Transportation Costs" tariff provision contained in Section 29 of the General Terms and Conditions of Second Revised Volume No. 1 of ANR's FERC Gas Tariff.

ANR states that a copy of this filing have been served by mail on all parties to these proceedings.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426 in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before October 12, 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 application are on file with the Commission an are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 94–24968 Filed 10–7–94; 8:45 am]

BILLING CODE 6717–01–M

Proposed Changes in FERC Gas Tariff; Boundary Gas, Inc.

October 4, 1994.

Take notice that on September 30, 1994, Boundary Gas, Inc. (Boundary) tendered for filing a proposed change to its FERC Gas Tariff, First Revised Volume No. 1, Second Revised Tariff Sheet No. 44 to supersede First Revised Tariff Sheet No. 44, with a proposed effective date of November 1, 1994. Boundary states that the proposed change would increase revenues from jurisdictional sales and services by $13,505.00 based on the 12-month period ending October 31, 1995, as adjusted.

Boundary states that the purpose of this filing is to reflect a change in the fee that Boundary Repurchasers pay to Boundary to cover amounts which Boundary pays to J. Makowski Associates, Inc. (JMAI) for services rendered under the Management Services Agreement between Boundary and JMAI.

Boundary states that copies of the filing have been served upon each of the Boundary Repurchasers and their respective state regulatory agencies.

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, D.C. 20426, in accordance with 385.214 and 385.211 of the Commission's Rules and Regulations. All such petitions or protests should be filed on or before October 12, 1994. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room.

Lois D. Cashell,

Secretary.

[FR Doc. 94–24969 Filed 10–7–94; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. RP94–418–000]

Proposed Changes in FERC Gas Tariff; Carnegie Natural Gas Co.

October 4, 1994.

Take notice that on September 30, 1994, Carnegie Natural Gas Company (Carnegie) tendered for filing as part of its FERC Gas Tariff, Third Revised Volume No. 1, the following revised tariff sheet, with a proposed effective date of November 1, 1994:

Ninth Revised Sheet No. 7

Carnegie states that it is filing the above tariff sheet pursuant to Section 32.2 of the General Terms and Conditions of its FERC-approved tariff as an Annual Transportation Cost Rate (TCR) Filing to reflect prospective changes in Transportation Costs associated with unassigned upstream capacity held by Carnegie on Texas Eastern Transmission Corporation (Texas Eastern) for the 12-month period commencing November 1, 1994, and under-recovered Transportation Costs for the period October 1, 1993 to August 31, 1994. Carnegie states that the filing reflects a reduction in the Transportation Cost Rate from $1.1109 to $1.0892. The new TCR includes a TCR Adjustment of $1.0223 and a TCR Surcharge of $.0669.

Carnegie states that copies of its filing were served on all jurisdictional customers and interested state commissions.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with 18 CFR 385.214 and 385.211 of the Commission's Rules and Regulations. All such motions or protests should be filed on or before October 12, 1994. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the public reference room.

Lois D. Cashell,

Secretary.

[FR Doc. 94–24970 Filed 10–7–94; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. RP94–412–000]

Proposed Changes in FERC Gas Tariff; Columbia Gas Transmission Corp.

October 4, 1994.

Take notice that on September 29, 1994, Columbia Gas Transmission Corporation (Columbia) tendered for filing as part of its FERC Gas Tariff, Second Revised Volume No. 1, the following tariff sheets:

To Be Effective September 30, 1994:
- Second Revised Sheet No. 86
- First Revised Sheet No. 87
- First Revised Sheet No. 88
- First Revised Sheet No. 89
- First Revised Sheet No. 90
- First Revised Sheet No. 91
- First Revised Sheet No. 92
- First Revised Sheet No. 93

To Be Effective October 30, 1994:
- Alternate Second Revised Sheet No. 86
- Alternate First Revised Sheet No. 87
- Alternate First Revised Sheet No. 88
- Alternate First Revised Sheet No. 89
- Alternate First Revised Sheet No. 90
- Alternate First Revised Sheet No. 91
- Alternate First Revised Sheet No. 92
- Alternate First Revised Sheet No. 93

Columbia states that the instant tariff sheets set forth the allocation factors to flow through approximately $14.2 million in take-or-pay refunds received from Texas Gas Transmission Corporation (Texas Gas) pursuant to Texas Gas' Stipulation and Agreement in Docket Nos. RP88–177, RP88–230, TM89–2–18, TM89–3–18, RP90–64, TM90–3–18, TM90–5–18, TM90–6–18, RP91–100, RP91–101, RP91–102 and RP91–134 (includes all subdockets).

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, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure. All such motions or protests should be filed on or before October 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 Columbia's filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 94–24971 Filed 10–7–94; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. RP94–162–000]

High Island Offshore System; Notice of Informal Settlement Conference

October 4, 1994.

Take notice that an informal settlement conference will be convened in this proceeding on October 18, 1994, at 10:00 a.m., at the offices of the Federal Energy Regulatory Commission, 810 First Street NE., Washington, DC, for the purposes of exploring the possible settlement of the referenced docket.

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, contact Kathleen Dias at (202) 208–0524 or Anja Glark at (202) 208–2034.

Lois D. Cashell,

Secretary.

[FR Doc. 94–24973 Filed 10–7–94; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. RP94–427–000]

High Island Offshore System; Notice of Compliance Filing

October 4, 1994.

Take notice that on September 30, 1994, High Island Offshore System (HIOS) filed, pursuant to Section 4 of the Natural Gas Act, a compliance filing tendered for filing as part of its FERC Gas Tariff, Second Revised Volume No. 1, to place into effect on November 1, 1994, the following tariff sheets to provide for an interactive Electronic Bulletin Board (EBB):

Third Revised Sheet No. 109
First Revised Sheet No. 109A
Second Revised Sheet No. 110

HIOS states that this filing is in compliance with the Commission's December 16, 1993, third order on restructuring. As detailed in the above tariff sheets, HIOS has selected EnerNet Corporation to be its interactive EBB provider.

HIOS further states that copies of the filing have been served on all affected shippers.

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 Rule 211 and Rule 214 of the Commission's Rules of Practice and Procedures, 18 CFR 385.211 and 385.214. All such motions or protests should be filed on or before October 12, 1994. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room.

Lois D. Cashell,

Secretary.

[FR Doc. 94–24974 Filed 10–7–94; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. RP94–248–002]

K N Interstate Gas Transmission Co.; Notice of Filing

October 4, 1994.

Take notice that on September 29, 1994, K N Interstate Gas Transmission Co. tendered for filing with the Federal Energy Regulatory Commission Revised Tariff Sheets in compliance with the Commission's September 14, 1994, Letter Order in the above docket.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, DC 20426, in accordance with the Rule 211 of the Commissions' Rules of Practice and Procedure (18 CFR 385.211). All such protests should be filed before October 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. Copies of the filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 94–24975 Filed 10–7–94; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. RP94–417–000]

Koch Gateway Pipeline Company; Notice of Proposed Changes in FERC Gas Tariff

October 4, 1994.

Take notice that on September 30, 1994, Koch Gateway Pipeline Company (Koch Gateway) tendered for filing as part of its FERC Gas Tariff Fifth Revised Volume No. 1, the following tariff sheets to be effective November 1, 1994:

Second Revised Sheet No. 404
First Revised Sheet No. 405
First Revised Sheet No. 500
Second Revised Sheet No. 501
Second Revised Sheet No. 502
Third Revised Sheet No. 503
First Revised Sheet No. 901
Second Revised Sheet No. 1002
First Revised Sheet No. 1003
Second Revised Sheet No. 1401
Second Revised Sheet No. 1805
Second Revised Sheet No. 1810
Second Revised Sheet No. 1809
First Revised Sheet No. 2002
First Revised Sheet No. 2800

Koch Gateway states that the above referenced tariff sheets reflect Koch Gateway's adjustments to clarify and make miscellaneous changes to its tariff, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Koch Gateway also states that the tariff sheets are being mailed to all customers, State Commission, and other interested parties.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, DC 20426, in accordance with §§ 385.214 and 385.211 of the Commission's regulations. All such motions or protests should be filed on or before October 12, 1994. Protests will be considered by the Commission in determining appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 94–24976 Filed 10–7–94; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. RP94–409-000]

National Fuel Gas Supply Corporation Compliance Filing

October 4, 1994.

Take notice that on September 29, 1994, National Fuel Gas Supply Corporation (National) tendered for filing its report on storage operations in compliance with the Commission's orders in Docket Nos. RS92–21–000, *et al.*[1]

National states that the purpose of this filing is to file its report on storage operations (1993–94), and to provide certain information relating to its storage operations, in particular its retention of 7.2 MMBth per day of top gas capacity and inventory.

National states that copies of the filing were sent to all parties in Docket No. RS92–21–000, *et al.*

Any person desiring to be heard or protest said filing should file a motion to intervene of protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, DC 20426, in accordance with §§ 385.214 and 385.211 of the Commission's Rules of Practice and Procedure. All such motions or protests should be filed on or before October 26, 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

[1] National Fuel Gas Supply Corporation, 62 FERC ¶ 61,200 at p. 62,433—434 and 62,436 (1993), 63 FERC ¶ 61,291 at p. 63,007 (1993).

the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room.

Lois D. Cashell,

Secretary.

[FR Doc. 94–24977 Filed 10–7–94; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. RP94–421–000]

National Fuel Gas Supply Corporation; General Rate Change

October 4, 1994.

Take notice that on September 30, 1994, National Fuel Gas Supply Corporation (National) tendered for filing as part of its FERC Gas Tariff, the following revised sheets to Third Revised Volume No. 1 and First Revised Volume No. 2, with an effective date of November 1, 1994:

Third Revised Volume No. 1

Seventh Revised Sheet No. 5
Original Sheet No. 5A
Sixth Revised Sheet No. 6
Second Revised Sheet No. 6A
Second Revised Sheet No. 17
Original Sheet No. 17–A
First Revised Sheet No. 155
First Revised Sheet No. 156
Second Revised Sheet No. 159
Original Sheet No. 159–A

First Revised Volume No. 2

Tenth Revised Sheet No. 281
Tenth Revised Sheet No. 321
Tenth Revised Sheet No. 341
Ninth Revised Sheet No. 538
Seventh Revised Sheet No. 690
Fifth Revised Sheet No. 796
Sixth Revised Sheet No. 857
Third Revised Sheet No. 880
Second Revised Sheet No. 881
Third Revised Sheet No. 914
Third Revised Sheet No. 915
Third Revised Sheet No. 935

National states that the proposed tariff sheets reflect changes in the level of National's rates to provide an annual increase in revenues from jurisdictional services of approximately $21.9 million when compared to the base rates contained in the Settlement in Docket Nos. RP92–73–000 and RP91–68–000, et al. The proposed rates are based on a test year cost-of-service for the 12 months ended June 30, 1994, as adjusted for known and measurable changes through March 31, 1995.

National also states that its filing provides increased revenues which are required to permit National to adjust its rates to account for plant additions, tax rate changes (including Statement of Financial Accounting Standards No. 109), increased operation and maintenance expenses (including increases in Statement of Financial Accounting Standards No. 106 costs), and other changes.

In addition, National proposes to roll-in the rates for services formerly provided by the Penn-York Energy Corporation. National also proposes to design its rate for IT service based on its system-wide load factor.

With respect to the rate design issues, National requests the Commission sever the rate design issues for an expedited hearing and decision prior to the end of the suspension period.

National further states that copies of this filing were served upon the company's jurisdictional customers and the Regulatory Commission's of the States of New York, Ohio, Pennsylvania, Delaware, Massachusetts, and New Jersey.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C., 20426, in accordance with Rules 214 or 211 of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211). All such motions to intervene or protest should be filed on or before October 12, 1994. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 94–24978 Filed 10–7–94; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. RP94–428–000]

Natural Gas Pipeline Company of America; Proposed Changes in FERC Gas Tariff

October 4, 1994.

Take notice that on September 30, 1994, Natural Gas Pipeline Company of America (Natural) tendered for filing as part of its FERC Gas Tariff, Sixth Revised Volume No. 1, Original Sheet Nos. 399A and 399B.

Natural states that the purpose of the filing is to recover a net amount of $109,656.95 associated with take-or-pay settlement costs incurred that have not been previously included in the earlier filings.

Natural requested specific waivers of Section 42 of its Tariff and the Commission's Regulations to the extent necessary to permit the tariff sheets to become effective October 1, 1994.

Natural states that copies of the filing are being mailed to Natural's jurisdictional sales customers, interested state regulatory agencies, and all parties set out on the official service at Docket Nos. RP91–22, RP91–31 and CP89–1281, et al.

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, N.E., Washington, D.C. 20426, in accordance with Sections 385.214 and 385.211 of the Commission's Rules and Regulations. All such protests should be filed on or before October 12, 1994. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room.

Lois D. Cashell,

Secretary.

[FR Doc. 94–24979 Filed 10–7–94; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. RP94–414–000]

Northern Natural Gas Company, Proposed Changes in FERC Gas Tariff

October 4, 1994.

Take notice that Northern Natural Gas Company (Northern), on September 30, 1994, tendered for filing changes in its FERC Gas Tariff, Fifth Revised Volume No. 1.

Northern states that the filing is pursuant to Northern's commitment in Docket No. RP94–3, reconciles over and underrecovery of Reverse Auction expenses solely attributable to an increase in FERC interest rates and adjusts accordingly the direct bill amounts by shipper. Northern has filed First Revised Sheet No. 68 to reflect these amounts in its Tariff and will commence billing such amounts effective November 1, 1994.

Northern states that copies of this filing were served upon the company's customers and interested State Commissions.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C., 20426, in accordance with §§ 385.211 and 385.214 of the

Commission's Rules and Regulations. All such motions or protests should be filed on or before October 12, 1994. All protests will be considered by the Commission in determining the appropriate proceeding, but will not serve to make protestant a party to the proceedings. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 94–24980 Filed 10–7–94; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. RP94–415–000]

Northern Natural Gas Company; Notice of Proposed Changes in FERC Gas Tariff

October 4, 1994.

Take notice that Northern Natural Gas Company (Northern), on September 30, 1994, tendered for filing changes in its FERC Gas Tariff, Fifth Revised Volume No. 1.

Northern states that the filing establishes the direct bill amounts by shipper resulting from the Second Reverse Auction pursuant to the Reverse Auction Cost Recovery Mechanism established in Northern's Global Settlement. Therefore Northern has filed Second Revised Sheet No. 68 to reflect these amounts in its Tariff and will commence billing such amounts effective November 1, 1994.

Northern states that copies of this filing were served upon the company's customers and interested State Commissions.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with Sections 385.211 and 385.214 of the Commission's Rules and Regulations. All such motions or protests should be filed on or before October 12, 1994. All protests will be considered by the Commission in determining the appropriate proceeding, but will not serve to make protestant a party to the proceedings. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 94–24981 Filed 10–7–94; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. RP94–416–000]

Northern Natural Gas Company; Notice of Proposed Changes in FERC Gas Tariff

October 4, 1994.

Take notice that Northern Natural Gas Company (Northern), on September 30, 1994, tendered for filing changes in its FERC Gas Tariff, Fifth Revised Volume No. 1.

Northern states that the filing establishes the 1994–1995 SBA Cost Recovery surcharge rates whereby Northern will collect the costs associated with system balancing agreements (SBAs) executed.

Northern states that copies of this filing were served upon the company's customers and interested state commissions.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, DC 20426, in accordance with Sections 385.211 and 385.214 of the Commission's Rules and Regulations. All such petitions or protests must be filed on or before October 12, 1994. All protests will be considered by the Commission in determining the appropriate proceeding, but will not serve to make protestant a party to the proceedings. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 94–24982 Filed 10–7–94; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. RP94–410–000]

Northwest Pipeline Corporation; Notice of Proposed Changes in FERC Gas Tariff

October 4, 1994.

Take notice that on September 29, 1994, Northwest Pipeline Corporation (Northwest) tendered for filing and acceptance as part of its FERC Gas Tariff, First Revised Volume No. 1, First Revised Sheet No. 292 with a proposed effective date of October 30, 1994 and also submitted to the Commission a July 31, 1994 Account No. 191 report (July Report).

Northwest states that the purpose of this filing is to file a July Report with the Commission detailing Northwest's July 31, 1994, Account No. 191 subaccount balances that pertain to the Rate Schedule DS–1 Customers and the Rate Schedule ODL–1 Customers as described in Sections 28.1, 28,2, 28.4 and 28.5 of the General Terms and Conditions of Northwest's FERC Gas Tariff, Third Revised Volume No. 1. The July Report reflects additional gas costs pertaining to the Rate Schedule DS–1 Customers recorded in Northwest's Account No. 191 subsequent to the period covered by Northwest's December 30, 1993, filing in Docket No. RP94–107–000. There are no additional adjustments to the Rate Schedule ODL–1 Customers' subaccounts. Northwest will direct bill the Rate Schedule DS–1 Customers listed on the proposed First Revised Sheet No. 292, including interest through the billing date, within sixty days after Commission acceptance.

Northwest states that a copy of this filing has been served upon each of Northwest's affected former jurisdictional sales customers, all intervenors in Docket Nos. RP94–107–000 and 001, and upon affected state regulatory commissions.

Any person desiring to be heard or protest said filing should file a motion to intervene of protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, DC 20426, in accordance with Sections 385.214 and 385.211 of the Commission's Rules of Practice and Procedure. All such motions or protests should be filed on or before October 12, 1994. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room.

Lois D. Cashell,

Secretary.

[FR Doc. 94–24983 Filed 10–7–94; 8:45 am]

BILLING CODE 6717–01–M

[Docket Nos. RP94–149–000 and RP94–145–000]

Pacific Gas Transmission Company; Notice of Informal Settlement Conference

October 4, 1994.

Take notice that an informal settlement conference will be convened in this proceeding on Wednesday, October 12, 1994 and Thursday, October 13, 1994, at 10:00 a.m., at the offices of the Federal Energy Regulatory Commission, 810 First Street NE., Washington, DC, for the purpose of

exploring the possible settlement of the above-referenced docket.

Any party, as defined by 18 CFR 385.102(c), or any participant as defined in 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 Betsy R. Carr (202) 208–1240 or Russell B. Mamone at (202) 208–0740.

Lois D. Cashell,

Secretary.

[FR Doc. 94–24985 Filed 10–7–94; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. MG92–3–001]

Pacific Gas Transmission Company; Notice of Filing

October 4, 1994.

Take notice that on September 30, 1994, Pacific Gas Transmission Company (PGT) submitted revised standards of conduct under Order Nos. 497 *et seq.*[1] and Order No. 566.[2] PGT states that it is revising its standards of conduct to incorporate the changes required by Order No. 566.

PGT states that all parties of record in the above-referenced docket have been served with copies of this filing.

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 or 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 or 385.214 (1993)). All such motions to intervene or protest should be filed on or before October 19, 1994. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 94–24984 Filed 10–7–94; 8:45 am]

BILLING CODE 6717–01–M

[Project No. 2493–006–WA]

Puget Power Sound and Light Company, Notice of Proposed Restricted Service List for a Memorandum of Agreement for Managing Properties Included in or Eligible for Inclusion in the National Register of Historic Places

October 4, 1994.

Rule 2010 of the Commission's Rules of Practice and Procedure provides that, to eliminate unnecessary expense or improve administrative efficiency, the Secretary may establish a restricted service list for a particular phase or issue in a proceeding (18 CFR 385.2010). The restricted service list should contain the names of persons on the service list who, in the judgment of the decisional authority establishing the list, are active participants with respect to the phase or issue in the proceeding for which the list is established.

The Commission is consulting with the Washington State Office of Archaeology and Historic Preservation (hereinafter, "OAHP") and the Advisory Council on Historic Preservation (hereinafter, "Council") pursuant to the Council's regulations, 36 CFR part 800, implementing section 106 of the National Historic Preservation Act, as amended (16 U.S.C. 470f), to prepare a memorandum for managing historic properties—i.e., those included in, or eligible for inclusion in, the National Register of Historic Places—that may be affected by a license issuing for Project No. 2493.

The MOA, when executed by the Commission, OAHP, and the Council, would satisfy the Commission's section 106 responsibilities for all individual undertakings carried out in accordance with the license until the license expires or is terminated.

The Commission's responsibilities pursuant to section 106 for Project No. 2513 would be fulfilled through one MOA which the Commission proposes to draft in consultation with certain parties listed below. The executed MOA would be incorporated into any order issuing license.

Thus, we propose, as an initial consideration, to restrict the service list to OAHP and the Council, with whom we propose to execute the MOA. Puget Power Sound and Light Company, moreover, as prospective licensee for Project No. 2493, and various Native American groups are invited to participate in consultations to develop the MOA and to sign it as a concurring party. Our proposed restricted service list for executing MOA for Project No. 2493, follows:

Dr. Edwin Slatter, FERC Office of Hydropower Licensing, Union Center Plaza, Room 1069, 810 First Street NE., Washington, DC 20001

Ms. Claudia Nissley, Director, Advisory Council on Historic Preservation, 730 Simms Street, #401, Golden, CO 80401, Attn: Ms. Carol Gleichman

Mr. Ronald Corbyn, Archeologist, National Park Service, Western Regional Office, Interagency Archeological Services Branch, 600 Harrison Street, Suite 600, San Francisco, CA 94107–1372

Dr. Robert G. Whitlam, State Archaeologist, Office of Archaeology and Historic Preservation, Department of Community, Trade and Economic Development, P.O. Box 48343, Olympia, WA 98504–8343

The Tulalip Tribes of Washington, Attn: Mr. Daryl B. Williams, 6700 Totem Beach Road, Marysville, WA 98270

The Snoqualmie Indians, Attn: Mr. Andy de los Angeles, 14625 NE., 145th, Woodinville, WA 98072

The Yakama Indian National, Attn: Ms. Joanna Meninick, P.O. Box 151 Toppenish, WA 98948

Dr. Kenneth Tollefson, Department of Sociology and Anthropology, Seattle Pacific University, Third West and West Nickerson, Seattle, WA 98119

The Snoqualmie Indians, Attn: Mr. Ron Lauzon, 18933—59th Avenue NE., Suite 114, Arlington, WA 98223.

Any person on the official service list for the above-captioned proceedings may request inclusion on the restricted service list, or may request that a restricted service list not be established, by filing a motion to that effect within 15 days of this notice date. An original and 8 copies of any such motion must be filed with: Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, Northeast, Washington, DC 20426, and must be served on each person whose name appears on the official service list.

If no such motions are filed, the restricted service list will be effective at

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[1] Order No. 497, 53 FR 22139 (June 14, 1988), III FERC Stats. & Regs. ¶ 30,820 (1988); Order No. 497–A, *order on rehearing*, 54 FR 52781 (December 22, 1989), III FERC Stats. & Regs. 30,868 (1989); Order No. 497–B, *order extending sunset date*, 55 FR 53291 (December 28, 1990), III FERC Stats. & Regs. ¶ 30,908 (1990); Order No. 497–C, *order extending sunset date*, 57 FR 9 (January 2, 1992), III FERC Stats. & Regs. ¶ 30,934 (1991), rehearing denied, 57 FR 5815 (February 18, 1992), 58 FERC ¶ 61,139 (1992); Tenneco Gas v. FERC (affirmed in part and remanded in part), 969 F. 2d 1187 (D.C. Cir. 1992); Order No. 497–D, *order on remand and extending sunset date*, III FERC Stats. & Regs. ¶ 30,958 (December 4, 1992), 57 FR 589578 (December 14, 1992); Order No. 497–E, order on rehearing and extending sunset date, 59 FR 243 (January 4, 1994), 65 FERC ¶ 61,381 (December 23, 1993); Order No. 497–F, *order denying rehearing and granting clarification*, 59 FR 15336 (April 1, 1994), 66 FERC ¶ 61,347 (March 24, 1994); and Order No. 497–G, *order extending sunset date*, 59 FR 32884 (June 27, 1994), III FERC Stats. & Regs. ¶ 30,996 (June 17, 1994).

[2] Standards of Conduct and Reporting Requirements for Transportation and Affiliate Transactions, Order No. 566, 59 FR 32885 (June 27, 1994), III FERC Stats. & Regs. ¶ 30,997 (June 17, 1994).

the end of the 15-day period. Otherwise, a further notice will be issued ruling on the motion.

Lois D. Cashell,

Secretary.

[FR Doc. 94–24986 Filed 10–7–94; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. RP94–429–000]

Southern Natural Gas Company; Notice of GSR Revised Tariff Sheets

October 4, 1994.

Take notice that on September 30, 1994, Southern Natural Gas Company (Southern) submitted for filing as part of its FERC Gas Tariff, Seventh Revised Volume No. 1, the following tariff sheets to reflect an increase in GSR billing units and the FERC interest rate effective October 1, 1994:

First Substitute Twelfth Revised Sheet No. 15
First Substitute Twelfth Revised Sheet No. 17
First Substitute Eighth Revised Sheet No. 18
First Substitute Tenth Revised Sheet No. 29
First Substitute Tenth Revised Sheet No. 30
First Substitute Tenth Revised Sheet No. 31

Southern states that copies of the filing were served upon Southern's customers and interested state commissions.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure. All such motions or protests should be filed on or before October 12, 1994. Protests will be considered by the Commission in determining the appropriate action to be taken, but will hot serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of Southern's filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 94–24987 Filed 10–7–94; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. RP94–413–000]

Tennessee Gas Pipeline Company; Notice of Rate Filing

October 4, 1994.

Take notice that on September 30, 1994, Tennessee Gas Pipeline Company (Tennessee), tendered for filing as part of its FERC Gas Tariff, Fifth Revised Volume No. 1, First Revised Sheet Nos. 364, 648, and 649, with a proposed effective date of November 1, 1994.

Tennessee states that the above-referenced sheets will allow for electronic execution of amendments to agreements without the need for written execution.

While Tennessee does not believe any waivers are necessary, Tennessee requests that the Commission grant any waivers necessary for implementation of these tariff sheets.

Tennessee states that copies of the filing have been mailed to all of its jurisdictional customers and affected state regulatory commission.

Any person desiring to be heard or to make any protest with reference to said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Sections 211 and 214 of the Commission's Rules of Practice and Procedure, 18 CFR 385.211 and 385.214. All such petitions or protests should be filed on or before October 12, 1994. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to this proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file and available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 94–24989 Filed 10–7–94; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. RP94–411–000]

Tennessee Gas Pipeline Company; Notice of Revised Tariff Filing

October 4, 1994.

Take notice that on September 29, 1994, Tennessee Gas Pipeline Company (Tennessee) filed as part of its FERC Gas Tariff, Fifth Revised Volume No. 1, the following revised tariff sheets to reflect the cancellation of Rate Schedule ISST–NE (effective September 1, 1993) and the installation of a replacement service under Part 284 of the Commission's regulations:

To be Effective September 1, 1993

1st Revised Sheet No. 1
1st Revised Sheet No. 21
1st Revised Original Sheet No. 21
1st Revised Sheet No. 125

To be Effective November 1, 1994

2nd Revised Sheet No. 1
Original Sheet No. 21A
2nd Revised Sheet Nos. 125–129
Original Sheet No. 129A
First Revised Sheet No. 317
First Revised Sheet No. 318
Original Sheet No. 659A–659G

Tennessee states that the Preferred Access Transportation rate schedule is an interruptible service that has higher priority than other interruptible services. The service will be generally available to all shippers, but is restricted to transportation of gas withdrawn from storage (Tennessee's or third parties') during the winter season from November through March. These availability restrictions reflect the specialized nature of the ISST service that the Preferred Access Transportation Rate Schedule replaces. The terms and conditions are similar to those in the Texas Eastern Rate Schedule PTI, which has been approved by the Commission. See *Texas Eastern*, 62 FERC ¶ 61,015 (1993).

Tennessee states that it is proposing a higher rate than under Rate Schedule IT (100% load factor rather than 125% load factor), and is requiring monthly prepayment for monthly quantities derived from seasonal elections. Tennessee states that the Commission has recognized that higher rates are justified for special higher priority service. Tennessee states that because the service is interruptible, the revenues will be subject to the crediting mechanism in the same manner as those collected under Rate Schedules IT and IT–X. This service does not represent new throughput on the system, but merely the reprioritization of existing interruptible volumes.

Any person desiring to be heard or to protest such 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. All such motions or protests should be filed on or before October 12, 1994. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 94–24988 Filed 10–7–94; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. RP94–425–000]

Tennessee Gas Pipeline Company; Notice of Proposed Changes in FERC Gas Tariff

October 4, 1994.

Take notice that on September 30, 1994, Tennessee Gas Pipeline Company filed a limited application pursuant to Section 4 of the Natural Gas Act, and the rules and regulations of the Federal Energy Regulatory Commission promulgated thereunder, to recover additional gas supply realignment costs (GSR costs paid, or known and measurable, at the time of the filing. Tennessee proposes that the filing be made effective November 1, 1994. The tariff sheets identified below set forth Tennessee's GSR-related charges:

First Revised Sheet No. 21A
Fifth Revised Sheet No. 22
First Revised Sheet No. 22A
Fifth Revised Sheet No. 24
Ninth Revised Sheet No. 30

Tennessee states that the purpose of the filing is to implement a new GSR surcharge, effective November 1, 1994, to recover settlement costs, pricing differential costs associated with Tennessee's performance under certain of its remaining gas supply contracts, and Canadian demand charges.

Tennessee states that copies of the filing were posted in conformance with Section 154.16 of the Commission's regulations and mailed to all affected customers of Tennessee and interested state regulatory commissions.

Any person desiring to be heard or to protest the 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. All such motions or protests should be filed on or before October 12, 1994. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 94–24990 Filed 10–7–94; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. RP94–422–000]

Texas Gas Transmission Corporation; Notice of Proposed Changes in FERC Gas Tariff

October 4, 1994.

Take notice that on September 30, 1994, Texas Gas Transmission Corporation (Texas Gas) tendered for filing as part of its FERC Gas Tariff, First Revised Volume No. 1, the following tariff sheet, with a proposed effective date of November 1, 1994:

Second Revised Sheet No. 14

Texas Gas states that the tariff sheet is being filed to establish a new Effective Fuel Retention Percentage (EFRP) under the provisions of Section 16 "Fuel Retention" as found in the General Terms and Conditions of Texas Gas's FERC Gas Tariff, First Revised Volume No. 1. The new EFRP may be in effect for the annual period November 1, 1994 through October 31, 1995.

Texas Gas states that copies of the tariff sheet are being mailed to Texas Gas's affected customers and interested state commissions.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, DC 20426, in accordance with Sections 385.214 and 385.211 of the Commission's Rules and Regulations. All such motions or protests should be filed on or before October 12, 1994. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room.

Lois D. Cashell,

Secretary.

[FR Doc. 94–24991 Filed 10–7–94; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. RP94–423–000]

Texas Gas Transmission Corporation; Notice of Proposed Changes in FERC Gas Tariff

October 4, 1994.

Take notice that on September 30, 1994, Texas Gas Transmission Corporation (Texas Gas) tendered for filing, pursuant to Section 4 of the Natural Gas Act, changes to its FERC Gas Tariff, First Revised Volume No. 1 and Original Volume No. 2, the following revised tariff sheets, with an effective date of November 1, 1994:

First Revised Volume No. 1

Third Revised Sheet No. 1
First Revised Sheet No. 9
Eight Revised Sheet No. 10
Fifth Revised Sheet No. 11
Original Sheet No. 11A
Tenth Revised Sheet No. 12
Second Revised Sheet No. 12A
Third Revised Sheet No. 13
Second Revised Sheet No. 15
Second Revised Sheet No. 16
Second Revised Sheet No. 17
Fifth Revised Sheet No. 18
Fifth Revised Sheet No. 122
Second Revised Sheet No. 230
Second Revised Sheet No. 231

Original Volume No. 2

Eighteenth Revised Sheet No. 82
Nineteenth Revised Sheet No. 547
Twenty-first Revised Sheet No. 982
Nineteenth Revised Sheet No. 1005
Thirteenth Revised Sheet No. 1085

Texas Gas states that the proposed general rate case changes would increase revenues from jurisdictional transportation services by approximately $66.9 million, based on the twelve-month period ended June 30, 1994, as adjusted, compared with the underlying rates.

Texas Gas states that the adjustments in rates are attributable to:

(1) An increase in the Utility rate base;
(2) Increases in operating expense;
(3) Increase in rate of return and related taxes; and
(4) Revised system rate design quantities.

Texas Gas further states that it has served copies of this filing upon the company's jurisdictional customers and interested state commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rules 214 and 211 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 285.214). All such petitions or protests should be filed on or before October 12, 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 to the proceeding must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 94–24992 Filed 10–7–94; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. RP94–426–000]

U–T Offshore System; Notice of Compliance Filing

October 4, 1994.

Take notice that on September 30, 1994, U–T Offshore System (U–TOS) filed, pursuant to Section 4 of the Natural Gas Act, a compliance filing tendered for filing as part of its FERC Gas Tariff, Third Revised Volume No. 1, to place into effect on November 1, 1994 the following tariff sheets to provide for an interactive Electronic Bulletin Board (EBB):

First Revised Sheet No. 72
Third Revised Sheet No. 73

U–TOS states that this filing is in compliance with the Commission's December 16, 1993, third order on restructuring. As detailed in the above tariff sheets, U–TOS has selected EnerNet Corporation to be its interactive EBB providers.

U–TOS further states that copies of the filing have been served on all affected shippers.

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, N.E., Washington, D.C. 20426, in accordance with Rule 211 and Rule 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 October 12, 1994. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room.

Lois D. Cashell,

Secretary.

[FR Doc. 94–24993 Filed 10–7–94; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. CP94–823–000]

Williston Basin Interstate Pipeline Company; Notice of Application

October 4, 1994.

Take notice that on September 30, 1994, Williston Basin Interstate Pipeline Company (Williston Basin), Suite 300, 200 North Third Street, Bismarck, North Dakota 58501, filed an application with the Commission in Docket No. CP94–823–000 pursuant to Section 7(c) of the Natural Gas Act (NGA) for authorization to amend the authorization granted in Docket No. CP91–1897–000[1] by adding a new receipt point and reassigning natural gas volumes delivered at various receipt points used to transport gas for Northern States Power Company (NSP), all as more fully set forth in the application which is open to the public for inspection.

Williston Basin proposes to add the existing Bowdoin—KNE Whitewater Exchange receipt point in Phillips County, Montana, to its FERC Rate Schedule X–13 for service to NSP during the months of November through March each year. Williston Basin would deliver gas received at the Bowdoin—KNE Whitewater Exchange receipt point to NSP at the existing Mapleton NSP delivery point in Cass County, North Dakota.

Williston Basin also proposes to reassign portions of the currently effective transportation Maximum Daily Receipt Quantity (MDRQ) under Rate Schedule X–13 from the Little Knife Plant in Billings, North Dakota, and the Lignite Plant in Burke County, North Dakota, to the Bowdoin—KNE Whitewater Exchange receipt point during the November–March winter heating season. Williston Basin would receive 500 dekatherms at the proposed Bowdoin—KNE Whitewater Exchange receipt point during the heating season and zero during the April–October summer season. Williston Basin would also receive 2,250 dekatherms during the winter heating season and 2,500 dekatherms during the summer season at the Little Knife Plant receipt point. During the winter heating season, Williston Basin would receive 1,000 dekatherms at the Lignite Plant receipt point and 1,250 during the summer season.

Williston Basin would not construct and operate any new facilities to implement this proposal.

Any person desiring to be heard or to make any protest with reference to said application should on or before October 11, 1994, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.211 or 385.214) and the Regulations under the NGA (18 CFR 157.10). All protest filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the NGA and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Williston Basin to appear or be represented at the hearing.

Lois D. Cashell,

Secretary.

[FR Doc. 94–24994 Filed 10–7–94; 8:45 am]

BILLING CODE 6717–01–M

[1] 58 FERC ¶ 61,344 (1992).

Office of Hearings and Appeals

Cases Filed During the Week of August 26 Through September 2, 1994

During the Week of August 26 through September 2, 1994, the appeals and applications for exception or other relief listed in the Appendix to this Notice were filed with the Office of Hearings and Appeals of the Department of Energy.

Under DOE procedural regulations, 10 CFR part 205, any person who will be aggrieved by the DOE action sought in these cases may file written comments on the application within ten days of service of notice, as prescribed in the procedural regulations. For purposes of the regulations, the date of service of notice is deemed to be the date of publication of this Notice or the date of receipt by an aggrieved person of actual notice, whichever occurs first. All such comments shall be filed with the Office of Hearings and Appeals, Department of Energy, Washington, DC 20585.

Dated: September 30, 1994.

Richard W. Dugan,

Acting Director, Office of Hearings and Appeals.

LIST OF CASES RECEIVED BY THE OFFICE OF HEARINGS AND APPEALS

[Week of August 26 through September 2, 1994]

Date	Name and location of applicant	Case No.	Type of submission
Aug. 24, 1994	Consultec, Bowie, Maryland	LFA–0415	Appeal of an information request denial. If granted: The April 5, 1994 Freedom of Information Request Denial issued by the Office of Hearings and Appeals would be rescinded and Consultec would receive access to a copy of the basic contract and modifications for Contract Number DE–AC01–93DP40003.
Aug. 29, 1994	Lane's Service, Inc., Lavina, Montana	LEE–0158	Exception to the reporting requirements. If granted: Lane's Service, Inc. would not be required to file Form EIA–728B.
Do	Stanberry Oil Co., Inc., Dade City, Florida.	LEE–0157	Exception to the reporting requirements. If granted: Stanberry Oil Co., Inc. would not be required to file Form EIA–782B.
Do	Wes-Pet, Inc., New Orleans, LA	LEE–0156	Exception to the reporting requirements. If granted: Wes-Pet, Inc. would not be required to file Form EIA–782B "Resellers'/Retailers' Monthly Petroleum Product Sales Report."

REFUND APPLICATIONS RECEIVED

Date received	Name of refund proceeding/name of refund application	Case No.
8/30/94	Bray Terminals, Inc	RF339–20
8/30/94	Ecolab Inc	RF351–28
8/30/94	J.W. Finley, Inc	RC272–252

[FR Doc. 94–25065 Filed 10–7–94; 8:45 am]

BILLING CODE 6450–01–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–5086–7]

Agency Information Collection Activities Under OMB Review

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*), this notice announces that the Information Collection Request (ICR) abstracted below has been forwarded to the Office of Management and Budget (OMB) for review and comment. The ICR describes the nature of the information collection and its expected cost and burden.

DATES: Comments must be submitted on or before November 10, 1994.

FOR FURTHER INFORMATION CONTACT: For further information, or to obtain a copy of this ICR, contact Sandy Farmer at EPA, (202) 260–2740.

SUPPLEMENTARY INFORMATION:

Office of Prevention, Pesticides and Toxic Substances

Title: Notification of Substantial Risks Under section 8(e) of the Toxic Substances Control Act (TSCA). (EPA ICR No.: 0794.06; OMB No.: 2070–0046). This is a request for extension of the expiration date of a currently approved collection.

Abstract: Under section 8(e) of TSCA, chemical manufacturers, importers, processors, and distributors must immediately inform EPA when they obtain information which indicates that their product(s) may present a substantial risk of injury to health or the environment. Section 8(e) of TSCA is an important and useful tool for early warning and the identification of new substantial risks posed by exposure to chemical substances. The EPA and other Federal agencies use this information to determine and control chemical risks.

Burden Statement: The annual public reporting burden for this collection of information is estimated to average 21 hours per initial section 8(e) submission and 4 hours per follow-up/supplemental section 8(e) submission. EPA experience has shown that approximately 2.2 follow-up/supplemental section 8(e) submissions are received on a yearly basis per initial submission. This estimate includes the time needed to review instructions, gather and submit the data needed, and complete and review the collection of information.

Respondents: Chemical manufacturers, importers, processors, and distributors.

Estimated No. of Respondents: 450.

Estimated No. of Responses per Respondent: 3.

Estimated Total Annual Burden on Respondents: 13,400 hours.

Frequency of Collection: On occasion.

Send comments regarding the burden estimate, or any other aspect of the information collection, including suggestions for reducing the burden to:

Sandy Farmer, U.S. Environmental Protection Agency, Information Policy Branch (2136), 401 M Street, SW., Washington, DC 20460.

and

Matthew Mitchell, Office of Management and Budget, Office of Information and Regulatory Affairs, 725 17th Street, NW., Washington, DC 20503.

Dated: October 4, 1994.

Paul Lapsley,

Director, Regulatory Management Division.

[FR Doc. 94–25062 Filed 10–7–94; 8:45 am]

BILLING CODE 6560–50–F

[FRL–5088–6]

Technical Corrections on Additional Data Available on Cement Kiln Dust Waste Studied in the Report to Congress on Cement Kiln Dust

AGENCY: Environmental Protection Agency.

ACTION: Notice of corrections to data available for comment in RCRA Docket No. F–94–RC2A–FFFFF and extension of comment period on corrected materials.

SUMMARY: This notice announces the availability, for public inspection and comment, of corrections to certain portions of data recently made available for public comment (see 59 FR 47133–47135, September 14, 1994), pertinent to additional assessments of potential risks from cement kiln dust waste. This Notice also extends the period for public comment on the corrected materials. Specifically, these corrections pertain to Pages 1–19 through 1–30 and Attachment 1–4 of Section 1 of the Technical Background Document on Human Health and Environmental Risk Assessment in Support of the Regulatory Determination on Cement Kiln Dust, Section 1 being titled "Expanded Risk Assessment for the Onsite Management of Cement Kiln Dust." This Technical Background

Document is Number S0019 in RCRA Docket No. F–94–RC2A–FFFFF. The corrected materials, in the form of substitute pages 1–19 (revised) through 1–30 (revised) and Attachment 1–4 (revised), have been placed in RCRA Docket No. F–94–RC2A–FFFFF as docket entry No. S0019.A, and have also been placed in EPA's Superfund electronic bulletin board (CLU–IN).

There were five general errors in the CKD human health risk assessment materials which need to be corrected. They include:

—Fixing a "rounding" error which inadvertently assigned all facilities into a risk category one order of magnitude higher than estimated.

—Revising risk results for 5 sites to represent "best-estimate" results. (High-end risk estimates were inadvertently used.)

—Revised risk estimates for two sites located near lakes. The dilution capacity of the two lakes is actually orders of magnitude greater than what was used in the original material announced in the September 14, 1994, notice.

—Revised risk estimates for 14 sites for which we did not have constituent concentrations. In the original document, risk estimates assumed 95th percentile concentrations for metals. In the revised tables, if risk at the sites could not be determined as negligible using the 95th percentile, then risk at the sites are listed as "unknown" rather than estimating the risk using the 95th percentile assumption.

—Add the results of the aquatic pathway exceedances of constituent concentrations as defined in the Ambient Water Quality Criteria (AWQC). These were calculated but inadvertently left out of the previous document. They represent a risk element not included in the previous edition. The AWQC exceedance results is a new subsection inserted at the end of the revised results subsection.

DATES: Because of these corrections, the Agency is extending the comment period pertaining to Section 1 and Attachments to Section 1 of the Technical Background Document on Human Health and Environmental Risk Assessment, only, until November 10, 1994. The Agency is not reopening the comment period on the Report to Congress on Cement Kiln Dust, nor is it extending the comment period on any other sections of the Technical Background Document on Human Health and Environmental Risk Assessment or any other materials noticed for comment in 59 FR 47133–35 as contained in RCRA Docket No. F–94–RC2A–FFFFF. As indicated in the previous notice, because of the Agency's commitment to make a regulatory determination by January 31, 1995, no extensions will be granted except as described in this notice.

ADDRESSES: Those persons, companies or organizations intending to submit comments for the record must send an original and two copies to the following address: RCRA Docket Information Center (5305), U.S. Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460. Please place the docket number F–94–RC2A–FFFFF on your comments.

The additional data are available for public inspection at the RCRA docket, 401 M Street SW., Washington, DC, Room M2416, 2nd floor, Waterside Mall. Docket hours are 9 a.m. to 4 p.m., Monday through Friday, except Federal holidays. In order to view the docket, please call (202) 260–9327 to make an appointment. Comments on the new data will be accepted through [insert date 30 days from date of publication].

Corrections to the document placed in the docket for this notice are also available in electronic format from EPA's Superfund electronic bulletin board (CLU–IN). The file name is CKD5.ZIP located in file area #6 (RCRA/Superfund/UST). The data number is (301) 589–8366; the voice number for help in using the CLU–IN bulletin board is (301) 589–8368. Modem settings are N–8–1 (parity, data bits and stop bit, respectively), and data transmission rate up to 9600 bps.

FOR FURTHER INFORMATION CONTACT: For general information, contact the RCRA/Superfund Hotline at (800) 424–9346 or (202) 260–3000; for technical information contact Bill Schoenborn (5302W), U.S. Environmental Protection Agency, 401 M Street SW., Washington, DC 20460, (703) 308–8483.

Dated: October 3, 1994.

Elliott P. Laws,

Assistant Administrator.

[FR Doc. 94–25060 Filed 10–7–94; 8:45 am]

BILLING CODE 6560–50–P

[FRL–5088–7]

National Environmental Justice Advisory Council; Notification of Public Advisory Committee Meeting(s); Open Meeting(s)

Pursuant to the Federal Advisory Committee Act (FACA), Public Law 92–463, notice is hereby given that the National Environmental Justice Advisory Council (NEJAC) and four subcommittees will meet on the dates and times described below. All times noted are Eastern Standard Time. All meetings are open to the public. Due to limited space, seating at meetings will be on a first-come basis. For further information concerning specific meetings, please contact the individuals listed below. Documents that are subject of NEJAC reviews are normally available from the originating EPA office and are not available from the NEJAC. The meetings will occur at the Hyatt Regency Hotel at Dulles International Airport, 2300 Dulles Corner Blvd., Herndon, Virginia 22071, 703/713–1234, FAX: 703/713–3406.

The full NEJAC will meet Tuesday, October 25, from 9–9:30 a.m., Wednesday, October 26, from 9 a.m. to 6:30 p.m., and Thursday, October 27, from 9 a.m. to 3 p.m. to discuss the role of the FACA, follow-up on pending items from the August meeting, EPA's Proposed Environmental Justice Strategy, and receive public comments from 11–12 and 6–7:30 on Wednesday, October 26. The full NEJAC will meet with the Environmental Justice Interagency Working Group Subcommittee on Policy Coordination on Thursday, October 27, from 9–11 a.m. The four subcommittees named below will meet Tuesday, October 25, from 9:30 a.m. to 6 p.m.

Members of the public who wish to make a brief oral presentation at the meeting(s) should contact Dr. Clarice Gaylord or Linda K. Smith no later than October 21, 1994 in order to have time reserved on the agenda. In general, each individual or group making an oral presentation will be limited to a total time of five minutes. Written comments received by July 25, 1994 may be mailed to the NEJAC prior to the meeting; comments received after that date will be provided to the Council as logistics allow. Written comments of any length (at least 35 copies) should be provided to the Committee no later than October 21, 1994. They should be sent to Office of Environmental Justice (3103), U.S. Environmental Protection Agency, 401 M Street, SW, Washington, DC 20460. Telephone number is (202) 260–6357 or FAX (202) 260–0852.

(1) Waste and Facility Siting Subcommittee Meeting—October 25, 1994, 9:30–6

The Waste and Facility Siting Subcommittee (WFSS) of the National Environmental Justice Advisory Committee (NEJAC) will hold its meeting on October 25, 1994, from 9:30 a.m. to 6:00 p.m. on Tuesday. Location of this meeting will be the Hyatt Regency at Dulles International Airport,

2300 Dulles Corner Blvd., Herndon, Virginia 22071. In this meeting, the major topic will be to develop recommendations concerning the Office of Solid Waste and Emergency Remedial Response's Environmental Justice Task Force Draft Final Report. The WFSS also intends to initiate discussion and solicit input on incorporating environmental justice concerns into facility siting criteria; addressing public health issues in highly impacted communities; and linking environmental cleanup and economic development in impacted communities. The meeting is open to the public and seating will be available on a first-come basis.

Any member of the public wishing further information, such as proposed agenda on the meeting, should contact Ms. Jan Young, Designated Federal Official, OSWER, U.S. Environmental Protection Agency, 401 M Street, SW, Washington, DC 20460, by telephone at (202) 260–1691, Fax at (202) 260–6606.

(2) Enforcement Subcommittee (ES) Meeting—October 25, 1994, 9:30–6

The Enforcement Subcommittee (ES) of the National Environmental Justice Advisory Council (NEJAC) will conduct a meeting on Tuesday, October 25, 1994 from 9:30 a.m. to 6:00 p.m. on Tuesday, at the Hyatt Regency Hotel at Dulles International Airport, 2300 Dulles Corner Blvd., Herndon, Virginia 22071. In this meeting, the ES intends to continue discussions on the activities of the Office of Enforcement and Compliance Assurance's draft strategy on Environmental Justice and recommend actions for EPA to address. The meeting is open to the public and seating will be available on a first-come basis.

Any member of the public wishing further information, such as proposed agenda on the meeting, should contact Ms. Sherry Milan, Designated Federal Official, Office of Enforcement and Compliance Assurance, U.S. Environmental Protection Agency, 401 M Street, SW, Washington, DC 20460, by telephone at (202) 260–9807, Fax at (202) 260–9437.

(3) Health and Research Subcommittee Meeting—October 25, 1994, 9:30–6

The Health and Research Subcommittee (HRS) of the National Environmental Justice Advisory Council (NEJAC) will conduct a meeting on Tuesday, October 25, 1994, from 9:30 a.m. to 6:00 p.m. at the Hyatt Regency Hotel at Dulles International Airport, 2300 Dulles Corner Blvd., Herndon, Virginia 22071, 703/713–1234. At this meeting, the HRS intends to discuss and finalize the draft EJ research definition; discuss draft EJ research strategy; and discuss future research needs in support of environmental justice. HRS will also evaluate and recommend options on the U.S. Environmental Protection Agency's overall research priorities and science policy setting as it relates to environmental justice. The meeting is open to the public and seating will be available on a first-come basis.

Any member of the public wishing further information, such as proposed agenda on the meeting, should contact Mr. Lawrence Martin, Designated Federal Official, Office of Research and Development, U.S. Environmental Protection Agency, 401 M Street, S.W., Washington, D.C. 20460, by telephone at (202) 260–0673, Fax at (202) 260–0507.

(4) Public Participation and Accountability Subcommittee Meeting—October 25, 1994, 9:30–6

The Public Participation and Accountability Subcommittee (PPAS) of the National Environmental Justice Advisory Council (NEJAC) will hold its meeting on Tuesday, October 25, 1994, from 9:30 a.m. to 6:00 p.m. at the Hyatt Regency Hotel at Dulles International Airport, 2300 Dulles Corner Blvd., Herndon, Virginia 22071, Phone 703/713–1234. In this meeting, the PPAS intends to discuss its relationship with the Interagency Outreach Task Force, the Executive Order as it applies to public involvement of affected communities, and the general focus of the NEJAC concerning public participation and outreach. To this end, the Subcommittee will explore the creation of business and industry, stakeholder and other types of public/private partnerships to address environmental justice concerns. The meeting is open to the public and seating will be available on a first-come basis.

Any member of the public wishing further information, such as proposed agenda on the meeting, should contact Mr. Bob Knox, Designated Federal Official, Office of Environmental Justice, U.S. Environmental Protection Agency, 401 M Street, S.W., Washington, D.C. 20460, by telephone at (202) 206–6357, Fax at (202) 260–0852.

FOR FURTHER INFORMATION CONTACT: Copies of the NEJAC Charter are available upon request. Please contact the Office of Environmental Justice (3103), U.S. Environmental Protection Agency, 401 M Street, S.W., Washington, D.C. 20460, 1–800–962–6215. For hearing impaired individuals or non-English speaking attendees wishing to make arrangements for a sign language or foreign language interpreter, please call or fax Kathy Ackley at (703) 934–3293 or (703) 934–9740 (fax).

Dated: October 4, 1994.

Clarice E. Gaylord,

Designated Federal Official, National Environmental Justice Advisory Council.

[FR Doc. 94–25061 Filed 10–7–94; 8:45 am]

BILLING CODE 6560–50–M

FEDERAL MARITIME COMMISSION

Security for the Protection of the Public; Indemnification of Passengers for Nonperformance of Transportation; Issuance of Certificate (Performance)

Notice is hereby given that the following have been issued a Certificate of Financial Responsibility for Indemnification of Passengers for Nonperformance of Transportation pursuant to the provisions of Section 3, Public Law 89–777 (46 U.S.C. 817(e)) and the Federal Maritime Commission's implementing regulations at 46 C.F.R. Part 540, as amended:

American Classic Voyages Company, Two North Riverside Plaza, Suite 600, Chicago, Illinois 60606.

Vessels: Delta Queen and Mississippi Queen.

Dated: October 4, 1994.

Joseph C. Polking,

Secretary.

[FR Doc. 94–25020 Filed 10–7–94; 8:45 am]

BILLING CODE 6730–01–M

Security for the Protection of the Public; Financial Responsibility to Meet Liability Incurred for Death or Injury to Passengers or Other Persons on Voyages; Notice of Issuance of Certificate (Casualty)

Notice is hereby given that the following have been issued a Certificate of Financial Responsibility to Meet Liability Incurred for Death or Injury to Passengers or Other Persons on Voyages pursuant to the provisions of Section 2, Public Law 89–777 (46 U.S.C. 817(d)) and the Federal Maritime Commission's implementing regulations at 46 C.F.R. part 540, as amended:

American Classic Voyages Company, Two North Riverside Plaza, Suite 600, Chicago, Illinois 60606

Vessels: DELTA QUEEN and MISSISSIPPI QUEEN

Great Hawaiian Properties Corporation (d/b/a American Hawaii Cruises), Great Constitution Ship Co., Great Hawaiian Cruise Line, Inc. and American Classic Voyages Co., Two North Riverside Plaza, Suite 600, Chicago, Illinois 60606

Vessel: CONSTITUTION
Great Hawaiian Properties Corporation (d/b/a American Hawaii Cruises), Great Independence Ship Co., Great Hawaiian Cruise Line, Inc. and American Classic Voyages Co., Two North Riverside Plaza, Suite 600, Chicago, Illinois 60606
Vessel: INDEPENDENCE

Dated: October 4, 1994.

Joseph C. Polking,

Secretary.

[FR Doc. 94–25021 Filed 10–7–94; 8:45 am]

BILLING CODE 6730–01–M

Ocean Freight Forwarder License Applicants

Notice is hereby given that the following applicants have filed with the Federal Maritime Commission applications for licenses as ocean freight forwarders pursuant to section 19 of the Shipping Act of 1984 (46 U.S.C. app. 1718 and 46 CFR 510).

Persons knowing of any reason why any of the following applicants should not receive a license are requested to contact the Office of Freight Forwarders, Federal Maritime Commission, Washington, D.C. 20573.

Dutch F & F, Inc., 7600 SW 94th Ave., Miami, FL 33173, Officers: Frits Rose, President, Gail A. Garcia-Mendoza, Asst. Secretary
Ocean Trade International, Inc., 9600 NW 25th Street, #2–D, Miami, FL 33172, Officer: Ana Blanco, Vice President
FCH International Enterprises, Inc., 8227 NW 68th Street, Miami, FL 33166, Officer: Fernando Chukuong, President
E&S Shipper Inc., 1201 Broadway, Suite 806, New York, NY 10001, Officers: Miguel Eskola, President, Nelson Solano, Vice President
Express Ocean Freight Unlimited, Inc., 182–17 150th Street, Jamaica, NY 11413–4010, Officers: David Marx, President, Ronald Marx, Vice President
Worldwide Express, Inc., 2000 North Loop, #203, Mailstop #23, Lester, PA 19113, Officer: Joyce A. Thompson, Director
The Maust Corporation, 1762 6th Ave., Seattle, WA 98124, Officers: Norman H. Maust, CEO, G. Patrick Cohn, President, Gary J. Dennis, Exec. Vice President

Dated: October 4, 1994.

By the Federal Maritime Commission.

Joseph C. Polking,

Secretary.

[FR Doc. 94–24942 Filed 10–7–94; 8:45 am]

BILLING CODE 6730–01–M

FEDERAL RESERVE SYSTEM

Federal Open Market Committee; Domestic Policy Directive of August 16, 1994

In accordance with § 271.5 of its rules regarding availability of information (12 CFR part 271), there is set forth below the domestic policy directive issued by the Federal Open Market Committee at its meeting held on August 16, 1994.[1] The directive was issued to the Federal Reserve Bank of New York as follows:

The information reviewed at this meeting suggests that the pace of economic expansion, though still substantial, may have moderated somewhat recently, while resource utilization has remained at high levels. Nonfarm payroll employment continued to advance at a robust pace in July, but the civilian unemployment rate edged up to 6.1 percent—about the same as the average for the second quarter. Industrial production rose appreciably over June and July. Growth in consumer spending has slowed in recent months, owing in part to constraints on the supply of motor vehicles. Housing starts rose in July. Orders for nondefense capital goods point to a continued strong expansion in spending on business equipment; permits for nonresidential construction have been rising as well. Business inventories registered a large increase in the second quarter, but inventories appeared to have remained broadly in line with sales. The average nominal deficit on U.S. trade in goods and services was larger in April and May than the average for the first quarter. Increases in broad indexes of consumer and producer prices have remained moderate in recent months, apart form the effect of short-run swings in volatile food and energy components.

Most market interest rates are unchanged to up slightly on balance since the July meeting. The trade-weighted value of the dollar in terms of the other G-10 currencies was unchanged on balance over the inter-meeting period.

M2 and M3 turned up in July following declines on average in both aggregates over May and June; for the year through July, M2 and M3 grew at rates slightly above the bottom of their ranges for 1994. Total domestic nonfinancial debt has continued to expand at a moderate rate in recent months.

The Federal Open Market Committee seeks monetary and financial conditions that will foster price stability and promote sustainable growth in output. In furtherance of these objectives, the Committee at its meeting in July reaffirmed the ranges it had established in February for growth of M2 and M3 of 1 to 5 percent and 0 to 4 percent respectively, measured from the fourth quarter of 1993 to the fourth quarter of 1994. The committee anticipated that developments contributing to unusual velocity increases could persist during the year and that money growth within these ranges would be consistent with its broad policy objectives. The monitoring range for growth of total domestic nonfinancial debt was maintained at 4 to 8 percent for the year. For 1995, the Committee agreed on tentative ranges for monetary growth, measured from the fourth quarter of 1994 to the fourth quarter of 1995, of 1 to 5 percent for M2 and 0 to 4 percent for M3. The Committee provisionally set the associated monitoring range for growth of domestic nonfinancial debt at 3 to 7 percent for 1995. The behavior of the monetary aggregates will continue to be evaluated in the light of progress toward price level stability, movements in their velocities, and developments in the economy and financial markets.

In the implementation of policy for the immediate future, the committee seeks to increase somewhat the existing degree of pressure on reserve positions, taking account of a possible increase in the discount rate. In the context of the Committee's long-run objectives for price stability and sustainable economic growth, and giving careful consideration to economic, financial, and monetary developments, slightly greater reserve restraint or slightly lesser reserve restraint would be acceptable in the intermeeting period. The contemplated reserve conditions are expected to be consistent with modest growth in M2 and M3 over coming months.

By order of the Federal Open Market Committee, October 4, 1994.

Donald L. Kohn,

Secretary, Federal Open Market Committee.

[FR Doc. 94-25037 Filed 10-11-94; 8:45 am]

BILLING CODE 6210-01-F

[1] Copies of the Minutes of the Federal Open Market Committee meeting of August 16, 1994, which include the domestic policy directive issued at that meeting, are available upon request to the Board of Governors of the Federal Reserve System, Washington, D.C. 20551. The minutes are published in the Federal Reserve Bulletin and in the Board's annual report.

CNB Bancshares, Inc., et al.; Notice of Applications to Engage de novo in Permissible Nonbanking Activities

The companies listed in this notice have filed an application under § 225.23(a)(1) of the Board's Regulation Y (12 CFR 225.23(a)(1)) for the Board's

approval under section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.21(a) of Regulation Y (12 CFR 225.21(a)) to commence or to engage *de novo*, either directly or through a subsidiary, in a nonbanking activity that is listed in § 225.25 of Regulation Y as closely related to banking and permissible for bank holding companies. Unless otherwise noted, such activities will be conducted throughout the United States.

Each application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

Unless otherwise noted, comments regarding the applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than October 31, 1994.

A. Federal Reserve Bank of St. Louis (Randall C. Sumner, Vice President) 411 Locust Street, St. Louis, Missouri 63166:

1. CNB Bancshares, Inc., Evansville, Indiana; to engage *de novo* in the activity of making an equity investment as a limited partner in the Shelbyville High Apartments, Limited Partnership, Shelbyville, Indiana, a community development project, pursuant to § 225.25(b)(6) of the Board's Regulation Y.

B. Federal Reserve Bank of Minneapolis (James M. Lyon, Vice President) 250 Marquette Avenue, Minneapolis, Minnesota 55480:

1. Haugo Bancshares, Inc., Sioux Falls, South Dakota; to engage *de novo*, in making, acquiring, and servicing loans pursuant to § 225.25(b)(1) of the Board's Regulation Y.

Board of Governors of the Federal Reserve System, October 4, 1994.

Jennifer J. Johnson,

Deputy Secretary of the Board.

[FR Doc. 94–25016 Filed 10–7–94; 8:45 am]

BILLING CODE 6210–01–F

Lowndes Bancshares, Inc.; 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 November 4, 1994.

A. Federal Reserve Bank of Atlanta (Zane R. Kelley, Vice President) 104 Marietta Street, N.W., Atlanta, Georgia 30303:

1. Lowndes Bancshares, Inc., Hahira, Georgia; to acquire Goldleaf Technologies, Inc., Hahira, Georgia, and thereby engage in expanding its data processing and transmission services to Puerto Rico and Panama, pursuant to § 225.25(b)(7) of the Board's Regulation Y.

Board of Governors of the Federal Reserve System, October 4, 1994.

Jennifer J. Johnson,

Deputy Secretary of the Board.

[FR Doc. 94–25017 Filed 10–7–94; 8:45 am]

BILLING CODE 6210–01–F

John Findley Nelson, Jr., et al.; Change in Bank Control Notices; Acquisitions of Shares of Banks or Bank Holding Companies

The notificants listed below have 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 the notices are set forth in paragraph 7 of the Act (12 U.S.C. 1817(j)(7)).

The notices are available for immediate inspection at the Federal Reserve Bank indicated. Once the notices have been accepted for processing, they 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 that notice or to the offices of the Board of Governors. Comments must be received not later than October 31, 1994.

A. Federal Reserve Bank of Atlanta (Zane R. Kelley, Vice President) 104 Marietta Street, N.W., Atlanta, Georgia 30303:

1. John Findley Nelson, Jr., Mount Dora, Florida; to retain 13.2 percent of the voting shares of UniSouth, Inc., Umatilla, Florida, and thereby indirectly acquire United Southern Bank, Umatilla, Florida.

B. Federal Reserve Bank of Chicago (James A. Bluemle, Vice President) 230 South LaSalle Street, Chicago, Illinois 60690:

1. Harold P. O'Connell, Jr., Lake Forest, Illinois; to acquire 21.19 percent, for a total of 24.66 percent, of the voting shares of Mid-America National Bancorp., Inc., Chicago, Illinois, and thereby indirectly acquire Mid-America National Bank of Chicago, Chicago, Illinois.

Board of Governors of the Federal Reserve System, October 4, 1994.

Jennifer J. Johnson,

Deputy Secretary of the Board.

[FR Doc. 94–25019 Filed 10–7–94; 8:45 am]

BILLING CODE 6210–01–F

Valley Financial Corporation, et al.; Formation of, Acquisition by, or Merger of Bank Holding Companies

The company listed in this notice has applied for the Board's approval under section 3 of the Bank Holding Company Act (12 U.S.C. 1842) and § 225.14 of the Board's Regulation Y (12 CFR 225.14) to become a bank holding company or to acquire a bank or bank holding company. The factors that are considered in acting on the applications are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

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 to the Reserve Bank indicated for that application or to the offices of the Board of Governors. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Comments regarding this application must be received not later than November 4, 1994.

A. Federal Reserve Bank of Richmond (Lloyd W. Bostian, Jr., Senior Vice President) 701 East Byrd Street, Richmond, Virginia 23261:

1. Valley Financial Corporation, Roanoke, Virginia; to become a bank holding company by acquiring 100 percent of the voting shares of Valley Bank, National Association, Roanoke, Virginia, a *de novo* bank.

B. Federal Reserve Bank of Atlanta (Zane R. Kelley, Vice President) 104 Marietta Street, N.W., Atlanta, Georgia 30303:

1. Community Bancshares of Mississippi, Inc., Forest, Mississippi; to acquire 91.11 percent of the voting shares of M & M Bancorp, Inc., Laurel, Mississippi, and thereby indirectly acquire Merchants & Manufacturers Bank of Ellisville, Ellisville, Mississippi.

C. Federal Reserve Bank of Chicago (James A. Bluemle, Vice President) 230 South LaSalle Street, Chicago, Illinois 60690:

1. C.B. Bank Shares, Inc., Russiaville, Indiana; to become a bank holding company by acquiring 100 percent of the voting shares Central Bank (in process of conversion from a national bank to a state non-member bank, formerly Central National Bank of Howard County), Russiaville, Indiana.

D. Federal Reserve Bank of Minneapolis (James M. Lyon, Vice President) 250 Marquette Avenue, Minneapolis, Minnesota 55480:

1. Norwest Corporation, Minneapolis, Minnesota; to acquire 100 percent of the voting shares of Ken-Caryl Investment Company, Littleton, Colorado, and thereby indirectly acquire Ken-Caryl Bank, Littleton, Colorado.

E. Federal Reserve Bank of Kansas City (John E. Yorke, Senior Vice President) 925 Grand Avenue, Kansas City, Missouri 64198:

1. HF Limited Partnership, Marshall, Missouri; to become a bank holding company by acquiring 49.85 percent of the voting shares of Wood & Huston Bancorporation, Inc., Marshall, Missouri, and thereby indirectly acquire South East Missouri Bank, Cape Girardeau, Missouri, Missouri Southern Bank, West Plains, Missouri, and Wood Huston Bank, Marshall, Missouri.

2. Pioneer Bancshares, Inc. ESOP, Ponca City, Oklahoma; to become a bank holding company by acquiring 43.97 percent of the voting shares of Pioneer Bancshares, Inc., Ponca City, Oklahoma, and thereby indirectly acquire Pioneer Bank and Trust, Ponca City, Oklahoma.

3. State Bank Employees Stock Ownership Plan, Hoxie, Kansas; to become a bank holding company by acquiring 45 percent of the voting shares of Prairie State Bancshares, Inc., Hoxie, Kansas, and thereby indirectly acquire State Bank, Hoxie, Kansas.

Board of Governors of the Federal Reserve System, October 4, 1994.

Jennifer J. Johnson,

Deputy Secretary of the Board.

[FR Doc. 94–25018 Filed 10–7–94; 8:45 am]

BILLING CODE 6210–01–F

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

President's Committee on Mental Retardation; Notice of Meeting

Agency Holding the Meeting: President's Committee on Mental Retardation.

Time and Date: Full Committee Meeting, November 17–18, 1994, 9:00 a.m.–5:00 p.m.

Place: Stouffer Concourse Hotel, 2399 Jefferson Davis Highway, Arlington, Virginia 22202.

Status: Meetings are open to the public. An interpreter for the deaf will be available upon advance request. All locations are barrier free.

Matters to be Considered: The Committee plans to discuss critical issues concerning prevention, family and community services, full citizenship, public awareness and other issues relevant to the PCMR's goals.

The PCMR: (1) Acts in an advisory capacity to the President and the Secretary of the Department of Health and Human Services on matters relating to programs and services for persons with mental retardation; and (2) is responsible for evaluating the adequacy of current practices in programs for the retarded, and reviewing legislative proposals that affect persons with mental retardation.

Contact Person for More Information: Gary H. Blumenthal, Wilbur J. Cohen Building, Room 5325, 330 Independence Avenue, S.W., Washington, D.C. 20201–0001; (202) 619–0634.

Dated: October 3, 1994.

Gary H. Blumenthal,

Executive Director, PCMR.

[FR Doc. 94–25077 Filed 10–7–94; 8:45 am]

BILLING CODE 4184–01–M

Centers for Disease Control and Prevention

Advisory Council for the Elimination of Tuberculosis: Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), the Centers for Disease Control and Prevention (CDC) announces the following council meeting.

Name: Advisory Council for the Elimination of Tuberculosis (ACET).

Times and Dates: 8:30 a.m.–4:30 p.m., October 26, 1994. 8:30 a.m.–12 noon, October 27, 1994.

Place: Corporate Square Office Park, Corporate Square Boulevard, Building 11, Room 1413, Atlanta, Georgia 30329.

Status: Open to the public, limited only by the space available.

Purpose: This council advises and makes recommendations to the Secretary of Health and Human Services, the Assistant Secretary for Health, and the Director, CDC, regarding the elimination of tuberculosis. Specifically, the council makes recommendations regarding policies, strategies, objectives, and priorities; and addresses the development and application of new technologies; and reviews and extent to which progress has been made toward eliminating tuberculosis.

Matters to be Discussed: Analysis of participant results from CDC MDR–TB Performance Evaluation program; TB among immigrants and refugees: Report of the Working Group; funding/resources (including National Institutes of Health research); status of BCG statement; new training and education materials/activities; status of screening statement; statement on the foreign-born; twice a week directly observed therapy; program performance and strategies to improve local programs/evaluation; and a *Morbidity and Mortality Weekly Report* announcement on Rifater®.

Agenda items are subject to change as priorities dictate.

Contact Person for More Information: Samuel W. Dooley, Jr., M.D., Acting

Associate Director for Science, National Center for Prevention Services, and Acting Executive Secretary, ACET, 1600 Clifton Road, NE, Mailstop E–07, Atlantic, Georgia 30333, telephone 404/639–8006.

Dated: October 4, 1994.

William H. Gimson,

Acting Associate Director for Policy Coordination, Centers for Disease Control and Prevention (CDC).

[FR Doc. 94–25140 Filed 10–7–94; 8:45 am]

BILLING CODE 4163–18–M

National Committee on Vital and Health Statistics: Meeting

Pursuant to Pub. L. 92–463, the National Center for Health Statistics (NCHS), Centers for Disease Control and Prevention (CDC), announces the following committee meeting.

Name: National Committee on Vital and Health Statistics (NCVHS).

Times and Dates: 1 p.m.–5 p.m., October 26, 1994, 9 a.m.–5 p.m., October 27, 1994, 9 p.m.–1 p.m., October 28, 1994,

Place: Room 703A, Hubert H. Humphrey Building, 200 Independence Avenue, SW., Washington, DC 20201.

Status: Open.

Purpose: The purpose of this meeting is for the committee to consider reports from each NCVHS subcommittee; to receive reports from offices of the Department of Health and Human Services; to explore information needs for health reform; and to address new business as appropriate.

Contact Person for More Information: Substantive program information as well as summaries of the meeting and a roster of committee members may be obtained from Gail F. Fisher, Ph.D., Executive Secretary, NCVHS, NCHS, CDC, Room 1100, Presidential Building, 6525 Belcrest Road, Hyattsville, Maryland 20782, telephone 301/436–7050.

Dated: October 4, 1994.

William H. Gimson,

Acting Associate Director for Policy Coordination, Centers for Disease Control and Prevention (CDC).

[FR Doc. 94–25135 Filed 10–7–94; 8:45 am]

BILLING CODE 4163–18–M

Food and Drug Administration

[Docket No. 94N–0359]

Drug Export; Acellular Pertussis Vaccine, Adsorbed (Monocomponent)

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that Connaught Laboratories, Inc., has filed an application requesting approval for the export of the biological product Acellular Pertussis Vaccine, Adsorbed (monocomponent) to the Federal Republic of Germany.

ADDRESSES: Relevant information on this application may be directed to the Dockets Management Branch (HFA–305), Food and Drug Administration, rm. 1–23, 12420 Parklawn Dr., Rockville, MD 20857, and to the contact person identified below. Any future inquiries concerning the export of human biological products under the Drug Export Amendments Act of 1986 should also be directed to the contact person.

FOR FURTHER INFORMATION CONTACT: Frederick W. Blumenschein, Center for Biologics Evaluation and Research (HFM–660), Food and Drug Administration, 1401 Rockville Pike, Rockville, MD 20852–1448, 301–594–1070.

SUPPLEMENTARY INFORMATION: The drug export provisions in section 802 of the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 382) provide that FDA may approve applications for the export of biological products that are not currently approved in the United States. Section 802(b)(3)(B) of the Act sets forth the requirements that must be met in an application for approval. Section 802(b)(3)(C) of the act requires that the agency review the application within 30 days of its filing to determine whether the requirements of section 802(b)(3)(B) have been satisfied. Section 802(b)(3)(A) of the Act requires that the agency publish a notice in the **Federal Register** within 10 days of the filing of an application for export to facilitate public participation in its review of the application. To meet this requirement, the agency is providing notice that Connaught Laboratories, Inc., Rt. 611, P.O. Box 187, Swiftwater, PA 18370, has filed an application requesting approval for the export of the biological product Acellular Pertussis Vaccine, Adsorbed (monocomponent) to the Federal Republic of Germany. The Acellular Pertussis Vaccine, Adsorbed (monocomponent) is used in the primary immunization of children from the 15th month of age up to the end of the 5th year of age against pertussis (whooping cough) and as a fourth injection (as completion of primary immunization) in children from the 15th month of age, having already received three injections of a whole cell vaccine against pertussis. The application was received and filed in the Center for Biologics Evaluation and Research on August 19, 1994, which shall be considered the filing date for purposes of the act.

Interested persons may submit relevant information on the application to the Dockets Management Branch (address above) in two copies (except that individuals may submit single copies) and identified with the docket number found in brackets in the heading of this document. These submissions may be seen in the Dockets Management Branch between 9 a.m. and 4 p.m., Monday through Friday.

The agency encourages any person who submits relevant information on the application to do so by October 21, 1994, and to provide an additional copy of the submission directly to the contact person identified above, to facilitate consideration of the information during the 30-day review period.

This notice is issued under the Federal Food, Drug, and Cosmetic Act (sec. 802 (21 U.S.C. 382)) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10) and redelegated to the Center for Biologics Evaluation and Research (21 CFR 5.44).

Dated: September 9, 1994.

James C. Simmons,

Acting Director, Office of Compliance, Center for Biologics Evaluation and Research.

[FR Doc. 94–25079 Filed 10–7–94; 8:45 am]

BILLING CODE 4160–01–P

Termination of Temporary Deferment of Activities Relating to Biologics Submissions and Notice of New Mailing Address; Correction

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice; correction.

SUMMARY: The Food and Drug Administration (FDA) is correcting a notice that appeared in the **Federal Register** of September 23, 1994 (59 FR 48895). The document announced the termination of temporary deferment of activities relating to biologics submissions and the new mailing addresses for submissions. The document was published with a typographical error. This document corrects that error.

FOR FURTHER INFORMATION CONTACT: Mark A. Elengold, Center for Biologics Evaluation Research (HFM–11), Food and Drug Administration, 1401 Rockville Pike, Rockville, MD 20852–1448, 301–594–2000.

In FR Doc. 94–23617, appearing on page 48895 in the **Federal Register** of September 23, 1994, the following correction is made: On the same page, in the second column, in the last paragraph, in the fourth line from the bottom "549–5656" is corrected the read "594–5656".

Dated: October 3, 1994.

William K. Hubbard,

Interim Deputy Commissioner for Policy.

[FR Doc. 94–24943 Filed 10–7–94; 8:45 am]

BILLING CODE 4160–01–F

Health Resources and Services Administration

Advisory Council; Notice of Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), announcement is made of the following National Advisory bodies scheduled to meet during the months of November and December 1994:

Name: National Advisory Council on Migrant Health.

Date and Time: November 17–20, 1994—9:00 a.m.

Place: Menger Hotel, 204 Alamo Plaza, San Antonio, Texas 78205, 210/223–4351.

The meeting is open to the public.

Purpose: The Council is charged with advising, consulting with, and making recommendations to the Secretary and the Administrator, Health Resources and Services Administration, concerning the organization, operation, selection, and funding of Migrant Health Centers and other entities under grants and contracts under section 329 of the Public Health Service Act.

Agenda: The agenda includes an overview of Council general business activities and priorities; the development of 1995 National Advisory Council on Migrant Health Recommendations. A Public Hearing for Section 329 grantees and other organizations is scheduled for Friday, November 18, 1:30 p.m.–5:30 p.m., and a Farmworker Public Hearing is scheduled for Saturday Nov. 19, 10:30 a.m.–5:00 p.m. at the above hotel. The Council is soliciting oral and written comments for testimony; specific to migrant/seasonal farmworker health and migrant health program issues.

Anyone requiring information regarding the subject Council should contact Helen Kavanagh, Migrant Health Program, Staff Support to the National Advisory Council on Migrant Health, Bureau of Primary Care, Health Resources and Services Administration, 4350 East West Highway, Room 7A6–1, Rockville, Maryland 20857, Telephone (301) 594–430.

* * * * *

Name: National Advisory Council on Nurse Education and Practice.

Date and Time: December 8–9, 1994, 8:30 a.m.

Place: Conference Room G, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857.

The meeting is open to the public.

Purpose: The Council advises the Secretary and Administrator, Health Resources and Services Administration, concerning general regulations and policy matters arising in the administration of the Nurse Shortage Reduction and Education Extension Act of 1988 (Pub. L. 100–607).

Agenda: Agenda items for the meeting will cover announcements, considerations of minutes of the previous meeting, the reports of the Administrator, Health Resources and Services Administration, the Director, Bureau of Health Professions, the Director, Division of Nursing and staff reports. The Council will also meet in breakout groups to discuss current issues related to nurse education and practice.

Anyone wishing to obtain a roster of members, minutes of meeting or other relevant information should write or contact R. Margaret Truax, Executive Secretary, National Advisory Council on Nurse Education and Practice, Parklawn Building, Room 9–36, 5600 Fishers Lane, Rockville, Maryland 20857, Telephone (301) 443–5786.

Agenda Items are subject to change as priorities dictate.

Dated: October 4, 1994.

Jackie E. Baum,

Advisory Committee Management Officer, HRSA.

[FR Doc. 94–24947 Filed 10–7–94; 8:45 am]

BILLING CODE 4160–15–P

National Institutes of Health

National Institute on Drug Abuse; Notice of Meetings

Pursuant to Public Law 92–463, notice is hereby given of the meetings of the review committees of the National Institute on Drug Abuse for October 1994.

The meetings as indicated below will be open to the public for announcements and reports of administrative, legislative, and program development. Attendance by the public will be limited to space available.

As indicated below in accordance with provisions set forth in section 552b(c)(4) and 552b(c)(6), title 5, U.S.C. and section 10(d) of Public Law 92–463, these meetings will be closed to the public for the review, discussion, and evaluation of individual grant applications on the dates indicated below. These applications and the discussions could reveal confidential trade secrets or commercial property such as patentable material and personal information concerning individuals associated with the applications, disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Summaries of the meetings and rosters of committee members may be obtained from: Ms. Camilla L. Holland, NIDA Committee Management Officer, National Institutes of Health, Parklawn Building, Room 10–42, 5600 Fishers Lane, Rockville, MD 20857 (Telephone: 301/443–2755).

Substantive program information may be obtained from the contacts whose names, room numbers, and telephone numbers are listed below.

Committee Name: Pharmacology I Research Subcommittee, Drug Abuse, Biomedical Research Review Committee.

Meeting Date: October 11–12, 1994.

Place: Bethesda Marriott, 5151 Pooks Hill Road, Bethesda, MD 20814.

Closed: 8:30 a.m., October 11, to adjournment on October 12.

Contact: Syed Husain, Ph.D., Room 10–42, Parklawn Building, Telephone (301) 443–2620.

Committee Name: Drug Abuse Epidemiology and Prevention Research Review Committee.

Meeting Date: October 11–12, 1994.

Place: Crowne Plaza Holiday Inn, 1750 Rockville Pike, Rockville, MD 20852.

Open: October 11, 8:30 a.m. to 9 a.m.

Closed: 9 a.m., October 11, to adjournment on October 12.

Contact: Raquel Crider, Ph.D., Room 10–22, Parklawn Building, Telephone (301) 443–9042.

Committee Name: Biochemistry Research Subcommittee, Drug Abuse Biomedical Research Review Committee.

Meeting Date: October 11–13, 1994.

Place: Bethesda Marriott, 5151 Pooks Hill Road, Bethesda, MD 20814.

Open: October 11, 8:30 to 9 a.m.

Closed: 9 a.m., October 11, to adjournment on October 13.

Contact: Rita Liu, Ph.D., Room 10–42, Parklawn Building, Telephone (301) 443–2620.

Committee Name: Pharmacology II Research Subcommittee, Drug Abuse, Biomedical Research Review Committee.

Meeting Date: October 11–13, 1994.

Place: Bethesda Marriott, 5151 Pooks Hill Road, Bethesda, MD 20814.

Open: October 11, 9 a.m. to 9:30 a.m.

Closed: 9:30 a.m., October 11, to adjournment on October 13.

Contact: Gamil Debbas, Ph.D., Room 10–42, Parklawn Building, Telephone (301) 443–2620.

Individuals who plan to attend and need special assistance, such as sign language interpretation or other reasonable accommodations, should contact the contact persons named above in advance of the meeting.

This notice is being published less than 15 days prior to the meeting due to the difficulty of coordinating the attendance of members because of conflicting schedules.

(Catalog of Federal Domestic Assistance Program Numbers: 93.277, Drug Abuse Research Scientist Development and Research Scientist Awards; 93.278, Drug Abuse National Research Service Awards for Research Training; 93.279, Drug Abuse Research Programs.)

Dated: October 4, 1994.

Susan K. Feldman,

Committee Management Officer, NIH.

[FR Doc. 94–25095 Filed 10–7–94; 8:45 am]

BILLING CODE 4140–01–M

National Institutes of Health

Division of Research Grants; Notice of a Closed Meeting

Pursuant to Section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following Division of Research Grants Special Emphasis Panels (SEPs) meeting:

Purpose/Agenda: To review individual grant applications.

Name of SEP: Behavioral and Neurosciences.

Date: October 12, 1994.

Time: 3:00 p.m.

Place: Hyatt Regency Hotel, Bethesda, MD.

Contact Person: Dr. Joseph Kimm, Scientific Review Administrator, 5333 Westbard Ave., Room 309, Bethesda, MD 20892, (301) 594–7257.

The meeting will be closed in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5, U.S.C. Applications and/or proposals and the discussions could reveal confidential trade secrets or commercial property such as patentable material and personal information concerning individuals associated with the applications and/or proposals, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

This notice is being published less than 15 days prior to the meeting due to the difficulty of coordinating the attendance of members because of conflicting schedules.

(Catalog of Federal Domestic Assistance Program Nos. 93.306, 93.333, 93.337, 93.393–93.396, 93.837–93.844, 93.846–94.878, 93.892, 93.893, National Institutes of Health, HHS)

Dated: October 4, 1994.

Susan K. Feldman,

Committee Management Officer, NIH.

[FR Doc. 94–25096 Filed 10–7–94; 8:45 am]

BILLING CODE 4140–01–M

Public Health Service

[GN# 2279]

Request for Nominations for Voting Members on National Vaccine Advisory Committee

AGENCY: Public Health Service, HHS.

ACTION: Notice.

SUMMARY: The Department of Health and Human Services (DHHS) is requesting nominations to fill five vacancies on the National Vaccine Advisory Committee. The Committee advises the National Vaccine Program and was established by Title XXI, Subtitle I, Sec. 2105 of the Public Health Service Act, as amended by Pub. L. 99–660, The National Vaccine Injury Compensation Act of 1986 (42 U.S.C. 300AA–1 et seq.).

DATES: Nominations are to be submitted by November 14, 1994.

ADDRESSES: All nominations for membership should be sent to Jeannette R. De Lawter (address below).

FOR FURTHER INFORMATION CONTACT: Jeannette R. De Lawter, Committee Management Specialist, National Vaccine Advisory Committee, National Vaccine Program, Office of the Assistant Secretary for Health, Rockwall II Building, Suite 1075, 5600 Fishers Lane, Rockville, MD 20857; Telephone Number: (301) 594–2277; Fax number: (301) 594–2999.

SUPPLEMENTARY INFORMATION: The National Vaccine Program is requesting nominations of voting members for five vacancies on the National Vaccine Advisory Committee. Nominated individuals should have expertise in vaccine research or the manufacture of vaccines, or should be physicians, members of parent organizations concerned with immunization, representatives of State or local health agencies, or public health organizations. Members will be invited to serve four-year terms.

The National Vaccine Advisory Committee (1) Studies and recommends ways to encourage the availability of an adequate supply of safe and effective vaccination products in the United States, (2) recommends research priorities and other measures the Director of the Program should take to enhance the safety and efficacy of vaccines, (3) advises the Director of the Program in the implementation of sections 2102, 2103, and 2104 of the Public Health Service Act, and (4) identifies annually for the Director of the Program the most important areas of government and nongovernment cooperation that should be considered in implementing these sections.

In keeping with normal departmental policy, nominees generally should not currently be serving on another DHHS advisory committee, although exceptions will be considered.

NOMINATION PROCEDURES: Any interested person may nominate one or more qualified persons for membership on the National Vaccine Advisory Committee. The nominee should be aware of the nomination, willing to serve as a member of the committee, and appear to have no conflict of interest that would preclude committee membership. A curriculum vitae of the nominee should be submitted with the nomination.

Dated: October 3, 1994.

Chester A. Robinson,

Acting Director, National Vaccine Program Office.

[FR Doc. 94–25036 Filed 10–7–94; 8:45 am]

BILLING CODE 4160–17–M

National Institutes of Health; Statement of Organization, Functions, and Delegations of Authority

Part H, Chapter HN (National Institutes of Health) (NIH) of the Statement of Organization, Functions, and Delegations of Authority for the Department of Health and Human Services (40 FR 22859, May 27, 1975, as amended most recently at 59 FR 42066, August 16, 1994) is amended to reflect a reorganization within the National Center for Research Resources (NCRR) (HNR), NIH. The reorganization consists of (1) abolishing Intramural Research Resources (HNR2) and Extramural Research Resources (HNR3); and (2) realigning the remaining NCRR substructure to indicate their correct organizational level. This reorganization is consistent with Administration objectives related to the National Performance Review (NPR) and the Continuous Improvement Program (CIP)—specifically, streamlining, delayering, and decreasing the ratio of supervisors to employees in accordance with effective management practices.

Section NH–B, Organization and Functions, is amended as follows: (1) Under the heading *National Center for Research Resources (HNR)* delete the titles and functional statements for *Intramural Research Resources (HNR2)* and *Extramural Research Resources (HNR3)* in their entirety and substitute the following:

Office of Science and Health Reports (HNR12). (1) Serves as a focal point for the Center's efforts to interpret and disseminate the goals and results of NCRR-supported research programs and projects to the biomedical research community, Congress, other specialized groups, and the general public; (2) provides answers to White House, congressional, and public inquiries regarding research resources and produces materials designed to facilitate these responses; (3) provides advice and assistance to members of the Center's scientific and administrative staff engaged in research and program reporting; (4) serves as an information source for NIH personnel carrying out public affairs assignments related to NCRR interests; (5) cooperates with appropriate voluntary agencies and professional societies in planning and producing informational materials for specialized groups; and (6) provides responses to requests under the Freedom of Information Act and the Privacy Act, and advises the NCRR Director on matters related to these Acts.

Office of Grants ad Contracts Management (HNR13). (1) Collaborates

in the formulation of NCRR, NIH, and PHS policies and procedures relating to the management of the grant and contract programs; (2) interprets and applies NCRR, NIH, and PHS policies and procedures relating to the business management of grants and contracts; (3) provides administrative and financial review of grant applications and contract proposals and collaborates with program directors in grants negotiation, award, and administration; (4) provides administrative and technical support in the development, execution, and monitoring of grant and contract programs including budget forecasting; (5) maintains liaison with grants and contracts management staffs in other Institutes, central OD/NIH offices, grantees, and contractors; and (6) interprets and implements new/revised administrative policies/regulations affecting the overall mission of the Center, and NIH and PHS policies and procedures relating to the management of the grant and contract programs.

Office of Administrative Management (HNR14). (1) Plans implements, and evaluates administrative and management services and support to the programs and activities of NCRR; (2) provides budgetary support for budget formulation and execution; (3) provides personnel management, services, and advice; (4) plans and operates NCRR data systems; and (5) maintains liaison with the Office of the Director (OD/NIH).

Office of Science Policy (HNR15). (1) Advises the NCRR Director on policy matters, scientific developments, and other relevant issues that may affect NCRR programs and initiatives; (2) assists in the establishment of NCRR objectives and in the development or modification of programs to meet these objectives; (3) evaluates the performance and impact of NCRR programs and related PHS programs and activities; (4) acquires data and performs analyses for use in NCRR planning and development; (5) coordinates the presentation of the Center's plans and reports; (6) conducts the Center's legislative liaison activities; and (7) provides staff support for the NCRR Director.

Office of Review (HNR16). (1) Provides policy direction and coordination for the planning and execution of initial scientific and technical reviews conducted within the Center involving applications for grant and contract research; (2) supervises and manages NCRR-chartered committees and the establishment of *ad hoc* review committees as required; (3) coordinates the identification and selection of qualified experts to serve on review committees and assists with the review of grant applications and contract proposals as required; (4) serves as the information and coordination center for all grant applications and contract proposals pending review by the Office; (5) supervises scientific review administrators for the initial scientific review of grant proposals reviewed within NCRR; (6) coordinates scientific review activities with NCRR program staff and the Division of Research Grants, NIH; and (7) maintains uniform policies and procedures governing the technical review of grant applications and contract proposals within NCRR.

Biomedical Engineering and Instrumentation Program (HNR4). Contributes to the advance of NIH research in applications of engineering, mathematics, and the physical sciences to the solution of problems in biology and medicine through: (1) Consultations and collaborations with NIH scientists in areas such as measurement, imaging, mathematical modeling, and design of specialized equipment; (2) research and development of theoretical and experimental methods, including novel instrumentation; and (3) technical support services such as the design, construction, modification, repair, sale, and lease of scientific equipment.

Veterinary Resources Program (HNR5). Contributes to the advancement of NIH research through the application of laboratory animal sciences by: (1) Consultative and collaborative interaction with NIH intramural researchers; (2) providing fully characterized laboratory animal models; (3) providing a full range of professional and technical support services; facilities, and other resources required for laboratory animal care; and (4) conducting independent research and development in the field of laboratory animal science.

Medical Arts and Photography Branch (HNR6). Contributes to the advance of NIH research by providing comprehensive visual communications services through: (1) Creating products that visually communicate scientific data, research accomplishments, and NIH programs to the scientific community and the general public; and(2) producing publications, exhibits, and audio-visual presentations through a variety of services including design, graphics, video production, medical illustration, micro- and macro-photography, information and patient photography, and staff assistance in planning and coordination of visual communication needs.

Library Branch (NHR7). Contributes to the advance of NIH research by providing comprehensive research library support to NIH scientific, clinical, and management programs through: (1) An extensive collection of books and journals; (2) access to computer information banks (3) staff assistance and consultation in information handling and retrieval; (4) translation of foreign research reports; and (5) studies to explore avenues for scientific communications and dissemination of medical research findings.

Comparative Medicine Program (HNR8). (1) Plans, develops, administers, and evaluates a comprehensive scientific program utilizing resource grants, resource-related research grants, research contracts, and training awards to: (a) Provide access to non-human primates for biomedical research through Regional Primate Research Centers, (b) develop and support shared resources for animal models of human disease/processes; (c) reduce disease in laboratory animal colonies, (d) improve quality of institutional animal resource programs, (e) train individuals for these activities, and (f) foster optimal standards for the care of laboratory animals; (2) plans workshops, conferences, and seminars to explore animal research resource needs of investigators; and (3) serves as a focal point for NIH interchange with organizations, institutions, and individuals concerning the use of animals in biomedical research.

Research Facilities Improvement Program (HNR9). (1) Plans, develops, administers, and evaluates a comprehensive program utilizing grants and contracts for the repair, renovation, modernization, and expansion of biomedical research-related facilities and the purchase of associated equipment; (2) formulates general policy, administrative procedures, and parameters within which the program will operate; (3) identifies areas where improved facilities would produce new knowledge and methods; and (4) serves as the focal point for interchange with institutions and independent research organizations regarding the use of funds available for research facilities improvement.

General Clinical Research Centers Program (HNRB). (1) Plans, develops, administers, and evaluates a comprehensive clinical research program utilizing resource grants, resource-related grants, and research contracts to: (a) Establish, within public or private institutions, facilities for quality-controlled clinical research with patients; (b) stimulate multi-disciplinary research; and (c) provide shared

laboratory resources to facilitate technology transfer to the patient research; (2) formulates general policy, administrative arrangements, and scientific considerations within which the program will operate; (3) maintains management and scientific liaison with institutions supported through the program; (4) plans workshops, conferences, and seminars to identify clinical resource needs for scientists; (5) provides competitive support to junior faculty to develop a cadre of independent clinical investigators and (6) coordinates clinical resource support within other NIH institutes and centers.

Biomedical Research Technology Program (HNRC). (1) Plans, develops, administers, and evaluates a comprehensive scientific program utilizing resource grants, resource-related grants, research project grants, and research contracts to support biomedical computing, biomedical structure and function, biomedical characterization, biomedical image and image processing resources, and biomedical engineering resources; (2) formulates general policy, administrative arrangement, and scientific considerations framework within which the program will operate; (3) plans workshops, conferences, and seminars to identify technologies to be modified or developed as tools for biomedical research; and (4) serves as a focal point for NIH interchange with organizations, institutions, and individuals concerning the use of technologies in biomedical research.

Biomedical Research Support Program (HNRE). (1) Plans, develops, administers, and evaluates programs for shared research resources, and resources for underserved populations; (2) plans, develops, administers and evaluates programs to improve science education activities and the Nation's science literacy; (3) formulates general policy, administrative arrangements, and scientific considerations within which the programs will operate; (4) plans workshops, conferences, and seminars to explore means of program development; and (5) serves as the focal point for NIH interchange with organizations, institutions, and individuals concerning these programs.

Research Centers in Minority Institutions Program (HNRG). (1) Plans, develops, administers, and evaluates the Research Centers in Minority Institutions Program utilizing competitive institutional resource grants to strengthen the research environment in predominantly minority educational institutions which offer doctoral degrees in the health professions or the sciences related to health; (2) formulates general policy, administrative arrangements, and scientific considerations within which the program operates; (3) plans workshops, conferences, and seminars to identify research resource needs of institutions development; and (4) serves as a focal point for NIH interchange with organizations, institutions, and individuals concerning the Research Centers in Minority Institutions Program.

Biological Models and Materials Research Program (HNRH). (1) Plans, develops, administers, and evaluates a comprehensive scientific program utilizing research grants, cooperative agreements, and research contracts to: (a) Develop and provide cell systems, lower organisms, and non-biological systems as models for biomedical research, (b) provide biological materials serving as critically important resources to the biomedical research community, and (c) respond to requests from the research community for support of needed biological materials and biological and non-biological model systems; (2) tracks model research systems supported by NIH; (3) serves as NIH's focal point for exchange of information concerning the use of model systems in biomedical research with individuals, organizations, and institutions; (4) collaborates with other NIH components to support biological materials resources of critical importance to the biomedical research community; (5) plans workshops, conferences, and seminars to explore research resource needs of scientists; and (6) formulates general policy, administrative arrangements, and scientific considerations within which the program will operate.

Dated: September 22, 1994.

Harold Varmus,

Director, NIH.

[FR Doc. 94–25011 Filed 10–7–94; 8:45 am]

BILLING CODE 4140–01–M

National Institutes of Health; Statement of Organization, Functions, and Delegations of Authority

Part H, Chapter HN (National Institutes of Health) of the Statement of Organization, Functions, and Delegations of Authority for the Department of Health and Human Services (40 FR 22859, May 27, 1975, as amended most recently at 59 FR 42066, August 16, 1994) is amended to reflect the reorganization of the National Institute of General Medical Sciences (NIGMS) (HNS) as follows: (1) Establish the Office of Administrative Management (HNS12); Office of Research Reports (HNS13); Office of Program Analysis and Evaluation (HNS14); and the Office of Scientific Review (HNS15); and (2) establish the Division of Pharmacology, Physiology, and Biological Chemistry (HNS2); Division of Genetics and Developmental Biology (HNS3); Division of Cell Biology and Biophysics (HNS4); Division of Minority Opportunities in Research (HNS5); and the Division of Extramural Activities (HNS6).

Section HN–B, Organization and Functions is amended as follows: (1) Under the heading *National Institute of General Medical Sciences (HNS),* insert the following:

Office of Administrative Management (HNS12). (1) Advises the Director on administrative matters; (2) plans and directs management functions of the Institute including financial management, personnel management, material procurement, office services, management analysis, and reports and statistics relating to the Institute's administrative activities; (3) interprets, analyzes, and implements administrative orders and management concepts affecting the mission of the Institute; and (4) maintains and operates data collection, processing, and retrieval systems covering all aspects of NIGMS programs.

Office of Research Reports (HNS13). (1) Plans and directs the preparation, utilization, and distribution of scientific and technical reports and summaries of research accomplishments and research support to the biomedical community and specialized interest groups; (2) responds to inquiries form Federal and non-Federal sectors of the public concerning activities and programs of the Institute, and develops materials used in responding to such inquiries; (3) maintains liaison with specialized groups which share a community of interest; collaborates in the development of health education materials; advises the Director on probable reaction of such groups to the Institute's decisions on program and management matters; (4) assures that the Institute meets the requirements of the Freedom of Information Act and Departmental and NIH regulations pertaining thereto; (5) coordinates activities of the Editorial Review Board and assures compliance with NIH and Departmental procedures for technical and other professional manuscripts and speeches; and (6) plans and coordinates the interchange of research findings and knowledge essential to the development and progress of the Institute's programs.

Office of Program Analysis and Evaluation (HNS14). (1) Advises the Director on the development, analysis,

and evaluation of the Institute's programs; (2) advises the Director and principal staff in the development of strategic, research, and operational program plans to meet the long-range goals and immediate objectives of the Institute, and provides staff support to, and liaison with program managers in coordinating, integrating, and articulating these goals and strategies; (3) develops the Institute's evaluation plan and program and oversees its application, including evaluating the focus and impact of ongoing programs and providing analytical reports of program trends and future forecasts; and (4) analyzes program data required to maintain continuous review of program progress and evaluation of program needs and projects the impact of allocation options in support of resource allocation decisions to meet those needs.

Office of Scientific Review (HNS15). (1) Directs and carries out the scientific and technical merit review of research training, research support, research center, research conference, and research program project grant applications; (2) originates and coordinates policies and procedures of the Cellular and Molecular Basis of Disease, Genetic Basis of Disease, Pharmacological Sciences review committees, Minority Access to Research Careers and Minority Biomedical Research Support review subcommittees, and any necessary *ad hoc* committees; (3) conducts the search for the most qualified and representative individuals to serve as members of review committees and site visitors; and (4) organizes and coordinates site visits and scientific and technical merit reviews.

Division of Pharmacology, Physiology, and Biological Chemistry (HNS2). (1) Plans, directs, and administers a program of research grants, contracts, and institutional and individual fellowship awards designed to support research and research training that: (a) Enhances therapeutics through increased understanding of drug action and improved methodologies for the generation of drugs, (b) fosters the integration and application of physiological and biochemical research in addressing clinical problems such as those that occur as a result of trauma and burns; (c) fosters the development and application of chemical and biochemical techniques to biological problems, as well as the development and application of theory derived from chemical and biochemical principles; (2) analyzes national research efforts in anesthesiology, biochemistry, biotechnology, chemistry, pharmacology, physiology, trauma, burns, and related areas, and makes recommendations to assist the National Advisory General Medical Sciences Council, other advisory committees and groups appointed to participate in decisions about areas of new or continuing program emphasis, or to determine relative scientific merit of grant applications; (3) identifies and stimulates research areas in anesthesiology, biochemistry, biotechnology, chemistry, pharmacology, physiology, trauma, and burn in which increased effort would most effectively contribute to better understanding of biological processes in normal and diseased states and to the generation of new therapies; (4) manages an inter-institute intramural postdoctoral staff fellowship program with research efforts in pharmacological sciences and clinical pharmacology; and (5) advises universities, other centers of medical research, and professional and lay organizations about the content and research needs of the Division.

Division of Genetics and Developmental Biology (HNS3). (1) Plans and directs a program of research grants, contracts, and institutional and individual fellowship awards to support research and research training directed toward gaining a better understanding of the processes and mechanisms of inheritance with the objective of designing better methods of prevention, treatment, and control of genetic disease in humans; (2) analyzes national research efforts on the problem of human genetic disease as a generalized phenomenon involving common mechanisms amenable to study on the basis of a broad fundamental research approach, and makes recommendations to assist the National Advisory General Medical Sciences Council or other advisory committees or groups appointed to (a) participate in decisions about new or continuing areas of program emphasis, or (b) determine the relative scientific merit of applications for grant support; (3) maintains surveillance over new research developments and identifies the need for research in the area of genetics and developmental biology; and (4) advises universities, other centers of medical research, and professional and lay organizations about research needs and requirements of the Division.

Division of Cell Biology and Biophysics (HNS4). (1) Plans and directs a program of research grants, contracts, and training awards to support research on the assembly, structure and function of cellular components using biochemical, biophysical, chemical, genetic and mathematical methods; (an understanding of these structures and how they interact to maintain the function of the cell and ultimately the collection of these cells to form the whole organism will make significant contributions to the understanding, control and cure of human diseases); (2) analyzes national research efforts directed toward the study of the above and makes recommendations to assist the National Advisory General Medical Sciences Council or other advisory committees or appointed groups to (a) participate in decisions about new or continuing areas of program emphasis, or (b) determine the relative ranking of applications for grant support; (3) maintains surveillance over new research developments and identifies need for research in the areas of the cell biology and biophysics; and (4) advises and communicates with professional organizations and the lay public about the research goals and needs of the Division.

Division of Minority Opportunities in Research (HNS5). (1) Serves as the central focal point for the Institute's efforts to increase the number of individuals in minority groups participating in biomedical research; (2) develops and maintains overall NIGMS plans and policies for minority research and research training programs; (3) implements strategic plans to enable the NIGMS to improve the effectiveness of its programs aimed at increasing participation of minorities in biomedical research; (4) coordinates Institute policies related to minority research and research training programs; (5) serves liaison with groups at NIH, DHHS, and other agencies as well as the extramural scientific community on these matters; and (6) oversees, coordinates, and supervises the Minority Access to Research Careers Branch and the Minority Biomedical Research Support Branch, as well as other initiatives.

Division of Extramural Activities (HNS6). (1) Maintains an overview of the scientific and financial status of the Institute's programs to produce effective advice to the Director in the planning, development, and scientific administration of Institute program areas; (2) stimulates interaction and exchange of information between program areas to promote understanding of Institute's long-range plans for program balance; (3) interprets effect of proposals for long-term support on projected Institute plans; (4) recommends budget allocations for the various programs; (5) represents the Institute at Extramural Program Management Committee (EPMC) and other meetings dealing with proposed or

revised grant policy and procedures; (6) monitors and acts as liaison with other institutes and divisions for activities relating to grant application assignments, foreign travel, and foreign grants; (7) advises staff about regulatory and legislative developments affecting program operations and gives guidance on operational policies to assure uniformity of management; and (8) supervises grants management, processing, and award activities.

Dated: September 22, 1994.

Harold Varmus,

Director, NIH.

[FR Doc. 94–25012 Filed 10–7–94; 8:45 am]

BILLING CODE 4140–01–M

Social Security Administration

1994 Advisory Council on Social Security; Meeting

AGENCY: Social Security Administration, HHS.

ACTION: Notice of public meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act, this notice announces a meeting of the 1994 Advisory Council on Social Security (the Council).

DATES: October 21, 1994, 9:30 a.m. to 5:00 p.m. and October 22, 1994, 9:00 a.m. to 12:00 noon.

ADDRESSES: The Sheraton Carlton, 923 16th and K Streets NW., Washington, DC 20006, (202) 638–2626.

FOR FURTHER INFORMATION CONTACT: By mail—Dan Wartonick, 1994 Advisory Council on Social Security, Room 639H, Hubert H. Humphrey Building, 200 Independence Avenue SW., Washington, DC 20201; By telephone—(202) 205–4861; By telefax—(202) 260–6101.

SUPPLEMENTARY INFORMATION:

I. Purpose

Under section 706 of the Social Security Act (the Act), the Secretary of Health and Human Services (the Secretary) appoints the Council every 4 years. The Council examines issues affecting the Social Security Old-Age, Survivors, and Disability Insurance (OASDI) programs, as well as the Medicare program and impacts on the Medicaid program, which were created under the Act.

In addition, the Secretary has asked the Council specifically to address the following:

- Social Security financing issues, including developing recommendations for improving the long-range financial status of the OASDI programs;
- General program issues such as the relative equity and adequacy of Social Security benefits for persons at various income levels, in various family situations, and various age cohorts, taking into account such factors as the increased labor force participation of women, lower marriage rates, increased likelihood of divorce, and higher poverty rates of aged women.

In addressing these topics, the Secretary suggested that the Council may wish to analyze the relative roles of the public and private sectors in providing retirement income, how policies in both sectors affect retirement decisions and the economic status of the elderly, and how the disability insurance program provisions and the availability of health insurance and health care costs affect such matters.

The Council is composed of 12 members in addition to the chairman: Robert Ball, Joan Bok, Ann Combs, Edith Fierst, Gloria Johnson, Thomas Jones, George Kourpias, Sylvester Schieber, Gerald Shea, Marc Twinney, Fidel Vargas, and Carolyn Weaver. The chairman is Edward Gramlich.

The Council met previously on June 24–25 (59 FR 30367), July 29, 1994 (59 FR 35942), and September 29–30 (59 FR 47146).

II. Agenda

The Council will discuss:

- Economic and demographic assumptions contained in the Trust Fund reports;
- Analysis of income distribution trends, and the implications for retirement income security; and
- Adequacy and equity of Social Security benefits.

The agenda items are subject to change as priorities dictate.

The meeting is open to the public to the extent that space is available. Interpreter services for persons with hearing impairments will be provided. A transcript of the meeting will be available to the public on an at-cost-of duplication basis. The transript can be ordered from the Executive Director of the Council.

(Catalog of Federal Domestic Assistance Program Nos. 93.802, Social Security-Disability Insurance; 93.803, Social Security-Retirement Insurance; 93.805, Social Security-Survivors Insurance)

Dated: October 6, 1994.

David Lindeman,

Executive Director, 1994 Advisory Council on Social Security.

[FR Doc. 94–25166 Filed 10–6–94; 11:41 am]

BILLING CODE 4190–29–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[ID–030–04–406A–02; IDI–29265]

Exchange of Public Lands in Bingham County, ID

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of Action—Amendment of Pocatello Resource Management Plan (RMP); Notice of Realty Action (NORA), Exchange of Public Lands in Bingham County, Idaho.

NOTICE: Notice is hereby given that the Bureau of Land Management has amended the Pocatello RMP to allow for an exchange and management of acquired lands in Bingham County, Idaho. The effective date of this action will be 60 days from the date of **Federal Register** publication.

SUMMARY: The following described public lands have been determined to be suitable for disposal by exchange under Section 206 of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1716:

Boise Meridian

T. 1 S., R. 38 E.,
Sec. 17, S½SW¼;
Sec. 18, SE¼NW¼, E½SW¼, S½SE¼;
Sec. 19, N½NE¼, NE¼NW¼.

The area described contains 400.00 acres in Bingham County.

County the following described lands which have been examined and through the public supported land use planning process have been identified to be managed through multiple use management pursuant to the Federal Land Management Policy and Management Act of 1976:

Boise Meridian

T. 3 S., R. 39 E.,
Sec. 33, SW¼SW¼;
Sec. 34, W½NW¼.

The area described contains 120.00 acres in Bingham County.

DATES: The publication of this notice in the **Federal Register** will segregate the public lands described above to the extent that they will not be subject to appropriation under the public land laws. As provided by the regulations of 43 CFR 2201.1(b), any subsequently tendered application, allowance of which is discretionary shall not be accepted, shall not be considered as filed and shall be returned to the applicant. The segregative effect of this notice will terminate upon issuance of patent or in two years, whichever occurs first.

ADDRESSES: Detailed information concerning the exchange is available for review at the Pocatello Resource Area Office, 1111 North 8th Ave., Pocatello, Idaho 83201.

FOR FURTHER INFORMATION CONTACT: Contact Debra Kovar, Realty Specialist, at the above address or call (202) 236–6860.

SUPPLEMENTARY INFORMATION: The purpose of the land exchange is to facilitate more efficient management of the public lands through consolidation of ownership and to benefit the public interest by obtaining important resource values. The public lands to be exchanged are isolated and difficult to manage parcels with limited resource values. The private lands being offered have very important values for watershed/riparian, recreation, wildlife, and access that merit acquisition for public ownership. The exchange is consistent with the Bureau of Land Management land use plan, as amended, and the public interest will be served by making this exchange. Final determination on disposal will await completion of an environmental analysis, which will be made available to the public.

The value of the lands to be exchanged is approximately equal, and the acreage will be adjusted to equalize the value upon completion of the final appraisal of the lands. Equalization of values will be achieved through acreage adjustment or cash payment by the proponent, whichever is appropriate.

The exchange will be subject to:

1. All valid existing rights, including any right-of-way easement, permit, or lease of record.

2. A reservation to the United States of a right-of-way for ditches and canals constructed by the authority of the United States under the Act of August 30, 1890 (43 U.S.C. 945).

PLANNING PROTEST: Any party that participated in the plan amendment may protest this action as it affects issues submitted for the record during the planning process. The protest shall be in writing and filed with the Director (760), Bureau of Land Management, 1800 "C" Street, NW., Washington, DC 20240, within 30 days of this notice.

EXCHANGE COMMENTS: For a period of 45 days from the date of publication of this notice in the **Federal Register**, interested parties may submit comments to the District Manager at the above address. Objections will be reviewed by the State Director who may sustain, vacate, or modify this realty action. In the absence of any objections, this realty action will become the final determination of the Department of the Interior.

Dated: September 30, 1994.

Gary L. Bliss,

Associate District Manager.

[FR Doc. 94–25034 Filed 10–7–94; 8:45 am]

BILLING CODE 4310–GG–M

[WY–980–4340–04]

Filing Plats of Survey; Wyoming

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: The plats of survey of the following described lands are scheduled to be officially filed in the Wyoming State Office, Cheyenne, Wyoming, thirty (30) calendar days from the date of this publication.

Sixth Principal Meridian, Wyoming

T. 50 N., R. 70 W., accepted September 30, 1994

T. 40 N., R. 94 W., accepted September 30, 1994

Sixth Principal Meridian, Nebraska

T. 32 N., R. 5 W., accepted September 30, 1994

T. 31 N., R. 4 W., accepted September 30, 1994

If protests against a survey, as shown on any of the above plats, are received prior to the official filing, the filing will be stayed pending consideration of the protest(s) and or appeal(s). A plat will not be officially filed until after disposition of protest(s) and or appeal(s).

These plats will be placed in the open files of the Wyoming State Office, Bureau of Land Management, 2515 Warren Ave., Cheyenne, Wyoming, and will be available to the public as a matter of information only. Copies of the plats will be made available upon request and prepayment of the reproduction fee of $1.10 per copy.

A person or party who wishes to protest a survey must file with the State Director, Bureau of Land Management, Cheyenne, Wyoming, a notice of protest prior to thirty (30) calendar days from the date of this publication. If the protest notice did not include a statement of reasons for the protest, the protestant shall file such a statement with the State Director within thirty (30) calendar days after the notice of protest was filed.

The above-listed plats represent dependent resurveys and subdivision of sections.

FOR FURTHER INFORMATION CONTACT: Bureau of Land Management, P.O. Box 1828, 2515 Warren Avenue, Cheyenne, Wyoming 82003.

Dated: September 30, 1994.

Dennis D. Bland,

Acting Chief, Branch of Cadastral Survey.

[FR Doc. 94–24999 Filed 10–7–94; 8:45 am]

BILLING CODE 4310–22–M

Bureau of Reclamation

Colorado River Basin Salinity Control Advisory Council, Public Meeting

AGENCY: Bureau of Reclamation, Interior.

ACTION: Notice of public meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act, announcement is made of a meeting of the Colorado River Basin Salinity Control Advisory Council.

DATES: The meeting begins on Tuesday, November 1, 1994, at 1 p.m. and reconvenes on Wednesday, November 2, 1994, following the Colorado River Basin Salinity Control Forum meeting.

ADDRESSES: The meeting will be held at the Sheraton Old Town Hotel, 800 Rio Grande Blvd, NW., Albuquerque, New Mexico 87104.

FOR FURTHER INFORMATION CONTACT: Mr. David Trueman, Colorado River Salinity Control Program Manager, Bureau of Reclamation, UC–721, Mail Room 6107, 125 South State Street, Salt Lake City, Utah, 84138–1102; telephone: (801) 524–6292.

SUPPLEMENTARY INFORMATION: Council members will be briefed on the status of salinity control activities and receive input for drafting the Council's annual report. The Department of the Interior, the Department of Agriculture, and the Environmental Protection Agency will each present a progress report and a schedule of activities on salinity control in the Colorado River Basin. The Council will discuss salinity control activities and the content of their report.

The meeting of the Advisory Council is open to the public. Any member of the public may file written statements with the Council before, during, or after the meeting, in person or by mail. To the extent that time permits, the Council chairman may allow public presentation of oral statements at the meeting.

Dated: October 4, 1994.

Charles A. Calhoun,

Regional Director.

[FR Doc. 94–25068 Filed 10–7–94; 8:45 am]

BILLING CODE 4310–94–M

INTERSTATE COMMERCE COMMISSION

[Finance Docket No. 32580]

Dallas, Garland and Northeastern Railroad—Trackage Rights Exemption—The Kansas City Southern Railway Company

The Kansas City Southern Railway Company (KCS) has agreed to grant local trackage rights to Dallas, Garland and Northeastern Railroad (DGNO), over a segment of KCS's track, commonly known as the Hale Cement Spur, extending from approximately milepost 5+2677.87 to milepost 8+4886, in Dallas, TX. The trackage rights were to become effective on September 27, 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: Jay M. Nadlman, 114 West Eleventh St., Kansas City, MO 64105.

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: October 4, 1994.

By the Commission, David M. Konschnik, Director, Office of Proceedings.

Vernon A. Williams,

Acting Secretary.

[FR Doc. 94–25026 Filed 10–7–94; 8:45 am]

BILLING CODE 7035–01–P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

Kenneth Wayne Green, Jr., M.D. Revocation of Registration

On May 4, 1994, the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration (DEA), issued an Order to Show Cause to Kenneth Wayne Green, Jr., M.D. The order to Show Cause proposed to revoke Dr. Green's DEA Certificate of Registration, BG124039, and deny any pending applications for renewal of such registration as a practitioner under 21 U.S.C. 823(f). The statutory predicate for the issuance of the Order to Show Cause was Dr. Green's lack of authorization to handle controlled substance in the State of Texas. 21 U.S.C. 824(a)(3). In addition, the Order to Show Cause alleged that Dr. Green's continued registration is inconsistent with the public interest, as that term is used in 21 U.S.C. 823(f) and 824(a)(4).

The Order to Show Cause was sent to Dr. Green by registered mail to his DEA registered address, 2728 Oak Lawn, Dallas, Texas and to Post Office Box 191428, Dallas, Texas. Both Orders were returned to DEA unclaimed with the notation "addressee unknown." DEA Investigators made numerous attempts to locate Dr. Green. Investigators went to Dr. Green's DEA registered location, which was his medical office, and learned that the office had been closed and the doors padlocked. Investigators also went to Dr. Green's residence and to his parent's residence. Additionally, they contacted the state medical authorities and the post office.

In their attempt to locate Dr. Green, DEA Investigators learned that he maintained a mailbox at a mailbox service company located at 729 Grapevine Highway, Hurst, Texas. DEA Investigators personally delivered the Order to Show Cause to that location. An employee confirmed that Dr. Green had a mailbox with that company. Some time later, that Order to Show Cause was returned to DEA unclaimed.

The Deputy Administrator finds that the DEA Investigators made numerous attempts to locate Dr. Green and have determined that his whereabouts are unknown. It is quite evident that Dr. Green is no longer practicing medicine at the address listed on his DEA Certificate of Registration. The Deputy Administrator concludes that considerable effort has been made to serve Dr. Green with the Order to Show Cause without success. Consequently, the Deputy Administrator now enters his final order in this matter based on the investigative file. 21 CFR 1301.54 and 1301.57.

The DEA investigative file reveals that Respondent had abused Demerol and Vicodin, Schedule II and III controlled substances, respectively; had been hospitalized for drug and alcohol abuse on February 7, 1991; had participated in an impaired professional program between March and June 1991; and lost his clinical privileges at a medical center in April 1991, due to his intemperate use of Demerol and Vicodin. Based upon those findings, on April 10, 1992, Dr. Green and the Texas State Board of Medical Examiners (Board), entered into an agreed Order whereby Dr. Green's license to practice medicine was suspended for ten years. The suspension was probated under certain terms and conditions. One term provided that Dr. Green abstain from the consumption of alcohol and chemical substances. Another term required that Dr. Green provide either a urine or blood specimen at the request of a Board representative.

On June 5, 1992, a compliance officer with the Board collected a urine sample from Dr. Green. The sample tested positive for cocaine. As a result, on August 28, 1993, the Board again suspended Dr. Green's license to practice medicine for ten years, said suspension stayed. Dr. Green's medical license was placed on probation under certain terms and conditions. One condition required that Dr. Green abstain from the consumption of alcohol and chemical substances.

On November 2, 1993, the compliance officer returned to Dr. Green's office to obtain a urine specimen. Dr. Green initially refused to comply with that request. Approximately three hours later, he provided a urine sample. The sample tested positive for amphetamines and methamphetamine.

The investigative file further reveals that Dr. Green violated other provisions of the Texas Board Orders dated April 10, 1992 and August 28, 1993. Dr. Green failed to participate in the activities of the Dallas County Medical Society Committee on Physician Health and Rehabilitation; failed to receive treatment from his counselors and from his treating physician; and failed to immediately submit himself for a random screening for alcohol or drugs on November 2, 1993.

As a result of the foregoing, the Board issued a Final Order, dated August 19, 1994, revoking Dr. Green's license to practice medicine in the State of Texas. Additionally, Dr. Green failed to renew his Texas controlled substances registration on or before March 31, 1994. Consequently, he is no longer authorized to handle controlled substances in the State of Texas.

The Deputy Administrator concludes that, based upon the information contained in the investigative file, there are sufficient grounds for the revocation of Dr. Green's DEA Certificate of Registration and for the denial of any pending applications for renewal. The fact that Dr. Green is no longer authorized to handle controlled substances in the State of Texas is a sufficient ground, by itself, to order the renovation of his registration. DEA has consistently held that it cannot maintain the registration of a practitioner who is not authorized to handle controlled substances in the state in which he practices. 21 U.S.C. 823(f); Stephen A. Richards, D.D.S., 59 FR 42074 (1994);

Scot Kazalla, D.D.S., 59 FR 28424 (1994); Myong S. Yi, M.D. 54 FR 30618 (1989); William D. Romers, D.D.S., 52 FR 12621 (1987); Ramon Pla, M.D., 51 FR 41168 (1986); Kenneth K. Birchard, M.D., 48 FR 33778 (1983); and cases cited therein. Since Dr. Green is no longer authorized to handle controlled substances in the State of Texas, the Deputy Administrator cannot maintain his DEA Certificate of Registration in that state.

In addition, the information regarding Dr. Green's history of drug abuse provides further support for the revocation of his registration and for the denial of any pending applications for renewal. The Deputy Administrator finds that Dr. Green's continued drug usage and relapses leads to the conclusion that he cannot be entrusted with the responsibilities of a DEA registrant and that his continued possession of a registration would be contrary to the public interest. Allan L. Gant, D.O., 59 FR 10826 (1994); David M. Headley, M.D., 58 FR 58183 (1994); Robert W. Sonntag, M.D., 53 FR 45606 (1988).

Accordingly, the Deputy Administrator of the Drug Enforcement Administration, pursuant to the authority vested in him by 21 U.S.C. 823 and 824 and 28 CFR 0.100(b) and 0.104 (59 FR 23637) hereby orders that DEA Certificate of Registration, BG1204039, previously issued to Kenneth Wayne Green, Jr., M.D., be, and it hereby is, revoked. The Deputy Administration further orders that all pending applications for the renewal of such registration, be, and hereby are, denied. This order is effective November 10, 1994.

Stephen H. Greene,

Deputy Administrator.

Dated: October 3, 1994.

[FR Doc. 94–24950 Filed 10–7–94; 8:45 am]

BILLING CODE 4410–09–M

Office of the Attorney General

[AG Order No. 1927–94]

Barbour County, AL; Certification Under Voting Rights Act of 1965

AGENCY: Department of Justice.

ACTION: Certification Under Section 6 of Voting Rights Act of 1965.

SUMMARY: This certification of Barbour County, Alabama, will enable the Attorney General to request the appointment of federal observers in that county to monitor the conduct of the October 11, 1994, special election. All counties in Alabama are subject to the special provisions of the Voting Rights Act because of the coverage of the state under Section 4 of the Act. As a result, all counties in the state are subject to the appointment of federal examiners by the Office of Personnel Management under Section 6 of the Act, and each country is subject to the assignment of federal observers under Section 8 of the Act after the Attorney General has certified that county.

FOR FURTHER INFORMATION CONTACT: Barry H. Weinberg, Deputy Chief, Voting Section, Civil Rights Division, Department of Justice, P.O. Box 66128, Washington, D.C. 20035–6128, (202) 307–3266.

In accordance with Section 6 of the Voting Rights Act of 1965, as amended, 42 U.S.C. 1973d, I hereby certify that in my judgment the appointment of examiners is necessary to enforce the guarantees of the Fourteenth and Fifteenth Amendments of the Constitution of the United States in Barbour County, Alabama. This county is included within the scope of the determinations of the Attorney General and the Director of the Census made on August 6, 1965, under Section 4(b) of the Voting Rights Act of 1965 and published in the **Federal Register** on August 7, 1965 (30 FR 9897).

Dated: October 6, 1994.

Janet Reno,

Attorney General of the United States.

[FR Doc. 94–25233 Filed 10–7–94; 8:45 am]

BILLING CODE 4410–01–M

NATIONAL SCIENCE FOUNDATION

Notice of Permits Issued Under the Antarctic Conservation Act of 1978

AGENCY: National Science Foundation.

ACTION: Notice of permits issued under the Antarctic Conservation of 1978, Public Law 95–541.

SUMMARY: The National Science Foundation (NSF) is required to publish notice of permits issued under the Antarctic Conservation Act of 1978. This is the required notice.

FOR FURTHER INFORMATION CONTACT: Nadene G. Kennedy, Permit Office, Office of Polar Programs, Rm. 755, National Science Foundation, 4201 Wilson Boulevard, Arlington, VA 22230.

SUPPLEMENTARY INFORMATION: On August 23, 1994, the National Science Foundation published a notice in the **Federal Register** of permit applications received. Permits were issued on September 22, 1994 for entry into sites of special scientific interest for the following applicants:

Brenda Hall, Permit #95–014

George Denton and David Marchant, Permit #95–015

Nadene G. Kennedy,

Permit Office.

[FR Doc. 94–25000 Filed 10–7–94; 8:45 am]

BILLING CODE 7555–01–M

Antarctic Conservation Act of 1978; Permit Applications, etc.

AGENCY: National Science Foundation.

ACTION: Notice of Permit Issued Under the Antarctic Conservation Act of 1978, Public Law 95–541.

SUMMARY: The National Science Foundation (NSF) is required to publish notice of permits issued under the Antarctic Conservation Act of 1978. This is the required Notice.

FOR FURTHER INFORMATION CONTACT: Robert S. Cunningham or Peter R. Karasik, Permit Office, Office of Polar Programs, National Science Foundation, 4201 Wilson Blvd., Rm 755, Arlington, VA 22230.

SUPPLEMENTARY INFORMATION/PERMIT NO. 95WM1–NSFA/ASA: On July 19, 1994, the National Science Foundation published a notice in the **Federal Register** of permit applications received. An environmental assessment addressing the decision to issue the permit entitled, Master Permit Application for Materials and Waste Management and Waste Disposal, was prepared prior to the issuance of the permit and is available for public review. A waste management permit for the U.S. Antarctic Program (USAP) was issued to the following applicants:

Co-Applicants

U.S. Naval Support Force Antarctica, Building 836, Construction Battalion Center, 651 Lyon Street, Port Hueneme, California 93043–4345

Antarctic Support Associates, 61 Inverness Drive East, Suite 300, Englewood, Colorado 80112;

The permit applies to USAP activities at all of its facilities in Antarctica. The effective date of the permit is October 1, 1994. The expiration date of the permit is September 30, 1999.

Conditions of the Permit

The permit conditions are as follows:

1. Definition of "permit". The "permit" consists of volumes I and II of the "Final Master Permit Application" dated 27 June, 1994; and Attachment 1, Master Permit Application, signed by the permittees as amended or supplemented by the permit and associated conditions (this six-page

document) signed by the Director, NSF, Office of Polar Programs.

2. Negligence. Attachment 1, Master Permit Application is amended as follows:

Delete

It is understood that NSFA and its personnel, and ASA and its personnel, will not be held responsible for accidental discharges or releases of designated pollutants or wastes, unless such discharges are the result of gross negligence.

Add

NSFA and its personnel and ASA and its personnel, will not be held responsible for accidental discharges or releases of designated pollutants or wastes, which are cleaned up in accordance with the permit unless there is a finding of negligence.

Accidental releases such as those listed in the permit are inevitable in the harsh operating conditions of Antarctica. Discharges may result, in whole or in part, from safety considerations; equipment, facility, or pipeline failure; weather conditions such as high winds, limited visibility, icy conditions or extreme cold. Absent unusual circumstances, such discharges would not be considered negligent and would not be actionable under the permit.

3. Responsibility to comply with applicable laws and regulations. Issuance of this permit by NSF does not relieve the permittee of responsibility for complying with other applicable laws and regulations or future laws and regulations that become effective during the term of the permit. However, enforcement of other applicable laws will not be taken under this permit, but will be the responsibility of the appropriate regulating body designated within the applicable law or regulation.

4. Required modification to conform with implementing legislation. In the event legislation is enacted to implement the provisions of the Protocol on Environmental Protection to the Antarctic Treaty, and regulations are adopted thereunder governing waste disposal and waste management in Antarctica, NSF and the permittees shall discuss proposed modifications to the permit, and this permit shall be modified, if necessary, to comply with the requirements of those regulations.

5. Right of entry and inspection. Any NSF employee, contractor, or agent designated by the Director, Office of Polar Programs; an Antarctic Conservation Act enforcement officer; or an NSF Representative may inspect any permitted activity and records related thereto to verify compliance with permit conditions. The designated NSF employee, contractor, or agent may take photographs, review documents, collect samples of solids, liquids or air for analysis and environmental monitoring purposes and perform other actions related to verification of compliance with permit conditions.

6. Incorporation of 45 CFR Part 671 into permit conditions. 45 CFR 671.9, Conditions of permit, and all other provisions of 45 CFR part 671 are incorporated into this permit.

7. Field modification of Contingency Plans. The implementation of all Contingency Plans referred to in Volume I, Chapter 6.0, "Contingency Plans to Control Accidental Releases," of the permit may be affected by safety considerations; material, equipment, facility, or pipeline failure; non-availability of equipment with sufficient capacity or capability to address the release; non-availability of adequate transportation to reach or sustain work at the site; and harsh weather conditions which restrict operations. Therefore, implementation of these plans may be modified to accommodate these conditions.

8. Development of a consolidated compliance plan. A consolidated compliance plan identifying the procedures and arrangements for managing compliance with the permit must be developed within 180 days of the issuance of this permit and submitted to the NSF. The compliance plan must include pertinent information from existing USAP management documents and subsequent documents as may be prepared. Information on fuel tank, pipeline, and associated equipment inspection, testing, and monitoring, and the frequency of these events, as well as similar information concerning the management of designated pollutants and wastes must be included in the compliance plan.

9. Changes in the total quantity of wastes managed. Projected increases in the total annual quantity by weight of antarctic hazardous wastes managed under this permit by more than 20 percent or wastes (excluding antarctic hazardous wastes) managed under this permit by more than 20 percent relative to the "Projected Annual Waste Generation For All USAP Facilities For the Period 1 October, 1994 through 30 September, 1999", included in Volume I Table 3–7 of the permit, shall require application for a formal amendment to this permit in accordance with 45 CFR 671.8(c).

10. Allocation of adequate resources to execute permit responsibilities. In the event that either permittee believes that policy, programmatic, and funding decisions made by the NSF for the USAP prevent the adequate allocation of resources to meet permit obligations, the permittee must notify and send a letter by certified mail to the Director, Office of Polar Programs, with a copy to the contracting officer, within ten days of the identification of the resource allocation problem and state what additional resources are required to enable full compliance with permit requirements. The NSF will diligently respond to any such notification.

11. Fuel blending. The blending of used oils with new product for fuel shall be done only after representative testing of the used oils to verify that the proposed fuel management technique meets comparable standards for management of used oils set forth in 40 CFR Part 279.

12. Management of radioactive wastes. All low-level radioactive wastes shall be managed, stored, packaged, manifested, and shipped in accordance with applicable Federal regulations (e.g., NRC, DOT). Final disposal of the wastes in the United States will be in accordance with appropriate NRC and EPA regulations and any additional requirements imposed by the local jurisdiction receiving these wastes. All waste subcontractors shall be duly permitted to handle, pack, ship, or treat the wastes. The final disposal facility shall be licensed and permitted to receive and dispose of those low-level radioactive wastes. Any short-lived radioactive wastes held for decay to background levels shall be stored in a secure designated facility appropriate for that purpose; once sufficient time has passed, those wastes will be handled in a manner consistent with their other, non-radioactive characteristics. Appropriate management controls will be implemented to minimize the generation of "mixed wastes" (wastes with radioactive and hazardous characteristics).

13. Air emissions reductions. The standard emissions control equipment provided at the time of manufacturing for sale of vehicles and equipment in the United States shall be maintained on all vehicles and equipment operated by the permittees for the USAP. Vehicles and equipment with defective or missing emissions control equipment as determined by visual inspection must have that equipment replaced within 24 months of the issuance of this permit. Vehicles and equipment which cannot operate under antarctic conditions with the factory installed, or equivalent, emissions control equipment must be replaced with vehicles or equipment

with properly functioning emissions control equipment or taken out of service within 24 months of the issuance of this permit.

14. Designation of a waste manager. The permittees shall provide to the NSF within 15 days of the issuance of this permit the name, title, and appropriate contact information for the principal individual and an alternative individual responsible for compliance with this permit. This individual shall be the official point of contact for all matters relating to the use and management of designated pollutants and wastes in Antarctica and compliance with the permit.

15. Records at the site. A copy of this permit and the permit application, or relevant sections for a particular station or vessel, must be maintained at the three principal U.S. Antarctic Program stations; McMurdo Station, Amundsen-Scott South Pole Station, Palmer Station and the two USAP research vessels; the R/V Nathaniel B. Palmer and the R/V Polar Duke or successor. Ongoing activities receiving waste management permits for the first time must forward copies of the permit and permit application materials to the referenced site(s) as soon as practicable and maintain these records at the applicant's home institution or agency upon receipt of the permit.

16. Violations. Violations of the Antarctic Conservation Act or the terms or conditions of this permit may result in criminal or civil fines of up to $10,000 for each occurrence, imprisonment for up to one year under the Act and administrative penalties (including debarment).

Reports

17. Annual summary report. A report on the management ad disposition of all wastes as required under 45 CFR 671.9(c)(1)(ii) must be provided to the Director of NSF, Office of Polar Programs, by June 30 of each year for the preceding 12 month period ending May 31 throughout the term of the permit. Records on the releases and final disposition of balloons used for both logistical and scientific purposes must be included in this report. Any materials not accepted on the ship for retrograde or not accepted in the U.S. should be identified in the report. Reports on any non-permitted releases and any additional reports specifically requested by the Director are due as required under 45 CFR 671.9.

18. Wasted minimization, reduction, and treatment. The permittees must provide, by June 30th of each year, a report summarizing the effectiveness of the waste minimization, reduction, and treatment methods employed during the reporting period and new measures proposed for implementation during the upcoming year. The first reporting period will be October 1, 1994 through May 31, 1995. Subsequent reporting periods will cover the 12 months since the last report.

19. Transferability of permit. This permit may be transferred only with the consent of the NSF. Upon termination of ASA's contract with the NSF, ASA will be removed from the permit and will have no further obligations under the permit. Upon award of a new contract to replace services being provided by ASA, NSF will commence the required administrative and public processes for the transfer of the permit to the new contractor. ASA's obligation as a permittee will cease on the last day of the transition period between the two contracts.

Dated: October 3, 1994.

Robert S. Cunningham,

NEPA Compliance Manager, Office of Polar Programs, National Science Foundation.

[FR Doc. 94–25004 Filed 10–7–94; 8:45 am]

BILLING CODE 17555–01–M

Advisory Panel for Anthropological and Geographic Sciences; Notice of Meetings

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation (NSF) announces the following Five meetings.

Name: Advisory Panel for Anthropological and Geographic Sciences.

Date & Time: November 3–4, 1994; 9:00 a.m.–5:00 p.m.

Place: National Science Foundation, Stafford Place, 4201 Wilson Boulevard, Room 360, Arlington, VA 22230.

Contact Person: John E. Yellen, Program Director for Archaeology National Science Foundation, 4201 Wilson Boulevard, Arlington, VA 22230. Telephone: (703) 306–1759.

Agenda: To review and evaluate Archaeology proposals as a part of the selection process for awards.

Date & Time: October 27—28, 1994; 9:00 a.m.–5:00 p.m.

Place: National Science Foundation, Stafford Place, 4201 Wilson Boulevard, Room 970 Arlington, VA 22230.

Contact Person: Dr. Jonathan Friedlaender, Program Director for Physical Anthropology, National Science Foundation, 4201 Wilson Boulevard, Arlington, VA 22230. Telephone: (703) 306–1758.

Agenda: To review and evaluate physical anthropology proposals as part of the selection process for awards.

Date & Time: December 8–9, 1994; 9:00 a.m.–5:00 p.m.

Place: National Science Foundation, Stafford Place, 4201 Wilson Boulevard, Room 5 Arlington, VA 22230.

Contact Person: Dr. Stuart Plattner, Program Director for Cultural Anthropology, National Science Foundation, 4201 Wilson Boulevard, Arlington, VA 22230. Telephone: (703) 306–1758.

Agenda: To review and evaluate cultural anthropology Senior Research proposals as part of the selection process for awards.

Date & Time: November 29, 1994; 9:00 a.m.–5:00 p.m.

Place: Atlanta Hilton Hotel, 255 Portland Street, Atlanta, Georgia.

Contact Person: Dr. Stuart Plattner, Program Director for Cultural Anthropology (Dissertation), National Science Foundation, 4201 Wilson Boulevard, Arlington, VA 22230. Telephone: (703) 306–1758.

Agenda: To Review and evaluate cultural anthropology dissertation proposals as part of the selection process for dissertation awards.

Date & Time: November 7–8, 1994; 8:00 a.m.–5:00 p.m.

Place: National Science Foundation, Stafford Place, 4201 Wilson Boulevard, Room 360 and 360.02 Arlington, VA 22230.

Contact Person: Dr. J.W. Harrigton, or Thomas J. Baerwald, Program Directors for Geography, National Science Foundation, 4201 Wilson Boulevard, Arlington, VA 22230. Telephone: (703) 306–1754.

Agenda: To review and evaluate geography proposals as part of the selection process for awards.

Type of Meetings: Closed.

Purpose of Meetings: To provide advice and recommendations concerning support for research proposals submitted to the NSF for financial support.

Reason for Closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are exempt under 5 U.S.C. 552b(c) (4) and (6) of the Government in the Sunshine Act.

Dated: October 4, 1994.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 94–25028 Filed 10–7–94; 8:45 am]

BILLING CODE 7555–01–M

Advisory Panel for Economics, Decision and Management Sciences; Notice of Meeting

Name: Advisory Panel for Economics, Decision and Management Sciences.

DDate and Time: October 24–27, 1994.

Place: East-West Center, Honolulu, Hawaii.

Type of Meeting: Closed.

Contact Person: Dr. Robin Cantor, Program Director for DRMS, Division of Social, Behavioral and Economic Research, National Science Foundation, Room 995, 4201 Wilson Boulevard, Arlington, VA. Telephone: (703) 306–1757.

Purpose of Meeting: To provide advice and recommendations concerning the scope of

proposals submitted to NSF for financial support in Methods and Models for Integrated Assessment.

Agenda: To review and evaluate proposal scope and criteria as part of the selection process for awards.

Reason for Closing: The information being reviewed includes information of a proprietary or confidential nature. These matters are exempt under 5 U.S.C. 552(b)(c), (4) and (6) of the Government in the Sunshine Act.

Reason for Late Notice: Difficulty in arranging for a suitable meeting time for the full committee.

Dated: October 4, 1994.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 94–25027 Filed 10–7–94; 8:45 am]

BILLING CODE 7555–01–M

Advisory Panel for Science, Technology & Society; Notice of Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation announces the following meetings.

Name: Advisory Panel for Science, Technology and Society (#1760).

Date and Time: October 28, 1994, 9 a.m. to 6 p.m.; October 29, 1994, 9 a.m. to 2 p.m.

Place: National Science Foundation—4201 Wilson Blvd.—Arlington, VA—Room 390.

Contact Person: Dr. Ronald J. Overmann, Program Director for Science Technology Studies, National Science Foundation, 4201 Wilson Boulevard, Arlington, VA 22230, Telephone (703) 306–1743.

Agenda: To review and evaluate science and technology studies proposals as part of the selection process for awards.

Date and Time: November 17–18, 1994—8:30 a.m. to 5 p.m.

Place: National Science Foundation, Room 970—4201 Wilson Blvd.—Arlington, VA—Room 970.

Contact Person: Rachelle Hollander, Program Director for Ethics and Values Studies, National Science Foundation, Room 995, 4201 Wilson Boulevard, Arlington, VA 22230, Telephone (703) 306–1743, Ext. 6991.

Agenda: To review and evaluate ethics and values studies proposals as part of the selection process for awards.

Type of Meetings: Closed.

Purpose of Meeting: To provide advice and recommendations concerning support for research proposals submitted to the National Science Foundation for financial support.

Reason for Closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries, and personal information concerning individuals associated with the proposals. These matters are within exemptions (4) and (6) of 5 U.S.C. 552b(c), Government in the Sunshine Act.

Dated: October 4, 1994.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 94–25029 Filed 10–7–94; 8:45 am]

BILLING CODE 7555–01–M

NUCLEAR REGULATORY COMMISSION

Documents Containing Reporting or Recordkeeping Requirements: Office of Management and Budget Review

AGENCY: U.S. Nuclear Regulatory Commission (NRC).

ACTION: Notice of the OMB review of information collection.

SUMMARY: The NRC has recently submitted to the OMB for review the following proposal for the collection of information under the provisions of the Paperwork Reduction Act of 1980 (44 U.S.C. Chapter 35).

1. Type of submission, new, revision, or extension: Revision.

2. The title of the information collection: 10 CFR Part 54, "Requirements for Renewal of Operating Licenses for Nuclear Power Plants."

3. The form number if applicable: Not applicable.

4. How often the collection is required: One-time submission with application for renewal of an operating license for a nuclear power plant and occasional collections for holders of renewed licenses.

5. Who will be required or requested to report: Commercial nuclear power plant licensees who wish to renew their operating licenses.

6. An estimate of the number of responses: It is estimated that a total of 3 responses will be received during the requested three-year clearance period.

7. An estimate of the annualized number of hours needed to complete the requirement or request: Approximately 30,000 hours per licensee (89,800 hours total).

8. An indication of whether Section 3504(h), Public Law 96–511 applies: Not applicable.

9. Abstract: 10 CFR part 54 of the NRC's regulations, "Requirements for Renewal of Operating Licenses for Nuclear Power Plants," specifies the procedures, criteria, and standards governing nuclear power plant license renewal, including information submittal and recordkeeping requirements, so that the NRC may make determinations necessary to promote the health and safety of the public.

Copies of the submittal may be inspected or obtained for a fee from the NRC Public Document Room, 2120 L Street, NW., Lower Level, Washington, DC 20037.

Comments and questions should be directed by mail to the OMB reviewer: Troy Hillier, Office of information and Regulatory Affairs (3150–0155), NEOB–10202, Office of Management and Budget, Washington, DC 20503.

Comments can also be submitted by telephone at (202) 395–3084.

The NRC Clearance Officer is Brenda J. Shelton, (301) 415–7232.

Dated at Rockville, Maryland, this 28th day of September, 1994.

For the Nuclear Regulatory Commission.

Gerald F. Cranford,

Designated Senior Official for Information Resources Management.

[FR Doc. 94–25031 Filed 10–7–94; 8:45 am]

BILLING CODE 7590–01–M

Documents Containing Reporting or Recordkeeping Requirements: Office of Management and Budget Review

AGENCY: Nuclear Regulatory Commission.

ACTION: Notice of the Office of Management and Budget review of information collection.

SUMMARY: The Nuclear Regulatory Commission (NRC) has recently submitted to the Office of Management and Budget (OMB) for review the following proposal for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

1. Type of submission, new, revision, or extension: Revision.

2. The title of the information collection: 10 CFR Parts 30, 32, and 35—Preparation, Transfer for Commercial Distribution, and Use of Byproduct Material for Medical Use.

3. The form number if applicable: Not applicable.

4. How often the collection is required: On occasion.

5. Who will be required or asked to report: Manufacturers of radioactive drugs, independent nuclear pharmacies, and medical use licensees.

6. An estimate of the total number of responses: 16 additional responses (307 responses required and 291 responses eliminated).

7. An estimate of the total number of hours needed to complete the requirement or request: A reduction of 408 hours (an increase of 43 hours for recordkeeping and a reduction of 451 hours for reporting). The estimated 307 responses average 0.6 hour per response versus the 291 responses eliminated that average 2.2 hours per response.

8. An indication whether Section 3504(h), Public Law 96–511 applies: Applicable.

9. Abstract: In response to a petition for rulemaking submitted by the American College of Nuclear Physicians and the Society of Nuclear Medicine, the NRC is amending its regulations for the medical use of byproduct material. This rule is necessary to provide greater flexibility by eliminating current regulatory restrictions and allowing properly qualified nuclear pharmacists and authorized users who are physicians greater discretion in preparing radioactive drugs containing byproduct material for medical use. This rule will also allow the use of byproduct material in both research involving human subjects and the medical use of radiolabeled biologics. In addition, this rule also contains other miscellaneous and conforming amendments necessary to clarify or update the current regulations.

Copies of the submittal may be inspected or obtained for a fee from the NRC Public Document Room 2120 L Street NW (Lower Level), Washington, DC.

Comments and questions can be directed by mail to the OMB reviewer: Troy Hillier, Office of Information and Regulatory Affairs, (3150–0001, –0010, and –0120), NEOB–10202, Office of Management and Budget, Washington, DC 20503.

Comments can also be submitted by telephone at (202) 395–3084.

The NRC Clearance Officer is Brenda J. Shelton, (301) 415–7233.

Dated at Rockville, Maryland, this 29th day of September 1994.

For the Nuclear Regulatory Commission.

Gerald F. Cranford,

Designated Senior Official for Information Resources Management.

[FR Doc. 94–25032 Filed 10–7–94; 8:45 am]

BILLING CODE 7590–01–M

Advisory Committee on Medical Uses of Isotopes: Meeting Notice

AGENCY: Nuclear Regulatory Commission.

ACTION: Notice of meeting.

SUMMARY: The U.S. Nuclear Regulatory Commission will convene its next regular meeting of the Advisory Committee on Medical Uses of Isotopes (ACMUI) on November 17 and 18, 1994. Topics of discussion will include: (1) Rulemaking on "Preparation, Transfer, and Use of Byproduct Material for Medical Use"; (2) status of implementation of the Quality Management rule; (3) progress report on the study of the medical use program by the National Academy of Science; (4) brachytherapy fractionation issues; (5) Abnormal Occurrence Criteria Revisions; (6) rulemaking on "Release of Patients Containing Radiopharmaceuticals or Permanent Implants, 10 CFR 35.75"; (7) discussion on Advanced Notice of Proposed Rulemaking for 10 CFR Part 35; (8) issues involving misadministrations—follow up of patients, NRC use of consultants; (9) review and approval of the bylaws for the Committee; and (10) report on the Commission briefing held on October 20, 1994.

DATES: The meeting will being 8 a.m. on November 17 and 18, 1994.

ADDRESSES: U.S. Nuclear Regulatory Commission, Two White Flint North, Room T2B3, 11545 Rockville Pike, Rockville, MD.

FOR FURTHER INFORMATION CONTACT: Larry W. Camper, Office of Nuclear Material Safety and Safeguards, MS T8F5, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Telephone 301–415–7269.

Conduct of the Meeting

Barry Siegel, M.D. will chair the meeting. Dr. Siegel will conduct the meeting in a manner that will facilitate the orderly conduct of business. The following procedures apply to public participation in the meeting:

1. Persons who wish to provide a written statement should submit a reproducible copy to Larry W. Camper (address listed above). Comments must be received by November 10, 1994, in order to ensure consideration at the meeting. The transcript of the meeting will be kept open until November 28, 1994, for inclusion of written comments.

2. Persons who wish to make oral statements should inform Mr. Camper, in writing, by November 3, 1994. Statements must pertain to the topics on the agenda for the meeting. The Chairman will rule on requests to make oral statements. Members of the public will be permitted to make oral statements if time permits. Permission to make oral statements will be based on the order in which requests are received. In general, oral statements will be limited to approximately 5 minutes. Oral statements must be supplemented by detailed written statements, for the record. Rulings on who may speak, the order of presentation, and time allotments may be obtained by calling Mr. Camper, 301–415–7269, between 9 a.m. and 5 EST, on November 14, 1994.

3. At the meeting, questions from attendees other than committee members, NRC consultants, and NRC staff will be permitted at the discretion of the Chairman.

4. The transcript, minutes of the meeting, and written comments will be available for inspection, and copying, for a fee, at the NRC Public Document Room, 2120 L Street NW., Lower Level, Washington, DC 20555, on or about December 9, 1994.

5. Seating for the public will be on a first-come, first-served basis.

This meeting will be held in accordance with the Atomic Energy Act of 1954, as amended (primarily Section 161a); the Federal Advisory Committee Act (5 U.S.C. App.); and the Commission's regulations in Title 10, *Code of Federal Regulations*, Part 7.

Dated: October 4, 1994.

Andrew L. Bates,

Advisory Committee Management Officer.

[FR Doc. 94–25033 Filed 10–7–94; 8:45 am]

BILLING CODE 7590–01–M

OFFICE OF SCIENCE AND TECHNOLOGY POLICY

Meeting of the President's Committee of Advisors on Science and Technology

ACTION: Notice of meeting.

SUMMARY: This notice sets forth the schedule and proposed agenda for the first meeting of the President's Committee of Advisors on Science and Technology (PCAST), and describes the functions of the Committee. Notice of this meeting is required under the Federal Advisory Committee Act.

DATES AND PLACE: October 25 and 26, 1994. The White House Conference Center, Truman Room, Third Floor, 726 Jackson Place NW, Washington, DC 20500.

TYPE OF MEETING: Open.

PROPOSED SCHEDULE AND AGENDA: The President's Committee of Advisors on Science and Technology (PCAST) will meet in open session on Tuesday, October 25, 1994, at approximately 9:00 AM to be briefed on current activities of the Office of Science and Technology Policy (OSTP). This session will end at approximately 12:00 Noon. The Committee will reconvene in open session at approximately 1:30 PM to discuss possible long-term agenda items for the next year. This session will end at approximately 5:00 PM. Either of these sessions may be interrupted for the PCAST to gather at the White House to be introduced to the President of the United States.

The Committee will meet again in open session on Wednesday, October

26, at approximately 9:00 AM to continue a general discussion among Committee members and other Executive Office staff about a long-term agenda for PCAST. This session will end at approximately 12:00 Noon.

FOR FURTHER INFORMATION CONTACT: For information regarding time, place, and agenda please contact Laurel Kayse or Mike Kowalok, (202) 456–6100, prior to 3:00 p.m. on October 24, 1994. Other questions may be directed to Angela Phillips Diaz, Executive Secretary of PCAST, or Mike Kowalok, (202) 456–6100. Please note that public seating for this meeting is limited, and is subject to a first-come, first-served basis.

SUPPLEMENTARY INFORMATION: The President's Committee of Advisors on Science and Technology was established by Executive Order 12882, as amended, on November 23, 1993. The purpose of PCAST is to advise the President on matters of national importance that have significant science and technology content, and to assist the President's National Science and Technology Council in securing private sector participation in its activities. The Committee members are distinguished individuals appointed by the President from non-Federal sectors. The PCAST is co-chaired by John H. Gibbons, Assistant to the President for Science and Technology, and by John Young, former President and CEO of the Hewlett-Packard Company.

Dated: October 4, 1994.

Barbara Ann Ferguson,

Administrative Officer, Office of Science and Technology Policy.

[FR Doc. 94–25005 Filed 10–7–94; 8:45 am]

BILLING CODE 3170–01–M

RAILROAD RETIREMENT BOARD

Agency Forms Submitted for OMB Review

Summary: In accordance with the Paperwork Reduction Act of 1980 (44 U.S.C. Chapter 35), the Railroad Retirement Board has submitted the following proposal(s) for the collection of information to the Office of Management and Budget for review and approval.

Summary of Proposal(s)

(1) *Collection title:* Self-Employment Questionnaire
(2) *Form(s) submitted:* AA–4
(3) *OMB Number:* 3220–0138
(4) *Expiration date of current OMB clearance:* Three years from date of OMB approval
(5) *Type of request:* Extension of the expiration date of a currently approved collection without any change in the substance or in the method of collection
(6) *Frequency of response:* On occasion
(7) *Respondents:* Individuals or households
(8) *Estimated annual number of respondents:* 450
(9) *Total annual responses:* 450
(10) *Average time per response:* 0.69110 hours
(11) *Total annual reporting hours:* 311
(12) *Collection description:* Section 2 of the Railroad Retirement Act provides for payment of annuities to qualified employees and their spouses. Work for a railroad, work for a "Last pre-retirement non-railroad employer" (LPE), and work in self-employment affect payment in different ways. This collection obtains information to determine whether claimed self-employment is really self-employment, and not work for a railroad or LPE.

Additional Information or Comments: Copies of the form and supporting documents can be obtained from Dennis Eagan, the agency clearance officer (312–751–4693). Comments regarding the information collection should be addressed to Ronald J. Hodapp, Railroad Retirement Board, 844 North Rush Street, Chicago, Illinois 60611–2092 and the OMB reviewer, Laura Oliven (202–395–7316), Office of Management and Budget, Room 3002, New Executive Office Building, Washington, DC 20503.

Dennis Eagan,

Clearance Officer.

[FR Doc. 94–25001 Filed 10–7–94; 8:45 am]

BILLING CODE 7905–01–M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–34783; Filed No. SR–CBOE–94–24]

Self-Regulatory Organizations; Notice of Filing and Order Granting Accelerated Approval of Proposed Rule Change and Amendment No. 1 to the Proposed Rule Change by the Chicago Board Options Exchange, Inc. Relating to an Extension of the Pilot Program for Fees Due for Post-Trade Data Submission of Trade Information

October 3, 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 July 7, 1994, the Chicago Board Options Exchange, Inc. ("CBOE" or "Exchange") filed with the Securities and Exchange Commission ("SEC" or "Commission") the proposed rule change as described in Items I and II below, which Items have been prepared by the CBOE. The Exchange subsequently filed Amendment No. 1 to the proposed rule change on September 29, 1994.[1] 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 purpose of the proposed rule change is to request an extension of the "As-of-Add" fee [program contained in CBOE Rule 2.26 ("Pilot Program"), until December 31, 1994.[2] Under that rule, individual members and member organizations are assessed a monthly fee when they submit trade information later than the trade date (each an "As-of-Add") on more than a stated maximum percentage of their monthly transatins. The Exchange does not propose to amend Rule 2.26 in any respect at this time.

Under the Pilot Program, the fee, if any, to an individual member is $10.00 for each As-of-Add submitting during a given month in excess of the percentage of submissions considered "nominal" under paragraph (a) of Rule 2.26. The fee to any clearing firm under paragraph (a) of Rule 2.26. The fee to any clearing firm under paragraph (b) of that rule is $3.00 for each As-of-Add submitted in excess of the "nominal" monthly percentage. Any member assessed an As-of-Add fee may request verification from the Exchange pursuant to Part B of Chapter XIX of CBOE's Rules and may appeal the fee assessment pursuant to Part A thereof.

The Pilot Program was initially approved by the Commission on October 1, 1993.[3] Continuation of the Pilot Program, in its present form, was approved on April 4, 1994.[4] In the Continuation Order, the Commission required the Exchange, if it wished to make the Pilot Program a permanent program, to explain how the Pilot Program reflects an equitable allocation of fees among members and to establish

[1] In Amendment No. 1 the Exchange requested an extension of the pilot program until December 31, 1994, rather than permanent approval. See Letter from Michael Meyer, Schiff, Hardin & Waite, to Brad Ritter, Senior Counsel, Office of Market Supervision ("OMS"), Division of Market Regulation ("Division"), Commission, dated September 29, 1994 ("Amendment No. 1").

[2] *Id.*

[3] See Securities Exchange Act Release No. 32999 (October 1, 1993), 58 FR 53003 (October 13, 1993) ("Exchange Act Release No. 32999").

[4] See Securities Exchange Act Release No. 33855 (April 4, 1994), 59 FR 17128 (April 11, 1994) ("Continuation Order").

a policy with respect to discipline of members that repeatedly file an excessive number of AS-of-Add.[5] The Commission also required the CBOE to submit a report setting forth particular statistics about the Pilot Program.[6]

The Exchange represents that the Pilot Program serves two purposes. First, it helps reimburse the Exchange for the administrative burdens and costs of processing post-trade date submission from members. Late trade submissions, according to the Exchange, impose special processing costs on the Exchange and require significant effort by clearing firms and executing brokers to check and resolve late trade reports. The Exchange further represents that late trade submissions also can burden the Exchange during periods of high volume and create financial risks to members during volatile markets. Accordingly, the Exchange believes that the As-of-Add fees provide the Exchange with revenues that cover, in part, its cost for providing As-of-Add services.

Second, the Exchange represents that the Pilot Program is designed to create economic incentives for members to submit trade data on the trade date, thereby relieving the Exchange and Exchnge members of high levels of special handling. The Exchange believes that the Pilot Program and the incentive effects of the fee are equitably allocated among individual members and member organizations. Although individual members incur a higher per-submission fee than do clearing members, the Exchange states that individual members have primary control over the timing of submissions and, in the Exchange's experience, individual member errors and delays are the direct cause of most As-of-Adds. The fee structure is thus designed to impose greater As-of-Add responsibilities on those members, *i.e.*, individual members, whose conduct, according to the Exchange creates the biggest share of the extra work and extra costs posed by late submissions. Since October 1993, 354 individual members, and 13 clearing firms, have been assessed a fee pursuant to the Pilot Program.[7]

The Exchange continues to believe that it is also appropriate to impose As-of-Add fees on clearing firms that exceed the nominal monthly level of As-of-Adds. In the Exchange's experience, clearing firms are sometimes the direct or contributing cause of late submissions. The Exchange, therefore, believes that a fee imposed on such firms is therefore appropriate, in general, as it is for individual members. Moreover, the Exchange believes that clearing firms are in the best position to identify late-submitting individual members and to prompt such members to process trade information on time. In that regard, the Exchange represents that the fee to clearing members not only helps promote their operational vigilance, but also that of the individual members for whom they clear trades.

In the Continuation Order, the Commission expressed some concern about the differing fee levels for individual members as compared to clearing firms and requested the Exchange to review the equities associated with the fee structure.[8] The Exchange has reviewed the Pilot Program and continues to believe that the levels set in the current rule are appropriate for each membership class, for several reasons. First, those few clearing firms who have been assessed a fee under rule 2.26 have paid substantial amounts.[9] Fee levels higher than those in the current rule would, the Exchange believes, be disproportionately severe. Second, clearing firms incur personnel and systems costs, which the Exchange estimates to be about $5.00 per As-of-Add, for the extra work that As-of-Add processing creates. Those costs are not incurred by individual members. Accordingly, when the $5.00 cost per As-of-Add is added to the $3.00 fine imposed on clearing firms for each excessive monthly As-of-Add, the disparity between the $10.00 paid by individual members and the $8.00 incurred by clearing members is, in the Exchange's opinion, de minimis. Third, the Exchange believes that the fee structure places a greater share of the fee burden on the members primarily responsible for the excess costs the Exchange incurs. The Exchange, therefore, believes that the fee differential reflected in the current rule is both appropriate and equitable.

Finally, the Exchange believes that the Pilot Program has been, and will continue to be, effective in promoting a reduced volume of As-of-Adds. Individual members' use of As-of-Adds has declined since the program was initiated, as have the number of Exchange members that have exceeded the allowable monthly levels.[10] For that reason, the Exchange continues to believe that the Pilot Program is effective in covering Exchange costs and in improving member behavior. Nonetheless, the Exchange believes that As-of-Add processing continues to impose burdens on the Exchange and its members, and chronic problems may not be fully addressed by fees alone. Accordingly, to the extent that any member exceeds the nominal level for six consecutive months, or by a significant percentage in any one month without clear justification, the Department of Market Operations will refer that member to the Division of Regulatory Services for investigation and appropriate disciplinary action.[11] On approval of this proposed rule change, the Exchange will issue a Regulatory Circular to members reviewing the operation of the program and underscoring the foregoing compliance policy.

The CBOE believes that the proposed rule change is consistent with Section 6(b) of the Act in general and furthers the objectives of Section 6(b)(5) of the Act in particular in that it is designed to provide for the equitable allocation of reasonable dues, fees and charges among CBOE members.

(B) Self-Regulatory Organization's Statement on Burden on Competition

The CBOE does not believe that the proposed rule change will impose a 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 solicited or received respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The Exchange has requested that the proposed rule change be given accelerated effectiveness pursuant to Section 19(b)(2) of the Act.

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities

[5] *Id.* Rule 6.51 requires members to submit data for every executed trade on the day executed.

[6] The report was submitted to the Commission on July 5, 1994. See Letter from Joanne Moffic-Silver, Associate General Counsel, CBOE, to Sharon Lawson, Assistant Director, OMS, Division, Commisison, dated June 29, 1994 ("Pilot Report").

[7] The highest fee assessed against an individual member was $858 and the average fee assessed was $105.64, while the highest fee assessed against a clearing member was $2,406 with average fees amounting to $307.07. *Id.*

[8] See supra note 4.

[9] See supra note 7.

[10] See Pilot Report, *supra* note 6.

[11] To date, the Exchange has not initiated any investigations or disciplinary actions concerning members' post-trade date submission of trade data. Telephone conversation between Daniel Schneider, Schiff Hardin & Waite, and Brad Ritter, Senior Counsel, OMS, Division, Commission, on October 3, 1994 ("October 3 Conversation").

exchange, and in particular, the requirements of Section 6(b)(5).[12] Specifically, the Commission finds, as it did in originally approving the Pilot Program and the subsequent extension, that imposing fees on members who submit As-of-Adds for more than a prescribed percentage of transactions in any month is likely to: (1) Offset the carrying costs incurred by the Exchange and Exchange members as a result of these post-trade date submissions; (2) make trade comparisons on the CBOE more efficient in terms of the time and expense involved in trade processing; and (3) reduce the risk exposure to investors and Exchange clearing members.[13] Additionally, the Commission continues to believe that the Pilot Program does not raise any due process concerns because of the availability of the verification and appeals processes.[14]

Although the Exchange believes the fees that can be incurred are relatively modest, the Commission believes that the fee assessments, which have reached in excess of $800 per month for an individual member and in excess of $2,400 per month for a clearing member,[15] can be substantial. Nevertheless, because such high fees would only be imposed on the most egregious offenders of Rule 2.26, the Commission believes the fee structure is not totally unreasonable. Furthermore, the Exchange has represented that in determining the number of As-of-Add submissions each month, it cannot determine, without reviewing each individual trade, whether a particular As-of-Add was submitted late due to the fault of an individual member or that member's clearing firm.[16] As a result, in determining whether a member has exceeded its stated monthly percentage of allowable As-of-Adds, each As-of-Add processed by a member firm is counted against both that member firm and the individual member who executed the transaction.[17] In this context, the Commission remains troubled that to the extent that a clearing member is responsible for the late submission, the individual member can still be assessed a substantive fine, and vice versa.

Despite these concerns, the Commission finds that the differential in the per-trade fee amount assessed against clearing members ($3) and individual members ($10) is consistent with the Act based on the representations by the Exchange that in its experience, most As-of-Adds are the result of late submissions by individual members rather than by clearing members, and that clearing members are often delayed in submitting trade data because individual members fail to submit trade data to the clearing members in a timely manner. As a result, the Commission believes that the proposed rule change may serve to reduce the number of monthly As-of-Adds by individual members which should benefit all Exchange members, and ultimately investors, by increasing the efficiency with which Exchange transactions are processed as well as helping the Exchange to defray the additional costs it incurs with the processing of those transactions.[18] Although the maximum monthly allowable percentage of As-of-Adds for clearing members is lower than for individual members, this alone does not address the fee differential because clearing members are clearing transactions for many Exchange members. The Commission, therefore, continues to encourage the Exchange to consider methods of administering the Pilot Program to ensure that As-of-Add fees are assessed in a fair and equitable manner.

In addition to addressing whether the differential in the per-submission fee is a fair and equitable allocation, the Commission also requested in the Continuation Order,[19] that the Exchange address why the Pilot Programs should not be incorporated into the Exchange's Minor Rule Plan[20] because of the size of some of the fees imposed under the Pilot Program.[21] Although the Exchange has stated that it believes the "fees" assessed pursuant to the Pilot Program are fair and equitable and should not be incorporated into the Minor Rule Plan,[22] the Commission does not believe the issue has been adequately addressed by the CBOE. Nevertheless, the Commission has determined to grant a limited three month extension to the Pilot Program for two reasons. First, no formal complaints have been lodged by members regarding the fees assessed to date pursuant to the Pilot Program.[23] Second, the Exchange has represented that it will re-consider the issue of incorporating the As-Of Add fees, in some form,[24] into the Minor Rule Plan.

In order to provide the Exchange with adequate time to assess any proposed changes to the Pilot Program, the Exchange has represented to the Commission that a proposed rule filing pursuant to Section 19(b) of the Act will be submitted by the Exchange on or before November 1, 1994. In addition, the CBOE will be required to submit with that proposed rule change, an updated report containing the information requested by the Commission in the Continuation Order.[25] The Commission also notes that it would not be inclined, at this time, to grant a further extension of the Pilot Program until the concerns raised herein have been addressed by the Exchange.

The Commission finds good cause for approving the proposed rule change and Amendment No. 1 thereto prior to the thirtieth day after the date of publication of notice of filing thereof in the **Federal Register** in order to permit the pilot program to remain in effect until December 31, 1994 without interruption. Additionally, the Exchange has represented that no problems has arisen and no formal complaints have been received by the Exchange concerning the pilot program since its implementation.[26] Accordingly, the Commission believes it is consistent with Sections 6(b)(5) and 19(b)(2) of the Act to approve the proposed rule change on an accelerated basis.

IV. Solicitation of Comments

Interested persons are invited to submit written date, 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, N.W., Washington, D.C. 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the

[12] U.S.C. 78f(b)(5) (1988).

[13] See Exchange Act Release No. 32999, *supra* note 3, and Continuation Order, *supra* note 4.

[14] *Id.* The regulatory circular to be issued upon approval of the proposed rule change shall also expressly state that all members assessed a fee pursuant to the pilot program may submit a request for verification and may appeal the fees assessed pursuant to Chapter XIX of the CBOE Rules. *See* October 3 Conversation, *supra* note 11.

[15] See *supra* note 7.

[16] See Continuation Order, *supra* note 4.

[17] *Id.*

[18] The Commission does not necessarily agree with the Exchange that when the cost to clearing members of processing As-of-Adds is factored in, that the difference between the per-submission transaction fees ($10 v. $8) is de minimis.

[19] See supra note 4.

[20] See CBOE Rule 17.50.

[21] See Continuation Order, *supra* note 4, and *supra* note 7.

[22] See Letter from Michael Meyer, Schiff Hardin & Waite, to Brad Ritter, Senior Counsel, OMS, Division, Commission, dated September 2, 1994.

[23] See October 3 Conversation, *supra* note 11.

[24] See Amendment No. 1, *supra* note 1. For example, As-of-Add fees could be deemed a violation of the Minor Rule Plan only after exceeding a certain dollar amount.

[25] See supra note 4.

[26] See October 3 Conversation, *supra* note 11.

Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those 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, N.W., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the CBOE. All submissions should refer to File No. SR–CBOE–94–24 and should be submitted by November 1, 1994.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act [27] that the proposed rule change (SR–CBOE–94–24), extending the pilot program for fees related to As–of–Adds until December 31, 1994, is approved.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[28]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 94–25041 Filed 10–7–94; 8:45 am]

BILLING CODE 8010–01–M

[Release No. 34–34780; File Nos. SR–MCC–93–07 and SR–MSTC–93–14]

Self-Regulatory Organizations; Midwest Clearing Corporation and Midwest Securities Trust Company; Notice of Amendments and Order Approving on an Accelerated Basis Proposed Rule Changes Establishing a Risk Assessment Committee and Making Various Other Changes to MCC's and MSTC's By-Laws and Rules

On November 17, 1993, and on December 23, 1993, the Midwest Clearing Corporation ("MCC") and the Midwest Securities Trust Company ("MSTC") respectively filed proposed rule changes (File Nos. SR–MCC–93–07 and SR–MSTC–93–14) with the Securities and Exchange Commission ("Commission") pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act").[1] MCC amended its proposal on December 23, 1993, thereby making it virtually identical to that of MSTC. On January 3, 1994, MCC submitted a second amendment, a letter of clarification.[2] Notice of the proposals was published in the Federal Register on March 3, 1994.[3] On May 11, 1994, MCC submitted its third amendment, and MSTC submitted its first amendment.[4] On July 8, 1994, MCC submitted its fourth amendment, and MSTC submitted its second amendment.[5] On September 22, 1994, MCC submitted its fifth amendment, and MSTC submitted its third amendment.[6] No comments on the proposals have been received by the Commission. This order approves the proposed rule changes as amended.[7]

I. Description of the Proposals

MCC and MSTC are modifying their By-Laws and Rules to define their participants' rights and obligations more precisely and to give MCC and MSTC more flexibility and protection in dealing with violations of their rules.[8] MCC and MSTC are adding new sections to their By-Laws to authorize MCC and MSTC to establish additional committees as may be provided for in the By-Laws or Rules or may be established by their boards of directors. Such committees shall have the duties and authority as prescribed for them by the By-Laws, the Rules, or the boards.

MCC and MSTC are amending their Rules to provide for the establishment of risk assessment committees. Each risk assessment committee will consist of four members. The risk assessment committees shall have such duties as may be assigned to them by MCC's or MSTC's Rules or by their boards. Among other duties of the risk assessment committees, the amendments require MCC and MSTC to consult with at least one member of their respective risk assessment committee before ceasing to act for a participant.[9] Three members of the risk assessment committees will hear all appeals of MCC and MSTC decisions to deny application for membership or to cease to act for a participant. Previously, MCC and MSTC Rules required the boards to appoint a panel to hear such appeals.[10]

MCC and MSTC are adding provisions to their Rules to adopt formal standards of review for the hearing of appeals beyond the risk assessment committees. The new standards provide that the decisions of the risk assessment committees cannot be reversed, modified, or remanded by the boards if the factual conclusions in the risk assessment committees' decisions are supported by substantial evidence and if such decisions are not arbitrary, capricious, or an abuse of discretion.

The amendments bar MCC or MSTC participants from bringing legal proceedings, except for violations of federal securities laws, against any officer, director, employee, or agent of MCC, MSTC, or the Chicago Stock Exchange ("CHX") if such officer, director, employee, or agent is acting on MCC, MSTC, or CHX business. These provisions do not prohibit MCC or MSTC participants from suing MCC or MSTC for actions taken by officers, directors, employees, or agents. The provisions only prohibit suits against such persons in their capacities as individuals.

The proposed rule changes add provisions that limit the liability of MCC and MSTC to participants for losses arising from the nonperformance or misperformance of MCC's or MSTC's duties except (1) for losses attributable to MCC's or MSTC's negligence with respect to the safeguarding of securities or funds in MCC's or MSTC's custody or control and (2) for losses attributable to the willful misconduct, gross negligence, bad faith, or fraudulent or criminal acts of MCC, MSTC, their officers, directors, employees, or agents with respect to all other activities. The limitation of MCC and MSTC liability does not apply to violations of federal securities laws. The amendments also provided that any MCC or MSTC participant that fails to prevail in a legal proceeding brought by such participant against MCC or MSTC or any of their officers, directors, employees, or agents shall be required to pay MCC or MSTC all reasonable expenses, including legal fees, incurred by MCC or MSTC in such proceedings but only if such expenses exceed $50,000.

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[27] 15 U.S.C. 78s(b)(2) (1988).

[28] 17 CFR 200.30–3(a)(12) (1993).

[1] 15 U.S.C. 78s(b)(1) (1988).

[2] Letter from David T. Rusoff, Foley & Lardner, to Richard Strasser, Division of Market Regulation ("Division"), Commission (December 30, 1993).

[3] Securities Exchange Act Release No. 33667 (February 23, 1994), 59 FR 10187.

[4] Letter from David T. Rusoff, Foley & Lardner, to Jerry Carpenter, Branch Chief, Division, Commission (May 10, 1994).

[5] Letter from David T. Rusoff, Foley & Lardner, to Jerry Carpenter, Assistant Director, Division, Commission (July 7, 1994).

[6] Letter from David T. Rusoff, Foley & Lardner, to Jerry Carpenter, Division, Commission (September 21, 1994).

[7] The descriptions of the proposals as set forth in this order are descriptions of the proposals in their final, amended forms.

[8] The Commission recently approved the proposed rule filing of the Chicago Stock Exchange, the parent corporation of MCC and MSTC, which contained many of the same amendments proposed in the subject filings by MCC and MSTC. Securities Exchange Act Release No. 34505 (August 9, 1994), 59 FR 42802.

[9] The purpose of the required consultation is to help ensure that the managements of MCC and MSTC have independent input to assist them in their decision making processes.

[10] The amendments prohibit the member of the risk assessment committees who was consulted from participating in the hearing of any related appeal. MCC and MSTC By-Laws already provide that any member of one of the risk assessment committees (previously the board-appointed committees) that has any direct or indirect interest in a matter on appeal which might preclude such member from rendering an objective and impartial determination shall not hear such appeal.

II. Discussion

The Commission believes that the proposals are consistent with the Act and particularly with Section 17A of the Act.[11] Section 17A(b)(3)(H) requires that the rules of clearing agencies provide fair procedures with respect to disciplining participants and denying participation to any persons seeking participation in a clearing agency.[12] By establishing standing risk assessment committees, by requiring that such committees hear all appeals of MCC and MSTC decisions to deny application for membership or to cease to act for a participant, and by setting forth specific standards of review for appeals of the risk assessment committees' decisions, the proposals appear to provide fair procedures as required by Section 17A(b)(3)(H). Furthermore, the proposals also should enhance certainty and consistency in the operations of MCC and MSTC by providing that the decisions of the risk assessment committees cannot be reversed, modified, or remanded by the boards if the conclusions are within the parameters discussed earlier.

Finally, the proposed rule changes also contain several modifications to MCC's and MSTC's rules regarding MCC's and MSTC's standards of care and limitations of liability. By setting forth definite statements of MCC's and MSTC's standards of care and limitations of liability, the proposals should increase the general operating efficiency of MCC and MSTC.

The Commission believes that the provisions that require participants who are unsuccessful in suits against MCC or MSTC must pay MCC's or MSTC's legal expenses under certain circumstances are consistent with the requirements of Section 17A(b)(3)(D) of the Act which requires that the rules of a clearing agency provide for the equitable allocation of reasonable dues, fees and other charges among its participants.[13] Because the proposals allow MCC and MSTC to shift the financial burden of unsuccessful litigation to the responsible participant, the proposals appear to be consistent with this statutory objective. The Commission also believes that the rule changes should not provide an undue disincentive to litigation because MCC's and MSTC's expenses must be reasonable and must exceed $50,000 before a participant member will be obligated to compensate MCC or MSTC.

The Commission finds good cause for approving the proposed rule changes prior to the thirtieth day after the date of publication of notice of the filing of the amendments. Because the Commission has not received any comments with regard to its notice of the proposals as originally filed and does not foresee receiving any adverse comments regarding the subsequent amendments and because the subsequent amendments generally narrowed the scope of the original proposals and made clarifying and technical changes, the Commission finds it appropriate to approve the proposals prior to the thirtieth day after the date of publication of notice of the filing of the amendments.

[11] 15 U.S.C. 78q–1 (1988).

[12] 15 U.S.C. 78q–1(b)(3)(H) (1988).

[13] 15 U.S.C. 78q–(b)(3)(D) (1988).

III. 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 submissions, all subsequent amendments, all written statements with respect to the proposed rule changes that are filed with the Commission, and all written communications relating to the proposed rule changes 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 offices of MCC and MSTC. All submissions should refer to File Nos. SR–MCC–93–07 and SR–MSTC–93–14) and should be submitted by November, 1, 1994.

IV. Conclusion

It is therefore ordered, pursuant to Section 19(b)(2) of the Act,[14] that the above-mentioned proposed rule changes (File Nos. SR–MCC–93–07 and SR–MSTC–93–14) be, and hereby, are, approved.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.[15]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 94–25040 Filed 1–7–94; 8:45 am]

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[14] 15 U.S.C. 78s(b)(2) (1988).

[15] 17 CFR 200.30–3(a)(12) (1994).

[Release No. 34–34782; File No. SR–PHLX–94–36]

Self-Regulatory Organizations; Order Approving Proposed Rule Change by the Philadelphia Stock Exchange, Inc., Relating to By-Law Articles IX and X Respecting the Trustees of the Stock Exchange Fund and the Executive Committee

October 3, 1994.

On July 8, 1994, the Philadelphia Stock Exchange, Inc. ("PHLX" or "Exchange") filed with the Securities and Exchange Commission ("SEC" or "Commission"), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"),[1] and Rule 19b–4 thereunder,[2] a proposal to amend Section 9–1, "Trustees of Stock Exchange Fund—How Appointed" of Article IX, "Trustees of Stock Exchange Fund" of the Exchange's By-Laws to allow two members of the Exchange's Board of Governors ("Board"), rather than two Vice Chairmen, to serve as trustees of the Stock Exchange Fund ("Fund") and to allow qualified non-members to serve as trustees. In addition, the PHLX proposes to amend Section 10–13, "Executive Committee," of By-Law Article X, "Standing Committees," to delete the requirement that the Executive Vice President of the Exchange serve on the Exchange's Executive Committee.[3]

Notice of the proposal appeared in the **Federal Register** in Securities Exchange Act Release No. 34567 (August 19, 1994), 59 FR 44211 (August 26, 1994). No comment letters were received on the proposal.

Currently, Section 9–1 of the Exchange's By-Laws requires that the trustees of the Fund include the Chairman of the Exchange's Board, two Vice Chairmen of the Board and up to five other Exchange members; all of the trustees, except the Chairman, are appointed by the Exchange's Board and serve for three years or until a successor is appointed. The PHLX proposes to amend Section 9–1 to allow two members of the Exchange's Board, rather than two Vice Chairmen, to serve as trustees of the Fund and to allow qualified non-members to serve as trustees. Under Section 9–1, as amended, the trustees of the Fund will include the Chairman of the Board and

[1] 15 U.S.C. 78s(b)(1) (1988).

[2] 17 CFR 240.19b–4 (1993).

[3] Pursuant to Article XXII, "Amending the By-Laws," of the Exchange's By-Laws the Board voted on the proposed amendments to the Exchange's By-Laws and submitted them to the Exchange's members for comment. Receiving no comments, the Board voted to approve the proposed amendments and filed its proposal with the Commission.

two members of the Board. The remaining five trustees, pursuant to the proposal, can be either members, non-members, or a combination from these two categories.

In addition, the PHLX proposes to amend Section 10–13, "Executive Committee," of By-Law Article X, "Standing Committees," to delete the requirement that the Executive Vice President of the Exchange serve on the Exchange's Executive Committee.[4]

The PHLX states that the proposal to amend By-Law Article IX, Section 9–1, will give the Exchange's Board more flexibility in choosing trustees of the Fund by eliminating the requirement that all trustees be Exchange members or affiliated with member organizations. Under the proposal, the Board will be able to choose qualified persons with investment management expertise regardless of their status as Exchange members or affiliates.

The proposed amendment will also eliminate the requirement that the Exchange's Vice Chairmen serve as Fund trustees, to ease the administrative burdens currently imposed upon the Vice Chairmen. The proposal retains the Board's oversight of the trustees by continuing to require the Chairman of the Board to be a trustee and by imposing a new requirement that two other members of the Board be trustees.

The proposed amendment to By-Law Article X, Section 10–13 deletes the Executive Vice President of the PHLX from membership on the Exchange's Executive Committee while increasing the minimum number of Board members on the Executive Committee from three to four. The PHLX states that the Exchange's management will continue to be represented on the Executive Committee by the Exchange's President and Chief Executive Officer. Under Section 10–13, as amended, the other members of the Executive Committee shall include the Chairman of the Board, two Vice Chairmen of the Board, the immediate past Chairman of the Board, and four or more additional members of the Board appointed by the Chairman of the Board with the Board's approval.

The PHLX believes that the proposal is consistent with Section 6 of the Act, in general, and, in particular with Section 6(b)(3), in that it is designed to assure a fair representation of the Exchange's members in the administration of its affairs and to provide that one or more Fund trustees may be representatives not associated with a member of the Exchange.[5]

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange, and, in particular, with the requirements of Section 6(b)(3) in that it is designed to assure the fair representation of the Exchange's members in the administration of its affairs.[6] Specifically, the Commission believes that the proposed amendments to Section 9–1 are designed to provide the PHLX's Board with greater flexibility in the selection of Fund trustees by allowing the Board to appoint qualified non-members to serve as trustees of the Fund, thereby allowing non-members with investment expertise to serve as Fund trustees. In addition, the Commission believes that it is reasonable for the PHLX to eliminate the requirement that the Exchange's Vice Chairmen serve as Fund trustees in order to ease the administrative duties of the Vice Chairmen. At the same time, the Commission notes that the proposal requires two members of the Board, as well as the Chairman of the Board, to serve as Fund trustees, thus helping to ensure that the Board will retain its oversight of the Fund.

In addition, the Commission believes that it is reasonable for the PHLX to amend Section 10–13 to eliminate the PHLX's Executive Vice President from membership on the Exchange's Executive Committee in order to allow the PHLX's management to be represented on the Executive Committee. Although the proposal also increases the minimum number of Board members who are required to be on the Executive Committee from three to four, the Commission does not believe this change should substantially affect the governance of the Exchange.[7] The Commission believes that the proposal should make the structure of the Executive Committee less cumbersome and help to streamline the Executive Committee's proceedings while preserving the participation of the PHLX's management on the Executive Committee.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act,[8] that the proposed rule change (SR–PHLX–94–36) is approved.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[9]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 94–25039 Filed 10–7–94; 8:45 am]

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[4] The Executive Committee executes and implements corporate policy established previously by the Exchange's Board of Governors and makes recommendations concerning corporate policy to the Board of Governors. See By-Law Section 10–13.

[5] Telephone conversation between Murray L. Ross, Secretary, PHLX, and Yvonne Fraticelli, Attorney, Options Branch, Division of Market Regulation, Commission, on July 27, 1994.

[6] 15 U.S.C. 78f(b)(3) (1988).

[7] In this context, the Commission notes that the PHLX's By-Laws already permit the appointment of more than three Board members to the Executive Committee. Nevertheless, as the Commission has noted in other contexts, the Commission would be concerned if the Executive Committee were dominated by floor interests. See *e.g.,* Securities Exchange Act Release Nos. 31633 (December 22, 1992), 57 FR 62402 (December 30, 1992) (order approving File Nos. MSE–92–12 and MSE–92–13) (amending Constitution of the Midwest Stock Exchange ("MSE") to require that the MSE's Board of Governors consist of sixteen member Governors and eight non-member Governors, and revising the composition of the MSE's Nominating Committee and Executive Committee); and 22058 (May 21, 1985), 50 FR 23090 (May 30, 1985) (File Nos. SR–CBOE–84–15 and SR–CBOE–84–16) (disapproving proposed rule change to increase the minimum number of floor directors on the Board of the Chicago Board Options Exchange ("CBOE") and approving proposed rule change to provide for election of a floor member to be the CBOE's Executive Committee Chairman).

[8] 15 U.S.C. 78s(b)(2) (1988).

[9] 17 CFR 200.30–3(a)(12) (1993).

Self-Regulatory Organizations; Applications for Unlisted Trading Privileges; Notice and Opportunity for Hearing; Chicago Stock Exchange, Inc.

October 4, 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 Rule 12f–1 thereunder for unlisted trading privileges in the following securities:

James River Corp.
Preferred Stock (VA) Dep. Sh. (1/100 PFP) Par Value $.10 (File No. 7–13006)
America West Airlines, Inc.
Class B Common Stock, $.01 Par Value (File No. 7–13007)
Capco Automotive Products Corporation
Common Stock, $.01 Par Value (File No. 7–13008)
Circus Circus Enterprises, Inc.
Purchase Rights, No Par Value (File No. 7–13009)
Conrail, Inc.
Common Stock, $1.00 Par Value (File No. 7–13010)
Kimco Realty Corporation
Common Stock, $.01 Par Value (file No. 7–13011)
MacNeal Schwendler Corporation
Common Stock, $.01 Par Value (File No. 7–13012)
Polyphase Corporation
Common Stock, No Par Value (File No. 7–13013)
Property Trust of America
Rights to Subscribe, $1.00 Par Value (File No. 7–13014)
Rohr Industries, Inc.

Common Stock, $1.00 Par Value (File No. 7–13015)
US 1 Industries, Inc.
Common Stock, $3.125 Par Value (File No. 7–13016)
WHX Corporation Holding Co.
Common Stock, $.01 Par Value (File No. 76–13017)

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 October 26, 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 Fifth 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 application is 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. 94–25046 Filed 10–7–94; 8:45 am]

BILLING CODE 8010–01–M

[Release No. 34–34779; File No. SR–DTC–94–13]

Self-Regulatory Organizations; The Depository Trust Company; Notice of Filing and Order Granting Accelerated Approval on a Temporary Basis of Proposed Rule Change Implementing the Prime Broker Option in the Institutional Delivery System

October 3, 1994.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"),[1] notice is hereby given that on September 12, 1994, The Depository Trust Company ("DTC") filed with the Securities and Exchange Commission ("Commission") the proposed rule change (File No. SR–DTC–94–13) as described in Items I and II 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 and to grant accelerated approval of the proposed rule change on a temporary basis through May 31, 1995.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The proposed rule change involves the primary broker option in DTC's Institutional Delivery ("ID") system and will permit DTC's ID system to be used for the confirmation and affirmation of trades which are to be settled by prime brokers. The proposed rule change also includes a procedure whereby prime brokers can disaffirm trades which they previously had affirmed.

II. Self-Regulatory Organization's Statement of the Purpose 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 place 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

In its letter dated January 25, 1994, to the Prime Brokerage Committee of the Securities Industry Association ("Prime Brokerage Committee"), the Division of Market Regulation ("Division") specified certain conditions for providing prime brokerage services, including requiring that the parties to a prime broker arrangement utilize the facilities of a clearing agency registered pursuant Section 17A of the Act[2] to confirm and affirm prime broker transactions.[3] DTC is a clearing agency registered pursuant to Section 17A of the Act. The proposed rule change contains procedures which will permit DTC's ID system to be used to comply with the Division's prime broker letter and to facilitate the option of settling affirmed prime broker trades through the National Securities Clearing Corporation's ("NSCC") continuous net settlement ("CNS") system.

A prime broker is a broker-dealer participating in the ID system that provides a custodial facility for institutional customers. Under the proposed rule change, broker-dealers that are members of both DTC and the NSCC and that participate in DTC's ID system and NSCC's CNS system, will have the option to settle affirmed prime broker trades through the ID system or through NSCC's CNS system. A common member executing trades on behalf of an institutional customer ("executing broker") will report trade details to DTC for initial processing through the ID system. At the time of submission, the executing broker will be required to determine whether a trade will settle on a trade-for-trade basis through the ID system or through CNS. If the executing brokers choose the former, the trade will settle through DTC's customary ID procedures. If the executing brokers chooses to settle the trade through CNS, they will submit a prime broker's CNS agent ID number to DTC when reporting the details of the trade.[4]

After the executing broker reports a trade to DTC using a prime broker's CNS number, DTC will complete its usual ID confirmation and affirmation processing. Conformations will be issued by the morning of the next business day after the trade date. The prime broker will affirm the trade if their information matches the information received from the executing brokers.[5] The trades then will be submitted to NSCC through CCF[6] on the night of T+2 for clearance and settlement following normal CNS settlement procedures.

Trades entered into the CNS system will settle like routine CNS trades. NSCC will combine prime brokers' and executing brokers' positions with their other respective CNS positions in securities of the same issue to arrive at a net deliver or net receive obligation for each issue. After establishing such net deliver or net receive obligations for the prime brokers and executing brokers, NSCC will guarantee their respective obligations. Pursuant to NSCC's standard CNS procedures, money settlement for these trades will occur at NSCC while deliveries of securities will occur at DTC.

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[1] 15 U.S.C. 78s(b)(1) (1988).

[2] 15 U.S.C. 78q–1 (1988).

[3] Letter from Brandon Becker, Director, Division, Commission, to Jeffrey Bernstein, Prime Broker Committee (January 25, 1994).

[4] Prime brokers are required to maintain two or more agent ID numbers. One of these numbers will be reserved as a special number to be used only for trades that are directed to settle through NSCC's CNS system.

[5] Trades affirmed on T+3 revert to trade-for-trade settlement. Trade-for-trade information appears on the ID system's cumulative eligible trade reports which are available to the executing and prime brokers.

[6] CCF is DTC's acronym for "Computer to Computer Facility." CCF is used for direct computer to computer communication between DTC and its participants' IBM mainframe computers.

The proposed rule change also includes procedures whereby prime brokers can disaffirm trades which they previously had affirmed. A disaffirming prime broker will notify both DTC and the executing broker within identified DTC established time frames through DTC's participants terminal system that a previously affirmed ID prime broker trade is being disaffirmed. The prime broker simultaneously must call a director or vice president of DTC's ID department to alert DTC of the disaffirmation. DTC will verify that each disaffirmation instruction matches an existing ID trade, and on a "best effort" basis, DTC will attempt to contact the executing broker by telephone to inform it of the disaffirmation. DTC then will determine the settlement mode of the trade to be disaffirmed (*e.g.*, trade-for-trade or CNS). If the trades to be disaffirmed are scheduled to settle trade-for-trade or outside DTC and NSCC, DTC is not required to take further action. For trade-for-trade settlement, prime brokers will not deliver on the sell side or will reclaim the transaction on the buy side. For trades settling outside DTC and NSCC, prime brokers will block settlement through their agents or correspondents.

If the disaffirmed trades are scheduled to settle in CNS, DTC will fax disaffirmation information to the proper department at NSCC, and DTC will confirm the information with telephone calls to NSCC. NSCC will acknowledge disaffirmation instructions in writing to DTC, and NSCC will effect journal entries to reverse the settlement obligations of the prime brokers and will reestablish the settlement obligations of the executing brokers. On a best effort basis, NSCC will telephone the executing brokers to advise them of the disaffirmation. Prior to the June 1995 conversion to three business days as the standard settlement period,[7] DTC will develop an automated mechanism that prime brokers can utilize to disaffirm previously affirmed trades.[8]

DTC believes 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 promote efficiencies in the clearance and settlement of prime broker trades. The proposed rule change will be implemented consistently with the safeguarding of securities and funds in DTC's custody or control or for which it is responsible because the proposed rule change will be implemented as an option in DTC's ID system.

(B) Self-Regulatory Organization's Statement on Burden on Competition

DTC perceives no impact on competition by reason of the proposed rule change.

(C) Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

The proposed rule change has been discussed with the Prime Brokerage Committee. 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

Section 17A(a)(1)(C) of the Act sets forth Congress findings that new data processing and communications techniques create the opportunity for more efficient, effective, and safe procedures for clearance and settlement.[9] Section 17A(a)(2)(A)(ii) of the Act directs the Commission to facilitate the establishment of linked or coordinated facilities for the clearance and settlement of securities transactions.[10] The Commission believes the proposed rule change will further these goals by facilitating the confirmation and affirmation of prime broker transactions through DTC's ID system and by facilitating the settlement of prime broker trades through either DTC or NSCC. Section 17A(b)(3)(F) of the Act requires that rules of a clearing agency promote the prompt and accurate clearance and settlement of securities transactions and assure the safeguarding of securities and funds which are in the custody or control of the clearing agency or for which it is responsible.[11] The Commission believes that the proposal is consistent with DTC's responsibilities under Section 17A of the Act because the proposal will facilitate the option of having prime broker trades settled in NSCC's CNS system, which should promote efficiency by having those trades netted with the prime brokers' and executing brokers' other positions in the same security. The Commission further believes that the proposal is consistent with DTC's responsibility to safeguard securities and funds because utilizing the ID system for confirming, affirming, and disaffirming prime broker trades should help provide standardized procedures by which the respective parties can perform their duties in settling prime broker transactions.

DTC has requested that the Commission find good cause for approving the proposed rule changes prior to the thirtieth day after the date of publication of notice of the filing. The Commission finds good cause for so approving the proposed rule because accelerated approval will enable prime brokers and executing brokers to confirm and affirm prime broker transactions through the ID system and to have the option to settle these trades in CNS as soon as possible. Furthermore, accelerated approval will allow the effective date of the temporary approval of DTC's prime broker option to coincide with the effective date of the prime broker letter issued by the Division.[12] In addition, the Commission previously published notice of a similar DTC proposal[13] that sought to establish the same prime broker option as is the subject of this current filing; the earlier proposed rule change did not generate any comment letters, and none are expected on DTC's current proposal.

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

[7] For a detailed description of the conversion to three business day settlement, refer to Securities Exchange Act Release No. 33023 (October 6, 1993) 58 FR 52891. (Order adopting Rule 15c6–1)

[8] In early 1995, DTC expects to file a proposed rule change with the Commission under Section 19(b)(1) of the Act to implement as an optional enhancement to the ID system, an advice of correction feature, which will enable the prime broker to "DK" a trade (*i.e.*, to indicate to the executing broker that the prime broker does not intend to clear and settle the trade).

[9] 15 U.S.C. 78q–1(a)(1)(C).

[10] 15 U.S.C. 78q–1(a)(2)(ii).

[11] 15 U.S.C. 78q–1(b)(3)(F).

[12] Letter from Michael A. Macchiaroli, Associate Director, Division, Commission to Jeffrey C. Bernstein, Prime Broker Committee, and to Seth J. Gersch, Committee of Executing Brokers (July 18, 1994).

[13] Securities Exchange Act Release No. 28048 (May 18, 1994), 55 FR 22121 [File No. SR–DTC–90–05] (notice of proposed rule change). On April 20, 1994, DTC withdrew File No. SR–DTC–90–05 from consideration so that DTC could reevaluate the prime broker option in light of the Division's letter dated January 25, 1994. *Supra* note 3. Letter from Carl H. Urist, Deputy General Counsel, DTC to Jerry W. Carpenter, Branch Chief, Division, Commission (April 20, 1994).

public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference room, 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 the File No. SR–DTC–94–13 and should be submitted by November 1, 1994.

It is Therefore Ordered, pursuant to section 19(b)(2) of the Act,[14] that the proposed rule change (File No.SR–DTC–94–13) be, and hereby is approved on a temporary basis through May 31, 1995.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.[15]

[FR Doc. 94–25002 Filed 10–7–94; 8:45 am]

BILLING CODE 8010–01–M

Self-Regulatory Organizations; Applications for Unlisted Trading Privileges; Notice and Opportunity for Hearing; Pacific Stock Exchange, Inc.

October 4, 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 Rule 12f–1 thereunder for unlisted trading privileges in the following securities:

Consorcio G Grupo Dina, S.A. De C.V.
American Depositary Shares (each represents four Common Shares, No Par Value) (File No. 7–13018)
Kaiser Aluminum Corporation
Common Stock, $.01 Par Value (File No. 7–13019)
Trans World Airlines, Inc.
10% Secured Notes due November 3, 1998 (File No. 7–13020)
Trans World Airlines, Inc.
8% Secured Notes due November 3, 2000 (File No. 7–13021)

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 October 26, 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. 94–25045 Filed 10–7–94; 8:45 am]

BILLING CODE 8010–01–M

[14] 15 U.S.C. 78s(b)(2).

[15] 17 CFR 200.30–3(a)(12) (1994).

[Release No. 34–34781; File No. SR–PHLX–94–28]

Self-Regulatory Organizations; Order Approving Proposed Rule Change by the Philadelphia Stock Exchange, Inc., Relating to the Quote Spread Parameters for National Over-the-Counter Index ("XOC") Options

October 3, 1994.

On June 13, 1994, the Philadelphia Stock Exchange, Inc. ("PHLX" or "Exchange") filed with the Securities and Exchange Commission ("SEC" or "Commission"), pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"),[1] and Rule 19b–4 thereunder,[2] a proposed rule change to amend PHLX Rule 1014, "Obligations and Restrictions Applicable to Specialists and Registered Options Traders," and PHLX Floor Procedure Advice ("Advice") F–6, "Option Quote Spread Parameters," to establish the following maximum quote spreads for National Over-the-Counter Index ("XOC") options: $2.00 for XOC options with bids of $20.00 to less than $40.00; and $3.00 for XOC options with bids of $40.00 or more.

Notice of the proposed appeared in the **Federal Register** on July 25, 1994.[3] Prior to the filing of the proposal with the Commission, the PHLX received one comment letter.[4]

Currently, PHLX Rule 1014 and Advice F–6 establish a maximum quote spread of $1.00 for index options with bids of $20.00 or more. The PHLX proposes to amend the quote spread parameters for XOC options to establish the following parameters for XOC options with bids of $20.00 or more: $2.00 for XOC options with bids of $20.00 to less than $40.00; and $3.00 for XOC options with bids of $40.00 or more.

According to the PHLX, recent volatility in the XOC caused floor officials to temporarily widen the quote spreads for XOC options pursuant to Advice F–6.[5] The Exchange proposes to codify these wider quote spread parameters for higher-priced XOC series.

The PHLX states that the purpose of the wider quotations is to reflect the wider bid/ask differential in the over-the-counter ("OTC") securities underlying the XOC, which market participants purchase in order to hedge XOC exposure. According to the Exchange, the aggregate bid/ask differential for the XOC's component securities is often greater than $5.00.[6]

The PHLX states that the bid/ask differential in XOC options is particularly problematic with respect to higher-priced option series because the higher bids represent a greater premium

[1] 15 U.S.C. 78s(b)(1) (1988).

[2] 17 CFR 240.19b–4 (1993).

[3] See Securities Exchange Act Release No. 34401 (July 19, 1994), 59 FR 37801.

[4] See Letter from Barry J. Weisberg, Certified Financial Planner, Vice President, Financial Consultant, Smith Barney Shearson, to Gerald O'Connell, Vice President, Market Surveillance, PHLX, dated March 24, 1994 ("March 24 Letter"). The commenter argues that the PHLX's widening of the quote spread parameters for XOC options will disadvantage public customers and may discourage public customer interest in trading index options on the PHLX. In response to the March 24 Letter, the PHLX indicated that the Exchange's Committee on Options considered the quote spread parameters established by the Chicago Board Options Exchange, Inc. ("CBOE") for its Nasdaq 100 Index ("NDX"). In addition, the PHLX noted that the XOC trading crowd has increased its minimum volume guarantee to 20 contracts for public customer orders in series with previous-close bid values of $10.00 or less. See Letter from Gerald O'Connell, Vice President, Market Surveillance, PHLX, to Barry J. Weisberg, Certified Financial Consultant, Smith Barney Shearson, dated April 29, 1994 ("April 29 Letter"). On September 22, 1994, the PHLX submitted a letter providing additional information about the proposal. Specifically, the PHLX states that the proposed quote spread parameters reflect the greater uncertainty of pricing higher-priced options, which are generally deep in-the-money and may be far-term or long-term options. In addition, the PHLX states that the combination of high volatility and high index price produces many XOC series which trade on a delta basis of at or near 100, so that an index change of one point results in an option price change of one point. The PHLX believes that the wider quote spread parameters will help XOC specialists maintain their affirmative market making obligations for high-delta XOC options. See Letter from Gerald O'Connell, First Vice President, Regulation and Trading Operations, PHLX, to Michael Walinskas, Branch Chief, Options Branch, Division of Market Regulation, Commission, dated September 22, 1994 ("September 22 Letter").

[5] Advice F–6 states that relief from the established bid/ask differentials may be granted upon the receipt of approval of two floor officials. The Commission notes that Advice F–6 permits an exception from the quote spread parameters only on a case-by-case basis.

[6] The bid/ask differential in the underlying securities is determined by adding the bids for such securities and dividing by 100 (the number of securities comprising the XOC) to arrive at the composite bid; to arrive at a composite, or average, offer, the offers for the underlying securities are similarly added together and divided by 100.

dollar value and thus more risk. Thus, the Exchange notes that a $40.00 bid represents a $4,000 premium. Accordingly, the Exchange proposes to widen the XOC quote spread parameter only for higher-priced series. Moreover, the PHLX notes that the XOC series priced at $20.00 or less are most often chosen for investment by public customers (*i.e.*, "customers" who are not associated with broker-dealer organizations or subject to discretionary authorization by associated persons of broker-dealers).[7]

The Exchange believes that the proposed rule change is consistent with section 6 of the Act, in general, and, in particular with section 6(b)(5), in that it is designed to promote just and equitable principles of trade, prevent fraudulent and manipulative acts and practices, as well as to protect investors and the public interest, because widening higher-priced XOC quote spread parameters should facilitate hedging, and, in turn, liquidity.

The Commission has considered carefully the opinions of the commenter and the PHLX and finds, for the following reasons, that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange, and, in particular, the requirements of section 6(b)(5) in that the proposal is designed to promote just and equitable principles of trade.[8] Specifically, the Commission believes that the proposal to establish wider quote spread parameters for XOC options priced at over $20 is designed to facilitate hedging in higher-priced XOC options, thereby helping XOC specialists to meet their affirmative market making obligations and providing for increased liquidity in higher-priced XOC series. According to the PHLX, the aggregate bid/ask differential for the securities underlying the XOC is $5–6, while the current bid/ask differential for XOC options priced at over $20 is $1. The PHLX states that the proposed quotations for XOC options priced at over $20 are designed to reflect the wider bid/ask differential of the securities underlying the XOC, which market participants purchase to hedge XOC exposure. Thus, the PHLX believes that the wider quote spread parameters will facilitate hedging of high-priced XOC options.[9]

In addition, the PHLX states that volatility in the XOC has caused floor officials to grant temporary relief pursuant to Advice F–6 to allow wider quote spreads in the XOC. In light of the volatility of the XOC, the bid/ask differential of the underlying securities, and the high value of the XOC,[10] the Commission believes that its is reasonable, under these limited circumstances, for the PHLX to widen the quote spread parameters for XOC series priced at $20 or more. The Commission notes, however, that the proposal established maximum allowable quote spreads and that it applies solely to XOC options priced at $20 or more; the Commission expects the PHL to allow the use of the maximum quote spreads only where market conditions justify their application.

In addition, the Commission notes that under PHLX Rule 1014, "Obligations and Restrictions Applicable to Specialists and Registered Options Traders," XOC specialists' transactions should constitute a course of dealings reasonably calculated to contribute to the maintenance of a fair and orderly market. Accordingly, the Commission expects the PHLX to monitor trading in XOC options affected by the proposal to ensure that there is adequate market market activity in those series and to ensure that market are meeting their obligations to maintain fair and orderly markets. Accordingly, the commission expects the PHLX to monitor trading in XOC options affected by the proposal to ensure that there is adequate market make activity in those series and to ensure that market makers are meeting their obligations to maintain fair and orderly markets.

It is therefore ordered, pursuant to section 19(b)(2) of the Act,[11] that the proposed rule changed is approved.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[12]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 94–25003 Filed 10–7–94; 8:45 am]

BILLING CODE 8010–01–M

[7] See also September 22 Letter, *supra* note 4.

[8] 15 U.S.C. 78f(b)(5) (1988).

[9] See September 22 Letter, *supra* note 4.

[10] As of September 22, 1994, the level of the XOC was 581.

[11] 15 U.S.C. 78s(b)(2) (1984).

[12] 17 CFR 200.30–3(a)(12) (1983).

Self-Regulatory Organizations; Applications for Unlisted Trading Privileges; Notice and Opportunity for Hearing; Philadelphia Stock Exchange, Inc.

October 4, 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 Rule 12f–1 thereunder for unlisted trading privileges in the following securities:

Templeton Dragon Fund, Inc.
Common Stock, $.01 Par Value (File No. 7–13000)

Biovail Corporation
Common Stock, No Par Value (File No. 7–13001)

Medquist, Inc.
Common Stock, No Par Value (File No. 7–13002)

Templeton Vietnam Opportunities Fund, Inc.
Common Stock, $.01 Par Value (File No. 7–13003)

Czech Republic Fund, Inc.
Common Stock, $.001 Par Value (File No. 7–13004)

Sterile Concepts Holdings, Inc.
Common Stock, No Par Value (File No. 7–13005)

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 October 26, 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. 94–25044 Filed 10–7–94; 8:45 am]

BILLING CODE 8010–01–M

Issuer Delisting; Notice of Application To Withdraw From Listing and Registration (Sbarro, Inc., Common Stock, $0.01 Par Value); File No. 1–8881

October 4, 1994.

Sbarro, Inc. ("Company") has filed an application with the Securities and Exchange Commission ("Commission"), pursuant to Section 12(d) of the Securities Exchange Act of 1934 ("Act") and Rule 12d2–2(d) promulgated thereunder, to withdraw the above specified security from listing and

registration on the American Stock Exchange, Inc. ("Amex").

The reasons alleged in the application for withdrawing this security from listing and registration include the following:

According to the Company, in addition to being listed on the Amex, its common stock is listed on the New York Stock Exchange, Inc. ("NYSE"). The Company's common stock commenced trading on the NYSE at the opening of business on September 23, 1994 and concurrently therewith such stock was suspended from trading on the Amex.

In making the decision to withdraw its common stock from listing on the Amex, the Company considered the direct and indirect costs and expenses attendant in maintaining the dual listing of its common stock and the debentures on the NYSE and on the Amex. The Company does not see any particular advantage in the dual trading of its stock and believes that dual listing would fragment the market for the common stock.

Any interested person may, on or before October 26, 1994, submit by letter to the Secretary of the Securities and Exchange Commission, 450 Fifth Street, N.W., Washington, D.C. 20549, facts bearing upon whether the application has been made in accordance with the rules of the exchanges and what terms, if any, should be imposed by the Commission for the protection of investors. The Commission, based on the information submitted to it, will issue an order granting the application after the date mentioned above, unless the Commission determines to order a hearing on the matter.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Jonathan G. Katz,

Secretary.

[FR Doc. 94–25043 Filed 10–7–94; 8:45 am]

BILLING CODE 8010–01–M

[Investment Company Act Rel. No. 20597; 812–9178]

Van Kampen Merritt Equity Opportunity Trust, Series 1, et al.; Notice of Application

October 4, 1994.

AGENCY: Securities and Exchange Commission ("SEC").

ACTION: Notice of application for exemption under the Investment Company Act of 1940 ("Act").

APPLICANT: Van Kampen Merritt Equity Opportunity Trust, Series 1 and subsequent series (the "Trust"), and Van Kampen Merritt or a sponsor controlled by or under common control with Van Kampen Merritt (the "Sponsor").

RELEVANT ACT SECTIONS: Exemption requested under section 6(c) from sections 14(a) and 19(b), and rule 19b–1 thereunder.

SUMMARY OF APPLICATION: Applicants seek an order that would exempt the Sponsor from having to take for its own account or place with others $100,000 worth of units in the Trust, and permit the Trust to distribute capital gains dividends along with the Trust's other distributions.

FILING DATE: The application was filed on August 19, 1994. Applicants have agreed to file an additional amendment during the notice period. This notice reflects the changes to be made by such additional amendment.

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 October 31, 1994, and should 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 reason for the request, and the issues contested. Persons who wish to be notified of a hearing may request such notification by writing to the SEC's Secretary.

ADDRESSES: Secretary, SEC, 450 Fifth Street NW., Washington, DC 20549. Applicants, One Parkview Plaza, Oakbrook Terrace, Illinois 60181.

FOR FURTHER INFORMATION CONTACT: Courtney S. Thornton, Senior Attorney, at (202) 942–0583, or Barry D. Miller, Senior Special Counsel, at (202) 942–0564 (Division of Investment Management, Office of Investment Company Regulation).

SUPPLEMENTARY INFORMATION: The following is a summary of the application. The complete application may be obtained for a fee from the SEC's Public Reference Branch.

Applicants' Representations

1. The Trust will consist of a series of unit investment trusts, each of which will be similar but separate, and designated by a different series number ("Trust Series"). Each Trust Series will invest exclusively in equity securities (including common and preferred stocks) or in equity securities and zero coupon obligations. The objectives of the Trust series will vary in accordance with the nature of their respective portfolios. Each Trust Series will be registered under the Act, and under the Securities Act of 1933 by a registration statement on Form S–6.

2. Each Trust Series will be created pursuant to a trust agreement that will contain information specific to that Trust Series and that will incorporate by reference the master trust indenture between the Sponsor and a financial institution that is a bank within the meaning of section 2(a)(5) of the Act and that satisfies the criteria in section 26(a) of the Act (the "Trustee"). The trust agreement and the master trust indenture are referred to collectively as the "Trust Agreement."

3. The Sponsor will perform the normal functions of a unit investment trust sponsor. The Sponsor will deposit the zero coupon obligations, if any, and equity securities (collectively, "Securities") in the Trust Series at the price determined by an independent evaluator. The Sponsor expects to deposit in each Trust Series substantially more than $100,000 aggregate value of equity securities or zero coupon obligations and equity securities. All zero coupon obligations in any one Trust Series will have essentially identical maturities, and the Sponsor will purchase all Securities from third parties.

4. Simultaneously with the deposit of Securities in a Trust Series, the Trustee will deliver to the Sponsor registered certificates for units (the "Units") that will represent the entire ownership of the Trust Series (owners of such Units are hereinafter referred to as "Unitholders"). The Units in turn will be offered for sale to the public following the effectiveness of the registration statement relating to the Trust Series and clearance by the securities authorities of the various states. Applicants intend to offer each Trust Series to the public initially at prices based on the closing sale prices of listed equity securities and the asking prices of over-the-counter traded equity securities selected for deposit in the Trust Series, plus the offering side value of the zero coupon obligations contained therein, if any, plus a sales charge.

5. With the deposit of the Securities in the Trust Series containing zero coupon obligations on the initial date of deposit, the Sponsor will have established a proportionate relationship between the zero coupon obligations and equity securities in the Trust Series. The Sponsor will be permitted under the Trust Agreement to deposit additional Securities, which may result

in a potential corresponding increase in the number of Units outstanding. The Sponsor anticipates that any addition Securities deposited in the Trust Series after the initial date of deposit will maintain the proportionate relationship between the zero coupon obligations and equity securities in the Trust Series. The original percentage relationships between zero coupon obligations and equity securities will be set forth in the prospectus and in each Trust Agreement.

6. Each Trust Series that contains zero coupon obligations will be structured to ensure that, at the specified maturity date for that Trust Series, the initial investors in such Trust Series will receive back at least the total amount of their original investment in the Trust Series, including the sales charge. Thus, the principal value of the maturing zero coupon obligations in each Trust Series will at least equal the original purchase price of the Units of such Trust Series. Zero coupon obligations deposited in the Trust Series will be non-callable or callable at par.

7. The Trust Series will redeem Units at prices based on the aggregate bid side evaluation of the zero coupon obligations, if any, and the closing sale prices of listed equity securities and the bid prices of over-the-counter traded equity securities.

8. Although not obligated to do so, the Sponsor intends to maintain a secondary market for the Units. The existence of such a secondary market will reduce the number of Units tendered to the Trustee for redemption and thus alleviate the necessity of selling portfolio securities to raise the cash necessary to meet such redemptions. In the event that the Sponsor does not maintain a secondary market, the Trust Agreement will provide that the Sponsor will not instruct the Trustee to sell zero coupon obligations from any Trust Series that contains zero coupon obligations until equity securities have been liquidated in order not to impair the protection provided by the zero coupon obligations, unless the Trustee is able to sell such zero coupon obligations and still maintain at least the original proportional relationship to Unit value. The Trust Agreement also will provide that zero coupon obligations may not be sold to meet Trust expenses.

Applicants' Legal Analysis

1. Section 14(a) of the Act generally requires investment companies to have $100,000 of net worth prior to making a public offering. Rule 14a–3 thereunder exempts unit investment trusts from this provision if certain conditions are complied with, one of which is that the trust invest only in "eligible trust securities" as defined in the rule. The Trust may not rely on this rule because equity securities are not eligible trust securities.

2. The Sponsor will deposit substantially more than $100,000 of equity securities or zero coupon obligations and equity securities in each Trust Series. However, applicants acknowledge that the SEC has interpreted section 14(a) as requiring that the initial capital investment in an investment company be made without any intention to dispose of the investment. Under this interpretation, a Trust Series would not satisfy section 14(a) because of the Sponsor's intention to sell all the Units thereof. Accordingly, applicants request an exemption from section 14(a). Applicants will comply in all respects with the requirements of rule 14a–3, except that the Trust will not restrict its portfolio investments to "eligible trust securities."

3. Section 19(b) and rule 19b–1 thereunder provide that no registered investment company may distribute long-term gains more than once every twelve months. Applicants state that these provisions were designed to remove the temptation to realize capital gains on a frequent and regular basis, and to eliminate attempts by investment advisers to time distributions to be advantageous to shareholders. Applicants also indicate that there was concern that investors would be confused by a failure to distinguish between regular distributions of capital gains and distributions of investment income.

4. Rule 19b–1(c), under certain circumstances, excepts a unit investment trust investing in "eligible trust securities" as defined in rule 14a–3(b) from the requirements of rule 19b–1. Applicants believe that this exception recognizes the danger of making manipulative capital gains distributions that would be to the detriment of Unitholders is largely eliminated for unit investment trusts, as the conditions under which capital gains are realized are beyond the control of the Sponsor, and capital gains are clearly identifiable. However, the Trust does not qualify for the exemption in rule 19b–1(c) because it does not limit its investments to "eligible trust securities." Applicants therefore request an exemption from rule 19b–1 to the extent necessary to permit capital gains earned in connection with the sale of equity securities to be distributed to Unitholders along with the Trust's regular distributions.

5. Applicants assert that the dangers that section 19(b) and rule 19b–1 are designed to prevent do not exist in the Trust. Any gains from the sale of equity securities would be triggered by the need to meet Trust expenses or by requests to redeem Units, events over which the Sponsor and the Trust have no control. Applicants state that the Sponsor has control over the actual redemption of Units to the extent it makes a market in Units. However, applicants also state that the Sponsor has no incentive to redeem or permit the redemption of Units in order to generate capital gains for the purpose section 19(b) or rule 19b–1 were designed to protect against. Aside from the fact that the Sponsor intends to maintain a secondary market and that the current realization and distribution of gains is not an objective of the Trust, applicants believe that cash generated from the sale of equity securities will be used to pay expenses and meet redemptions and will not generate distributions to Unitholders. Moreover, applicants state that since principal distributions are clearly indicated in accompanying reports to Unitholders as a return of principal and are relatively small in comparison to normal distributions, there is little danger of confusion from failure to differentiate among distributions.

6. Applicants believe that the requested exemption is consistent with the purposes and policies of the Act, and would be in the best interests of the Unitholders.

Applicants' Condition

Applicants agree to the following as a condition to the granting of the requested relief:

Applicants will comply in all respects with the requirements of rule 14a–3, except that the Trust will not restrict its portfolio investments to "eligible trust securities."

For the SEC, by the Division of Investment Management, under delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 94–25042 Filed 10–7–94; 8:45 am]

BILLING CODE 8010–01–M

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Loan Area #2728]

Georgia; Declaration of Disaster Loan Area (Amendment #6)

The above-numbered Declaration is hereby amended to make a correction to Amendment #5, dated October 3, 1994, which extended the deadline for filing

applications for physical damages resulting from Tropical Storm Alberto to November 3, 1994. The second paragraph of that Amendment inadvertently mentioned a previous deadline of September 4, 1994 which should be disregarded.

All other information remains the same, i.e., the termination date for filing applications for economic injury is April 7, 1995.

The economic injury number for Georgia is 829300.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008.)

Dated: October 4, 1994.

Bernard Kulik,

Associate Administrator for Disaster Assistance.

[FR Doc. 94–25051 Filed 10–7–94; 8:45 am]

BILLING CODE 8025–01–M

[License No. 07/07–0096]

KCEP I, L.P.; Notice of Issuance of a Small Business Investment Company License

On August 12, 1994, a notice was published in the **Federal Register** (59 FR 41548) stating that an application has been filed by KCEP I, L.P., 4200 Somerset, Prairie Village, Kansas, with the Small Business Administration (SBA) pursuant to Section 107.102 of the Regulations governing small business investment companies (13 CFR 107.102 (1994)) for a license to operate as a small business investment company.

Investment parties were given until close of business August 29, 1994 to submit their comments to SBA. No comments were received.

Notice is hereby given that, pursuant to Section 301(c) of the Small Business Investment Act of 1958, as amended, after having considered the application and all other pertinent information, SBA issued License No. 07/07–0096 on September 19, 1994, to KCEP I, L.P. to operate as a small business investment company.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

Dated: September 26, 1994.

Robert D. Stillman,

Associate Administrator for Investment.

[FR Doc. 94–24941 Filed 10–7–94; 8:45 am]

BILLING CODE 8025–01–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Aviation Rulemaking Advisory Committee; Friction Measurement and Signing Working Group

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of establishment of friction measurement and signing working group.

SUMMARY: Notice is given of the establishment of the Friction Measurement and Signing Working Group of the Aviation Rulemaking Advisory Committee (ARAC). This notice informs the public of the activities of the ARAC on airport certification issues.

FOR FURTHER INFORMATION CONTACT: Robert E. David, Assistant Executive Director, Airport Certification Issues, Aviation Rulemaking Advisory Committee, Office of Airport and Safety Standards (AAS–300), 800 Independence Avenue SW., Washington, DC 20591, telephone (202) 267–3085; fax (202) 267–5383.

SUPPLEMENTARY INFORMATION: The Federal Aviation Administration has established an Aviation Rulemaking Advisory Committee (ARAC) (56 FR 219, January 22, 1991; and 58 FR 9230, February 19, 1993). One area of the ARAC deals with airport certification issues.

Task

Specifically, the working group's tasks are the following:

Review Code of Federal Regulations (CFR) Title 14, Chapter I, Part 139 and supporting material, previous studies and surveys, procedures and interpretations for the purpose of determining if it would be appropriate to undertake rulemaking and/or develop policy relative to performing friction measurement to be used in the maintenance of air carrier runway surfaces; and

Review CFR Title 14, Chapter I, Part 139 and Advisory Circular 150/5340–18C, "Standards for Airport Sign Systems," and supporting material for the purpose of developing a notice of proposed rulemaking which would require these distance remaining signs at some or all the airports certificated under part 139.

If deemed appropriate, draft for ARAC notices of proposed rulemaking for each task proposing new or revised requirements, supporting economic analyses and other required analyses, advisory and guidance material, and any other collateral documents the working group determines to be needed.

Reports

A. Recommend time line(s) for completion of the tasks, including rationale, for consideration at the meeting of the ARAC to consider airport certification issues held following publication of this notice.

B. Give a detailed conceptual presentation on the proposed recommendation to the ARAC before proceeding any further with the tasks.

C. Give a status report on the tasks at each meeting of the ARAC held to consider airport certification issues.

The Friction Measurement and Signing Working Group will be comprised of experts from those organizations having an interest in the task assigned. A working group member need not necessarily be a representative of one of the member organizations of ARAC. An individual who has expertise in the subject matter and wishes to become a member of the working group should write the person listed under the caption **FOR FURTHER INFORMATION CONTACT** expressing that desire, describing his or her interest in the task, and the expertise he or she would bring to the working group. The request will be reviewed with the Assistant Chair of the ARAC for airport certification issues and the Chair of the Friction Measurement and Signing Working Group, and the individual will be advised whether or not the request can be accommodated.

The Secretary of Transportation has determined that the formation and use of the ARAC are necessary in the public interest in connection with the performance of duties imposed on the FAA by law. Meetings of the ARAC to consider airport certification issues will be open to the public except as authorized by section 10(d) of the Federal Advisory Committee Act. Meetings of the Friction Measurement and Signing Working Group will not be open to the public, except to the extent that individuals with an interest and expertise are selected to participate. No public announcement of working group meetings will be made.

Issued in Washington, DC, on October 4, 1994.

Robert E. David,

Assistant Executive Director for Airport Certification Issues, Aviation Rulemaking Advisory Committee.

[FR Doc. 94–24955 Filed 10–7–94; 8:45 am]

BILLING CODE 4910–3–M

Notice of Intent To Rule on Application To Impose and Use the Revenue From a Passenger Facility Charge (PFC) at Brainerd-Crow Wing County Regional Airport/Walter F. Wieland Field, Brainerd, MN

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of intent to rule on application.

SUMMARY: The FAA proposes to rule and invites public comment on the application to impose and use the revenue from a PFC at Brainerd-Crow Wing County Regional Airport/Walter F. Wieland Field under the provisions of the Aviation Safety and Capacity Expansion Act of 1990 (Title IX of the Omnibus Budget Reconciliation Act of 1990) (Public Law 101–508) and Part 158 of the Federal Aviation Regulations (14 CFR Part 158).

DATES: Comments must be received on or before November 10, 1994.

ADDRESSES: Comments on this application may be mailed or delivered in triplicate to the FAA at the following address: Federal Aviation Administration; Minneapolis Airports District Office, 6020 28th Avenue South, Room 102; Minneapolis, Minnesota 55450.

In addition, one copy of any comments submitted to the FAA must be mailed or delivered to Mr. Steve Sievek, Airport Manager, Brainerd-Crow Wing County Regional Airport/Walter F. Wieland Field, at the following address: Brainerd-Crow Wing County Regional Airport Commission; 2375 Airport Rd NE; Brainerd, Minnesota 56401–9764.

Air carriers and foreign air carriers may submit copies of written comments previously provided to the Brainerd-Crow Wing County Regional Airport Commission under section 158.23 of Part 158.

FOR FURTHER INFORMATION CONTACT: Mr. Franklin D. Benson, Manager, Minneapolis Airports District Office, 6020 28th Avenue South, Room 102, Minneapolis, Minnesota 55450, (612) 725–4221. The application may be reviewed in person at this same location.

SUPPLEMENTARY INFORMATION: The FAA proposes to rule and invites public comment on the application to impose and use the revenue from a PFC at the Brainerd-Crow Wing County Regional Airport/Walter F. Wieland Field under the provisions of the Aviation Safety and Capacity Expansion Act of 1990 (Title IX of the Omnibus Budget Reconciliation Act of 1990) (Pub. L. 101–508) and part 158 of the Federal Aviation Regulations (14 CFR part 158).

On September 12, 1994, the FAA determined that the application to impose and use the revenue from a PFC submitted by the Brainerd-Crow Wing County Regional Airport Commission was substantially complete within the requirements of § 158.25 of Part 158. The FAA will approve or disapprove the application, in whole or in part, no later than December 29, 1994.

The following is a brief overview of the application.

Level of the proposed PFC: $3.00.

Proposed charge effective date: March 1, 1995.

Proposed charge expiration date: April 1, 2002.

Total estimated PFC revenue: $310,250.

Brief description of proposed project(s):

1. Install deer fence.
2. Install safety fence.
3. Construct segmented circle.
4. Relocate airport rotating beacon.
5. Restructure (rout and seal) pavement cracks for the general aviation aircraft parking apron, airport access road, entrance road and non revenue parking area.
6. Apply fuel resistant seal coat to a portion of the general aviation aircraft parking apron, to the remainder of the general aviation apron, apron edge taxiway, and remark.
7. Construct heliport taxiway and helicopter parking apron.
8. Construct heliport access road and vehicle parking lot.
9. Update Airport Layout Plan (ALP) and Land Inventory Map.
10. Administration costs (consultant services) for PFC applications.
11. Install fire alarm system in the Aircraft Rescue and Fire Fighting (ARFF) Building, Airline Terminal Building, and the General Aviation Terminal Building.
12. Prepare Environmental Assessment for Runway 5 Medium Intensity Approach Lighting System with Runway Alignment Indicator Lights (MALSR) and localizer.
13. Engineering support for Environmental Assessment related to a proposed new runway.
14. Prepare Environmental Impact Statement for proposed new runway.
15. Install Medium Intensity Taxiway Edge Lights (MITL) for taxiways serving Runways 5/23 & 12/30.
16. Replace high speed snow plow.
17. Acquire loader/bucket.
18. Airline & General Aviation Terminal Building expansion/remodeling.
19. Refurbish/Expand Airline Terminal Building Class or classes of air carriers which the public agency has requested not be required to collect PFCs: Air Taxi/Commercial Operators.

Any person may inspect the application in person at the FAA office listed above under **FOR FURTHER INFORMATION CONTACT.**

In addition, any person may, upon request, inspect the application, notice and other documents germane to the application in person at the Brainerd-Crow Wing County Regional Airport/Walter F. Wieland Field.

Issued in Des Plaines, Illinois, on September 27, 1994.

Benito De Leon,

Manager, Airports Planning/Programming Branch, Great Lakes Region.

[FR Doc. 94–24958 Filed 10–7–94; 8:45 am]

BILLING CODE 4910–13–M

Notice of Intent To Rule on Application To Change Two Projects From Impose Only to Impose and Use the Revenue From a Passenger Facility Charge (PFC) at San Jose International Airport, San Jose, CA

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of intent to rule on application.

SUMMARY: The Federal Aviation Administration (FAA) proposes to rule and invites public comment on the application to impose and use PFC revenue for two previously approved impose only projects at San Jose International Airport under the provisions of the Aviation Safety and Capacity Expansion Act of 1990 (Title IX of the Omnibus Budget Reconciliation Act of 1990 (Pub. L. 101–508) and 14 CFR part 158.

DATES: Comments must be received on or before November 10, 1994.

ADDRESSES: Comments on this application may be mailed or delivered in triplicate to the FAA at the following address: Airports Division, P.O. Box 92007, Worldway Postal Center, Los Angeles, CA 90009 or San Francisco Airports District Office, 831 Mitten Road, Room 210, Burlingame, CA 94010–1303. In addition, one copy of any comments submitted to the FAA must be mailed or delivered to Mr. Ralph G. Tonseth, Director of Aviation, San Jose International Airport, 1661 Airport Boulevard, San Jose, California 95110–1285. Comments from air carriers and foreign air carriers may be in the same form as provided to the city of San Jose under section 158.23 of Part 158.

FOR FURTHER INFORMATION CONTACT: Mr. Joseph R. Rodriguez, Supervisor, Planning and Programming Section,

Airports District Office, 831 Mitten Road, Room 210, Burlingame, CA 94010–1303, Telephone: (415) 876–2805. The application may be reviewed in person at this same location.

SUPPLEMENTARY INFORMATION: On September 15, 1994, the FAA determined that the application to impose and use the revenue from a PFC submitted by the city of San Jose was substantially complete within the requirements of § 158.25 of part 158. The FAA will approve or disapprove the application, in whole or in part, no later than December 16, 1994.

Brief description of the proposed projects: Control Tower Site Restoration—Total Project Cost $1,250,000; Fire Station Remodel has now been increased by $130,000 for a total project cost of $330,000. These projects are both previously approved impose only projects contained within an overall PFC package which was approved on June 11, 1992. They will not increase the $3.00 level of collection, the charge effective date or the classes of air carriers which are currently not required to collect PFCs at San Jose International Airport. The proposed charge expiration date is April 6, 1997.

Any person may inspect the application in person at the FAA office listed above: In addition, any person may, upon request, inspect the application, notice and other documents germane to the application in person at the city of San Jose.

Issued in Hawthorne, California, on September 21, 1994.

Herman C. Bliss,

Manager, Airports Division, Western-Pacific Region.

[FR Doc. 94–24959 Filed 10–7–94; 8:45 am]

BILLING CODE 4910–13–M

Notice of Passenger Facility Fee (PFF) Approvals and Disapprovals

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Monthly notice of PFF approvals and disapprovals. In August 1994, there were seven applications and three amendments approved.

SUMMARY: The FAA publishes a monthly notice, as appropriate, of PFC approvals and disapprovals under the provisions of 49 U.S.C. 40117 (Pub. L. 103–272) and part 158 of the Federal Aviation Regulations (14 CFR part 158). This notice is published pursuant to paragraph d of § 158.29.

PFC APPLICATIONS APPROVED

PUBLIC AGENCY: Tupelo Airport Authority, Tupelo, Mississippi.
APPLICATION NUMBER: 94–01–C–00–TUP.
APPLICATION TYPE: Impose and Use PFC Revenue.
PFC LEVEL: $3.00.
TOTAL APPROVED NET PFC REVENUE: $461,000.
CHARGE EFFECTIVE DATE: November 1, 1994.
ESTIMATED CHARGE EXPIRATION DATE: January 1, 2000.
CLASS OF AIR CARRIERS NOT REQUIRED TO COLLECT PFC'S: None.
BRIEF DESCRIPTION OF PROJECT APPROVED FOR COLLECTION AND USE: Rehabilitate airline terminal ramp.
BRIEF DESCRIPTION OF PROJECTS APPROVED FOR COLLECT ONLY: Overlay and groove runway 18/36, Expand airport terminal building.
DECISION DATE: August 3, 1994.
FOR FURTHER INFORMATION CONTACT: Elton Jay, Jackson Airports District Office, (601) 965–4628.

PUBLIC AGENCY: Maryland Aviation Administration (MAA), Baltimore, Maryland.
APPLICATION NUMBER: 94–02–C–00–BWI.
APPLICATION TYPE: Impose and Use PFC Revenue.
PFC LEVEL: $3.00.
TOTAL APPROVED NET PFC REVENUE: $286,593,094
CHARGE EFFECTIVE DATE: October 1, 1992.
ESTIMATED CHARGE EXPIRATION DATE FOR THIS APPLICATION: April 1, 2009.
CLASS OF AIR CARRIERS NOT REQUIRED TO COLLECT PFC'S: The MAA has previously been approved to exclude Part 135 air taxi/commercial operators in the FAA's July 27, 1992, Record of Decision.
DETERMINATION: No change from previously approved application.
BRIEF DESCRIPTION OF PROJECTS APPROVED USE: New international terminal, Terminal roadway improvements, Runway 10/28 extension.
BRIEF DESCRIPTION OF PROJECTS APPROVED FOR COLLECTION AND USE: Pier C extension, Aircraft deicing facilities.
DECISION DATE: August 9, 1994.
FOR FURTHER INFORMATION CONTACT: Robert Mendez, Washington Airports District Office, (703) 285–22570.

PUBLIC AGENCY: Dade County Aviation Department, Miami, Florida.
APPLICATION NUMBER: 94–01–C–00–MIA.
APPLICATION TYPE: Impose and Use PFC Revenue.
PFC LEVEL: $3.00.
TOTAL APPROVED NET PFC REVENUE: $64,770,000.
CHARGE EFFECTIVE DATE: November 1, 1994.
ESTIMATED CHARGE EXPIRATION DATE: August 1, 1996.
CLASS OF AIR CARRIERS NOT REQUIRED TO COLLECT PFC'S: Air taxi/commercial operators filing FAA Form 1800–1.
DETERMINATION: Approved. Based on information submitted by the public agency, the FAA has determined that the proposed class accounts for less than 1 percent of the total annual enplanements at Miami International Airport.
BRIEF DESCRIPTION OF PROJECTS APPROVED FOR COLLECTION AND USE: Concourse A expansion, phase 1A, Concourse A expansion, phase 1B, Concourse A phase I apron and utility corridor, Ground transportation improvements bid package C–2.
BRIEF DESCRIPTION OF PROJECTS APPROVED FOR COLLECTION ONLY: Concourse A expansion, phase II, Concourse A phase II apron and utilities.
DECISION DATE: August 19, 1994.
FOR FURTHER INFORMATION CONTACT: Bart Vernace, Orlando Airports District Office, (407) 648–6583.

PUBLIC AGENCY: Humboldt County, Arcata, California.
APPLICATION NUMBER: 94–02–C–00–ACV.
APPLICATION TYPE: Impose and Use PFC Revenue.
PFC LEVEL: $3.00.
APPLICATION TYPE: Impose and Use PFC Revenue.
PFC LEVEL: $3.00.
TOTAL APPROVED NET PFC REVENUE: $369,500.
CHARGE EFFECTIVE DATE: November 1, 1996.
ESTIMATED CHARGE EXPIRATION DATE: November 1, 1996.
CLASS OF AIR CARRIERS NOT REQUIRED TO COLLECT PFC'S: None.
BRIEF DESCRIPTION OF PROJECTS APPROVED FOR COLLECTION AND USE AT ARCATA/EUREKA AIRPORT (ACF): Arcata Airport building demolition, Arcata Airport fire hydrant system replacement, ACV Kjer Road property acquisition, Matching fund balance (overlay and groove runway 14/32).
BRIEF DESCRIPTION OF PROJECT APPROVED FOR COLLECTION AT

ACV AND USE AT ROHNERVILLE AIRPORT: Rohnerville emergency generator replacement.
BRIEF DESCRIPTION OF PROJECT APPROVED FOR COLLECTION AT ACV AND USE AT MURRAY FIELD AIRPORT: Rehabilitation of runway 11/29, taxiways, and aprons; acquire and install emergency generator.
BRIEF DESCRIPTION OF PROJECT DISAPPROVED FOR COLLECTION AT ACV: Airport master plans and airport layout plans update.
DETERMINATION: Disapproved. This project is not eligible in accordance with Part 158.3 because costs were incurred prior to the November 5, 1990, eligibility date for the PFC program.
DECISION DATE: August 23, 1994.
FOR FURTHER INFORMATION CONTACT: Joseph R. Rodriquez, San Francisco Airports Division, (415) 876–2805.
PUBLIC AGENCY: County of Victoria, Victoria, Texas.
APPLICATION NUMBER: 94–01–C–00–VCT.
APPLICATION TYPE: Impose and Use PFC Revenue.
PFC LEVEL: $3.00.
TOTAL APPROVED NET PFC REVENUE: $195,960.
CHARGE EFFECTIVE DATE: December 1, 1994.
ESTIMATED CHARGE EXPIRATION DATE: December 1, 1994.
CLASS OF AIR CARRIERS NOT REQUIRED TO COLLECT PFC'S: None.
BRIEF DESCRIPTION OF PROJECTS APPROVED FOR COLLECTION AND USE: Construct new passenger terminal.
DECISION DATE: August 25, 1994.
FOR FURTHER INFORMATION CONTACT: Ben Guttery, Southwest Region Airports Division, (817) 222–5614.
PUBLIC AGENCY: St. Joseph County Airport Authority, South Bend, Indiana.
APPLICATION NUMBER: 94–01–C–00–SBN.
APPLICATION TYPE: Impose and Use PFC Revenue.
PFC LEVEL: $3.00.
TOTAL APPROVED NET PFC REVENUE: $9,185,403.
CHARGE EFFECTIVE DATE: November 1, 1996.
ESTIMATED CHARGE EXPIRATION DATE: March 1, 2003.
CLASS OF AIR CARRIERS NOT REQUIRED TO COLLECT PFC'S: On-demand Part 135 air taxi operators with less than 15 seats.
DETERMINATION: Approved. Based on information submitted by the public agency, the FAA has determined that the proposed class accounts for less than 1 percent of the total annual enplanements at the Michiana Regional Transportation Center.
BRIEF DESCRIPTION OF PROJECTS APPROVED FOR COLLECTION AND USE:
Terminal building and railroad station expansion,
Rail spur and platform,
Land acquisition for runway 9R runway protection zone,
Construction of runway 9L–27R with parallel taxiway, phases I & II,
Perimeter security fencing,
Loading bridge and elevation transition facility,
Perimeter road modifications for railroad spur construction,
Rehabilitation of runway 9R–27L and portions of parallel taxiway,
Installation of Part 139 taxiway guidance signs,
Installation of Part 107.14 security access control system,
Install [runway] surface scan system enhancement,
Acquisition of snow removal equipment.
DECISION DATE: August 26, 1994.
FOR FURTHER INFORMATION CONTACT: Louis Yates, Chicago Airports District Office, (708) 294–7526.
PUBLIC AGENCY: Bloomington-Normal Airport Authority
APPLICATION NUMBER: 94–01–C–00–BMI.
APPLICATION TYPE: Impose and Use PFC Revenue.
PFC LEVEL: $3.00.
TOTAL APPROVED NET PFC REVENUE: $3,855.012.
CHARGE EFFECTIVE DATE: November 1, 1994.
ESTIMATED CHARGE EXPIRATION DATE: May 1, 2010.
CLASS OF AIR CARRIERS NOT REQUIRED TO COLLECT PFC'S: None.
BRIEF DESCRIPTION OF PROJECTS APPROVED FOR COLLECTION AND USE: PFC administration, Aircraft rescue and firefighting access road, Baggage claim improvements, Land acquisition.
DECISION DATE: August 30, 1994.
FOR FURTHER INFORMATION CONTACT: Louis H. Yates, Chicago Airports District Office, (708) 294–7335.

AMENDMENTS TO PFC APPROVALS:

Amendment No., city, state	Amendment approved date	Original approved net PFC revenue	Amended approved net PFC revenue	Original estimated charge expiration date	Amended estimated charge expiration date
93–01–C–01–MSY, New Orleans, LA	08/22/1994	$77,800,372	$193,889,875	04/01/2000	01/01/2014
92–01–C–01–MTH	8/16/1994	153,556	398,936	06/01/1995	06/01/1998
93–02–C–02–AUS	08/04/1994	$609,700	$6,799,000	06/04/1993	12/31/1994

Issued in Washington, D.C. on September 29, 1994.

Donna Taylor,

Manager, Passenger Facility Charge Branch.

CUMULATIVE LIST OF PFC APPLICATIONS PREVIOUSLY APPROVED

State, application No., airport, city	Date approved	Level of PFC	Total approved net PFC revenue	Earliest charge effective date	Estimated charge expiration date *
Alabama:					
94–01–I–00–HSV, Huntsville Intl—Carl T. Jones Field, Huntsville	03/06/1992	$3	$20,831,051	06/01/1992	11/01/2008
93–02–U–00–HSV, Huntsville Intl—Carl T Jones Field, Huntsville	06/03/1993	3	0	09/01/1993	11/01/2008

CUMULATIVE LIST OF PFC APPLICATIONS PREVIOUSLY APPROVED—Continued

State, application No., airport, city	Date approved	Level of PFC	Total approved net PFC revenue	Earliest charge effective date	Estimated charge expiration date *
94–03–C–00–HSV, Huntsville Intl—Carl T Jones Field, Huntsville	06/29/1994	3	0	09/01/1994	11/01/2008
92–01–C–00–MSL, Muscle Shoals Regional, Muscle Shoals	02/18/1992	3	100,000	06/01/1992	02/01/1995
94–02–C–00–MSL, Muscle Shoals Regional Muscle Shoals	05/17/1994	3	60,000	08/01/1994	10/01/1996
Arizona:					
92–01–C–00–FLG, Flagstaff Pulliam, Flagstaff	09/29/1992	3	2,463,581	12/01/1992	01/01/2015
93–01–C–00–YUM, Yuma MCAS/YUMA International, YUMA	09/09/1993	3	1,678,064	12/01/1993	06/01/2003
Arkansas:					
94–01–I–00–FSM, Forth Smith Municipal, Fort Smith	05/18/1994	3	4,040,076	08/01/1994	04/01/2007
California:					
92–01–C–00–ACV, ARCATA, ARCATA	11/24/1992	3	188,500	02/01/1993	05/01/1994
94–01–C–00–BUR, Burbank-Glendale-Pasadena, Burbank	06/17/1994	3	34,989,000	09/01/1994	10/01/2001
93–01–C–00–CIC, Chico Municipal, Chico	09/29/1993	3	137,043	01/01/1994	06/01/1997
92–01–C–00–IYK, Inyokern, Inyokern	12/10/1992	3	127,500	03/01/1993	09/01/1995
93–01–C–00–LBG, Long Beach-Daugherty Field, Long Beach	12/30/1993	3	3,533,766	03/01/1994	03/01/1998
93–01–C–00–LAX, Los Angeles International, Los Angeles	03/26/1993	3	360,000,000	07/01/1993	07/01/1998
94–01–C–00–MOD., Modesto City—County Arpt—Harry Sham, Modesto	05/23/1994	3	300,370	08/01/1994	08/01/2001
93–01–C–00–MRY., Monterey Peninsula, Monterey	10/08/1993	3	3,960,855	01/01/1994	06/01/2000
92–01–C–00–OAK., Metropolitan Oakland International, Oakland	06/26/1992	3	12,343,000	09/01/1992	05/01/1994
94–02–C–00–OAK., Metropolitan Oakland International, Oakland	02/23/1994	3	8,999,000	05/01/1994	04/01/1995
93–01–I–00–ONT., Ontario International, Ontario	03/26/1993	3	49,000,000	07/01/1993	07/01/1998
92–01–C–00–PSP., Palm Springs Regional, Palm Springs	06/25/1992	3	81,888,919	10/01/1992	11/01/2032
92–01–C–00–SMF., Sacramento Metropolitan Sacramento	01/26/1993	3	24,045,000	04/01/1993	03/01/1996
92–01–C–00–SJC., San Jose International, San Jose	06/11/1992	3	29,228,826	09/01/1992	08/01/1995
93–02–U–00–SJC., San Jose International, San Jose	02/22/1993	3	0	05/01/1993	08/01/1995
93–03–C–00–SJC., San Jose International, San Jose	06/16/1993	3	16,245,000	08/01/1995	05/01/1997
92–01–C–00–SBP., San Luis Obispo County—Mochesney Field, San Luis Obispo	11/24/1992	3	502,437	02/01/1993	02/01/1995
92–01–C–00–STS., Somoma County, Santa Rosa	02/19/1993	3	110,500	05/01/1993	04/01/1995
94–02–C–00–STS., Somoma County, Santa Rosa	07/13/1994	3	272,365	10/01/1994	07/01/1997
91–01–I–00–TVL., Lake Tahoe, South Lake Tahoe	05/01/1992	3	928,747	08/01/1992	03/01/1997
Colorado:					
92–01–C–00–COS, Colorado Springs Municipal, Colorado Springs	12/22/1992	3	5,622,000	03/01/1993	02/01/1996
92–01–C–00–DVX, Denver International (New), Denver	04/28/1992	3	2,330,734,321	07/01/1992	01/01/2026
93–01–C–00–EGE, Eagle County Regional, Eagle	06/15/1993	3	572,609	09/01/1993	04/01/1998
93–01–C–00–FNL, Fort Collins-Loveland, Fort Collins	07/14/1993	3	207,857	10/01/1993	06/01/1996
92–01–C–00–GJT, Walker Field, Grand Junction	01/15/1993	3	1,812,000	04/01/1993	03/01/1998
93–01–C–00–GUC, Gunnison County, Gunnison	08/27/1993	3	702,133	11/01/1993	03/01/1998
93–01–C–00–HDN, Yampa Valley, Hayden	08/23/1993	3	532,881	11/01/1993	04/01/1997
93–01–C–00–MTJ, Montrose County, Montrose	07/29/1993	3	1,461,745	11/01/1993	02/01/2009
93–01–C–00–PUB, Pueblo Memorial, Pueblo	08/16/1993	3	1,200,745	11/01/1993	08/01/2010
92–01–C–00–SBS, Steamboat Springs/Bob Adams Field, Steamboat Springs	01/15/1993	3	1,887,337	04/01/1993	04/01/2012
92–01–C–00–TEX, Telluride Regional, Telluride	11/23/1992	3	200,000	03/01/1993	11/01/1997
Connecticut:					
93–01–C–00–HVN, Tweed-New Haven, New Haven	09/10/1993	3	2,490,450	12/01/1993	06/01/1999
93–02–I–00–BDL, Bradley International, Windsor Locks	07/09/1993	3	12,030,000	10/01/1993	09/01/1995
94–03–U–00–BDL, Bradley International, Windsor Locks	02/22/1994	3	0	05/01/1994	09/01/1995
Florida:					
93–01–C–00–DAB., Daytona Beach Regional, Daytona Beach	04/20/1993	3	7,967,835	07/01/1993	11/01/1999
92–01–C–00–RSW., Southwest Florida International, Fort Myers	08/31/1992	3	253,858,512	11/01/1992	06/01/2014
93–02–U–00–RSW., Southwest Florida International, Fort Myers	05/10/1993	3	0	11/01/1992	06/01/2014
93–01–C–00–JAX., Jacksonville International, Jacksonville	01/28/1994	3	12,258,255	05/01/1994	07/01/1997
92–01–C–00–EYW., Key West International, Key West	12/17/1992	3	945,937	03/01/1993	12/01/1995
92–01–C–00–MTH., Marathon, Marathon	12/17/1992	3	153,556	03/01/1993	06/01/1995
92–01–C–00–MCO., Orlando International, Orlando	11/27/1992	3	167,574,527	02/01/1993	02/01/1998
93–02–C–00–MCO., Orlando International, Orlando	09/24/1993	3	12,957,000	12/01/1993	02/01/1998
93–01–I–00–PFN., Panama City-Bay County International, Panama City	12/01/1993	3	8,238,499	02/01/1994	10/01/2007
92–01–C–00–PNS., Pensacola Regional, Pensacola	11/23/1992	3	4,715,000	02/01/1993	04/01/1996

CUMULATIVE LIST OF PFC APPLICATIONS PREVIOUSLY APPROVED—Continued

State, application No., airport, city	Date approved	Level of PFC	Total approved net PFC revenue	Earliest charge effective date	Estimated charge expiration date *
92–01–I–00–SRQ., Sarasota-Bradenton International, Sarasota	06/29/1992	3	38,715,000	09/01/1992	09/01/2005
92–01–I–00–TLH., Tallahassee Regional, Tallahassee	11/13/1992	3	8,617,154	02/01/1993	12/01/1998
93–02–U–00–TLH., Tallahassee Regional, Tallahassee	12/30/1993	3	0	02/01/1993	06/01/1998
93–01–C–00–TPA., Tampa International, Tampa	07/15/1993	0	0	10/01/1993	09/01/1999
93–01–C–00–PBI., Palm Beach International, West Palm Beach	01/26/1994	3	38,801,096	04/01/1994	04/01/1999
Georgia:					
93–01–C–00–CSG., Columbus Metropolitan, Columbus	10/01/1993	3	534,633	12/01/1993	06/01/1995
91–01–C–00–SAV., Savannah International, Savannah	01/23/1992	3	39,501,502	07/01/1992	03/01/2004
92–01–I–00–VLD., Valdosta Regional, Valdosta	12/23/1992	3	260,526	03/01/1993	10/01/1997
Idaho:					
94–01–C–00–BOI., Boise Air Terminal—Gowen Field, Boise	05/13/1994	3	6,857,774	08/01/1994	10/01/1998
93–01–C–00–SUN., Friedman Memorial, Hailey	06/29/1993	3	188,000	09/01/1993	09/01/1997
92–01–C–00–IDA., Idaho Falls Municipal, Idaho Falls	10/30/1992	3	1,500,000	01/01/1993	01/01/1998
94–01–I–00–LWS., Lewiston—Nez Perce County, Lewiston	02/03/1994	3	229,610	05/01/1994	03/01/1997
94–01–C–00–PIH., Pocatello Regional, Pocatello	06/30/1994	3	400,000	10/01/1994	03/01/2002
92–01–C–00–TWF., Twin Falls—Sun Valley Regional, Twin Falls	08/12/1992	3	270,000	11/01/1992	05/01/1998
Illinois:					
93–01–C–00–MDW., Chicago Midway, Chicago	06/28/1993	3	500,418,285	09/01/1993	10/01/1999
93–01–C–00–ORD., Chicago O'Hare International, Chicago	06/28/1993	3	500,418,285	09/01/1993	10/01/1999
94–01–C–00–UIN., Quincy Municipal Baldwin Field, Quincy	07/08/1994	3	115,517	10/01/1994	07/01/1997
92–01–I–00–RFD., Greater Rockford, Rockford	07/24/1992	3	1,177,348	10/01/1992	10/01/1996
93–02–U–00–RFD., Greater Rockford, Rockford	09/02/1993	3	0	12/01/1993	10/01/1996
92–01–I–00–SPI., Capital, Springfield	03/27/1992	3	562,104	06/01/1992	02/01/1994
93–02–U–00–SPI., Capital Springfield	04/28/1993	3	0	06/01/1992	02/01/1994
93–03–I–00–SPI., Capital Springfield	11/24/1993	3	4,585,443	06/01/1992	02/01/2006
Indiana:					
92–01–C–00–FWA., Fort Wayne International, Fort Wayne	04/05/1993	3	26,563,457	07/01/1993	03/01/2015
93–01–C–00–IND., Indianapolis International, Indianapolis	06/28/1993	3	117,344,750	09/01/1993	07/01/2005
Iowa:					
93–01–C–00–DSM., Des Moines Municipal, Des Moines	11/29/1993	3	6,446,507	03/01/1994	04/01/1997
92–01–I–00–DBQ., Dubuque Regional, Dubuque	10/06/1992	3	148,500	01/01/1993	05/01/1994
94–02–C–00–DBQ., Dubuque Regional, Dubuque	02/09/1994	3	203,420	05/01/1994	02/01/1996
93–01–C–00–SUX., Sioux Gateway, Sioux City	03/12/1993	3	204,465	06/01/1993	06/01/1994
94–01–C–00–ALO., Waterloo Municipal, Waterloo	03/29/1994	3	637,000	06/01/1994	06/01/1998
Kentucky:					
94–01–C–00–CVG., Cincinnati/Northern Kentucky International Covington	03/30/1994	3	20,737,000	06/01/1994	09/01/1995
93–01–C–00–LEX., Blue Grass, Lexington	08/31/1993	3	12,378,791	11/01/1993	05/01/2003
93–01–C–00–PAH., Barkley Regional, Paducah	12/02/1993	3	386,550	03/01/1994	12/01/1998
Louisiana:					
92–01–I–00–BTR, Baton Rouge Metropolitan, Ryan Field, Baton Rouge	09/28/1992	3	9,823,159	12/01/1992	10/01/1998
93–02–U–00–BTR, Baton Rouge Metropolitan, Ryan Field, Baton Rouge	04/23/1993	3	0	12/01/1992	12/01/1998
93–01–C–00–MSY, New Orleans International/Moisant Field, New Orleans	03/19/1993	3	77,800,372	06/01/1993	04/01/2000
93–02–U–00–MSY, New Orleans International/Moisant Field, New Orleans	11/16/1993	3	0	06/01/1993	04/01/2000
93–01–I–00–SHV, Shreveport Reginal, Sheveport	11/19/1993	3	33,050,278	02/01/1994	02/01/2019
Maine:					
93–01–C–00–PWM, Portland International Jetport, Portland	10/29/1993	3	12,233,751	02/01/1994	05/01/2001
Maryland:					
92–01–I–00–BWI, Baltimore-Washington International, Baltimore	07/27/1992	3	141,866,000	10/01/1992	09/01/2002
94–01–I–00–CBE, Greater Cumberland Regional, Cumberland	03/30/1994	3	150,000	07/01/1994	07/01/1999
Massachusetts:					
93–01–C–00–BOS, General Edward L Logan International, Boston	08/24/1993	3	604,794,000	11/01/1993	10/01/2011
92–01–C–00–ORH, Worcester Municipal, Worcester	07/28/1992	3	2,301,382	10/01/1992	10/01/1997
Michigan:					
92–01–C–00–DTW, Detroit Metropolitan—Wayne County, Detroit	09/21/1992	3	640,707,000	12/01/1992	06/01/2009
92–01–I–00–ESC, Delta County, Escanaba	11/17/1992	3	158,325	02/01/1993	08/01/1996
93–01–C–00–FNT, Bishop International, Flint	06/11/1993	3	32,296,450	09/01/1993	09/01/2030

CUMULATIVE LIST OF PFC APPLICATIONS PREVIOUSLY APPROVED—Continued

State, application No., airport, city	Date approved	Level of PFC	Total approved net PFC revenue	Earliest charge effective date	Estimated charge expiration date *
92-01-I-00-GRR, Kent County International, Grand Rapids	09/09/1992	3	12,450,000	12/01/1992	05/01/1998
92-01-C-00-CMX., Houghton County Memorial, Hancock	04/29/1993	3	162,986	07/01/1993	01/01/1996
93-01-C-00-IWD., Gogebic County, Ironwood	05/11/1993	3	74,690	08/01/1993	10/01/1998
93-01-C-00-LAN., Capital City, Lansing	07/23/1993	3	7,355,483	10/01/1993	03/01/2002
92-01-I-00-MQT., Marquette County, Marquette	10/01/1992	3	459,700	12/01/1992	04/01/1996
94-02-U-00-MQT., Marquette County, Marquette	04/06/1994	3	0	07/01/1994	04/01/1996
94-01-C-00-MKG., Muskegon County, Muskegon	02/24/1994	3	5,013,088	05/01/1994	05/01/2019
92-01-C-00-PLN., Pellston Regional—Emmet County, Pellston	12/22/1992	3	440,875	03/01/1993	06/01/98
Minnesota:					
93-01-C-00-BRD., Brainerd—Crow Wing County Regional, Brainerd	05/25/1993	3	43,000	08/01/1993	12/31/1995
94-01-C-00-DLH., Duluth International, Duluth	07/01/1994	3	562,248	10/01/1994	04/01/1996
92-01-C-00-MSP., Minneapolis-St Paul International, Minneapolis	03/31/1992	3	66,355,682	06/01/1992	08/01/1994
94-02-C-00-MSP., Minneapolis-St Paul International, Minneapolis	05/13/1994	3	113,064,000	08/01/1994	06/01/1998
Mississippi:					
91-01-C-00-GTR., Golden Triangle Regional, Columbus	05/08/1992	3	1,693,211	08/01/1992	09/01/2006
92-01-C-00-GPT., Gulfport-Biloxi Regional, Gulfport-Biloxi	04/03/1992	3	390,595	07/01/1992	12/01/1993
93-02-C-00-GPT., Gulfport-Biloxi Regional, Gulfport-Biloxi	11/02/1993	3	607,817	07/01/1992	12/01/1995
92-01-C-00-PIB., Hattiesburg-Laurel Regional, Hattiesburg-Laurel	04/15/1993	3	119,153	07/01/1992	01/01/1998
93-01-C-00-JAN., Jackson International, Jackson	02/10/1993	3	1,918,855	05/01/1993	04/01/1995
92-01-C-00-MEI., Key Field, Meridian	08/21/1992	3	122,500	11/01/1992	06/01/1994
93-01-C-00-MEI., Key Field, Meridian	10/19/1993	3	155,223	11/01/1992	08/01/1996
Missouri:					
93-01-C-00-SGF., Springfield Regional, Springfield	08/30/1993	3	1,937,090	11/01/1993	10/01/1996
92-01-C-00-STL., Lambert—St. Louis International, St. Louis	09/30/1992	3	84,607,850	12/01/1992	03/01/1996
Montana:					
93-01-C-00-BIL., Billings—Logan International Billings	01/26/1994	3	5,672,136	04/01/1994	05/31/2002
93-01-C-00-BZN., Gallatin Field, Bozeman	05/17/1993	3	4,198,000	08/01/1993	06/01/2005
94-01-C-00-BTM., Bert Mooney Butte	04/17/1994	3	410,202	07/01/1994	05/01/2000
92-01-C-00-GTF, Great Falls International, Great Falls	08/28/1992	3	3,010,900	11/01/1992	07/01/2002
93-01-U-00-GTF, Great Falls International, Great Falls	05/25/1993	3	0	11/01/1992	07/01/2002
92-01-C-00-HLN., Helena Regional, Helena	01/15/1993	3	1,056,190	04/01/1993	12/01/1999
93-01-C-00-FCA., Glacier Park International, Kalispell	09/29/1993	3	1,211,000	12/01/1993	11/01/1999
92-01-C-00-MSO., Missoula International, Missoula	06/12/1992	3	1,900,000	09/01/1992	08/01/1997
Nevada:					
91-01-C-00-LAS, McCarran International, Las Vegas	02/24/1992	3	944,028,500	60/01/1992	02/01/2014
93-02-C-00-LAS, McCarran International, Las Vegas	06/07/1993	3	36,500,000	06/01/1992	09/01/2014
94-03-U-00-LAS, McCarran International, Las Vegas	04/20/1994	0	0	07/01/1994	09/01/2014
93-01-C-00-RNO, Reno Cannon International Reno	10/29/1993	3	34,263,607	01/01/1994	05/01/1999
New Hampshire:					
92-01-C-00-MHT., Manchester, Manchester	10/13/1992	3	5,461,000	01/01/1993	03/01/1997
New Jersey:					
92-01-C-00-EWR, Newark International, Newark	07/23/1992	3	84,600,000	10/01/1992	08/01/1995
New York:					
93-01-I-00-ALB., Albany County, Albany	12/03/1993	3	40,726,364	03/01/1994	04/01/2005
93-01-C-00-BGM., Binghamton Regional/Edwin A Link Field, Binghamton	08/18/1993	3	1,872,264	11/01/1993	11/01/1997
92-01-I-00-BUF., Greater Buffalo International, Buffalo	05/29/1992	3	189,873,000	08/01/1992	03/01/2026
92-01-I-00-ITH., Tompkins County, Ithaca	09/28/1992	3	1,900,000	01/01/1993	01/01/1999
92-01-C-00-JHW., Chautauqua County/Jamestown, Jamestown	03/19/1993	3	434,822	06/01/1993	06/01/1996
92-01-C-00-JFK., John F. Kennedy International, New York	07/23/1992	3	109,980,000	10/01/1992	08/01/1995
92-01-C-00-LGA., Laguardia, New York	07/23/1992	3	87,420,000	10/01/1992	08/01/1995
93-01-C-00-PLB., Clinton County, Plattsburgh	04/30/1993	3	227,830	07/01/1993	01/01/1998
94-01-C-00-SLK., Adirondack, Saranac Lake	05/18/1994	3	121,952	08/01/1994	01/01/2003
92-01-C-00-HPN., Westchester County, White Plains	11/09/1992	3	27,883,000	02/01/1993	06/01/2022
North Carolina:					
93-01-C-00-ILM, New Hanover International, Wilmington	11/02/1993	3	1,505,000	02/01/1994	08/01/1997
North Dakota:					
92-01-C-00-GFK., Grant Forks International, Grand Forks	11/16/1992	3	1,016,509	02/01/1993	02/01/1997
93-01-C-00-MOT., Minot International, Minot	12/15/1993	3	1,569,483	03/01/1994	03/01/1999
Ohio:					
92-01-C-00-CAK., Akron-Canton Regional, Akron	06/30/1992	3	3,594,000	09/01/1992	08/01/1996

CUMULATIVE LIST OF PFC APPLICATIONS PREVIOUSLY APPROVED—Continued

State, application No., airport, city	Date approved	Level of PFC	Total approved net PFC revenue	Earliest charge effective date	Estimated charge expiration date *
92–01–C–00–CLE., Cleveland-Hopkins International, Cleveland	09/01/1992	3	34,000,000	11/01/1992	11/01/1995
94–02–U–00–CLE., Cleveland-Hopkins International, Cleveland	02/02/1994	3	0	05/01/1994	11/01/1995
92–01–I–00–CMH., Port Columbus International, Columbus	07/14/1992	3	7,341,707	10/01/1992	03/01/1994
93–02–I–00–CMH., Port Columbus International, Columbus	07/19/1993	3	16,270,256	02/01/1994	09/01/1996
93–03–U–00–CMH., Port Columbus International, Columbus	10/27/1993	3	0	10/01/1992	09/01/1996
94–02–C–00–DAY., James M Cox Dayton International, Dayton	07/25/1994	3	23,467,251	10/01/1994	10/01/2001
93–01–C–00–TOL., Toledo Express, Toledo	06/29/1993	3	2,750,896	09/01/1993	09/01/1996
94–01–C–00–YNG., Youngstown—Warren Regional, Youngstown	02/22/1994	3	351,180	05/01/1994	07/01/1996
Oklahoma:					
92–01–C–00–LAW., Lawton Municipal, Lawton	05/08/1992	3	482,135	08/01/1992	04/01/1996
92–01–I–00–TUL., Tulsa International, Tulsa	05/11/1992	3	9,717,000	08/01/1992	08/01/1995
93–02–U–00–TUL., Tulsa International, Tulsa	10/18/1993	3	0	02/01/1994	08/01/1995
Oregon:					
93–01–C–00–EUG., Mahlon Sweet Field, Eugene	08/31/1993	3	3,729,699	11/01/1993	11/01/1998
93–01–C–00–MFR., Medford-Jackson County, Medford	04/21/1993	3	1,066,142	07/01/1993	11/01/1995
93–01–C–00–OTH., North Bend Municipal, North Bend	11/24/1993	3	182,044	02/01/1994	01/01/1998
92–01–C–00–PDX., Portland International, Portland	04/08/1992	3	317,961,850	07/01/1992	07/01/1994
94–02–C–00–PDX., Portland International, Portland	07/12/1994	3	53,653,440	11/01/1994	09/01/1999
93–01–C–00–RDM., Roberts Field, Redmond	07/02/1993	3	1,191,552	10/01/1993	03/01/2000
Pennsylvania:					
92–01–I–00–ABE., Allentown-Bethlehem-Easton, Allentown	08/28/1992	3	3,778,111	11/01/1992	04/01/1995
92–01–C–00–AOO., Altoona-Blair County, Altoona	02/03/1993	3	198,000	05/01/1993	02/01/1996
92–01–C–00–ERI., Erie International, Erie	07/21/1992	3	1,997,885	10/01/1992	06/01/1997
93–01–C–00–JST., Johnstown-Cambria County, Johnstown	08/31/1993	3	307,500	11/01/1993	02/01/1998
92–01–I–00–PHL., Philadelphia International, Philadelphia	06/29/1992	3	76,169,000	09/01/1992	07/01/1995
93–02–U–00–PHL., Philadelphia International, Philadelphia	05/14/1993	3	0	08/01/1993	07/01/1995
92–01–C–00–Unv., University Park, State College	08/28/1992	3	1,495,974	11/01/1992	07/01/1997
93–01–C–00–AVP, Wilkes-Barre/Scranton International, Wilkes-Barre/Scranton	09/24/1993	3	2,369,566	12/01/1993	06/01/1997
Rhode Island:					
93–01–C–00–PVD., Theordore F. Green State, Providence	11/30/1993	3	103,885,286	02/01/1994	08/01/2013
South Carolina:					
93–01–C–00–CAE., Columbia Metropolitan, Columbia	08/23/1993	3	32,969,942	11/01/1993	09/01/2008
93–01–C–00–49J., Hilton Head, Hilton Head Island	11/19/1993	3	1,542,300	02/01/1994	03/01/1999
Tennessee:					
93–01–C–00–CHA., Lovell Field, Chattanooga	04/26/1994	3	7,177,253	07/01/1994	10/01/2002
93–01–C–00–TYS., McGhee Tyson, Knoxville	10/06/1993	3	5,681,615	01/01/1994	01/01/1997
92–01–I–00–MEM., Memphis International, Memphis	05/28/1992	3	26,000,000	08/01/1992	12/01/1994
93–02–C–00–MEM., Memphis International, Memphis	01/14/1994	3	24,026,000	04/01/1994	10/01/1999
92–01–C–00–BNA., Nashville International, Nashville	10/09/1992	3	143,358,000	01/01/1993	02/01/2004
Texas:					
93–02–C–00–AUS., Robert Mueller Municipal, Austin	06/04/1993	3	6,181,800	11/01/1993	01/01/1995
94–01–C–00–BPT., Jefferson County, Beaumont/Port Authur	06/03/1994	3	563,126	09/01/1994	11/01/1996
93–01–C–00–CRP., Corpus Christi International, Corpus Christi	12/29/1993	3	5,540,745	03/01/1994	01/01/1998
94–01–C–00–DFW., Dallas/Fort Worth International, Dallas/Fort Worth	02/17/1994	3	115,000,000	07/01/1994	02/01/1996
92–01–C–00–ILE., Killeen Municipal, Killeen	10/20/1992	3	243,339	01/01/1993	11/01/1994
93–01–I–00–LRD., Laredo International, Laredo	07/23/1993	3	11,983,000	10/01/1993	09/01/2013
93–01–C–00–LBB., Lubbock International, Lubbock	07/09/1993	3	10,699,749	10/01/1993	02/01/2000
94–02–U–00–LBB., Lubbock International, Lubbock	02/15/1994	3	0	05/01/1994	02/01/2000
92–01–I–00–MAF., Midland International, Midland	10/16/1992	3	35,529,521	01/01/1993	01/01/2013
94–02–U–00–MAF., Midland International, Midland	04/14/1994	3	0	07/01/1994	01/01/2013
93–01–C–00–SJT., Mathis Field, San Angelo	02/24/1993	3	873,716	05/01/1993	11/01/1998
93–01–C–00–TYR., Tyler Pounds Field, Tyler	12/20/1993	3	819,733	03/01/1994	07/01/1998
Virginia:					
93–01–I–00–CHO., Charlottesville-Albemarle, Charlottesville	06/11/1992	2	255,559	09/01/1992	11/01/1993
92–02–U–00–CHO., Charlottesville-Albemarle, Charlottesville	12/21/1992	2	0	09/01/1992	11/01/1993
93–03–U–00–CHO., Charlottesville-Albemarle, Charlottesville	10/20/1993	2	0	01/01/1994	11/01/1993
94–01–C–00–RIC., Richmond International (Byrd Field), Richmond	02/04/1994	3	30,976,072	05/01/1994	08/01/2005

CUMULATIVE LIST OF PFC APPLICATIONS PREVIOUSLY APPROVED—Continued

State, application No., airport, city	Date approved	Level of PFC	Total approved net PFC revenue	Earliest charge effective date	Estimated charge expiration date *
93–01–C–00–IAD., Washington Dulles International, Washington, DC	10/18/1993	3	199,752,390	01/01/1994	11/01/2003
93–01–C–00–DCA., Washington National, Washington, DC	08/16/1993	3	166,739,071	11/01/1993	11/01/2000
94–02–U–00–DCA., Washington National, Washington, DC	04/06/1994	3	0	07/01/1994	11/01/2000
Washington:					
93–01–C–00–BLI., Bellingham International, Bellingham	04/29/1993	3	366,000	07/01/1993	01/01/1995
93–01–C–00–PSC., Tri-Cities, Pasco	08/03/1993	3	1,230,731	11/01/1993	11/01/1996
93–01–C–00–CLM., William R. Fairchild International, Port Angeles	05/24/1993	3	52,000	08/01/1993	08/01/1994
94–01–C–00–PUW., Pullman-Moscow Regional, Pullman	03/22/1994	3	169,288	06/01/1994	01/01/1998
92–01–C–00–SEA., Seattle-Tacoma International, Seattle	08/13/1992	3	28,847,488	11/01/1992	01/01/1994
93–02–C–00–SEA., Seattle-Tacoma International, Seattle	10/25/1993	3	47,500,500	01/01/1994	01/01/1996
93–01–C–00–GEG., Spokane International, Spokane	03/23/1993	3	15,272,000	06/01/1993	12/01/1999
93–01–I–00–ALW., Walla Walla Regional, Walla Walla	08/03/1993	3	1,187,280	11/01/1993	11/01/2014
93–01–C–00–EAT., Pangborn Field, Wenatchee	05/26/1993	3	280,500	08/01/1993	10/01/1995
92–01–C–00–YKM., Yakima Air Terminal, Yakima	11/10/1992	3	416,256	02/01/1993	04/01/1995
West Virginia:					
93–01–C–00–CRW., Yeager, Charleston	05/28/1993	3	3,254,126	08/01/1993	04/01/1998
93–01–C–00–CKB., Benedum, Clarksburg	12/29/1993	3	105,256	04/01/1994	04/01/1996
92–01–C–00–MGW., Morgantown Muni—Walter L. Bill Hart, Morgantown	09/03/1992	3	55,500	12/01/1992	01/01/1994
Wisconsin:					
94–01–C–00–ATW., Outagamie County, Appleton	04/25/1994	3	3,233,645	07/01/1994	09/01/2000
92–01–C–00–GRB., Austin Straubel International, Green Bay	12/28/1992	3	8,140,000	03/01/1993	03/01/2003
94–01–C–00–LSE., La Crosse Municipal, La Crosse	04/06/1994	3	795,299	08/01/1994	08/01/1997
93–01–C–00–MSN., Dane County Regional-Truax Field, Madison	06/22/1993	3	6,746,000	09/01/1993	03/01/1988
93–01–I–00–CWA., Central Wisconsin, Mosinee	08/10/1993	3	7,725,600	11/01/1993	11/01/2012
93–01–C–00–RHI., Rhinelander-Oneida County, Rhinelander	08/04/1993	3	167,201	11/01/1993	04/01/1996
Wyoming:					
93–01–C–00–CPR., Natrona County International, Casper	06/14/1993	3	506,144	09/01/1993	10/01/1996
93–01–C–00–CYS., Cheyenne, Cheyenne	07/30/1993	3	742,261	11/01/1993	08/01/2000
93–01–I–00–GCC., Gillette-Campbell County, Gillette	06/28/1993	3	331,540	09/01/1993	09/01/1999
93–01–C–00–JAC., Jackson Hole, Jackson	05/25/1993	3	1,081,183	08/01/1993	02/01/1996
Guam:					
92–01–C–00–NGM., Agana Nas, Agana	11/10/1992	3	5,632,000	02/01/1993	06/01/1994
93–02–C–00–NGM., Agana Nas, Agana	02/25/1994	3	258,408,107	05/01/1994	06/01/2021
Puerto Rico:					
92–01–C–00–BQN., Rafael Hernandez, Aguadilla	12/29/1992	3	1,053,000	03/01/1993	01/01/1999
92–01–C–00–PSE., Mercedita, Ponce	12/29/1992	3	866,000	03/01/1993	01/01/1999
92–01–C–00–SJU., Luis Munoz Marin International, San Juan	12/29/1992	3	49,768,000	03/01/1993	02/01/1997
92–01–C–00–SJU., Luis Munoz Marin International, San Juan	12/14/1993	3	0	03/01/1994	02/01/1997
Virgin Islands:					
92–01–C–00–STT., Cyril E King, Charlotte Amalie	12/08/1992	3	3,871,005	03/01/1993	02/01/1995
92–01–I–00–STX., Alexander Hamilton, Christiansted St Croix	12/08/1992	3	2,280,465	03/01/1993	05/01/1995

*The estimated charge expiration date is subject to change due to the rate of collection and actual allowable project costs.

[FR Doc. 94–24961 Filed 10–7–94; 8:45 am]
BILLING CODE 4910–13–M

DEPARTMENT OF THE TREASURY

Customs Service

Public Meetings in San Jose California, Atlanta, Georgia and St. Louis, Missouri on Customs Automated Export System

AGENCY: U.S. Customs Service, Department of the Treasury.

ACTION: Notice of meetings.

SUMMARY: This notice announces the locations and dates of public meetings to be held in San Jose, California, Atlanta, Georgia, and St. Louis, Missouri on the development of the Automated Export System (AES). These three meetings are being held to (1) give Customs managers an opportunity to provide exporters information related to the development of AES and (2) give exporters an opportunity to ask questions, make suggestions, and provide Customs with informal ideas related to AES design and functionality. These meetings are being coordinated with the Bureau of the Census and the International Trade Commission of the Department of Commerce.

DATES: San Jose, CA, October 12, 1994 commencing at 8:30 a.m. and again at 1:00 p.m.; Atlanta, GA, October 25, 1994 commencing at 9:00 a.m. and again at 1:00 p.m.; St. Louis, MO, October 27,1994 commencing at 2:00 p.m.

ADDRESSES:

San Jose, CA, San Jose McEnery Convention Center, Room K, 150 West San Carlos Street, San Jose, California
Atlanta, GA, Urban Life Center, Georgia State University, Piedmont Avenue, Atlanta, Georgia
St. Louis, MO, Ramada—Henry VIII Hotel and Conference Center, 4690 North Lindberg Boulevard, St. Louis, Missouri.

FOR FURTHER INFORMATION CONTACT:

San Jose Meeting: Foreign Trade Division, U.S. Bureau of the Census (301) 763–5186; Pre-registration Fax: (301) 763–5070.
Atlanta Meeting: Atlanta Regional Office, U.S. Bureau of the Census, (404) 730–3833; Pre-registration Fax: (404) 730–3835.
St. Louis Meeting: World Trade Club of St. Louis, Inc., (314) 725–9605, Pre-registration Fax: (314) 725–4889.
General AES questions: Lorna Finley, AES Development Team, U.S. Customs Service, 1301 Constitution Avenue, N.W., Room 7331, Washington, DC., 20229, (202) 927–0280.

SUPPLEMENTARY INFORMATION:

Background

In a document published in the **Federal Register** on June 13, 1994, (59 FR 30383) Customs announced its intention of developing an Automated Export System (AES) and informed the public that a series of meetings would be held around the country regarding the AES. This notice is being issued to inform the public of the dates and times of additional meetings which will be held in San Jose, California, Atlanta, Georgia, and St. Louis, Missouri.

Since AES is in the very early design stage, the AES Development Team, in coordination with the Bureau of the Census and the International Trade Administration of the Department of Commerce will be holding this series of three meetings which will focus on exporters for the purpose of (1) giving Customs managers an opportunity to provide exporters information related to the development of AES and (2) giving exporters an opportunity to ask questions, make suggestions, and provide Customs with informal ideas related to AES design and functionality. Each meeting opens with a short presentation on export processing, past, present and future. After this presentation, the floor is open to all attendees for general informal discussion of the AES program.

In this document, Customs is announcing the following public meetings on AES.

1. San Jose, California.
   October 12, 1994. Two Meetings. Each will provide the same information. The first will commence at 8:30 a.m., and the second at 1:00 p.m. San Jose McEnery Convention Center, Room K, 150 W. San Carlos Street, San Jose, California.
   Point of Contact: Foreign Trade Division, U.S. Bureau of the Census (301) 763–5186; Pre-registration Fax (301) 763–5070.
2. Atlanta, Georgia.
   October 25, 1994. Two Meetings. Each will provide the same information. The first will commence at 9:00 a.m., and the second at 1:00 p.m., Urban Life Center, Georgia State University, Piedmont Avenue and Decatur Street, Atlanta, Georgia.
   Point of Contact: Atlanta Regional Office, U.S. Bureau of the Census (404) 730–3833; Pre-registration Fax (404) 730–3835.
3. St. Louis, Missouri.
   October 27, 1994, one meeting, commencing at 2:00 p.m. Ramada—Henry VIII Hotel and Conference Center, 4690 North Lindberg Boulevard, St. Louis, Missouri.
   Point of Contact: World Trade Club of St. Louis, Inc., (314) 725–9605, Pre-registration Fax (314) 725–4889.

In order to ensure that overcrowding does not result, persons planning to attend a meeting are requested to preregister by contacting the telephone or Fax numbers provided above for the city where they plan on attending in advance of the meeting date.

Dated: October 5, 1994.

Harvey B. Fox,

Director, Office of Regulations and Rulings.

[FR Doc. 94–25144 Filed 10–6–94; 11:16 am]

BILLING CODE 4820–02–P

Sunshine Act Meetings

Federal Register

Vol. 59, No. 195

Tuesday, October 11, 1994

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

FEDERAL ENERGY REGULATORY COMMISSION

The following notice of meeting is published pursuant to Section 3(a) of the Government in the Sunshine Act (Pub. L. No. 94–409), 5 U.S.C. 552b:

DATE AND TIME: October 12, 1994, 10 a.m.

PLACE: 825 North Capitol Street, N.E., Room 9306, Washington, D.C. 20426.

STATUS: Open.

MATTERS TO BE CONSIDERED: Agenda.

Note.—Items listed on the agenda may be deleted without further notice.

CONTACT PERSON FOR MORE INFORMATION: Lois D. Cashell, Secretary, Telephone (202) 208–0400. For a recording listing items stricken from or added to the meeting, call (202) 208–1627.

This is a list of matters to be considered by the Commission. It does not include a listing of all papers relevant to the items on the agenda; however, all public documents may be examined in the Reference and Information Center.

Consent Agenda—Hydro, 617th Meeting - October 12, 1994, Regular Meeting (10:00 a.m.)

CAH–1.
Project No. 2541–007, Cascade Power Company
CAH–2.
Project No. 1061–005, Pacific Gas and Electric Company
CAH–3.
Project No. 9690–026, Orange and Rockland Utilities, Inc.
CAH–4.
Omitted
CAH–5.
Project Nos. 588–009 and 2683–009, James River II, Inc.
CAH–6.
Project Nos. 4632–013 and 015, Clifton Power Corporation
CAH–7.
Omitted
CAH–8.
Project No. 2333–005, Rumford Falls Power Company

Consent Agenda—Electric

CAE–1.
Docket No. ER94–950–000, Hermiston Generating Company, L.P.
CAE–2.
Docket No. EF94–5041–000, United States Department of Energy - Western Area Power Administration (Parker-Davis Project)
CAE–3.
Docket No. EL91–28–003, North Carolina Electric Membership Corporation v. Carolina Power and Light Company
CAE–4.
Docket No. EL94–37–000, Toledo Edison Company
CAE–5.
Docket No. ER94–798–000, Massachusetts Electric Company
CAE–6.
Docket Nos. ER94–1348–001 and EL94–85–001, Southern Company Services, Inc.
CAE–7.
Omitted
CAE–8.
Omitted
CAE–9.
Omitted
CAE–10.
Docket No. EL94–79–000, TIFD VIII–H Inc.
CAE–11.
Docket No. EG94–91–000, Entergy Power Development Corporation
CAE–12.
Docket No. EG94–92–000, Entergy Pakistan, Ltd.
CAE–13.
Docket No. EG94–93–000, Destec Operating Canada, Inc.
CAE–14.
Docket No. EG94–94–000, Kingston Cogen Limited Partnership
CAE–15.
Docket No. EG94–95–000, Selkirk Cogen Partners, L.P.
CAE–16.
Docket No. EG94–96–000, Altresco Pittsfield, L.P.
CAE–17.
Docket No. EG94–90–000, WYGEN, Inc.
CAE–18.
Docket No. EL94–83–000, Ogden Martin Systems of Onondaga, Limited Partnership
CAE–19.
Docket No. RM94–21–000, Authorizing Delegation to the Secretary in Proceedings Under Section 210 or Section 211 of the Federal Power Act

Consent Agenda—Oil and Gas

CAG–1.
Docket No. RP94–398–000, Algonquin Gas Transmission Company
CAG–2.
Docket No. RP93–100–000, Dakota Gasification Company
Docket No. RP94–208–000, Natural Gas Pipeline Company of America
Docket No. RP94–222–000, Tennessee Gas Pipeline Company
Docket No. RP94–298–000, Transcontinental Gas Pipe Line Corporation
Docket No. RP94–347–000, ANR Pipeline Company
CAG–3.
Docket No. RP94–221–000, ANR Pipeline Company
CAG–4.
Omitted
CAG–5.
Docket Nos. RP94–104–000, 001 and 002, Overthrust Pipeline Company
CAG–6.
Docket No. RP94–164–004, Trunkline Gas Company
CAG–7.
Docket No. RP94–350–000, Colorado Interstate Gas Company
CAG–8.
Docket No. RP94–401–000, RP94–399–000, 001 and 002, Natural Gas Pipeline Company of America
CAG–9.
Docket No. RP85–202–014, Trunkline Gas Company
CAG–10.
Docket Nos. RP85–203–017 and 014, Panhandle Eastern Pipe Line Company
CAG–11.
Docket No. FA90–68–000, Williams Natural Gas Company
CAG–12.
Omitted
CAG–13.
Docket No. RM94–18–001, Removal of Outdated Regulations Pertaining to the Sales of Natural Gas Production
CAG–14.
Docket No. RP94–214–001, Black Marlin Pipeline Company
CAG–15.
Docket Nos. RP94–182–004 and RP94–272–002, NorAm Gas Transmission Company
CAG–16.
Docket No. RP85–170–011, Texas Eastern Transmission Corporation
CAG–17.
Docket No. RP85–181–007, Texas Gas Transmission Corporation
CAG–18.
Docket No. TM94–5–34–002, Florida Gas Transmission Company
CAG–19.
Docket No. GT94–57–001, Colorado Interstate Gas Company
CAG–20.
Docket Nos. RP85–203–016 and 013, Panhandle Eastern Pipe Line Company
Docket No. RP85–202–013, Trunkline Gas Company
Docket Nos. RP93–127–004 and RP93–102–005, Columbia Gas Transmission Corporation
CAG–21.
Omitted
CAG–22.
Omitted
CAG–23.
Omitted
CAG–24.
Omitted
CAG–25.
Docket No. GP90–7–000, Barbara T. Fasken
CAG–26.

Docket Nos. CP94–114–001 and CP94–694–001, Distrigas of Massachusetts
CAG–27.
Omitted
CAG–28.
Docket No. CP90–1777–007, TransColorado Gas Transmission Company
CAG–29.
Omitted
CAG–30.
Omitted
CAG–31.
Omitted
CAG–32.
Omitted
CAG–33.
Omitted
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Docket Nos. CP93–565–002 and RP94–314–001, Texas Eastern Transmission Corporation
CAG–35.
Omitted
CAG–36.
Omitted
CAG–37.
Omitted
CAG–38.
Omitted
CAG–39.
Docket No. CP93–145–003, Tennessee Gas Pipeline Company
CAG–40.
Docket No. CP92–184–007, Texas Eastern Transmission Corporation
CAG–41.
Omitted
CAG–42.
Omitted
CAG–43.
Omitted
CAG–44.
Omitted
CAG–45.
Docket No. CP94–157–000, NGC Energy Resources, Limited Partnership
CAG–46.
Omitted
CAG–47.
Docket No. RS92–23–026, Tennessee Gas Pipeline Company Docket No. RS92–33–010, East Tennessee Natural Gas Company
CAG–48.
Docket No. CP93–501–001, Tennessee Gas Pipeline Company
CAG–49.
Docket No. CP93–702–000, Phillips Petroleum Company and Prima Exploration, Inc., *et al.*

Hydro Agenda

H–1.
Reserved

Electric Agenda

E–1.
Docket No. ER94–1288–000, PacifiCorp, the California Municipal Utilities Association and the Independent Energy Producers (on behalf of Western Regional Transmission Association). Whether the Commission should find that WRTA qualifies as a Regional Transmission Group
E–2.
Docket No. ER94–1381–000, Southwest Regional Transmission Association. Whether the Commission should find that SWRTA qualifies as a Regional Transmission Group.

Oil and Gas Agenda

I. Pipeline Rate Matters

PR–1.
Docket No. RM94–6–001, Standards of Conduct and Reporting Requirements for Transportation and Affiliate Transactions. Order on rehearing.

II. Restructuring Matters

RS–1.
Reserved

III. Pipeline Certificate Matters

PC–1.
Omitted
PC–2.
Docket Nos. CP90–1372–001, 002, CP90–1373–001, 002, CP90–1374–001, 002, CP90–1375–001 and 002, Altamont Gas Transmission Company. Order on reserved issue on January 17, 1991 preliminary determination and on requests for rehearing of August 1, 1991 order granting a blanket certificate, import authorization, a Presidential Permit and an optional certificate.

Dated: October 5, 1994.

Lois D. Cashell,

Secretary.

[FR Doc. 94–25177 Filed 12–6–94; 12:02 pm]

BILLING CODE 6717–01–P

NATIONAL CREDIT UNION ADMINISTRATION

Notice of Previously Held Emergency Meeting

TIME AND DATE: 3:45 p.m., Wednesday, October 5, 1994.

PLACE: Board Room, 7th Floor, Room 7047, 1775 Duke Street, Alexandria, Virginia 22314–3428.

STATUS: Closed.

MATTER CONSIDERED:

1. Administrative Action under Sections 206 and 208 of the Federal Credit Union Act. Closed pursuant to exemptions (8), (9)(A)(ii), and (9)(B).

The Board voted unanimously that Agency business required that a meeting be held with less than the usual seven days advance notice. Earlier announcement of this was not possible.

The Board voted unanimously to close the meeting under the exemptions stated above. General Counsel Robert Fenner certified that the meeting could be closed under those exemptions.

FOR MORE INFORMATION CONTACT: Becky Baker, Secretary of the Board, Telephone (703) 518–6304.

Becky Baker,

Secretary of the Board.

[FR Doc. 94–25217 Filed 10–6–94; 8:45 am]

BILLING CODE 7535–01–M

NATIONAL TRANSPORTATION SAFETY BOARD

TIME AND PLACE: 9:30 a.m., Monday, October 17, 1994.

PLACE: The Board Room, 5th Floor, 490 L'Enfant Plaza, SW., Washington, DC 20594.

STATUS: The first item is open to the public. The last item is closed to the public under Exemption 10 of the Government in Sunshine Act.

MATTERS TO BE CONSIDERED:

6461—NTSB Aviation Accident Investigation Symposium: Response to Industry Recommendations
6419—Opinion and Order: Administrator v. Selbach, Docket SM–4038; disposition of petitioner's appeal

NEWS MEDIA CONTACT: Telephone: (202) 382–0660.

FOR MORE INFORMATION CONTACT: Bea Hardesty, (202) 382–6525.

Dated: October 6, 1994.

Bea Hardesty,

Federal Register Liaison Officer.

[FR Doc. 94–25176 Filed 10–6–94; 12:01 pm]

BILLING CODE 7533–01–P

SECURITIES AND EXCHANGE COMMISSION

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: [59 FR 50643, October 4, 1994].

STATUS: Closed meeting.

PLACE: 450 Fifth Street, N.W., Washington, D.C.

DATE PREVIOUSLY ANNOUNCED: October 4, 1994.

CHANGE IN THE MEETING: Cancellation.

The closed meeting scheduled for Thursday, October 6, 1994, at 10:00 a.m., was cancelled.

Commissioner Beese, as duty officer, determined that Commissioner business required the above change and that no earlier notice thereof was possible.

At times, changes in Commission priorities require altercations in the scheduling of meeting items. For further information and to ascertain what, if any, matters have been added, deleted or postponed, please contact: The Office of the Secretary (202) 942–7070.

Dated: October 6, 1994.

Jonathan G. Katz,

Secretary.

[FR Doc. 94–25252 Filed 10–6–94; 3:42 pm]

BILLING CODE 8010–01–M

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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. 1779/P.L. 103–338

To designate the facility of the United States Postal Service located at 401 South Washington Street in Chillicothe, Missouri, as the "Jerry L. Litton United States Post Office Building", and to authorize travel and transportation expenses for certain Federal career appointees, and for other purposes. (Oct. 6, 1994; 108 Stat. 3114; 2 pages)

H.R. 2144/P.L. 103–339

Guam Excess Lands Act (Oct. 6, 1994; 108 Stat. 3116; 3 pages)

H.R. 3839/P.L. 103–341

To designate the United States Post Office building located at 220 South 40th Avenue in Hattiesburg, Mississippi, as the "Roy M. Wheat Post Office". (Oct. 6, 1994; 108 Stat. 3122; 1 page)

H.R. 4177/P.L. 103–342

To designate the United States Post Office building located at 1601 Highway 35 in Middletown, New Jersey, as the "Candace White Post Office". (Oct. 6, 1994; 108 Stat. 3123; 1 page)

H.R. 4191/P.L. 103–343

To designate the United States Post Office building located at 9630 Estate Thomas in Saint Thomas, Virgin Islands, as the "Aubrey C. Ottley Post Office". (Oct. 6, 1994; 108 Stat. 3124; 1 page)

H.R. 4230/P.L. 103–344

American Indian Religious Freedom Act Amendments of

1994 (Oct. 6, 1994; 108 Stat. 3125; 3 pages)

H.R. 4569/P.L. 103–345

President John F. Kennedy Assassination Records Collection Extension Act of 1994 (Oct. 6, 1994; 108 Stat. 3128; 3 pages)

H.R. 4647/P.L. 103–346

To direct the Secretary of the Interior to convey to the City of Imperial Beach, California, approximately 1 acre of land in the Tijuana Slough National Wildlife Refuge. (Oct. 6, 1994; 108 Stat. 3131; 1 page)

H.J. Res. 363/P.L. 103–347

To designate October 1994 as "Crime Prevention Month". (Oct. 6, 1994; 108 Stat. 3132; 1 page)

S. 716/P.L. 103–348

Vegetable Ink Printing Act of 1994 (Oct. 6, 1994; 108 Stat. 3133; 3 pages)

S. 1406/P.L. 103–349

Plant Variety Protection Act Amendments of 1994 (Oct. 6, 1994; 108 Stat. 3136; 10 pages)

S. 1703/P.L. 103–350

Piscataway Park Expansion Act of 1994 (Oct. 6, 1994; 108 Stat. 3146; 1 page)

H.R. 3679/P.L. 103–340

Junior Duck Stamp Conservation and Design Program Act of 1994 (Oct. 6, 1994; 108 Stat. 3119; 3 pages)

Last List October 7, 1994

CFR CHECKLIST

This checklist, prepared by the Office of the Federal Register, is published weekly. It is arranged in the order of CFR titles, stock numbers, prices, and revision dates.

An asterisk (*) precedes each entry that has been issued since last week and which is now available for sale at the Government Printing Office.

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Title	Stock Number	Price	Revision Date
1, 2 (2 Reserved)	(869–022–00001–2)	$5.00	Jan. 1, 1994
3 (1993 Compilation and Parts 100 and 101)	(869–022–00002–1)	33.00	[1] Jan. 1, 1994
4	(869–022–00003–9)	5.50	Jan. 1, 1994
5 Parts:			
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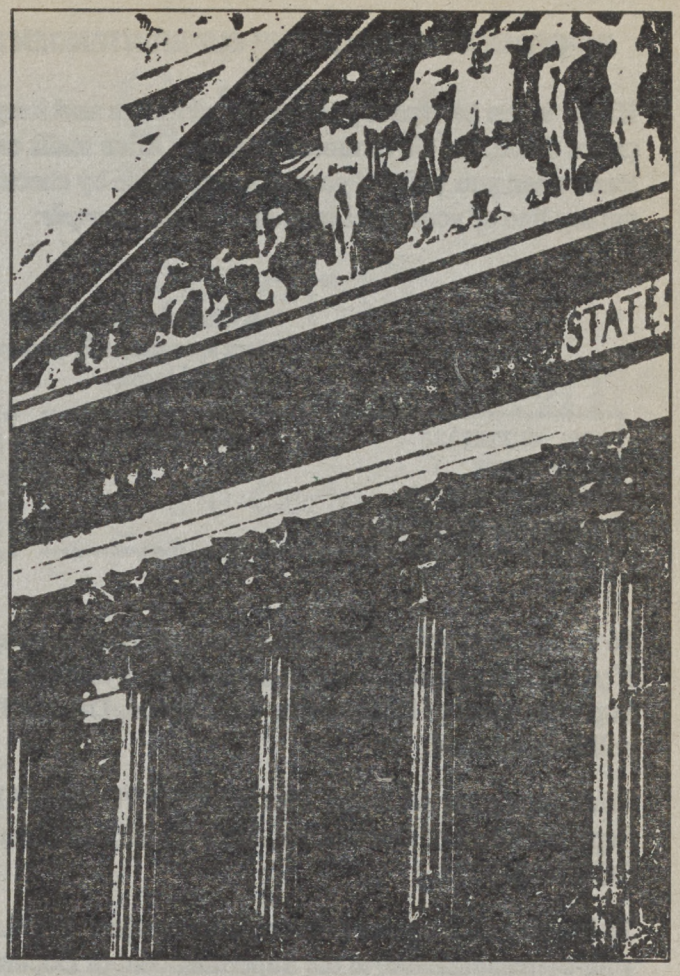
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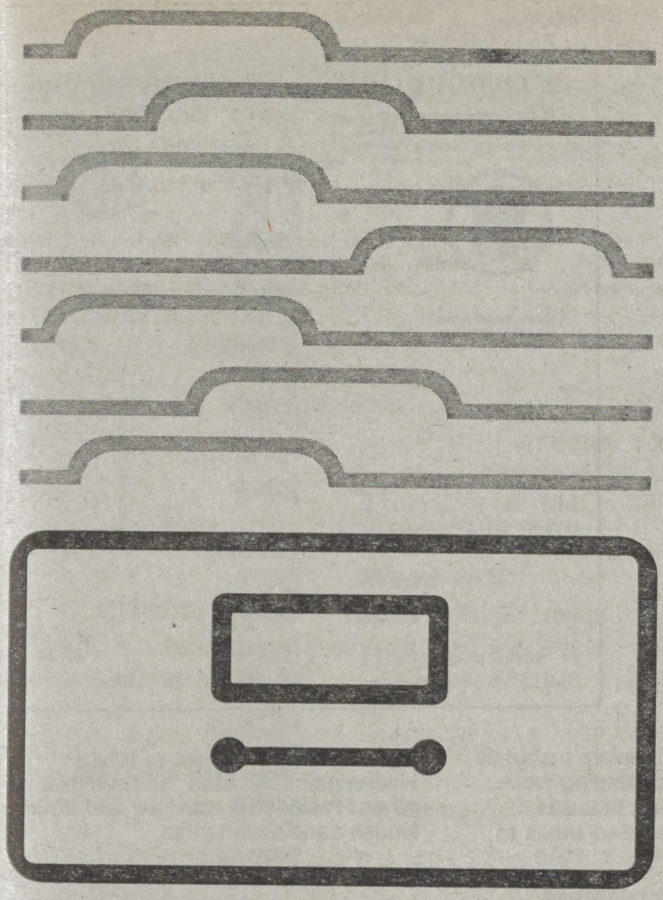
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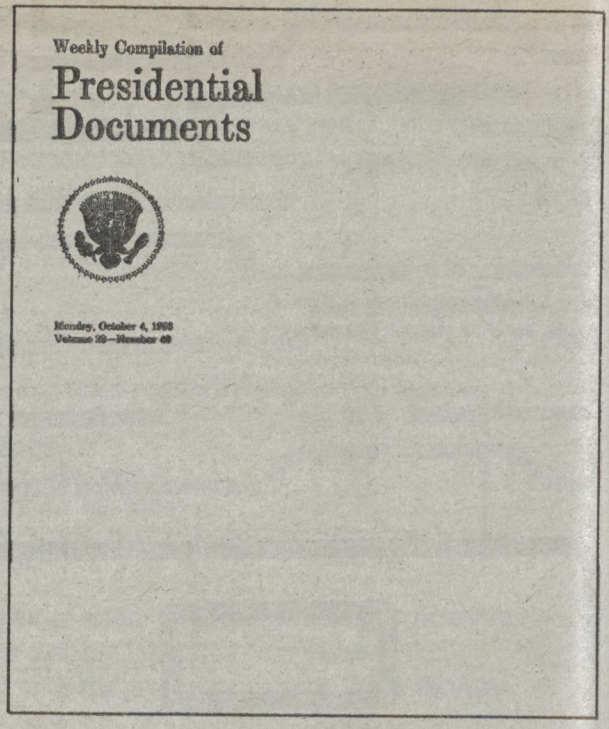
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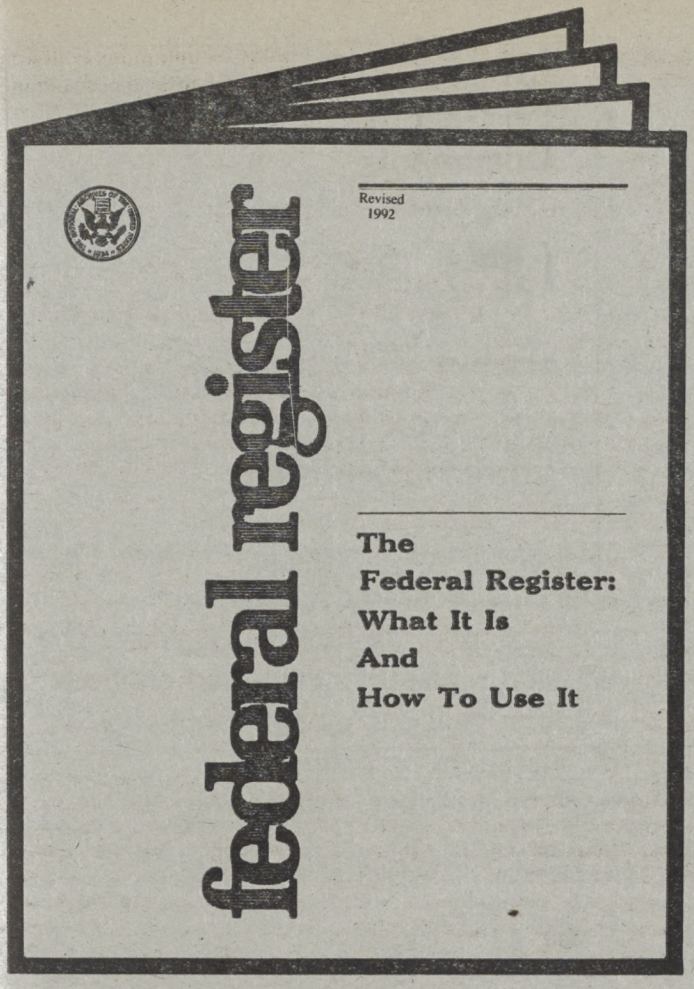
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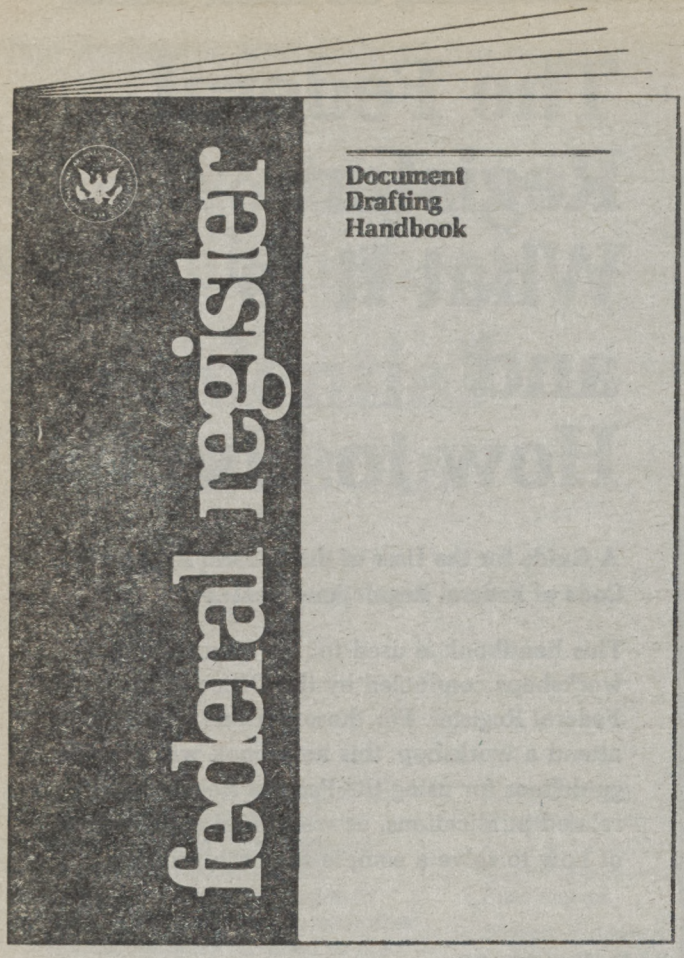
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