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Briefings on How To Use the Federal Register
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WHAT IT IS AND HOW TO USE IT

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

WHO: The Office of the Federal Register.

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

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

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

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

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Presidential Documents

Title 3—

The President

Proclamation 6530 of February 23, 1993

American Wine Appreciation Week, 1993

By the President of the United States of America

A Proclamation

The wine industry in this Nation has a heritage dating back to our Founding Fathers. Today it continues as a proud tradition, nurtured by thousands of family-owned farms, in every region of our country. From generation to generation, grape growers have helped sustain and preserve our agricultural resources, keeping 650,000 acres of American land as open space for active agricultural production.

More than 8,000 grape and other fruit growers work together with more than 1,300 wineries to produce 85 percent of all wine consumed in the United States. This $8 billion industry strengthens the American economy by supporting more than 200,000 jobs and contributing $1 billion a year in government taxes and fees.

The history of wine grape growing in the world spans more than 7,000 years. In our own history, wine has continually played an important role in a wide variety of American cultural, religious, and familial traditions. Vineyards and wineries across the Nation are scenic tourist attractions, drawing millions of foreign and American visitors each year.

In gratitude to those who contribute to the high quality of agricultural products produced in the United States, and in recognition of the role of agriculture in our daily life and our life as a Nation, the Congress, by Public Law 102–468, has designated the week of February 21–27, 1993, as "American Wine Appreciation Week" and has authorized and requested the President to issue a proclamation in observance of this event.

NOW, THEREFORE, I, WILLIAM J. CLINTON, President of the United States of America, do hereby proclaim the week of February 21–27, 1993, as "American Wine Appreciation Week." I call upon the people of the United States to observe this week with appropriate ceremonies and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-third day of February, in the year of our Lord nineteen hundred and ninety-three, and of the Independence of the United States of America the two hundred and seventeenth.

William J. Clinton

[FR Doc. 93–4591
Filed 2–23–93; 5:01 pm]
Billing code 3195–01–M

Rules and Regulations

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

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

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

7 CFR Part 319

[Docket No. 92-126-2]

Honeydew Melons From Brazil

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Final rule.

SUMMARY: This rule amends the fruits and vegetables regulations to allow the importation of honeydew melons from an area of Brazil that is considered to be free of the South American cucurbit fly, subject to certain conditions. This action is warranted because there appears to be no significant pest risk associated with the importation of honeydew melons under these conditions. This action relieves restrictions on the importation of honeydew melons from Brazil without presenting a significant risk of introducing injurious insects into the United States.

EFFECTIVE DATE: February 25, 1993.

FOR FURTHER INFORMATION CONTACT: Mr. Frank E. Cooper, Senior Staff Officer, Port Operations, PPQ, APHIS, USDA, room 635, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782, (301) 436-8646.

SUPPLEMENTARY INFORMATION:

Background

The regulations in 7 CFR 319.56 through 319.56-8 (referred to below as "the regulations") prohibit or restrict the importation of fruits and vegetables into the United States from certain parts of the world to prevent the introduction and dissemination of injurious insects that are new to or not widely distributed within the United States.

Prior to the effective date of this final rule, the regulations in § 319.56 did not provide for the importation of honeydew melons from Brazil. The South American cucurbit fly (*Anastrepha grandis*) is the only injurious insect known to attack honeydew melons in Brazil that is not readily detectable by inspection. This pest is considered a potentially destructive pest by the Animal and Plant Health Inspection Service (APHIS) and is not present in the United States.

The Ministry of Agriculture of Brazil (Departamento de Defenso Sanitaria Vegetal) (DDV) requested that we consider allowing the importation of honeydew melons from Brazil. In a document published in the **Federal Register** on November 30, 1992 (57 FR 56527-56529, Docket No. 92-126-1), we proposed to amend the regulations to allow honeydew melons from Brazil to be imported into the United States under certain conditions to prevent the introduction into the United States of the South American cucurbit fly and any other insect pests that may be carried by the honeydew melons.

Comments on the proposed rule were required to be received on or before December 15, 1992. We received no comments. Therefore, based on the rationale set forth in the proposal, we are adopting the proposal as a final rule without change.

Effective Date

This is a substantive rule that relieves restrictions, and, pursuant to the provisions of 5 U.S.C. 553, may be made effective less than 30 days after publication in the **Federal Register**. Immediate implementation of this rule is necessary to provide relief to those persons who are adversely affected by restrictions we no longer find warranted. Therefore, the Administrator of APHIS has determined that this rule should be effective upon publication in the **Federal Register**.

Executive Order 12291 and Regulatory Flexibility Act

This rule has been reviewed in conformance with Executive Order 12291 and has been determined not to be a "major rule." Based on information compiled by the Department, it has been determined that this rule will have an effect on the economy of less than $100 million; will not cause a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; and will not cause a significant adverse effect on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

This rule provides for the importation into the United States of honeydew melons from the area of Brazil that is considered to be free of the South American cucurbit fly (*Anastrepha grandis*).

In 1990, total U.S. production of honeydew melons was estimated at 452,000,000 pounds. Over 95 percent of U.S. honeydew melons are grown in Arizona, California, and Texas. APHIS experts estimate that imports of honeydew melons from Brazil will only amount to about one percent of the total honeydew melon production in the United States. Even if this estimate is doubled, Brazilian imports will comprise at most two percent of domestic production.

Consequently, the effect of this rule on U.S. producers of honeydew melons will be very small because the extra imports will cause hardly any fluctuation in honeydew melon prices. Although the exact number of honeydew melon growers who are small entities is not known, the majority of the growers do not fall under the definition of a small business (sales of less than $500,000 annually). Most of the growers produce other melons as well, such as cantaloupe and watermelon, and some have farms in all three States of Arizona, California, and Texas. Growers who constitute small entities usually produce honeydew melons for alternative markets, such as roadside markets, which should not be affected at all by Brazilian imports.

The season for honeydew melon production in the United States runs from May to November, with only a small amount of melons being grown and shipped in November. The growing/shipping season for honeydew melons in Brazil is November 15 through February 15. Honeydew melons cannot be stored for an extended length of time. Consequently, the honeydew melons from Brazil will not compete significantly with U.S. melons because the growing/shipping seasons do not

overlap. Substitute domestic fruits whose markets might be affected by the importation of honeydew melons from Brazil would likely be other domestic melons, such as cantaloupe and watermelon. However, domestic cantaloupe and watermelon have the same growing/shipping season as domestic honeydew melons. Hence, their seasons also do not overlap with the season for honeydew melons from Brazil.

Therefore, it can be determined that allowing honeydew melons to be imported from Brazil will have no significant impact on U.S. producers, large or small. This is the case because the estimated amount of imports is very small in comparison to domestic production and also will be shipped after the U.S. growing season has come to an end.

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

Executive Order 12778

This final rule allows honeydew melons to be imported into the United States from Brazil. State and local laws and regulations regarding honeydew melons imported under this rule will be preempted while the fruit is in foreign commerce. Fresh honeydew melons are generally imported for immediate distribution and sale to the consuming public, and will remain in foreign commerce until sold to the ultimate consumer. The question of when foreign commerce ceases in other cases will be addressed on a case-by-case basis. No retroactive effect will be given to this rule; and this rule will not require administrative proceedings before parties may file suit in court.

Paperwork Reduction Act

In accordance with the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*), the information collection or recordkeeping requirements included in this final rule will be submitted for approval to the Office of Management and Budget.

List of Subjects in 7 CFR Part 319

Bees, Coffee, Cotton, Fruits, Honey, Imports, Incorporation by reference, Nursery stock, Plant diseases and pests, Quarantine, Reporting and recordkeeping requirements, Rice, Vegetables.

Accordingly, the regulations in 7 CFR part 319 are amended to read as follows:

PART 319—FOREIGN QUARANTINE NOTICES

1. The authority citation for part 319 continues to read as follows:

Authority: 7 U.S.C. 150dd, 150ee, 150ff, 151–167; 21 U.S.C. 136a; 7 CFR 2.17, 2.51, and 371.2(c), unless otherwise noted.

2. In subpart—Fruits and Vegetables, to part 319, a new § 319.56–2aa is added to read as follows:

§ 319.56–2aa Administrative instructions governing the entry of honeydew melons from Brazil.

Honeydew melons may be imported into the United States from Brazil only under permit, and only in accordance with this section and all other applicable requirements of this subpart:

(a) *Area considered free of the South American cucurbit fly.* The honeydew melons must have been grown in the area of Brazil considered by the Animal and Plant Health Inspection Service to be free of the South American cucurbit fly, (*Anastrepha grandis*), in accordance with § 319.56–2(e)(4) of this subpart. In addition, all shipments of honeydew melons must be accompanied by a phytosanitary certificate issued by the Departamento de Defenso Sanitaria Vegetal (the Ministry of Agriculture of Brazil) that includes a declaration indicating that the melons were grown in this area. The following area is considered free of the South American cucurbit fly: that portion of Brazil bounded on the north by the Atlantic Ocean; on the east by the River Assu (Acu) from the Atlantic Ocean to the city of Assu; on the south by Highway BR 304 from the city of Assu (Acu) to Mossoro, and by Farm Road RN–015 from Mossoro to the Ceara state line; and on the west by the Ceara state line to the Atlantic Ocean.

(b) *Shipping requirements.* The honeydew melons must be packed in an enclosed container or vehicle or under tarpaulin cover while in transit from the area of Brazil considered free of the South American cucurbit fly to the United States, to prevent exposure of the fruit to insect pests.

(c) *Labelling.* All shipments of honeydew melons must be labelled in accordance with § 319.56–2(g) of this subpart.

Done in Washington, DC, this 19th day of February 1993.

Kenneth C. Clayton,

Acting Assistant Secretary, Marketing and Inspection Services.

[FR Doc. 93–4347 Filed 2–24–93; 8:45 am]

BILLING CODE 3410–34–M

9 CFR Part 78

[Docket 92–184–1]

Validated Brucellosis-Free States

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Interim rule.

SUMMARY: We are amending the brucellosis regulations concerning the interstate movement of swine by adding Mississippi and Missouri to the list of validated brucellosis-free States. We have determined that they meet the criteria for classification as validated brucellosis-free States. This action relieves certain restrictions on moving breeding swine from Mississippi and Missouri.

DATES: Interim rule effective on February 25, 1993. Consideration will be given only to comments received on or before April 26, 1993.

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. 92–184–1. Comments received may be inspected at USDA, room 1141, South Building, 14th Street and Independence Avenue SW., Washington, DC, between 8 a.m. and 4:30 p.m., Monday through Friday, except holidays.

FOR FURTHER INFORMATION CONTACT: Dr. Delorias M. Lenard, Senior Staff Veterinarian, Swine Health Staff, VS, APHIS, USDA, room 736, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782, (301) 436–7767.

SUPPLEMENTARY INFORMATION:

Background

Brucellosis is a contagious disease affecting animals and man, caused by bacteria of the genus *Brucella*. The brucellosis regulations contained in 9 CFR part 78 (referred to below as the regulations) prescribe conditions for the interstate movement of cattle, bison and swine.

Under the swine brucellosis regulations, States, herds, and individual animals are classified according to their brucellosis status. Interstate movement requirements for swine are based upon the disease status of the herd or the State from which the animal originates.

We are amending § 78.43 of the regulations, which lists validated brucellosis-free States, to include Mississippi and Missouri. Validated brucellosis-free status is based on a State having:

(1) The necessary authorities for classification as a validated brucellosis-free State for swine;

(2) No known focus of swine brucellosis at the time of validation and completion of one of several methods of surveillance; or no diagnosed case of swine brucellosis in the 12-month period preceding the classification, and a statistical analysis of the combined results of certain tests that indicate the testing is equivalent to either complete herd testing or slaughter surveillance during a 1- or 2-year period, as chosen by the State; and

(3) Certification by the appropriate State animal health official, the Veterinarian in Charge and the Administrator.

After reviewing the brucellosis program records of Mississippi and Missouri, we have concluded that these States meet the criteria for classification as validated brucellosis-free States. Therefore, we are adding Mississippi and Missouri to the list of States in § 78.43. This action relieves certain restrictions on moving breeding swine interstate from Mississippi and Missouri.

Immediate Action

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

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

Executive Order 12291 and Regulatory Flexibility Act

We are issuing this rule in conformance with Executive Order 12291, and we have determined that it is not a "major rule." Based on information compiled by the Department, we have determined that this rule will have an effect on the economy of less than $100 million; will not cause a major increase in costs or prices for consumers, individual industries, Federal, State or local government agencies, or geographic regions; and will not cause a significant adverse effect on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

For this action, the Office of Management and Budget has waived the review process required by Executive Order 12291.

This action will affect herd owners in Mississippi and Missouri by allowing breeding swine to be moved interstate without being tested for brucellosis. Approximately 20,900 swine are tested annually for brucellosis in Mississippi and Missouri, at an average cost to the seller of $5.00 per test, in order to be eligible for interstate movement. Using these numbers, we estimate that removing the testing requirement would result in a potential annual savings of $104,500 for swine herd owners in Mississippi and Missouri. Of the approximately 3,000 swine herd owners nationwide who regularly ship breeding swine interstate, approximately 50 regularly ship breeding swine interstate from Mississippi and 1,000 from Missouri. All of these herd owners would be considered small entities.

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

Executive Order 12372

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

Executive Order 12778

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

Paperwork Reduction Act

This 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 78

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

Accordingly, 9 CFR part 78 is amended as follows:

PART 78—BRUCELLOSIS

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

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

§ 78.43 [Amended]

2. Section 78.43 is amended by adding "Mississippi, Missouri," immediately after "Minnesota,".

Done in Washington, DC, this 19th day of February, 1993.

Kenneth C. Clayton,

Acting Assistant Secretary, Marketing and Inspection Services.

[FR Doc. 93–4349 Filed 2–24–93; 8:45 am]

BILLING CODE 3410–34–M

9 CFR Part 94

[Docket No. 92–147–2]

Change in Disease Status of Spain Because of Rinderpest, Foot-and-Mouth Disease, Hog Cholera, and Swine Vesicular Disease

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Final rule.

SUMMARY: We are declaring Spain free of rinderpest, foot-and-mouth disease (FMD), hog cholera, and swine vesicular disease (SVD). Rinderpest and SVD have never been reported in Spain, and the last outbreaks of FMD and hog cholera took place, respectively, in 1986 and 1985. These changes in the animal disease status of Spain relieve certain prohibitions and restrictions on the importation into the United States of ruminants and swine and animal products of ruminants and swine from Spain. Restrictions on dairy products are being lifted.

Because Spain accepts ruminant and swine meat and meat products from countries where FMD, hog cholera, and SVD exist, however, the importation from Spain of ruminant and swine meat and meat products continues to be subject to certain restrictions because of these diseases. Also, because African swine fever continues to exist in Spain, certain pork and pork products continue to be prohibited.

EFFECTIVE DATE: March 29, 1993.

FOR FURTHER INFORMATION CONTACT:
Dr. Harvey A. Kryder, Chief Staff Veterinarian, Import-Export Products Staff, VS, APHIS, USDA, room 756–A, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782, (301) 436–7885.

SUPPLEMENTARY INFORMATION:

Background

The regulations in 9 CFR part 94 (referred to below as the regulations) govern the importation into the United States of specified animals and animal products in order to prevent the introduction of various diseases, including rinderpest, foot-and-mouth disease (FMD), African swine fever, hog cholera, and swine vesicular disease (SVD). These are dangerous and destructive communicable diseases of ruminants and swine.

On October 19, 1992, we published a document in the **Federal Register** (57 FR 47578–47580, Docket No. 92–147–1) in which we proposed to revise the regulations by declaring Spain free of rinderpest, FMD, hog cholera, and SVD. Accordingly, we proposed to add Spain to the list of countries in §§ 94.1(a)(2), 94.9(a), 94.10(a), and 94.12(a) of the regulations that have been declared free of rinderpest, FMD, hog cholera, and SVD. We proposed these changes in the animal disease status of Spain at the request of the Government of Spain, after determining that rinderpest and SVD have never been reported in Spain, and that the last Spanish outbreaks of FMD and hog cholera occurred, respectively, in 1986 and 1985.

At the same time, we proposed adding Spain to the list of countries in §§ 94.11 and 94.13 that, although free of rinderpest and FMD, in the first case, and free of SVD in the second, are, under certain circumstances, subject to special restrictions on the importation into the United States of their meat and meat products.

We solicited comments on the proposed rule, to be received on or before December 18, 1992. We received 1 comment, from a professional association, before the comment period closed.

The commenter opposed the proposed changes, claiming that Spain's failure to eradicate African swine fever and African horse sickness reflects unfavorably on Spain's ability to control animal diseases. The commenter expressed concern that, despite the regulations, ruminant and swine meat and meat products from Spain might be commingled with meat and meat products from countries where FMD, hog cholera, and SVD exist. Despite the special restrictions to which meat and meat products imported into the United States from Spain would be subject, the commenter feared a disease risk.

APHIS has determined that the surveillance measures of the animal health officials of the Government of Spain are sufficient to ensure compliance with all provisions of the regulations. We believe the regulatory safeguards discussed in the proposed rule are sufficient to prevent meat and meat products from Spain from introducing FMD, hog cholera, or SVD into the United States, and are adopting the provisions of the proposed rule as a final rule based on the rationale set forth in the proposed rule and in this document.

Executive Order 12291 and Regulatory Flexibility Act

We are issuing this rule in conformance with Executive Order 12291, and we have determined that it is not a "major rule." Based on information compiled by the Department, we have determined that this rule will have an effect on the economy of less than $100 million; will not cause a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; and will not cause a significant adverse effect on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

This rule eliminates certain requirements concerning the importation of ruminants and swine, ruminant meat and dairy products, and port and pork products from Spain into the United States. However, other requirements continue to restrict the importation of live swine and the meat and meat products of ruminants and swine.

Even without considering the export-constraining effects of the restrictions that remain in effect, it is unlikely that the changes in Spain's disease status will noticeably affect U.S. markets for ruminants, swine, meat or dairy products. In 1989, the total value of meat and meat products (excluding poultry) from Spain to the United States was only $11,000. Dairy exports from Spain to the United States were worth $1,052,000. These amounts represented only 0.0004 percent and 0.1 percent, respectively, of total U.S. imports for these commodity categories.

Before Spain's potential exports to the United States of meat, meat products, and dairy products would reach significant magnitude, an excess domestic supply of these commodities in Spain would be expected. Spain is a net importer worldwide of these commodities, however, receiving from other countries approximately three times as much as it exports. As Spain's per capita income rises, domestic supplies of meat, meat products, and dairy products can be expected to be consumed domestically, further limiting potential exports.

Given Spain's negative trade balance for meat, meat products, and dairy products and the relative insignificance of its exports of these commodities, the economic impact of the regulatory changes will have an insignificant effect on U.S. businesses, including small entities. Importers of dairy products might marginally benefit from the changes.

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

Executive Order 12778

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

Paperwork Reduction Act

In accordance with the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*), the information collection or recordkeeping requirements included in this rule have been approved by the Office of Management and Budget (OMB), and there are no new requirements. The assigned OMB control number is 0579–0015.

List of Subjects in 9 CFR Part 94

Animal diseases, Imports, Livestock, Meat and meat products, Milk, Poultry and poultry products, Reporting and recordkeeping requirements.

Accordingly, 9 CFR part 94 is amended as follows:

PART 94—RINDERPEST, FOOT-AND-MOUTH DISEASE, FOWL PEST (FOWL PLAGUE), VELOGENIC VISCEROTROPIC NEWCASTLE DISEASE, AFRICAN SWINE FEVER, HOG CHOLERA, AND BOVINE SPONGIFORM ENCEPHALOPATHY: PROHIBITED AND RESTRICTED IMPORTATIONS

1. The authority citation for part 94 continues to read as follows:

Authority: 7 U.S.C. 147a, 150ee, 161, 162, 450; 19 U.S.C. 1306; 21 U.S.C. 111, 114a, 134a, 134b, 134c, and 134f; 31 U.S.C. 9701; 42 U.S.C. 4331, 4332; 7 CFR 2.17, 2.51, and 371.2(d).

§ 94.1 [Amended]

2. In § 94.1, paragraph (a)(2) is amended by adding "Spain," immediately after "Papua New Guinea,".

§ 94.9 [Amended]

3. In § 94.9, paragraph (a) is amended by adding "Spain," immediately after "Republic of Ireland,".

§ 94.10 [Amended]

4. In § 94.10, paragraph (a) is amended by adding "Spain," immediately after "the Republic of Ireland,".

§ 94.11 [Amended]

5. In § 94.11, paragraph (a) is amended by adding "Spain," immediately after "Papua New Guinea,".

§ 94.12 [Amended]

6. In § 94.12, paragraph (a) is amended by adding "Spain," immediately after "Rumania,".

§ 94.13 [Amended]

7. In § 94.13, the first sentence of the introductory text is amended by adding "Spain," immediately after "Republic of Ireland,".

Done in Washington, DC, this 19th day of February 1993.

Kenneth C. Clayton,

Acting Assistant Secretary, Marketing and Inspection Services.

[FR Doc. 93–4348 Filed 2–24–93; 8:45 am]

BILLING CODE 3410–34–M

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9 CFR Part 124

[Docket No. 90–011–2]

Patent Term Restoration for Veterinary Biologics

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Final rule.

SUMMARY: This rule establishes procedures for the restoration of the time lost to the terms of veterinary biologics patents while awaiting premarket government approval. The effect of the rule is to enable veterinary biologics producers to apply for the restoration of such lost time. The rule is necessary in order to implement the patent term extension provisions of the Generic Animal Drug and Patent Term Restoration Act of 1988.

EFFECTIVE DATE: March 29, 1993.

FOR FURTHER INFORMATION CONTACT: Dr. Frank Y. Tang, Biotechnologist, BCTA, BBEP, APHIS, USDA, room 851, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782, 301–436–4833.

SUPPLEMENTARY INFORMATION:

Background

On November 16, 1988, the President signed into law the Generic Animal Drug and Patent Term Restoration Act of 1988. Title II of this act (35 U.S.C. 156, as amended by Pub. L. 100–670) (the "Act") amended the U.S. patent laws to enable owners of patents relating to certain animal drugs and veterinary biological products, and the owners of patents relating to methods of using or manufacturing them, to apply for extension of the patent term to recover some of the time lost while awaiting premarket government approval. Patents concerning veterinary biologics subject to the Virus-Serum-Toxin Act (VSTA), as amended, 21 U.S.C. 151–159, are covered by the Act. Patents on products primarily manufactured using recombinant DNA, recombinant RNA, hybridoma technology, or other processes involving site-specific genetic manipulation techniques are not eligible for patent term restoration under the Act.

United States patents are effective for 17 years from the date they are issued. A patent gives an inventor the right to exclude others from making, using, or selling the patented invention within the United States (*See* 35 U.S.C. 154.) This exclusive right is designed to encourage innovation and development of new products by protecting the patent holder from direct competition for a period of time. However, a patent does not automatically give an inventor the right to actually make, use, or sell the invention. Federal law requires some inventions, such as veterinary biological products, to be Federally approved before they are manufactured or marketed. For these inventions, a portion of the 17 years of protection afforded by a patent may be lost waiting for Federal review and approval.

The Virus-Serum-Toxin Act, among other things, prohibits the preparation, sale, barter, or exchange of any worthless, contaminated, dangerous, or harmful virus, serum, toxin, or analogous product intended for use in the treatment of domestic animals, in places under Federal jurisdiction. It also prohibits the shipment of such products anywhere in or from the United States. The VSTA also states that it is unlawful for anyone to prepare, sell, barter, or exchange in places under Federal jurisdiction, or ship in or from the United States, any virus, serum, toxin, or analogous product unless it is prepared in compliance with USDA regulations at an establishment holding a valid USDA license (21 U.S.C. 151). Therefore, veterinary biological products cannot be marketed until these requirements are met. It takes time to satisfy the regulations and standards under the VSTA which are designed to assure that only pure, safe, potent, and effective biological products are marketed. If a product is covered in any way by a patent, the time spent waiting for Federal review and approval reduces the effective length of the patent. Profits therefore are reduced, along with the incentive to develop new veterinary biological products. The Generic Animal Drug and Patent Term Restoration Act is designed to restore these incentives.[1]

The Generic Animal Drug and Patent Term Restoration Act of 1988

The Generic Animal Drug and Patent Term Restoration Act of 1988 contains two titles: Title I, among other things, authorizes the Food and Drug Administration to approve abbreviated new drug applications for generic animal drugs; Title II allows patent term restoration for certain patents covering animal drugs and veterinary biological products.

Administrative responsibility for Title II of the Act is divided among the Food and Drug Administration (FDA) of the Department of Health and Human Services, the Animal and Plant Health Inspection Service (APHIS) of the United States Department of Agriculture (USDA), and the Patent and Trademark Office (PTO) of the United States Department of Commerce.

Under the Act, applications for patent term extension are submitted to PTO for a determination whether a patent is eligible for extension. USDA assists PTO by determining the length of the regulatory review period for any veterinary biological product involved; FDA does the same for animal drugs. In addition, APHIS and FDA are responsible for determining, if they are petitioned to do so, whether the applicant for patent term restoration

[1] In September, 1984, a similar statute, The Drug Price Competition and Patent Term Restoration Act (Pub. L. 98–417) became law. This Act, which allows patent term restoration to holders of patents claiming human drug products (including biologics and antibiotics), medical devices, food additives and color additives, became law in September, 1984. Regulations have been issued under this Act by both the Food and Drug Administration (FDA) and the Patent and Trademark Office (PTO). The FDA regulations appear at 21 CFR part 60. The PTO regulations appear at 37 CFR part 1.

acted with due diligence to obtain approval from the Agency involved with the animal drug or veterinary biological product. A notice of a Memorandum of Understanding between the PTO and APHIS concerning implementation of procedures in determining a veterinary biological product's eligibility for patent term extension under 35 U.S.C. 156 was published in the **Federal Register** on June 23, 1989 (see 54 FR 26399). PTO issued regulations (see 54 FR 30375, July 20, 1989), governing the format, content, and submission of patent term restoration applications. The PTO regulations are codified at 37 CFR 1.710–1.785. Regulations covering FDA responsibilities for patent term extension for animal drugs have been finalized by that agency (see 57 FR 56260–56262, November 27, 1992).

On July 13, 1992, we published in the **Federal Register** a proposed rule on patent term restoration for veterinary biologics (see 57 FR 30926–30932, Docket No. 90–011). We proposed adding a new part 124 to our existing regulations in title 9, chapter I, Code of Federal Regulations. Subpart A of the regulations contains general provisions. Subpart B provides for APHIS to assist PTO in determining a patent holder's eligibility for patent term restoration. Subpart C contains regulations governing the determination of regulatory review periods. Subpart D provides for filing due diligence petitions; that is, challenging a regulatory review period determination on the grounds that an applicant did not diligently pursue premarketing approval. Standards for determining due diligence are also included in subpart D. Subpart E contains regulations governing informal hearings on the issue of due diligence.

We solicited comments for 60 days with the comment period ending September 11, 1992.

Summary and Analysis of Comments

We received comments from one trade association. Those comments and our response to them are discussed below. We have made changes to the proposed rule in response to the commenter and the changes are identified below. Based on the rationale set forth in the proposed rule and in this document in response to comments, we are adopting the provisions of the proposed rule as a final rule with changes made in response to the comments as well as minor editorial changes.

The commenter requested that in § 124.21(b)(2), the term "generic name" be changed to "true name" to be consistent with APHIS terminology in 9 CFR 101.4(d). APHIS agrees with this comment and has amended § 124.21(b)(2) accordingly.

The comment further requested that the term "any interested person" in §§ 124.22(a) and 124.40(a) be defined under *Definitions* in § 124.2. The term "person" is undefined even though it is used in the regulations. "Person" will therefore be added to the definition and shall mean "[A]ny individual, firm, partnership, corporation, company, association, educational institution, State or local government agency, or other organized group of any of the foregoing, or any agency, officer, or employee of any thereof." The term "interested person" is intended to have a broad meaning and includes any person interested in the subject matter who has information bearing on a regulatory review period or due diligence petition.

The commenter also requested that the applicant be notified and allowed an opportunity for comment prior to a revision of a regulatory review period. APHIS agrees with this request and has amended the proposal in § 124.22 accordingly in response to this comment.

The commenter also requested that the applicant for patent term extension be granted 30 days (rather than the 10 days in the proposed rule) in which to respond to a due diligence petition because the applicant has to prove due diligence.

In response to this request, APHIS agrees to grant the applicant an additional 10 days in which to respond to a due diligence petition. This should be sufficient time to reply. At the same time, APHIS should have adequate time, before the statutory limit of 90 days after its receipt of a due diligence petition, in which to evaluate the information which is submitted to the Agency, to conduct an investigation, to resolve any differences in information submitted by the petitioner and the applicant, to determine whether the period of time alleged in which the applicant did not act with due diligence will affect the maximum patent term extension to which the applicant is entitled, to publish a notice of the Agency's determination in the **Federal Register** along with the factual and legal basis for its determination, and to provide written notification of its determination to PTO, the applicant, and the petitioner.

Finally, the commenter requested that the word "initially" be added before the word "submitted" in § 124.20(a)(1), in order to be consistent with the language in § 124.20(a)(2). APHIS agrees with this request and has amended the regulations accordingly.

Executive Order 12291 and Regulatory Flexibility Act

This rule has been reviewed in accordance with Executive Order 12991 and Departmental Regulation 1512–1 and has been determined to be a non-major rule since it does not meet the criteria for a major regulatory action. Based on information compiled by the Department, we have determined that this rule will have an effect on the economy of less than $100 million; will not cause a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; and will not have a significant adverse effect on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

The patent extension provision in 35 U.S.C. 156 (as amended by Title II of Pub. L. 100–670) benefits the patent holder by restoring to the patent holder that part of the term of the patent which has been lost due to regulatory review of the patented product. Thus the statute results in a net economic benefit to the patent holder. The final rule merely implements the statute. The rule provides procedures to allow APHIS to assist PTO in carrying out the requirements of the Act. An application for patent term restoration is made voluntarily by the patent holder. The time and cost required to comply with the regulation is far outweighed by the benefit conferred by patent term restoration to the patent holder.

Under these circumstances, the Administrator of the Animal and Plant Health Inspection Service has determined that this action will not have a significant economic impact on a substantial number of small entities as defined in the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*).

Executive Order 12778

This final rule has been reviewed under Executive Order 12778, Civil Justice Reform. It is not intended to have retroactive effect. This rule will not preempt any State or local laws, regulations, or policies, unless they present an irreconcilable conflict with this rule. There are no administrative procedures which must be exhausted prior to any judicial challenge to this rule.

Paperwork Reduction Act

In accordance with the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*), the information collection or

recordkeeping requirements included in this rule have been approved by the Office of Management and Budget (OMB) and assigned OMB control no. 0579–0013.

List of Subjects in 9 CFR Part 124

Animal biologics, Patents.

Accordingly, we are amending 9 CFR, chapter I, subchapter E by adding a new part 124 to read as follows:

PART 124—PATENT TERM RESTORATION

Subpart A—General Provisions

Sec.
124.1 Scope.
124.2 Definitions.

Subpart B—Eligibility Assistance

124.10 APHIS liaison with PTO.

Subpart C—Regulatory Review Period

124.20 Patent term extension calculation.
124.21 Regulatory review period determination.
124.22 Revision of regulatory review period determination.
124.23 Final action on regulatory review period determination.

Subpart D—Due Diligence Petitions

124.30 Filing, format, and content of petitions.
124.31 Applicant response to petition.
124.32 APHIS action on petition.
124.33 Standard of due diligence.

Subpart E—Due Diligence Hearing

124.40 Request for hearing.
124.41 Notice of hearing.
124.42 Hearing procedure.
124.43 Administrative decision.

Authority: 35 U.S.C. 156; 7 CFR 2.17, 2.51, and 371.2(m).

Subpart A—General Provisions

§ 124.1 Scope.

(a) This parts sets forth procedures and requirements for APHIS review of applications for the extension of the term of certain patents for veterinary biological products pursuant to 35 U.S.C. 156—Extension of patent term. Responsibilities of APHIS include:

(1) Assisting PTO in determining eligibility for patent term restoration;

(2) Determining the length of a product's regulatory review period;

(3) If petitioned, reviewing and ruling on due diligence challenges to APHIS's regulatory review period determinations; and

(4) Conducting hearings to review initial APHIS findings on due diligence challenges.

(b) The regulations in this part are designed to be used in conjunction with regulations issued by PTO concerning patent term extension which may be found at 37 CFR 1.710 through 1.785.

§ 124.2 Definitions.

Animal and Plant Health Inspection Service (APHIS). The agency in the Department of Agriculture responsible for licensing veterinary biological products under the Virus-Serum-Toxin Act.

Applicant. Any person who submits an application or an amendment or supplement to an application under 35 U.S.C. 156 seeking extension of the term of a patent.

Due diligence petition. A petition submitted under § 124.30 of this part.

Informal hearing. A hearing which is not subject to the provisions of 5 U.S.C. 554, 556, and 557 and which is conducted as provided in 21 U.S.C. 321(y).

License applicant. Any person who, in accordance with part 102 of this chapter, submits an application to the Animal and Plant Health Inspection Service of the U.S. Department of Agriculture for a U.S. Veterinary Biological Product License.

Patent. A patent issued by the Patent and Trademark Office of the United States Department of Commerce.

Person. Any individual, firm, partnership, corporation, company, association, educational institution, State or local government agency, or other organized group of any of the foregoing, or any agent, officer, or employee of any thereof.

PTO. The Patent and Trademark Office of the United States Department of Commerce.

Subpart B—Eligibility Assistance

§ 124.10 APHIS liaison with PTO.

Upon receipt of a copy of an application for extension of the term of a veterinary biologic patent from PTO, APHIS will assist PTO in determining whether a patent related to a biological product is eligible for patent term extension by:

(a) (1) Verifying whether the product was subject to a regulatory review period before its commercial marketing or use;

(2) Determining whether the permission for commercial marketing or use of the product after the regulatory review period was the first permitted commercial marketing or use of the product under the provision of law under which such regulatory review period occurred, and, if so, whether it was the first permitted commercial marketing or use of the veterinary biological product for administration to a food-producing animal;

(3) Ascertaining whether the patent term restoration application was submitted within 60 days after the product was approved for marketing or use; and

(4) Providing such other information as may be necessary and relevant to PTO's determination of whether a patent related to a product is eligible for patent term restoration.

(b) APHIS will notify PTO of its findings in writing, send a copy of this notification to the applicant, and make a copy available for public inspection in 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.

Subpart C—Regulatory Review Period

§ 124.20 Patent term extension calculation.

(a) As provided in 37 CFR 1.779 of PTO's regulations, in order to determine a product's regulatory review period, APHIS will review the information in each application to determine the lengths of the following phases of the review period, and will then find their sum:

(1) The number of days in the period beginning on the date authorization to prepare an experimental biological product under the Virus-Serum-Toxin Act became effective and ending on the date an application for a license was initially submitted under the Virus-Serum-Toxin Act; and

(2) The number of days in the period beginning on the date an application for a license was initially submitted for approval under the Virus-Serum-Toxin Act and ending on the date such license was issued.

(b) A license application is "initially submitted" on the date it contains sufficient information to allow APHIS to commence review of the application. A product license is issued on the date of the APHIS letter informing the applicant of the issuance. The issuance of a license releases the product for commercial marketing or use.

§ 124.21 Regulatory review period determination.

(a) Not later than 30 days after the receipt of an application from PTO, APHIS shall determine the regulatory review period. Once the regulatory review period for a product has been determined, APHIS will notify PTO in writing of the determination, send a copy of the determination to the applicant, and make a copy available for public inspection in 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.

(b) APHIS will also publish a notice of the regulatory review period

determination in the **Federal Register**. The notice will include the following:

(1) The name of the applicant;

(2) The trade name and true name of the product;

(3) The number of the patent for which an extension of the term is sought;

(4) The approved indications or uses for the product;

(5) The regulatory review period determination, including a statement of the length of each phase of the review period and the dates used in calculating each phase.

§ 124.22 Revision of regulatory review period determination.

(a) Any interested person may request a revision of the regulatory review period determination within the 30 day period beginning on its publication in the **Federal Register**. The request must be sent to Deputy Director, Veterinary Biologics, BBEP, APHIS, USDA, room 838, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782.

The request must specify the following:

(1) The identity of the product;

(2) The identity of the applicant for patent term restoration;

(3) The docket number of the **Federal Register** notice announcing the regulatory review period determination; and

(4) The basis for the request for revision, including any documentary evidence.

(b) If APHIS decides to revise its prior determination, APHIS will notify PTO of the decision, and will send a copy of notification to the applicant and the person requesting the revision (if different from the applicant) with a request for comments within 10 days of notification. If no comment on the proposed revision is received, APHIS will publish the revision in the **Federal Register**, and include a statement giving the reasons for the revision. If comment is received, APHIS will make a final determination regarding the revision based on such comment and will then publish the revision in the **Federal Register**, giving reasons for its determination.

§ 124.23 Final action on regulatory review period determination.

APHIS will consider its regulatory review period determination to be final upon expiration of the 180-day period for filing a due diligence petition under § 124.30 unless it receives:

(a) New information from PTO records, or APHIS records, that affects the regulatory review period determination;

(b) A request § 124.22 for revision of the regulatory review period determination;

(c) A due diligence petition filed under § 124.30; or

(d) A request for a hearing filed under § 124.40.

Subpart D—Due Diligence Petitions

§ 124.30 Filing, format, and content of petitions.

(a) Any interested person may file a petition with APHIS, no later than 180 days after the publication of a regulatory review period determination under § 124.21, alleging that a license applicant did not act with due diligence in seeking APHIS approval of the product during the regulatory review period.

(b) The petition must be filed with APHIS under the docket number of the **Federal Register** notice of the agency's regulatory review period determination. The petition must contain any additional information required by this subpart.

(c) The petition must allege that the applicant failed to act with due diligence sometime during the regulatory review period and must set forth sufficient facts to merit an investigation by APHIS of whether the applicant acted with due diligence.

(d) The petition must contain a certification that the petitioner has served a true and complete copy of the petition on interested parties by certified or registered mail (return receipt requested) or by personal delivery.

§ 124.31 Applicant response to petition.

(a) The applicant may file with APHIS a written response to the petition no later than 20 days after the applicant's receipt of a copy of the petition.

(b) The applicant's response may present additional facts and circumstances to address the assertions in the petition, but shall be limited to the issue of whether the applicant acted with due diligence during the regulatory review period. The applicant's response may include documents that were not in the original patent term extension application.

(c) If the applicant does not respond to the petition, APHIS will decide the matter on the basis of the information submitted in the patent term restoration application, the due diligence petition, and APHIS records.

§ 124.32 APHIS action on petition.

(a) Within 90 days after APHIS receives a petition filed under § 124.30, the Assistant Secretary for Marketing and Inspection Services shall make a determination under paragraphs (b) or (c) of this section or under § 124.33 whether the applicant acted with due diligence during the regulatory review period. APHIS will publish its determination in the **Federal Register** together with factual and legal basis for the determination, notify PTO of the determination in writing, and send copies of the determination to PTO, the applicant, and the petitioner.

(b) APHIS may deny a due diligence petition without considering the merits of the petition if:

(1) The petition is not filed in accordance with § 124.30;

(2) The petition does not contain information or allegations upon which APHIS may reasonably determine that the applicant did not act with due diligence during the applicable regulatory review period; or

(3) The petition fails to allege a sufficient total amount of time during which the applicant did not exercise due diligence so that, even if the petition were granted, the petition would not affect the maximum patent term extension which the applicant is entitled to under 35 U.S.C. 156.

§ 124.33 Standard of due diligence.

(a) In determining the due diligence of an applicant, APHIS will examine the facts and circumstances of the applicant's actions during the regulatory review period to determine whether the applicant exhibited the degree of attention, continuous directed effort, and timeliness as may reasonably be expected from, and are ordinarily exercised by, a person during a regulatory review period. APHIS will take into consideration all relevant factors, such as the amount of time between the approval of an experimental use permit and licensure of the veterinary biological product.

(b) For purposes of this Part, the actions of the marketing applicant shall be imputed to the applicant for patent term restoration. The actions of an agent, attorney, contractor, employee, licensee, or predecessor in interest of the marketing applicant shall be imputed to the applicant for patent term restoration.

Subpart E—Due Diligence Hearing

§ 124.40 Request for hearing.

(a) Any interested person may request, within 60 days beginning on the date of publication of a due diligence determination by APHIS in accordance with § 124.32, that APHIS conduct an informal hearing on the due diligence determination.

(b) The request for a hearing must:

(1) Be in writing;

(2) Contain the docket number of the Federal Register notice of APHIS's regulatory review period determination;

(3) Be delivered to the Deputy Director, Veterinary Biologics, BBEP, APHIS, USDA, room 838, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782;

(4) Contain a full statement of facts upon which the request for hearing is based;

(5) Contain the name, the address, and the principal place of business of the person requesting the hearing; and

(6) Contain a certification that the person requesting the hearing has served a true and complete copy of the request upon the petitioner of the due diligence determination and the applicant for patent term extension by certified or registered mail (return receipt requested) or by personal service.

(c) The request must state whether the requesting party seeks a hearing not later than 30 days after the date APHIS receives the request, or, at the request of the person making the request, not later than 60 days after such date.

§ 124.41 Notice of hearing.

No later than ten days before the hearing, APHIS will notify the requesting party, the applicant, the petitioner, and any other interested person of the date, time, and location of the hearing.

§ 124.42 Hearing procedure.

(a) The presiding officer shall be appointed by the Administrator of APHIS from officers and employees of the Department who have not participated in any action of the Secretary which is the subject of the hearing and who are not directly responsible to an officer or employee of the Department who has participated in any such action.

(b) Each party to the hearing shall have the right at all times to be advised and accompanied by an attorney.

(c) Before the hearing, each party to the hearing shall be given reasonable notice of the matters to be considered at the hearing, including a comprehensive statement of the basis for the action taken or proposed by the Secretary which is the subject of the hearing and any general summary of the information which will be presented at the hearing in support of such action.

(d) At the hearing the parties to the hearing shall have the right to hear a full and complete statement of the action which is the subject of the hearing together with the information and reasons supporting such action, to conduct reasonable questioning, and to present any oral and written information relevant to such action.

(e) The presiding officer in such hearing shall prepare a written report of the hearing to which shall be attached all written material presented at the hearing. The participants in the hearing shall be given the opportunity to review and correct or supplement the presiding officer's report of the hearing.

(f) The Secretary may require the hearing to be transcribed. A party to the hearing shall have the right to have the hearing transcribed at his expense. Any transcription of a hearing shall be included in the presiding officer's report of the hearing.

(g) The due diligence hearing will be conducted in accordance with rules of practice adopted for the proceeding. APHIS will provide the requesting party, the applicant, and the petitioner with an opportunity to participate as a party in the hearing. The standard of due diligence set forth in § 124.33 will apply at the hearing. The party requesting the due diligence hearing will have the burden of proof at the hearing.

§ 124.43 Administrative decision.

Within 30 days after completion of the due diligence hearing, the Assistant Secretary for Marketing and Inspection Services, taking into consideration the recommendation of the Administrator, will affirm or revise the determination made under § 124.32. APHIS will publish the due diligence redetermination in the **Federal Register**, notify PTO of the redetermination, and send copies of the notice to PTO and the requesting party, the applicant, and the petitioner.

Done in Washington, DC, this 19th day of February 1993.

Kenneth C. Clayton,

Acting Assistant Secretary, Marketing and Inspection Service.

[FR Doc. 93–4345 Filed 2–24–93; 8:45 am]

BILLING CODE 3410-34-M

FARM CREDIT ADMINISTRATION

12 CFR Part 614

RIN 3052–AB34

Loan Policies and Operations; Collateral Evaluation Requirements, Actions on Applications, and Review of Credit Decisions; Correction

AGENCY: Farm Credit Administration.

ACTION: Final rule; correcting amendments.

SUMMARY: The Farm Credit Administration (FCA), by the Farm Credit Administration Board (Board), adopted on November 12, 1992, a final regulation amending FCA regulations relating to collateral evaluation requirements for Farm Credit System (FCS or System) institutions engaged in lending or leasing. This regulation was published as a final regulation on November 20, 1992, 57 FR 54683, but will not become effective until March 1, 1993. The FCA Board now publishes corrections and a clarifying change to the regulation which will make it clear that for certain loans, transactional independence between the credit decision and the collateral evaluation where the same employee or officer is responsible for both can be satisfied by providing for prior approval or post-review of the credit decision by the senior management or the board of directors.

DATES: The regulation shall become effective March 1, 1993, or upon the expiration of 30 days after November 20, 1992 during which either or both houses of Congress are in session, whichever is later. Notice of the effective date will be published in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT: Dennis K. Carpenter, Senior Policy Analyst, Regulation Development Division, Office of Examination, Farm Credit Administration, McLean, VA 22102–5090, (703) 883–4498, TDD (703) 883–4444.

SUPPLEMENTARY INFORMATION: The preamble to the final regulation (57 FR 54683) discussed evaluator independence requirements for collateral evaluations not requiring an appraisal. In such cases, the preamble stated that a loan officer could prepare the collateral evaluation and complete the credit decision if the final credit decision was also reviewed by the FCS institution's senior management and/or board of directors. However, the regulatory language did not accurately reflect the Board's intention. In addition, the preamble did not specify whether the review must be a prior approval or a post-review.

Section 614.4255 Independence requirements is corrected to indicate that if an employee or officer of the institution prepares the collateral evaluation as well as approves the credit decision, the institution's internal control procedures required by § 618.8430 of this chapter must provide for either a prior approval or a post-review of the credit decision.

In the case of a director of the institution, the regulation would still prohibit the director from performing

the collateral evaluation and also taking part in the credit decision, under all circumstances.

In addition, in the preamble, the third line from the bottom of the third full paragraph in the third column of page 54689 should read "credit decision is reviewed by the * * *" rather than the "evaluation is reviewed by the * * *."

The FCA has been requested to clarify whether it intended that the lending institution be responsible for the engagement of an environmental impact expert to ascertain the magnitude of the environmental concern that has been identified (as described in the Section-by-Section Analysis, paragraph d., second column, page 54692).

It is the FCA's position that once an environmental concern has been identified, either through the collateral evaluation process or through some other means, the institution is responsible for analyzing the potential impact of the environmental concern on the borrower and ensuring that an environmental assessment is conducted if appropriate. However, either the borrower or the institution may engage the environmental impact expert.

Therefore, the FCA clarifies this point by correcting page 54692, to eliminate the sentence beginning on line 21 from the bottom of the second column (which begins "Once an environmental concern * * *") through line 11 from the bottom of the second column. In substitution the FCA adds the following: "Once an environmental concern is identified, it is the lender's responsibility to analyze the potential impact of the environmental concern on both the collateral value and the financial viability of the borrower and to ensure that an environmental assessment is obtained if needed. As appropriate, the institution may engage an environmental impact expert to conduct an impact assessment or may require the borrower to take appropriate action."

List of Subjects in 12 CFR Part 614

Agriculture, Banks and banking, Foreign trade, Reporting and recordkeeping requirements, Rural areas.

Accordingly, 12 CFR part 614 is amended as follows:

Subpart F—Collateral Evaluation Requirements

§ 614.4250 [Corrected]

1. Section 614.4250 is amended by removing the reference to "§ 614.4240(l)" and adding in its place "§ 614.4240(k)" in paragraph (a)(1).

§ 614.4255 [Corrected]

2. Section 614.4255 is amended by revising paragraph (a); redesignating existing paragraphs (b), (c), and (d) as new paragraphs (c), (d), and (e); adding a new paragraph (b); and by adding an "s" at the end of the word "serve" in the introductory text of redesignated paragraph (c) to read as follows:

§ 614.4255 Independence requirements.

(a) *Prohibitions.* For all personal and intangible property, and for all real property exempted under § 614.4260(c) of this subpart, no person may:

(1) Perform evaluations in connection with transactions in which such person has a direct or indirect interest, financial or otherwise, in the loan or subject property;

(2) As a director, vote on or approve a loan decision on which such person performed a collateral evaluation; or

(3) As a director, perform a collateral evaluation in connection with any transaction on which such person made or will be required to make a credit decision.

(b) *Officers and employees.* If the institution's internal control procedures required by § 618.8430 of this chapter include requirements for either a prior approval or post-review of credit decisions, officers and employees may:

(1) Participate in a vote or approval involving assets on which they performed a collateral evaluation; or

(2) Perform a collateral evaluation in connection with a transaction on which they have made or will be required to make a credit decision.

* * * * *

Dated: February 19, 1993.

Curtis M. Anderson,

Secretary, Farm Credit Administration Board.

[FR Doc. 93–4332 Filed 2–24–93; 8:45 am]

BILLING CODE 6705–01–P

SMALL BUSINESS ADMINISTRATION

13 CFR Part 121

Small Business Size Standards; Termination of Waiver of the Nonmanufacturer Rule

AGENCY: Small Business Administration.

ACTION: Notice of the termination of a waiver of the nonmanufacturer rule for computer disk drives.

SUMMARY: The Small Business Administration (SBA) is terminating the waiver of the Nonmanufacturer Rule for computer disk drives. The decision to terminate this waiver of the Nonmanufacturer Rule is based on evidence provided to the SBA that there are several small businesses which manufactures computer disk drives and are available to provide them to the Federal Government. Terminating the waiver will require recipients of contracts set aside for small or 8(a) businesses to provide the products of small business manufacturers or processors.

EFFECTIVE DATES: May 26, 1993.

FOR FURTHER INFORMATION CONTACT:

James Parker, Procurement Analyst, phone (703) 695–2435.

SUPPLEMENTARY INFORMATION: Public Law 100–656, enacted on November 15, 1988, incorporated into the Small Business Act the previously existing regulation that recipients of Federal contracts set aside for small businesses or SBA 8(a) Program procurements must provide the products of small business manufacturers or processors. The SBA regulations imposing this requirement are found at 13 CFR 121.906(b) and 121.1106(b). Section 210 of Public Law 101–574 further amended the law to allow for waivers for classes of products for which there are no small business manufacturers or processors "available to participate in the Federal procurement market."

SBA announced the waiver for computer disk drives in the **Federal Register** on August 8, 1991, p. 23526. Computer disk drives are identified under Product and Service Code (PSC) 7025 and Standard Industrial Classification (SIC) Code 3572. Subsequently, through contacts with a Traditional Procurement Center Representative the SBA was made aware of contracts awarded to small businesses that manufacture computer disk drives. Our knowledge of the existence of small business manufacturers available to participate in the Federal procurement market requires us to terminate the waiver.

Therefore, the waiver previously granted for computer disk drives under PSC 7025 and SIC 3572 is terminated, effective ninety days from the date of this notice. Small business set-aside or SBA 8(a) contracts for computer disk drives may rely on this waiver where the solicitation is dated before the ninetieth day after the date of Federal Register publication of this termination.

Dated: February 11, 1993.

Robert J. Moffitt,

Associate Administrator for Procurement Assistance.

[FR Doc. 93–4412 Filed 2–24–93; 8:45 am]

BILLING CODE 8025–01–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 92-ASO-17]

Revocation of Control Zone and Transition Area, Oak Grove, NC

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment revokes the Oak Grove, NC Control Zone and Transition Area. The Oak Grove HOLF (Navy) Airport has been permanently closed; thus a need no longer exists for the controlled airspace associated with the existing control zone and transition area.

EFFECTIVE DATE: 0901 u.t.c., May 27, 1993.

FOR FURTHER INFORMATION CONTACT: Kenneth R. Patterson, Airspace Section, System Management Branch, Air Traffic Division, Federal Aviation Administration, P.O. Box 20636, Atlanta, Georgia 30320; telephone (404) 763-7646.

SUPPLEMENTARY INFORMATION:

History

On October 29, 1992, the FAA proposed to amend part 71 of the Federal Aviation Regulations (14 CFR part 71) to revoke the Oak Grove, NC Control Zone and Transition Area (57 FR 58166). The proposed action would revoke the controlled airspace around the Oak Grove HOLF (Navy) Airport. The airport has been permanently closed and the controlled airspace associated with the existing control zone and transition area is no longer needed. Interested parties were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No comments objecting to the proposal were received. This revocation is the same as that in the notice. Control Zones and Transition Areas are published in section 71.171 and section 71.181, respectively, of FAA Order 7400.7A dated November 2, 1992, and effective November 27, 1992, which is incorporated by reference in 14 CFR 71.1. The coordinates for this airspace docket are based on North American Datum 83. The Control Zone and Transition Area listed in this document will be removed subsequently from the Handbook.

The Rule

This amendment to part 71 of the Federal Aviation Regulations revokes the Oak Grove, NC Control Zone and Transition Area.

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore, (1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 71

Aviation safety, Incorporation by reference, Control zones, Transition areas.

Adoption of the Amendment

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

PART 71—[AMENDED]

1. The authority citation for 14 CFR part 71 continues to read as follows:

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

§71.1 [Amended]

2. The incorporation by reference in 14 CFR 71.1 of the Federal Aviation Administration Order 7400.7A, Compilation of Regulations, dated November 2, 1992, and effective November 27, 1992, is amended as follows:

Section 71.171 Designation of Control Zones

* * * * *

ASO NC CZ Oak Grove, NC [Removed]

* * * * *

Section 71.181 Designation of Transition Areas

* * * * *

ASO NC TA Oak Grove, NC [Removed]

Issued in East Point, Georgia, on February 9, 1993.

Don Cass,

Acting Manager, Air Traffic Division, Southern Region.

[FR Doc. 93-4350 Filed 2-24-93; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 71

[Airspace Docket No. 92-ASO-18]

Establishment of Transition Area, Summerville, SC

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment establishes the Summerville, SC Transition Area. A standard instrument approach procedure (SIAP) has been developed to serve the Dorchester County Airport based on the Dorchester County Non-directional Radio Beacon (NDB). This action would lower the base of controlled airspace from 1200 feet to 700 feet above the surface of the airport to provide additional controlled airspace for instrument flight rules (IFR) aeronautical operations.

EFFECTIVE DATE: 0901 u.t.c., May 27, 1993.

FOR FURTHER INFORMATION CONTACT: Kenneth R. Patterson, Airspace Section, System Management Branch, Air Traffic Division, Federal Aviation Administration, P.O. Box 20636, Atlanta, Georgia 30320; telephone (404) 763-7646.

SUPPLEMENTARY INFORMATION:

History

On November 9, 1992, the FAA proposed to amend part 71 of the Federal Aviation Regulations (14 CFR part 71) to establish the Summerville, SC Transition Area (57 FR 58167). This action will provide controlled airspace for aircraft executing a new instrument approach procedure to the Dorchester County Airport. The operating status of the airport is changed to include IFR. Interested parties were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No comments objecting to the proposal were received. This amendment is the same as that proposed in the notice. Transition Areas are published in section 71.181 of FAA Order 7400.7A dated November 2, 1992, and effective November 27, 1992, which is incorporated by reference in 14 CFR 71.1. The coordinates for this airspace docket are based on North American Datum 83. The Transition Area listed in this document will be published subsequently in the Handbook.

The Rule

This amendment to part 71 of the Federal Aviation Regulations establishes the Summerville, SC Transition Area to accommodate Instrument Flight Rules

operations at the Dorchester County Airport.

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore, (1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 71

Aviation safety, Incorporation by reference, Transition areas.

Adoption of the Amendment

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

PART 71—[AMENDED]

1. The authority citation for 14 CFR part 71 continues to read as follows:

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

§ 71.1 [Amended]

2. The incorporation by reference in 14 CFR 71.1 of the Federal Aviation Administration Order 7400.7A, Compilation of Regulations, dated November 2, 1992, and effective November 27, 1992, is amended as follows:

Section 71.181 Designation of Transition Areas

* * * * *

ASO SC TA Summerville, SC [New]

Dorchester County Airport, SC
(lat. 33°03'49"N, long. 80°16'46"W)

That airspace extending upward from 700 above the surface within a 7-mile radius of Dorchester County Airport.

* * * * *

Issued in East Point, Georgia, on February 9, 1993.

Don Cass,

Acting Manager, Air Traffic Division, Southern Region.

[FR Doc. 93–4351 Filed 2–24–93; 8:45 am]

BILLING CODE 4910–13–M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[VA–9–1–5467; A–1–FRL–4538–6]

Approval and Promulgation of Air Quality Implementation Plans; Virginia; Recodification of Air Quality Regulations

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: EPA is approving a State Implementation Plan (SIP) revision submitted by the Commonwealth of Virginia. These revisions consist of a revised format for Virginia's air pollution control regulations. The changes are administrative in nature, and do not substantively revise the current SIP, except for the addition to the SIP of Virginia's public participation guidelines. The intended effect of this action is to ensure that the Commonwealth of Virginia's current regulatory numbering format and the Virginia SIP numbering format are consistent with each other. This action is being taken in accordance with section 110 of the Clean Air Act.

EFFECTIVE DATE: This rule will become effective on March 29, 1993.

ADDRESSES: Copies of the documents relevant to this action are available for public inspection during normal business hours at the Air, Radiation, and Toxics Division, U.S. Environmental Protection Agency, Region III, 841 Chestnut Building, Philadelphia, PA 19107; Public Information Reference Unit, U.S. Environmental Protection Agency, 401 M Street, SW., Washington, DC, 20460; and Virginia Department of Air Pollution Control, P.O. Box 10089, Richmond, VA 23240.

FOR FURTHER INFORMATION CONTACT: Harold A. Frankford, (215) 597–1325.

SUPPLEMENTARY INFORMATION:

Background

On February 14, 1985, the Commonwealth of Virginia submitted to EPA Region III both a revised format and numerous amendments, both administrative and substantive, to its Regulations for the Control and Abatement of Air Pollution. Virginia requested that these changes be reviewed and processed as revisions of the Virginia State Implementation Plan (SIP). Many of the nonsubstantive changes were made to the regulations to improve their clarity and simplicity. The new format of the regulations primarily organizes the emission standards into separate rules based on source category, although there are a limited number of pollutant-specific rules. These pollutant-specific rules pertain to visible emissions, fugitive dust/emissions, and open burning. The emission standards in these rules are cross-referenced in the source-specific rules.

The State certified that public hearings pertaining to these proposed revisions were held on June 15, 1984, and September 18, 1984, in Richmond, as required by 40 CFR 51.102. Additional public hearings were held in Abingdon, Roanoke, Lynchburg, Virginia, and Springfield.

On October 19, 1987, 52 FR 38787, EPA proposed approval of Virginia's procedural language changes and format amendments as revisions of the Virginia SIP. During the 30-day public comment period following this proposed rulemaking notice, no comments were received. This final rulemaking notice summarizes EPA's final action with respect to the renumbering and format changes only. EPA's evaluation of Virginia's substantive regulatory revisions will be discussed in separate final rulemaking notices.

Revised Regulation Format

One element of the reorganization effort was to relocate those definitions previously located in part I that were primarily used or associated with a particular element (part, rule, or section), within the regulations. Parts I (Definitions) and II (General Provisions) contain the definitions of general applicability and general provisions, respectively, as in the old format, with the exception of section 2.33, which has been relocated to Part VIII (Permits for New and Modified Sources). Part IV (Existing and Certain Other Sources) contains the source category-specific rules and includes the applicable definitions.

The format and numbering of Virginia's air pollution control regulations have been extensively revised. A description and cross-reference of these changes are listed below:

Part I—Definitions

Sections 1.01 (General) and 1.02 (Terms Defined) have been converted to Sections 120–01–01 and 120–01–02, respectively.

Part II—General Provisions

Sections 2.01 through 2.14, 2.30 through 2.32 and 2.34 have been converted to Sections 120–02–01

through 120–02–14, 120–02–30 through 120–02–32, and 120–02–34, respectively. Section 2.33 is now located in Part VIII, Section 120–08–01. Section 120–02–02B. contains a provision referencing Virginia's public participation guidelines, which are being added to the federally-approved Virginia SIP. The following Part II provisions are not included in the Virginia SIP: Sections 120–02–02E., 120–02–05B., C., 120–02–08, and 120–02–13.

Part III—Ambient Air Quality Standards

Sections 3.01 through 3.08 have been converted to Sections 120–03–01 through 120–03–08, respectively.

Part IV—Existing and Certain Other Sources

Revised Format

The format for Part IV has been extensively revised, especially the provisions governing control of manufacturing process operations and volatile organic compound (VOC) emissions. The provisions were formerly found in Rules EX–4 and EX–5 are now renumbered as follows:

Rule EX–4 (Particulate Emissions from Manufacturing Operations) has been reorganized as follows:

Rule 4–4 General Process Operations
Rule 4–10 Asphalt Concrete Plants
Rule 4–12 Chemical Fertilizer Manufacturing Operations
Rule 4–13 Kraft Pulp Mills
Rule 4–14 Sand and Gravel Processing and Stone Quarrying Operations
Rule 4–15 Coal Preparation Plants
Rule 4–16 Portland Cement Plants
Rule 4–17 Woodworking Operations
Rule 4–18 Primary and Secondary Metal Operations
Rule 4–19 Lightweight Aggregate Process Operations
Rule 4–20 Feed Manufacturing Operations

Rule EX–5 (Emission Standards for Gaseous Pollutants) has been reorganized as follows:

Rule 4–8 Fuel Burning Equipment (SO_2 Standards)
Rule 4–21 Sulfuric Acid Plants
Rule 4–22 Sulfur Recovery Operations (SO_2 Standards)
Rule 4–19 Lightweight Aggregate Process Operations (SO_2 Standards)
Rule 4–23 Nitric Acid Production Units (SIP Reg. 4.53)

The following rules have been reorganized and renumbered from former SIP Regulations 4.54 through 4.57:

Rule 4–5 Synthesized Pharmaceutical Products Manufacturing Operations
Rule 4–6 Rubber Tire Manufacturing Operations
Rule 4–11 Petroleum Refinery Operation
Rule 4–24 Solvent Metal Cleaning Operations
Rule 4–25 Transfer and Storage Operation
Rule 4–26 Large Appliance Coating Lines
Rule 4–27 Magnet Wire Coating Lines
Rule 4–28 Automobile and Light-Duty Truck Coating Lines
Rule 4–29 Can Coating Lines
Rule 4–30 Metal Coil Coating Lines
Rule 4–31 Paper & Fabric Coating Lines
Rule 4–32 Vinyl Coating Lines
Rule 4–33 Metal Furniture Coating Lines
Rule 4–34 Miscellaneous Metal Parts and Products Coating Application Systems
Rule 4–35 Flatwood Paneling
Rule 4–36 Graphic Arts Printing
Rule 4–37 Petroleum Liquid Storage and Transfer Operations
Rule 4–38 Dry Cleaning Systems
Rule 4–39 Asphalt Paving Operations

In addition, the following other Part IV renumbering changes have been made:

Old SIP citation	Revised SIP citations
Special provisions (Sections 4.01–4.05).	Sections 120–04–01 through 120–04–05.
Rule EX–1 Open burning.	Rule 4–40.
Rule EX–2 Visible emissions/fugitive.	Rule 4–1.
Rule EX–3 Fuel burning equipment.	Rule 4–8.
Rule EX–7 Incinerators	Rule 4–7.
Rule EX–8 Coal refuse disposal areas.	Deleted.
Rule EX–9 Coke Ovens.	Rule 4–9.
Rule EX–10 Mobile sources.	Rule 4–41.

Part V—Emission Standards From New and Modified Sources

The format of Part V is revised as follows: SIP Sections 5.01 through 5.05 are redesignated as Sections 120–05–01 through 120–05–05, respectively. SIP rules NS–1 and NS–4 are redesignated as Rules 5–1 and 5–4, respectively.

SIP Sections 7.01 through 7.05 have converted to Sections 120–07–03 through 120–07–07, respectively. Section 120–07–01 (Applicability) has been moved from Part I to Part VII as an explanatory section which does not change any substantive provisions in this Part. The definitions found in Section 120–07–02 (Definitions) have been moved from Part I to Part VII.

Part VIII—Permits For New and Modified Sources

SIP section 2.33 (Permits—New and Modified Sources) has been relocated from Part II to Part VIII, and designated as Section 120–08–01. Section 8.02 (Permits for Major Stationary Sources and Major Modifications located in Nonattainment Areas) has been redesignated as Section 120–08–03. With regard to Section 120–08–02 (Permits—Major Stationary Sources and Major Modifications Locating in Prevention of Significant Deterioration Areas), Virginia carries out PSD authority via a delegation of agreement with EPA to implement and enforce 40 CFR part 52, § 52.21. The PSD regulations at 40 CFR 52.21 were federally promulgated for Virginia at 40 CFR 52.2451.

Appendices

The current SIP version of appendix E, referring to coal refuse disposal areas, is deleted. A new appendix E, which describes Virginia's public participation guidelines, is added. In addition, the wording of appendices A, G, J, K, N, and P has been revised to reflect administrative changes associated with the recodification of Virginia's air pollution control regulations. These changes include revision of the boundaries of Metropolitan Statistical Areas as defined by the United States Department of Commerce, references to the revised State citations, and removal of obsolete provisions.

Revisions to Administrative Provisions

EPA is also approving certain other administrative amendments associated with the renumbering and reformatting of Parts I, II, IV, and V of Virginia's regulations, including the deletion of outdated provisions, as revisions to the Virginia SIP. The affected provisions were listed in the October 19, 1987 NPR, and EPA's evaluation and determination of approval are discussed in the accompanying technical support document entitled "Approval of Revision to the Virginia State Implementation Plan—52.2420(c)(89)," dated October 16, 1992 which is available upon request from the EPA Regional Office listed in the **ADDRESSES** section of this notice.

EPA has not reviewed at this time the substance of certain regulations which were part of Virginia's February 14, 1985 SIP revision submittal. These rules, which pertain to substantive revisions of Virginia's sulfur dioxide (SO_2), good engineering practice (GEP) stack height, particulate matter (PM), volatile organic compounds (VOC),

sulfuric acid mist, total reduced sulfur (TRS) from kraft pulp mills and open burning requirements, as well as new source review provisions concerning both Federal/State enforceability and exclusion of vessel emissions will be the subject of separate rulemaking actions. By today's action, EPA is now only approving the numbering system and associated administrative changes submitted by the State. The EPA's approval of the renumbering system, at this time, does not imply any position with respect to the approvability of the substantive rule changes to the above-listed changes. To the extent EPA has issued any SIP calls to the State with respect to the adequacy of any of the rules subject to this recodification, EPA will continue to require the State to correct any such rule deficiencies despite EPA's approval of this recodification.

Final Action

EPA is approving Virginia's request to revise the SIP to reflect the revised format of the Commonwealth of Virginia State Air Pollution Control Board Regulations for the Control and Abatement of Air Pollution, except for those provisions which EPA does not regard to be part of the SIP. EPA's action is limited to approval of the revised numbering system and the revised format within such system of the federally-approved language of the definitions, regulatory provisions, and administrative provisions of the SIP.

The Agency has reviewed this request for revision of the federally-approved State implementation plan for conformance with the provisions of the 1990 amendments enacted on November 15, 1990. The Agency has determined that this action conforms with those requirements irrespective of the fact that the submittal preceded the date of enactment.

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

This action to approve recodification of Virginia's SIP regulations and the associated administrative revisions has been classified as a Table 3 action for signature by the Regional Administrator under the procedures published in the Federal Register on January 19, 1989 (54 FR 2214–2225). On January 6, 1989, the Office of Management and Budget waived Table 2 and Table 3 SIP revisions (54 FR 2222) from the requirements of section 3 of Executive Order 12291 for a period of two years. EPA has submitted a request for a permanent waiver for Table 2 and 3 SIP revisions. OMB has agreed to continue the temporary waiver until such time as it rules on EPA's request.

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 April 26, 1993. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

List of Subjects in 40 CFR Part 52

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

Dated: November 12, 1992.

A.R. Morris,

Acting Regional Administrator, Region III.

40 CFR part 52, chapter I, title 40 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 VV—Virginia

2. Section 52.2420 is amended by adding paragraph (c)(89) to read as follows:

§ 52.2420 Identification of plan.

* * * * *

(c) * * *

(89) Revisions to the Virginia Regulations for the Control and Abatement of Air Pollution were submitted on February 15, 1985 by the Commonwealth of Virginia:

(i) *Incorporation by reference.*

(A) Letter of February 15, 1985 from the Virginia State Air Pollution Control Board transmitting a recodification and restructuring of the Virginia Regulations for the Control and Abatement of Air Pollution.

(B) The following provisions of the Virginia regulations, effective February 1, 1985:

(1) Part I General Definitions

Sections 120–01–01, 120–01–02 (former sections 1.01, 1.02) (except for definitions of "dispersion technique," "excessive concentrations," "good engineering practice (GEP) stack height," "hazardous air pollutant," "nearby," "stationary source" and "variance").

(2) Part II General Provisions

Sections 120–02–01 through 120–02–04 (former sections 2.01–2.04); 120–02–05A (former section 2.05A); 120–02–06 through 120–02–07 (former sections 2.06–2.07) 120–02–11, 120–02–14 (former sections 2.11, 2.14); 120–02–31, 120–02–32, and 120–02–34 (former sections 2.31, 2.32, 2.34).

Note: SIP Sections 2.09, 2.10, 2.12, and 2.30 have been redesignated as Sections 120–02–09, 120–02–10, 120–02–12, and 120–02–30 respectively. There are no wording changes. SIP Section 2.33 has been moved to Part VIII.

(3) Part III Ambient Air Quality Standards

Sections 120–03–01 through 120–03–05 (former sections 3.01–3.05), 120–03–07, 120–03–08 (former Sections 3.07–3.08)

(4) Part IV Emission Standards From Existing Sources

Sections 120–04–01 through 120–04–05 (except for sections 120–04–02.A.3. and 120–04–021).

Rule 4–4, Sections 120–04–0401, 120–04–0402.A.–C. (definitions of "heat input" and "rated capacity" only), 120–04–0407, 120–04–0408, 120–04–0411 through 120–04–0417.

Rules 4–5, 4–6, 4–23, and 4–38 (except for sections within each rule pertaining to control of odors and noncriteria pollutants).

Rule 4–7 (except for sections 120–04–0706 through 120–04–0708).

Rule 4–8, Sections 120–04–0801, 120–04–0802.A.–C. (except for definitions of "fuel burning equipment," "fuel burning equipment installation," "refuse derived fuel" and "total capacity"), 120–04–0805A. and B., 120–04–0807A., 120–04–0808, 120–04–0811 through 120–04–0817.

Rule 4–9, Sections 120–04–0901, 120–04–0902, 120–04–0909, 120–04–0910 (except for 120–04–0910.B.2.), 120–04–0911 through 120–04–0915.

Rule 4–10 (except for sections 120–04–1002.C., 120–04–1003, 120–04–1006, 120–04–1007).

Rule 4–11 (except for sections 120–04–1104, 120–04–1110, 120–04–1111, and the definition of "gasoline" in section 120–04–1102.C.).

Rule 4–12, Sections 120–04–1201, 120–04–1202.A.–C. (definition of "chemical fertilizer" only), 120–04–1204, 120–04–1205, 120–04–1208 through 120–04–120–04–1414.

Rule 4–13, Sections 120–04–1301, 120–04–1302.A. and B., 120–04–1305, 120–04–1306, 120–04–1309 through 120–04–1315.
Rule 4–14, Sections 120–04–1401, 120–04–1402.A. and B., 120–04–1404, 120–04–1405, 120–04–1408 through 120–04–1414.
Rule 4–15, Sections 120–04–1501, 120–04–1502.A. and B., 120–04–1504, 120–04–1505, 120–04–1508 through 120–04–1514.
Rule 4–16, Sections 120–04–1601, 120–04–1602.A. and B., 120–04–1605, 120–04–1606, 120–04–1609 through 120–04–1615.
Rule 4–17, Sections 120–04–1701, 120–04–1702.A. and B., 120–04–1704, 120–04–1705, 120–04–1708 through 120–04–1714.
Rule 4–18, Sections 120–04–1801, 120–04–1802.A.–C. (definition of "melt time" only), 120–04–1805, 120–04–1806, 120–04–1809 through 120–04–1815.
Rule 4–19, Sections 120–04–1901, 120–04–1902.A. and B., 120–04–1905, 120–04–1906, 1204–04–1909 through 120–04–1915.
Rule 4–20, Sections 120–04–2001, 120–04–2002.A.–C. (definition of "production rate" only), 120–04–2004, 120–04–2005, 120–04–2008 through 120–04–2014.
Rule 4–21, Sections 120–04–2101, 120–04–2102.A. and B., 120–04–2105, 120–04–2106, 120–04–2109 through 120–04–2115.
Rule 4–22 (except for sections 120–04–2203, 120–04–2206 and 120–04–2207).
Rule 4–24 (except for sections 120–04–2401.C., 120–04–2407, and 120–04–2408).
Rule 4–25 (except for sections 120–04–2501.C., 120–04–2507, and 120–04–2508).
Rule 4–26 (except for sections 120–04–2601.C., 120–04–2607, 120–04–2608, and 120–04–2609.B.).
Rule 4–27 (except for sections 120–04–2701.C., 120–04–2707, 120–04–2708, and 120–04–2709.B.).
Rule 4–28 (except for sections 120–04–2801.C., 120–04–2807, 120–04–2808, and 120–04–2809.B.).
Rule 4–29 (except for sections 120–04–2901.C., 120–04–2907, 120–04–2908, and 120–04–2909.B.).
Rule 4–30 (except for sections 120–04–3001.C., 120–04–3007, 120–04–3008, and 120–04–3009.B.).
Rule 4–31 (except for sections 120–04–3101.C., 120–04–3107, 120–40–3108, and 120–04–2609.B.).
Rule 4–32 (except for sections 120–04–3201.C., 120–04–3207, 120–04–3208, and 120–04–3209.B.).
Rule 4–33 (except for sections 120–04–3301.C., 120–04–3307, 120–04–3308, and 120–04–3309.B.).
Rule 4–34 (except for sections 120–04–3401.C., 120–04–3407, 120–04–3408, and 120–04–3409.B.).
Rule 4–35 (except for sections 120–04–3501.C., 120–04–3507, 120–04–3508, and 120–04–3509.B.).
Rule 4–36 (except for sections 120–04–3601.C., 120–04–3607, 120–04–3608, and 120–04–3609.B.).
Rule 4–37 (except for sections 120–04–3703.D.3.b., 120–04–3707, and 120–04–3708).
Rule 4–39 (except for sections 120–04–3906 and 120–04–3507).
Rule 4–40, Sections 120–04–4001.A. and B., 120–04–4002.A., B., C. (definitions of "refuse" and "household refuse" only).
Rule 4–41, Sections 120–04–4101, 120–04–4102, 120–04–4103.C., 120–04–4104, and 120–04–4105.

Deletion of Rule EX–8

Note: (1) All sections within each rule pertaining to control odors and noncriteria pollutants are not part of the SIP.

(2) Emission standards for hydrogen sulfide (sections 120–04–0406, 120–04–1105), total reduced sulfur (section 120–04–1304), and sulfuric acid mist (section 120–04–2104) are currently not part of the SIP.

(3) Section 120–04–3703D.3.b. (former section 4.56(e)(3)(ii)) pertaining to monthly throughput exemptions for gasoline bulk plants is not an approved part of the SIP.

(5) Part V Emission Standards for New and Modified Sources

Sections 120–05–01 through 120–05–05 (except for section 120–05–02.H.).
Rule 5–1, Sections 120–05–0101, 120–05–0102.A., B., C. (definition of "opacity" only), 120–05–0104 through 120–05–0107.
Rule 5–4 (except for sections 120–05–0408 and 120–05–0409).

Note: All sections within each rule pertaining to odors and noncriteria pollutants are not part of the SIP.

(6) Part VII Air Pollution Episodes

Sections 120–07–01, 120–07–02 (added).
Sections 120–07–03 through 120–07–07 (revised) (former Sections 7.01–7.05).

(7) Part VIII Permits for New and Modified Sources

Section 120–08–01.A., B. (except for definitions of "allowable emissions," "potential to emit," "secondary emissions," and "stationary source"), C. (except for C.1.b.), D. through G., and I. through M. (former section 2.33).

Section 120–08–03.A., B. (except for definitions of "allowable emissions," "building, structure, or facility," "net emissions increase," "potential to emit," "secondary emissions," and "stationary source"), C. through G. (except for F.1.), and I. through P. (former section 8.02).

Note: Sections pertaining to sources of hazardous pollutants (sections 120–08–01C.1.b., 120–08–01H.2., 120–08–03C.1.b., and 120–08–03H.2) are not part of the SIP.

(8) Appendices

A, D, F, G, J, K, N, P (Revised)
New E (Added)
B, H—No Change
Old E—Deleted

(ii) *Additional material.*

(A) Remainder of February 15, 1985 State submittal.

(B) Letter with attachments from the Virginia State Air Pollution Control Board (VSAPCB) to U.S. EPA Region III; June 21, 1985.

(C) Letter from VSAPCB to U.S. EPA Region III; September 5, 1985.

(D) Letter with attachments VSAPCB to U.S. EPA Region III; August 7, 1986.

* * * * *

3. Section 52.2423 is amended by revising paragraph (f) to read as follows:

§ 52.2423 Approval status.

* * * * *

(f) Section 120–04–02.A.3. of the Virginia Regulations for the Control and Abatement of Air Pollution is not considered part of the applicable plan because it contradicts a previously approved section of the SIP.

* * * * *

[FR Doc. 93–4161 Filed 2–24–93; 8:45 am]
BILLING CODE 6560–50–M

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40 CFR Part 180

[PP 3F2765/R1182; FRL–4572–7]

RIN 2070–AB78

Pesticide Tolerance for Pendimethalin

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This document establishes a tolerance for the combined residues of the herbicide pendimethalin [*N*-(1-ethylpropyl)-3,4-dimethyl-2,6-dinitrobenzenamine] and its metabolite 4-[(1-ethylpropyl)amino]-2-methyl-3,5-dinitrobenzyl alcohol in or on the raw agricultural commodity sugarcane at 0.1 part per million (ppm). This regulation was requested by the American Cyanamid Co. and would establish the maximum permissible residue of the herbicide on sugarcane.

EFFECTIVE DATE: This regulation becomes effective February 25, 1993.

ADDRESSES: Written objections, identified by the document control number, [PP 3F2765/R1182], may be submitted to: Hearing Clerk (A-110), Environmental Protection Agency, rm. M3708, 401 M St., SW., Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT: By mail: Robert J. Taylor, Product Manager (PM) 25, (H7505C), Registration Division, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Office location and telephone number: rm. 241, CM #2, 1921 Jefferson Davis Highway, Arlington, VA 22202, (703)-305-6800.

SUPPLEMENTARY INFORMATION: In the Federal Register of December 22, 1982 (47 FR 57128), EPA issued a notice which announced that the American Cyanamid Co., P.O. Box 400, Princeton NJ 08540, had submitted pesticide petition (PP) 3F2765 to EPA proposing that under the Federal Food, Drug, and Cosmetic Act (FFDCA), 21 U.S.C. 346a, 40 CFR 180.361 be amended by

establishing a regulation to permit residues of the herbicide pendimethalin (*N*-(1-ethylpropyl)-3,4-dimethyl-2,6-dinitrobenzenamine) in or on the raw agricultural commodity sugarcane at 0.1 ppm.

There were no comments or requests for referral to an advisory committee received in response to the notice of filing.

Subsequently, the petitioner amended the petition and proposed to establish a tolerance for the combined residues of pendimethalin [*N*-(1-ethylpropyl)-3,4-dimethyl-2,6-dinitrobenzenamine] and its metabolite [4-([1-ethylpropyl]-amino)-2-methyl-3,5-dinitrobenzyl alcohol] in or on the raw agricultural commodity sugarcane at 0.10 ppm. Because this revision was a redefinition of the proposal to be consistent with other crop tolerances and did not significantly alter the proposal, a period of public comment is not necessary.

The data submitted in the petition and other relevant material have been evaluated. The toxicology data listed below were considered in support of this tolerance.

1. Several acute studies placing technical-grade pendimethalin in Toxicity Category III.

2. A subchronic feeding study with rats fed dosages of 0, 5, 25, and 250 milligrams/kilogram/day (mg/kg/day) with a no-observable-effect level (NOEL) of 25 mg/kg/day based on decrease in hematocrit and hemoglobin in males, decreased body weight gain and food consumption, and hypertrophy of the liver accompanied by increased liver weights at 250 mg/kg/day.

3. A chronic feeding in dogs fed dosages of 1, 12.5, 50, and 200 mg/kg/day with a NOEL of 12.5 mg/kg/day based on an increase in serum alkaline phosphatase and increased liver weight and hepatic lesions at 50 mg/kg/day.

4. A chronic feeding/carcinogenicity study in rats fed dosages of 0, 5, 25, and 50 mg/kg/day with a statistically significant increased trend and pairwise comparison between the high-dose group and control for thyroid follicular cell adenomas in male and female rats. The systemic NOEL is 5 mg/kg/day based on pigmentation of thyroid follicular cells in males and females.

5. A carcinogenicity study in mice fed dosages of 0, 12.3, 62.3, and 622.1 mg/kg/day (males) and 0, 15.6, 783, and 806.9 mg/kg/day with no carcinogenic effects observed under the conditions of the study up to 622.1 mg/kg/day (highest dose tested (HDT)).

6. A developmental toxicity study with rats fed dosages of 0, 125, 250, and 500 mg/kg/day with a developmental NOEL > 500 mg/kg/day (HDT) and a maternal NOEL > 500 mg/kg/day (HDT).

7. A developmental toxicity study with rabbits fed dosages of 0, .5, 30, and 60 mg/kg/day with a developmental NOEL > 60 mg/kg/day (HDT).

8. A two-generation reproduction study with rats fed dosages of 1, 25, 125, and 250 mg/kg/day (males) and 0, 35, 175, and 350 mg/kg/day (females) with a reproductive NOEL of 25 mg/kg/day based on decrease in pup weight at 125 mg/kg/day. The parental NOEL is 25 mg/kg/day based on decrease in body weight and food consumption at 125 mg/kg/day.

9. Mutagenicity data included assays with *Salmonella typhimurium* (positive in strains TA 1538 and TA 98 with metabolic activation; an in vitro cytogenetics-CHO assay (negative up to 25 ug/plate without metabolic activation and 100 ug/mL with activation); and an unscheduled DNA synthesis (negative between 30 and 3,000 ug/well). A micronucleus assay in mice was negative at 625 and 1,250 mg/kg.

The Health Effects Division Carcinogenicity Peer Review Committee (PRC) evaluated the toxicology data for carcinogenic potential. The PRC classified pendimethalin as a Group C—possible human carcinogen and recommended that for the purpose of characterization, the Reference Dose (RfD) approach should be used for quantification of human risk. This decision was based on statistically significant increased trend and pairwise comparison between the high-dose group and controls for thyroid follicular cell adenomas in male and female rats. This study was conducted using adequate doses for the determination of carcinogenic activity. Pendimethalin induces gene mutations, but not aberrations or DNA damage/repair based on acceptable studies. Structurally-related compounds showed evidence of tumorigenic activity.

The PRC was requested to consider the possibility of using the threshold model for thyroid neoplasms for pendimethalin. While it was suggestive, the evidence was not sufficient to support hormonal mechanisms for thyroid neoplasms.

Based on the NOEL of 12.5 mg/kg/day (2-year dog feeding study) and an uncertainty factor of 300, the RfD (reference dose) for pendimethalin is calculated to be 0.04 mg/kg/day body weight/day (bwt). The theoretical maximum residue contribution (TMRC) is 0.000226 mg/kg/ bwt/day for existing tolerances for the overall U.S. population. The current action will increase the TMRC by 0.000038 mg/kg bwt/day or 0.1 percent of the RfD. This tolerance and previously established tolerances utilize 0.7 percent of the RfD. The subgroup most highly exposed, children aged 1 through 6, has a TMRC from published and proposed uses of 0.000568 mg/kg/ bwt/day or 1.4 percent of the RfD, assuming that residue levels are at the established tolerances and 100 percent of the crop is treated.

There are no desirable data lacking and no pending regulations against the continuing registration of this chemical. The chronic dietary risk from this chemical appears to be minimal, particularly since none of the U.S. population subgroups has an exposure greater than 2 percent of the RfD.

The nature of the residues in plants and animals is adequately understood, and adequate analytical methodology (GLC using a ^{63}Ni electron capture detector) is available for enforcement and has been published in the Pesticide Analtyical Method (PAM), Method I. No secondary residues are expected to occur in meat, milk, poultry, or eggs from this use.

Based on the informtion submitted above, the Agency has determined that the establishment of the tolerance by amending 40 CFR part 180 will protect the public health. Therefore, the tolerance is established as set forth below.

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

The Office of Management and Budget has exempted this rule from the

requirements of section 3 of Executive Order 12291.

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

List of Subjects in 40 CFR Part 180

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

Dated: February 17, 1993.

Douglas D. Campt,

Director, Office of Pesticide Programs.

Therefore, 40 CFR part 180 is amended as follows:

PART 180—[AMENDED]

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

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

2. In § 180.361(a) in the table therein, by adding and alphabetically inserting the raw agricultural commodity sugarcane, to read as follows:

§180.361 Pendimethalin; tolerances for residues.

(a) * * *

Commodity	Parts per million
* * * * *	
Sugarcane	0.1
* * * * *	

* * * * *

[FR Doc. 93-4393 Filed 2-24-93; 8:45 am]

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NATIONAL TRANSPORTATION SAFETY BOARD

49 CFR Parts 821 and 826

Rules of Practice in Civil Penalty Proceedings

AGENCY: National Transportation Safety Board.

ACTION: Interim rules and request for comment.

SUMMARY: The NTSB is adopting interim rules to implement the FAA Civil Penalty Administrative Assessment Act of 1992, signed into law on August 26, 1992. This law transfers adjudication of appeals of civil penalties assessed by the Federal Aviation Administrator against pilots, flight engineers, mechanics, and repairmen from the FAA to the NTSB. In light of the immediate effectiveness of the law, the NTSB is adopting interim rules without notice and comment. Comments are invited and will be considered in the formulation of final rules.

DATES: The interim rules are effective on February 25, 1993. Comments are invited by March 29, 1993. Reply comments may be filed by April 21, 1993.

ADDRESSES: An original and two copies of any comments must be submitted to: Office of General Counsel, National Transportation Safety Board, 490 L'Enfant Plaza East, SW., Washington, DC 20594, Attention: Civil Penalty Rules.

Comments may be inspected at the above address, Room 6333, from 8 a.m. to 5 p.m. Monday through Friday.

FOR FURTHER INFORMATION CONTACT: Daniel D. Campbell, General Counsel, (202) 382-6540.

SUPPLEMENTARY INFORMATION: The NTSB currently has rules, at 49 CFR part 821, that govern practice and procedure in certain air safety proceedings, including proceedings in which the Administrator of the Federal Aviation Administration seeks to suspend or revoke various certificates or privileges. Our rules provide generally that, upon appeal from an order of the Administrator, the matter will be heard by an administrative law judge, who will issue an initial decision appealable to the Board itself. Especially relevant to our inquiry here, subpart B contains general procedural rules, subpart D specifies due dates for filing appeals from orders of the Administrator, and subparts E, F and G describe the functions of the law judges, the conduct of hearings held by them, and issuance of their decisions. Subpart H explains the process of appealing the law judge's decision to the Board.

Interim Rules

Public Law No. 102-345 expands the Board's jurisdiction to review actions of the Administrator. Section 901(a)(3)(D)(ii) of the Federal Aviation Act of 1958 (49 U.S.C. 1471(a)(3)) has been amended to provide that any person acting in the capacity of a pilot, flight engineer, mechanic, or repairman against whom an order assessing a civil penalty is issued by the Administrator under this paragraph may appeal the order to the National Transportation Safety Board, and the Board shall, after notice and a hearing on the record in accordance with section 554 of title 5, United States Code, affirm, modify, or reverse the order of the Administrator.

Thus, in addition to our current docket of appeals involving suspension, revocation, and medical qualification matters, we now will also hear appeals from the Administrator's orders imposing civil penalties against individuals in the listed categories.

We believe that our current rules require few immediate changes to accommodate our new authority. The existing appeal procedures already include, as required by Public Law 102-345, notice and a hearing on the record pursuant to the Administrative Procedure Act, 5 U.S.C. 554 *et seq.* The changes below merely add information to reflect the scope of our new authority.[1] These interim rules should permit processing of any civil penalty cases instituted while the Board has final rules under consideration.

Request for Comments

Interested parties should feel free to offer comments as to any of the existing part 821 rules that they believe require modification to facilitate civil penalty practice before the Board. Commentors should be aware that it is the Board's intention to publish an additional notice of proposed rule covering part 821 generally. The Board has received numerous suggestions for improvement of its Part 821 rules, and we believe it will be beneficial to pursue generalized "housekeeping" amendment of these rules to add to their efficiency. In this upcoming proceeding, all interested persons will be asked for additional suggested improvements to the basic rules.

The present docket should be used only for submissions that pertain specifically to the issue of new civil penalty jurisdiction. One area in which we specifically seek comment is the applicability of the stale complaint rule, § 821.33, to the civil penalty docket. We propose no changes to this rule.[2] Thus,

[1] We do not believe that all relevant provisions of P.L. No. 102-345 (such as the section restricting civil penalties to $50,000) need be reproduced in rules, and we do not propose to do so.

[2] The new Act imposes a statute of limitations of 2 years from the date the violation occurred for civil penalties not appealable to the NTSB. The NTSB stale complaint rule bars some violations where 6 months or more has elapsed between the date of the violation and the Administrator's notice to respondent of reasons for a proposed action. We are unaware of any legislative history to suggest that the new statutory provision was intended to affect the Board's ability to apply its long-standing stale complaint rule in civil penalty cases.

unless comments convince us otherwise, it will continue to apply not only to suspensions but to civil penalties as well. The Board is also particularly interested in hearing any comments or proposals relating to the new codification of rules of deference and the provisions of Public Law No. 102–345 that pertain to the modification of proposed sanctions.

Public Law 102–345 amended existing statutory authorities of the Board to indicate that the Board, while not bound by any findings of fact made by the Administrator, is bound by all validly adopted interpretations of laws and regulations administered by FAA and, with respect to the choice of sanctions, by such written FAA policy guidance as is available to the public. This deference is to be accorded FAA unless the Administrator's interpretations are found to be arbitrary, capricious, or otherwise not in accordance with the law. The new law also indicates that the Board may, consistent with the foregoing, modify the type of sanction imposed by the Administrator. For example, the law indicates that the Board may, in an appropriate case, change a civil penalty to a suspension or it may change a suspension to a civil penalty. From the standpoint of current practice, the foregoing provisions regarding deference do not appear to require great departure from current practice.[3] On the other hand, the new provision regarding the modification of sanction clearly results in some tension with existing practice.[4]

The Board does not now propose any specific amendment to its rules to accommodate these new deference and sanction provisions. Indeed it may be that no rules are required, as the statutory authority is largely self-executing. Furthermore, it will be difficult to anticipate the types of questions that may arise under these provisions, and it may prove equally difficult to specify by general rule an answer that will actually be dispositive of the many questions that could arise. Nevertheless, some of the areas of concern are obvious. Among these are questions such as the meaning of "validly adopted" in the context of interpretations proffered by FAA; the scope of authorities which may be deemed to be "written agency policy guidance" to which deference should be given in sanction determinations; and the circumstances in which the Board may or should consider the modification of sanction as between civil penalties on the one hand and suspensions or revocations on the other. The Board believes that it will be useful to receive public comment on issues such as these, even if it should prove impossible to construct specific rules of procedure from the comments made.

[3] The Board has traditionally given great deference to the Administrator's interpretation of FAA rules, where that interpretation was free of the types of defect now specified by statute. See, *e.g.*, *Administrator* v. *Miller*, NTSB Order No. EA–3581 (1992).

[4] It has been the traditional practice of the Board to defer to the Administrator's choice of sanction except where clear and compelling reasons indicate that a reduced sanction is warranted. See *Administrator* v. *Muzquiz*, 2 NTSB 1474 (1975). It is also true as a practical fact, if perhaps not explicitly stated as doctrine, that the Board does not increase sanction over that sought by the Administrator. While the inclusion of in the Board's traditional policies, the parameters of policy change, if any, are not easily established by statute or reference to its legislative history.

Regulatory Matters

Because the legislation is already effective, we are adopting necessary implementing amendments on an interim basis, pending receipt and consideration of comments. We intend to issue final rules as soon as possible thereafter.

As required by the Regulatory Flexibility Act, we certify that the amended rules will not have a substantial impact on a significant number of small entities. The rules are not major rules for the purposes of Executive Order 12291. We also conclude that this action will not significantly affect either the quality of the human environment or the conservation of energy resources, nor will this action impose any information collection requirements requiring approval under the Paperwork Reduction Act.

List of Subjects

49 CFR Part 821

Administrative practice and procedure, Airmen, Aviation safety.

49 CFR Part 826

Claims, Equal access to justice, Lawyers.

Accordingly, 49 CFR parts 821 and 826 are amended as set forth below.

PART 821—RULES OF PRACTICE IN AIR SAFETY PROCEEDINGS

1. The authority citation for part 821 is revised to read as follows:

Authority: Title VI, Federal Aviation Act of 1958, as amended (49 U.S.C. App. 1421 *et seq.*); Independent Safety Board Act of 1974, Pub. L. 93–633, 88 Stat. 2166 (49 U.S.C. App. 1901, *et seq.*), and FAA Civil Penalty Administrative Assessment Act of 1992, Pub.L. 102–345 (49 U.S.C. App. 1471), unless otherwise noted.

2. Section 821.1 is amended to add the following definitions:

§ 821.1 Definitions.

* * * * *

Flight engineer means a person who holds a flight engineer certificate issued under part 63 of title 14 of the Code of Federal Regulations.

* * * * *

Mechanic means a person who holds a mechanic certificate issued under part 65 of title 14 of the Code of Federal Regulations.

Order means the document (sometimes also called a complaint) in which the Administrator seeks to impose a civil penalty or amend, modify, suspend or revoke a certificate.

* * * * *

Pilot means a person who holds a pilot certificate issued under part 61 of title 14 of the Code of Federal Regulations.

Repairman means a person who holds a repairman certificate issued under part 65 of Title 14 of the Code of Federal Regulations.

* * * * *

3. Section 821.1 is also amended by revising the two definitions below as follows:

§ 821.1 Definitions.

Complaint means an order of the Administrator from which an appeal to the Board has been taken pursuant to sections 501(e)(2), 609, 611(c), or 901 of the Act.

* * * * *

Respondent means the holder of a certificate who has appealed to the Board from an order of the Administrator imposing a civil penalty or amending, modifying, suspending, or revoking a certificate.

* * * * *

4. Section 821.2 is revised to read as follows:

§ 821.2 Applicability and description of part.

The provisions of this part govern all air safety proceedings, including proceedings involving airman medical certification, before a law judge on petition for review of the denial of any airman certificate or on an appeal from any order of the Administrator amending, modifying, suspending or revoking any certificate. The provisions of this part also govern all proceedings on appeal from an order of the Administrator imposing a civil penalty on a flight engineer, mechanic, pilot, or repairman, where the underlying violation occurred on or after August 26, 1992, and all proceedings on appeal to

the Board from any order or decision of a law judge.

5. Section 821.30 is revised to read as follows:

§ 821.30 Initiation of proceedings.

(a) *Appeal.* A certificate holder may file with the Board an appeal from any order of the Administrator amending, modifying, suspending or revoking a certificate. A flight engineer, mechanic, pilot, or repairman may file with the Board an appeal from any order of the Administrator imposing a civil penalty. Such appeals shall be filed with the Board within 20 days from the time of service of the order, along with proof of service on the Administrator.

(b) *Contents.* Each appeal shall contain a concise but complete statement of the facts relied on and the relief sought. It shall identify the Administrator's order and any certificate affected and shall recite the Administrator's action from which the appeal is sought. It shall also contain proof of service on the Administrator.

(c) *Effect of timely appeal with the Board.* Timely filing with the Board of an appeal from an order of the Administrator shall postpone the effective date of the order until final disposition of the appeal by the law judge or the Board, except in emergency proceedings.

6. Section 821.64 is revised to read as follows:

§ 821.64 Judicial review.

Judicial review of a final order of the Board may be sought as provided in section 1006 of the Act (49 U.S.C. App. 1486) and section 304(d) of the Independent Safety Board Act of 1974 (49 U.S.C. 1903(d)) by the filing of a petition for review within 60 days of the date the Board Order is served, subject to the restrictions contained in section 609(a) of the Act, and new § 901(a)(3)(D)(v) enacted in the FAA Civil Penalty Administrative Assessment Act of 1992.

7. The authority citation for part 826 continues to read as follows:

Authority: Section 203(a)(1) Pub. L. 99–80, 99 Stat. 186 (5 U.S.C. 504).

8. Section 826.2 is revised to read as follows:

§ 826.2 When the Act applies.

The Act applies to any adversary adjudication identified in § 826.3 as covered under the Act.

9. Section 826.3(a) is revised to read as follows:

§ 826.3 Proceedings covered.

(a) The Act applies to certain adversary adjudications conducted by the Board. These adjudications under 5 U.S.C. 554 in which the position of the FAA is presented by an attorney or other representative who enters an appearance and participates in the proceedings. Proceedings to grant or renew certificates or documents, hereafter referred to as "licenses," are excluded, but proceedings to modify, suspend, or revoke "licenses," are excluded, but proceedings to modify, suspend, or revoke licenses or to impose a civil penalty on a flight engineer, mechanic, pilot, or repairman are covered if they are otherwise "adversary adjudications." For the Board, the type of proceeding covered includes (but may not be limited to) aviation enforcement cases appealed to the Board under sections 501, 602, 609, 611 and 901 of the Federal Aviation Act (49 U.S.C. App. 1401(e), 1422, 1429, 1431, 1471).

* * * * *

Issued in Washington, DC, on this 19th day of February 1993.

Carl W. Vogt,

Chairman.

[FR Doc. 93–4309 Filed 2–24–93; 8:45 am]

BILLING CODE 7533–01–M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration (NOAA)

50 CFR Part 625

[Docket No. 920543–2293]

RIN 0648–AE21

Summer Flounder Fishery; Correction

AGENCY: National Marine Fisheries Service (NMFS), NOAA, Commerce.

ACTION: Final rule; corrections.

SUMMARY: This document corrects errors in the final rule implementing Amendment 2 to the Fishery Management Plan for the Summer Flounder Fishery, which was published December 4, 1992 (57 FR 57358).

EFFECTIVE DATE: December 4, 1992.

FOR FURTHER INFORMATION CONTACT: Kathi L. Rodrigues, Resource Policy Analyst, (508) 281–9324.

SUPPLEMENTARY INFORMATION:

Correction

In final rule document 92–29290, beginning on page 57358, in the issue of Friday, December 4, 1992, make the following corrections:

1. On page 57358, in the **EFFECTIVE DATES** section, in the second column, in the 31st line of text from the bottom of the page, "635.26" is corrected to read "625.26".

§ 625.4 [Corrected]

2. On page 57370, in the regulatory text, in the first column, in § 625.4(b)(1)(ii), in the 17th line from the bottom of the page, "October 15, 1992" is corrected to read "November 30, 1992".

§ 625.5 [Corrected]

3. On page 57371, in the regulatory text, in the second column, in § 625.5(b)(1), in the 23rd line of text from the top of the page, "application" is corrected to read "applicant".

§ 625.27 [Corrected]

4. On page 57376, in the regulatory text, in the second column, in § 625.27(e)(2), in the sixth line of text from the top of the page, "agencies" is corrected to read "species".

Dated: February 18, 1993.

Samuel W. McKeen,

Program Management Officer, National Marine Fisheries Service.

[FR Doc. 93–4182 Filed 2–24–93; 8:45 am]

BILLING CODE 3510–22–M

50 CFR Part 675

[Docket No. 921185–3021]

Groundfish of the Bering Sea and Aleutian Islands Area

AGENCY: National Marine Fisheries Service (NMFS), NOAA, Commerce.

ACTION: Closure.

SUMMARY: NMFS is closing the directed fishery for pollock by the offshore component in the Bering Sea subarea (BS) of the Bering Sea and Aleutian Islands management area (BSAI). This action is necessary to prevent exceeding the first allowance of the pollock total allowable catch (TAC) for the offshore component in the BS.

EFFECTIVE DATES: Effective 12 noon, Alaska local time (A.l.t.), February 22, 1993, until the second allowance of pollock total allowable catch becomes available.

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

SUPPLEMENTARY INFORMATION: The groundfish fishery in the BSAI exclusive economic zone is managed by the Secretary of Commerce according to the Fishery Management Plan for the Groundfish Fishery of the BSAI (FMP) prepared by the North Pacific Fishery Management Council under authority of

the Magnuson Fishery Conservation and Management Act. Fishing by U.S. vessels is governed by regulations implementing the FMP at 50 CFR parts 620 and 675.

In accordance with § 675.20(a)(2), the first allowance of pollock TAC for the offshore component in the BS was established by the final notice of groundfish specifications (February 17, 1993, 58 FR 8703) as 323,212 metric tons (mt).

The Director of the Alaska Region, NMFS (Regional Director), has determined, in accordance with § 675.20(a)(8), that the first allowance of pollock TAC for the offshore component in the BS soon will be reached. Therefore, the Regional Director has established a directed fishing allowance of 309,621 mt, with consideration that 13,591 mt will be taken as incidental catch in directed fishing for other species in the BS. Consequently, NMFS is prohibiting directed fishing for pollock by the offshore component in the BS, effective from 12 noon A.l.t., February 22, 1993, until the second allowance of pollock total allowable catch becomes available.

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

Classification

This action is taken under 50 CFR 675.21 and complies with E.O. 12291.

List of Subjects in 50 CFR Part 675

Fisheries, Reporting and recordkeeping requirements.

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

Dated: February 19, 1993.

David S. Crestin,

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

[FR Doc. 93–4446 Filed 2–22–93; 4:19 pm]

BILLING CODE 3510–22–M

Proposed Rules

Federal Register
Vol. 58, No. 36
Thursday, February 25, 1993

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

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

7 CFR Parts 300 and 319

[Docket No. 92–070–1]

Importation of Fruits and Vegetables

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Proposed rule.

SUMMARY: We are proposing to allow a number of previously prohibited fruits and vegetables to be imported into the United States from certain parts of the world. Some of the fruits and vegetables would be required to undergo mandatory treatment for fruit flies or other injurious insects as a condition of entry, or to meet other special conditions. In addition, all of the fruits and vegetables, as a condition of entry, would be subject to inspection, disinfection, or both, at the port of first arrival as may be required by a U.S. Department of Agriculture inspector. This proposed action would provide the United States with additional kinds and sources of fruits and vegetables while continuing to provide protection against the introduction and dissemination of injurious plant pests by imported fruits and vegetables.

DATES: Consideration will be given only to comments received on or before April 12, 1993.

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. 92–070–1. Comments received may be inspected at USDA, room 1141, South Building, 14th Street and Independence Avenue SW., Washington, DC, between 8 a.m. and 4:30 p.m., Monday through Friday, except holidays. Persons wishing to inspect comments are encouraged to call ahead (202–690–2817) to facilitate entry into the comment reading room.

FOR FURTHER INFORMATION CONTACT: Mr. Frank E. Cooper, Senior Operations Officer, Port Operations, PPQ, APHIS, USDA, room 635, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782, (301) 436–8295.

SUPPLEMENTARY INFORMATION:

Background

The regulations in 7 CFR 319.56 *et seq.* (referred to below as the regulations) prohibit or restrict the importation of fruits and vegetables into the United States from certain parts of the world to prevent the introduction and dissemination of injurious insects that are new to or not widely distributed within and throughout the United States.

In a final rule published in the **Federal Register** on November 19, 1992 (57 FR 54485–54492, Docket No. 88–143–2), we revised the regulations to allow a number of previously prohibited fruits and vegetables to be imported into the United States from certain parts of the world. That final rule also revised the regulations to allow seven fruits and vegetables to enter the United States from certain parts of the world under less restrictive conditions.

We are now proposing to amend the regulations by allowing additional fruits and vegetables to be imported into the United States from certain parts of the world. The importation of these fruits and vegetables has been prohibited because of the risk that the fruits and vegetables could introduce injurious insects into the United States. We are proposing to allow these importations at the request of various importers and foreign ministries of agriculture, and after conducting pest risk analyses [1] that indicate the fruits or vegetables can be imported under certain conditions without significant pest risk.

All of the fruits and vegetables included in this document would be subject to the requirements in § 319.56–6 of the regulations. Section 319.56–6 provides, among other things, that all imported fruits and vegetables, as a condition of entry, shall be subject to inspection, disinfection, or both, at the port of first arrival as may be required by a U.S. Department of Agriculture (USDA) inspector to detect and eliminate plant pests. Section 319.56–6 also provides that any shipment of fruits and vegetables may be refused entry if the shipment is infested with fruit flies or other dangerous plant pests and an inspector determines that it cannot be cleaned by disinfection or treatment.

Some of the fruits and vegetables proposed for importation would be required to undergo mandatory treatment for fruit flies or other insect pests as a condition of entry, or to meet other special conditions.

The proposed conditions of entry, which are discussed in greater detail below, appear adequate to prevent the introduction and dissemination of injurious plant pests by the importation of fruits and vegetables from foreign countries and localities.

[1] Information on these pest risk assessments and any other pest risk assessment referred to in this document may be obtained by writing to the person listed under "FOR FURTHER INFORMATION CONTACT."

Subject to Inspection and Treatment Upon Arrival

We would allow the following fruits and vegetables to be imported into the United States in accordance with § 319.56–6 and all other applicable requirements of the regulations:

Country and common name	Botanical name	Plant part(s)
Belize: Banana	*Musa* spp	Flower in bracts with stems.
Bermuda:		
Mandarin orange	*Citrus reticulata*	Fruit.
Papaya	*Carica papaya*	Fruit.
Peach	*Prunus persica*	Fruit.
Pineapple guava	*Feijoa* spp	Fruit.

Country and common name	Botanical name	Plant part(s)
Cook Islands:		
Carambola	*Averrhoa carambola*	Fruit.
Lemongrass	*Cymbopogon* spp	Leaf.
Tossa jute	*Corchorus olitorius*	Leaf.
Costa Rica: Yam bean	*Pachyrhizus tuberosus* or *P. erosus*	Root.
Jamaica: Fenugreek	*Trigonella foenum-graecum*	Leaf, stem, root.
Panama: Fenugreek	*Trigonella foenum-graecum*	Leaf, stem.
St. Vincent and the Grenadines: Turmeric	*Curcuma longa*	Rhizome.
South Korea:		
Aster greens	*Aster scaber*	Leaf, stem.
Cucurbits	*Cucurbitaceae*	Fruit.
Youngia greens	*Youngia sonchifolia*	Leaf, stem, root.
Taiwan: Burdock	*Arctium lappa*	Root.
Tonga: Pumpkin	*Cucurbita maxima*	Fruit.
Zambia: Pea, snow	*Pisum sativum* spp. *sativum*	Flat immature pod.

Pest risk analyses conducted by the Animal and Plant Health Inspection Service (APHIS) have shown that these fruits and vegetables are not attacked by fruit flies or other injurious plant pests in the countries and localities listed, either because they are not hosts to the pests or because the pests are not present in the country of origin. In addition, we have determined that any other injurious plant pests that might be carried by the fruits or vegetables would be readily detectable by a USDA inspector. Therefore, the provisions in § 319.56–6 concerning inspection, disinfection, or both, upon arrival appear adequate to prevent the introduction of injurious plant pests by the importation of these fruits and vegetables.

Subject to Inspection and Treatment Upon Arrival; Additional Conditions

In addition to the fruits and vegetables mentioned above, we are also proposing to allow strawberries (*Fragaria* spp.) and dasheen (*Colocasia* spp., *Alocasia* spp., and *Xanthosoma* spp.) from South Korea and ginger (*Zingiber officinale*) from the Cook Islands to be imported into the United States. These commodities, like the fruits and vegetables mentioned above, would be imported into the United States in accordance with § 319.56–6 and all other applicable requirements of the regulations. However, in order to prevent the spread of certain injurious plant pests, we are attaching additional conditions to their proposed importation. These additional conditions, which are explained below, appear to be adequate to prevent the introduction and dissemination of injurious plant pests.

We are proposing to allow strawberries from South Korea to be imported into the United States from September 15 to May 31, inclusive. Although several exotic pests, including a thrips (*Haplothrips chinensis*) and a leafroller (*Capua tortrix*), are known to attack strawberries grown in South Korea, the pests of concern do not attack strawberries between the end of August and early June. The strawberries would, therefore, pose no significant risk of carrying injurious plant pests into the United States if they were imported from September 15 to May 31, inclusive.

We are proposing to allow ginger grown in the Cook Islands to be imported into all parts of the United States except Puerto Rico, the Virgin Islands, and Guam. Ginger grown in the Cook Islands is reported to be a host of the ginger weevil (*Elytroteinus subtruncatus*), a pest found in tropical areas of the world. We would allow ginger from the Cook Islands to be imported into the continental United States because the ginger weevil can be detected through a visual inspection, and because the more temperate climate of the continental United States makes it unlikely that the pest could become established here. We would allow ginger from the Cook Islands to be imported into Hawaii because the ginger weevil is already established there and is considered to be only a minor pest. The ginger weevil has, however, been reported to be a major pest in other tropical areas. Therefore, we would continue to prohibit the importation of ginger from the Cook Islands into Puerto Rico, the Virgin Islands, and Guam to prevent the ginger weevil becoming established in those places.

We are proposing to allow dasheen grown in South Korea to be imported into all parts of the United States except Guam. Dasheen grown in South Korea is known to be a host of dasheen mosaic virus, which occurs in all parts of the United States except Guam. In order to prevent dasheen mosaic virus becoming established there, we would continue to prohibit the importation into Guam of dasheen grown in South Korea.

Treatment Required

The fruits and vegetables listed below are attacked by the Mediterranean fruit fly or other injurious insects, as specified below, in their country of origin. Visual inspection cannot be relied upon to detect these insects, but the fruits and vegetables can be treated to destroy the insects. Therefore, we propose to allow these fruits and vegetables to be imported into the United States, or specified parts of the United States, only if they have been treated in accordance with the Plant Protection and Quarantine (PPQ) Treatment Manual, which has been incorporated by reference into the Code of Federal Regulations in 7 CFR part 300. We would revise the PPQ Treatment Manual to show that treatments are required as follows for the fruits and vegetables listed below:

Country	Common name	Botanical name	Plant part(s)
Guyana	Apple	*Malus domestica*	Fruit.
	Cold treatment as follows for Mediterranean fruit fly and fruit flies of the genus *Anastrepha*: 11 days at 0 °C (32 °F) or below 13 days at 0.55 °C (33 °F) or below 15 days at 1.11 °C (34 °F) or below 17 days at 1.66 °C (35 °F) or below (Pulp of the fruit must be at or below the indicated temperature at time of beginning treatment.)		

Country	Common name	Botanical name	Plant part(s)
Israel	Litchi	*Litchi chinensis*	Fruit.
	(Precaution: A sample of fruits should be exposed to the treatment to determine fruit tolerance before commercial shipments are attempted.)		
	Cold treatment as follows for Mediterranean fruit fly:		
	10 days at 0 °C (32 °F) or below		
	11 days at 0.55 °C (33 °F) or below		
	12 days at 1.11 °C (34 °F) or below		
	14 days at 1.66 °C (35 °F) or below		
	16 days at 2.22 °C (36 °F) or below		
	(Pulp of the fruit must be at or below the indicated temperature at time of beginning treatment.)		
Jordan	Grape	*Vitis* spp.	Fruit.
	Fumigation as follows for Mediterranean fruit fly and grape vine moth (*Lobesia botrana*):		
	With methyl bromide at NAP—chamber or tarpaulin:		
	32 g/m³ (2 lb/1000 ft³) for 3½ hours at 21 °C (70 °F) or above, with minimum gas concentrations of:		
	26g (oz) at ½ hour after fumigation begins		
	22g (oz) at 2 or 2½ hours after fumigation begins		
	21g (oz) at 3½ hours after fumigation begins		
	32 g/m³ (2 lb/1000 ft³) for 4 hours at 18–20.5 °C (65–69 °F), with minimum gas concentrations of:		
	26g (oz) at ½ hour after fumigation begins		
	22g (oz) at 2 or 2½ hours after fumigation begins		
	19g (oz) at 4 hours after fumigation begins		
	(Fruit must be at the indicated temperature at start of fumigation.)		
Zimbabwe	Apple	*Malus domestica*	Fruit.
	Cold treatment for Mediterranean fruit fly and Natal fly as set forth above for litchi from Israel.		
	Kiwi	*Actinidia deliciosa*	Fruit.
	Cold treatment for Mediterranean fruit fly and Natal fly as set forth above for litchi from Israel.		
	Pear	*Pyrus communis*	Fruit.
	Cold treatment for Mediterranean fruit fly and Natal fly as set forth above for litchi from Israel.		

The treatments described above have been determined to be effective against the specified insects. This determination is based on research evaluated and approved by the Department. A bibliography and additional information on this research may be obtained from the Hoboken Methods Development Center, PPQ, APHIS, USDA, 209 River Street, Hoboken, NJ, 07030.

Fruits and vegetables required to be treated for fruit flies would be restricted to North Atlantic ports of arrival if treatment has not been completed before the fruits and vegetables arrive in the United States. Climatic conditions at North Atlantic ports are unsuitable for the fruit flies listed above. Therefore, in the unlikely event that any fruit flies escape before treatment, they will not become established pests in the United States. North Atlantic ports are: Atlantic Ocean ports north of and including Baltimore; ports on the Great Lakes and St. Lawrence Seaway; Canadian border ports on the North Dakota border and east of North Dakota; and, for air shipments, Washington, DC (including Baltimore-Washington International and Dulles International airports).

Pest risk analyses conducted by APHIS have determined that any other injurious plant pests that might be carried by the fruits and vegetables listed above would be readily detectable by a USDA inspector. As noted, the fruits and vegetables would be subject to inspection, disinfection, or both, at the port of first arrival, in accordance with § 319.56–6.

Miscellaneous

In addition to the changes set forth above, we are proposing to make four changes for the sake of clarity. First, we would revise § 319.56a, paragraph (a)(7), so that the items listed in the paragraph will be in alphabetical order, as are the items in the other paragraphs of this section. Second, we would correct a reference in § 319.56a(a)(12) by removing the words "this section" and replacing them with the words "this subpart." Third, we would remove a reference in § 319.56–2(a) to a paragraph designation for a definition in § 319.56–1. The definitions in § 319.56–1 no longer have paragraph designations, but are arranged in alphabetical order. Fourth, we would amend the list of commodities in § 319.56–2t by removing the word "Korea" and replacing it with the words "South Korea" to avoid any potential confusion.

Executive Order 12291 and Regulatory Flexibility Act

We are issuing this proposed rule in conformance with Executive Order 12291, and we have determined that it is not a "major rule." Based on information compiled by the Department, we have determined that this rule would have an effect on the economy of less than $100 million; would not cause a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; and would not cause a significant adverse effect on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

This proposed rule would amend the regulations governing the importation of fruits and vegetables by allowing a number of previously prohibited fruits and vegetables to be imported into the United States from certain parts of the world. The importation of these fruits and vegetables has been prohibited because of the risk that they could introduce injurious plant pests into the United States. This proposed rule would revise the status of certain commodities from certain countries, allowing their importation into the United States for the first time.

Our proposed changes are based on biological risk assessments that were conducted by APHIS at the request of various importers and foreign ministries of agriculture. The risk assessments indicate that the fruits or vegetables listed in this proposed rule could, under certain conditions, be imported into the United States without significant pest risk. Some of the fruits and vegetables in this proposal would be required to undergo mandatory treatment for fruit flies or other injurious insects as a condition of entry, or to meet other special conditions. In addition, all of the fruits and vegetables, as a condition of entry, would be subject to inspection, disinfection, or both, at the port of first arrival as may be required by a USDA inspector. Thus, our proposed action would provide the United States with

additional kinds and sources of fruits and vegetables while continuing to provide protection against the introduction of injurious plant pests by imported fruits and vegetables.

Most of the fruits and vegetables in this proposal are specialty items that are either not grown in the United States or are grown in very limited quantities. In general, U.S. fruit and vegetable producers would not be negatively affected by the increased importation of these specialty items. Consumers would benefit from the greater availability of the items at potentially lower prices. A positive net impact on the U.S. economy is expected overall.

A positive net impact on the U.S. economy is also expected with regard to those fruits and vegetables that are produced in significant quantities in the United States. Those fruits and vegetables include apples, pears, grapes, strawberries, and cucurbits.

The average annual U.S. production of fresh apples for 1987–1989 was approximately 2.5 million metric tons (Agricultural Statistics, 1991). Zimbabwe and Guyana have requested permission to export apples to the United States, but it is unlikely that either country would export quantities significant enough to affect domestic apple producer prices. Total apple production in Zimbabwe for 1987–1989 averaged approximately 6,000 metric tons annually (FAO Yearbook, 1989). If Zimbabwe exported its entire annual apple production to the United States, it would represent only about .24 percent of total annual U.S. fresh apple production. Guyana produces less than 500 metric tons of apples annually (FAO Yearbook, 1989), which is less than .02 percent of the average annual U.S. fresh apple production.

The same situation exists for pears from Zimbabwe and grapes from Jordan. U.S. pear production is approximately 450,000 metric tons annually (Agricultural Statistics, 1991). Zimbabwe produces less than 500 metric tons of pears annually (FAO Yearbook, 1989), which is less than .11 percent of annual U.S. pear production. Additionally, any pears exported from Zimbabwe are likely to be exported to the United States in the spring, which is opposite the peak U.S. pear production season (September to December). Therefore, it is unlikely that these exports would affect U.S. fresh pear prices. Total grape production in Jordan is approximately 3 percent of U.S. fresh grape production and 0.4 percent of total U.S. grape production (FAO Yearbook, 1989).

South Korea has expressed interest in exporting strawberries and cucurbits to the United States. Total strawberry production in South Korea was estimated to average approximately 36,000 metric tons annually from 1987–1989 (FAO Yearbook, 1989). This figure represents over 9 percent of fresh U.S. strawberry production and almost 7 percent of total U.S. strawberry production (Agricultural Statistics, 1991). South Korean annual production figures for several types of cucurbits—cantaloupe, watermelon, pumpkin, squash, and gourds—averaged 550,000 metric tons for 1987–1989 (FAO Yearbook, 1989). Estimates of annual U.S. production for the same commodities averaged over 1.8 million metric tons for 1987–1989 (FAO Yearbook, 1989). South Korean melon production figures are almost 30 percent of U.S. figures.

South Korean strawberry and cucurbit production levels are high enough that U.S. melon and strawberry prices could be influenced by significant quantities of South Korean exports. However, South Korean agricultural officials have provided APHIS with some sense of the volume of each commodity it is likely to export to the United States on an annual basis. For strawberries, the officials estimated that exports will be very minimal or almost zero, due in part to the relatively high market price being received for fresh strawberries in South Korean markets. The officials also indicated that exports of South Korean cucurbits to the United States will be limited, although there seems to be a growing demand for those items in the United States. The South Korean cucurbits are of different varieties than the U.S. cucurbits, however, so they would not be in direct competition for established U.S. melon and squash markets. Therefore, the importation of strawberries and cucurbits from South Korea is not expected to have a significant effect on U.S. producers of those commodities.

The aggregate impact of this proposed rule is expected to be positive. U.S. consumers would benefit from greater availability of specialty fruits and vegetables. It is not likely that any producers, large or small, of traditional U.S. fruits and vegetables would be affected in a significant way by the easing of importation restrictions on these particular commodities. There may be a very limited number of U.S. producers growing small quantities of specialty items who may decide to no longer compete with their foreign counterparts, but it is not possible to determine how many of these smaller entities exist.

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 would allow certain fruits and vegetables to be imported into the United States from certain parts of the world. If this proposed rule is adopted, State and local laws and regulations regarding the importation of fresh fruits and vegetables under this rule would be preempted while the fruits and vegetables are in foreign commerce. Fresh fruits and vegetables are generally imported for immediate distribution and sale to the consuming public, and would remain in foreign commerce until sold to the ultimate consumer. The question of when foreign commerce ceases in other cases must be addressed on a case-by-case basis. If this proposed rule is adopted, no retroactive effect will be given to this rule, and this rule will not require administrative proceedings before parties may file suit in court.

National Environmental Policy Act

An environmental assessment and finding of no significant impact has been prepared for this proposed rule. The assessment provides a basis for the conclusion that the importation of fruits and vegetables under the conditions specified in this proposed rule would not present a significant risk of introducing or disseminating plant pests and would not have a significant impact on the quality of the human environment. Based on the finding of no significant impact, the Administrator of the Animal and Plant Health Inspection Service has determined that an environmental impact statement need not be prepared.

The environmental assessment and finding of no significant impact were prepared in accordance with: (1) The National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321 *et seq.*), (2) Regulations of the Council on Environmental Quality for Implementing the Procedural Provisions of NEPA (40 CFR parts 1500–1508), (3) USDA Regulations Implementing NEPA (7 CFR part 1b), and (4) APHIS Guidelines Implementing NEPA (44 FR 50381–50384, August 28, 1979, and 44 FR 51272–51274, August 31, 1979).

Copies of the environmental assessment and finding of no significant impact are available for public inspection 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. In addition,

copies may be obtained by writing to the individual listed under "FOR FURTHER INFORMATION CONTACT."

Paperwork Reduction Act

This document 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

7 CFR Part 300

Incorporation by reference, Plant diseases and pests, Quarantine.

7 CFR Part 319

Bees, Coffee, Cotton, Fruits, Honey, Imports, Incorporation by reference, Nursery Stock, Plant diseases and pests, Quarantine, Reporting and recordkeeping requirements, Rice, Vegetables.

Accordingly, we propose to amend title 7, chapter III, of the Code of Federal Regulations as follows:

PART 300—INCORPORATION BY REFERENCE

1. The authority citation for part 300 would continue to read as follows:

Authority: 7 U.S.C. 150ee, 161.

2. In § 300.1, paragraph (a) would be revised to read as follows:

§ 300.1 Materials incorporated by reference.

(a) The Plant Protection and Quarantine Treatment Manual, which was reprinted May 1985, and includes all revisions through _____, has been approved for incorporation by reference in 7 CFR chapter III by the Director of the Office of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51.

* * * * *

PART 319—FOREIGN QUARANTINE NOTICES

3. The authority citation for part 319 would continue to read as follows:

Authority: 7 U.S.C. 150dd, 150ee, 150ff, 151–167; 21 U.S.C. 136a; 7 CFR 2.17, 2.51, and 371.2(c), unless otherwise noted.

4. In § 319.56a, paragraph (a)(7) would be revised to read as follows:

§ 319.56a Administrative instructions and interpretation relating to entry into Guam of fruits and vegetables under § 319.56.

(a) * * *

(7) Arrowroot, asparagus, bean sprouts, broccoli, cabbage, carrots (without tops), cassava, cauliflower, celery, chives, cow-cabbage, dasheen, garlic, gingerroot, horseradish, kale, kudzu, leek, lettuce, onions, Portuguese cabbage, turnip, udo, water chestnut, watercress, waterlilyroot, and yam bean root, from Taiwan (Formosa).

* * * * *

§ 319.56a [Amended]

5. In § 319.56a, paragraph (a)(12), the word "section" would be removed and the word "subpart" would be added in its place.

§ 319.56–2 [Amended]

6. In § 319.56–2, at the end of paragraph (a), "§ 319.56–1(b)." would be removed and "§ 319.56–1." would be added in its place.

7. In § 319.56–2t, the introductory paragraph would be revised, and the list of commodities would be amended by revising the entry for "Korea" in the first column to read "South Korea" and moving that entry to the appropriate alphabetical order and by adding, in alphabetical order, the following:

§ 319.56–2t Administrative instructions; conditions governing the entry of certain fruits and vegetables.

The following commodities may be imported into all parts of the United States, unless otherwise indicated, from the places specified, in accordance with § 319.56–6 and all other applicable requirements of this subpart:

Country/locality	Common name	Botanical name	Plant part(s)
• •	• •	• •	•
Belize Bermuda	Banana	*Musa* spp	Flower in bracts with stems.
• •	• •	• •	•
	Mandarin orange	*Citrus reticulata*	Fruit.
• •	• •	• •	•
	Papaya	*Carica papaya*	Fruit.
• •	• •	• •	•
	Peach	*Prunus persica*	Fruit.
	Pineapple guava	*Feijoa* spp	Fruit.
• •	• •	• •	•
Cook Islands			
• •	• •	• •	•
	Carambola	*Averrhoa carambola*	Fruit.
• •	• •	• •	•
	Ginger	*Zingiber officinale*	Root.
(Prohibited entry into Puerto Rico, Virgin Islands, and Guam due to ginger weevil (*Elytrotelnus subtruncatus*))			
• •	• •	• •	•
	Lemongrass	*Cymbopogon* spp	Leaf.
	Tossa jute	*Corchorus olitorius*	Leaf.
• •	• •	• •	•
Costa Rica			
• •	• •	• •	•
	Yam bean	*Pachyrhizus tuberosus* or *P. erosus*	Root.

Country/locality	Common name	Botanical name	Plant part(s)
• •	• •	• •	•
Jamaica	Fenugreek	*Trigonella foenum-graecum*	Leaf, stem, root.
• •	• •	• •	•
Panama			
• •	• •	• •	•
	Fenugreek	*Trigonella foenum-graecum*	Leaf, stem.
• •	• •	• •	•
St. Vincent and the Grenadines	Turmeric	*Curcuma longa*	Rhizome.
• •	• •	• •	•
South Korea	Aster greens	*Aster scaber*	Leaf, stem.
• •	• •	• •	•
	Cucurbits	*Cucurbitaceae*	Fruit.
	Dasheen	*Colocasia* spp., *Alocasia* spp., and *Xanthosoma* spp.	Root.
	(Prohibited entry into Guam due to dasheen mosaic virus)		
• •	• •	• •	•
	Strawberry	*Fragaria* spp	Fruit.
(Entry permitted only from September 15 to May 31, inclusive, to prevent the introduction of a complex of exotic pests including, but not limited to, a thrips (*Haplothrips chinensis*) and a leafroller (*Capua tortrix*))			
• •	• •	• •	•
	Youngia greens	*Youngia sonchifolia*	Leaf, stem, root.
• •	• •	• •	•
Taiwan	Burdock	*Arctium lappa*	Root.
• •	• •	• •	•
Tonga			
• •	• •	• •	•
	Pumpkin	*Cucurbita maxima*	Fruit.
• •	• •	• •	•
Zambia	Pea, snow	*Pisum sativum* spp. *sativum*	Flat immature pod.

8. In § 319.56–2x, paragraph (a), the list of fruits and vegetables would be amended by adding, in alphabetical order, the following:

§ 319.56–2x Administrative instructions; conditions governing the entry of certain fruits and vegetables for which treatment is required.

(a) * *

Country	Fruit or Vegetable	Treatment
• • •	• • •	• • •
Guyana	Apple (fruit) *Malus domestica*	Cold treatment—for Mediterranean fruit fly and flies of the genus *Anastrepha*.
• • •	• • •	• • •
Israel	Litchi (fruit) *Litchi chinensis*	Cold treatment—for Mediterranean fruit fly (A sample of fruits should be exposed to the treatment to determine fruit tolerance before commercial shipments are attempted.)
• • •	• • •	• • •
Jordan		
• • •	• • •	• • •
	Grape (fruit) *Vitis* spp	Fumigation with methyl bromide—for Mediterranean fruit fly and grape vine moth (*Lobesia botrana*).
• • •	• • •	• • •
Zimbabwe	Apple (fruit) *Malus domestica*	Cold treatment—for Mediterranean fruit fly and Natal fly.
	Kiwi (fruit) *Actinidia deliciosa*	Cold treatment—for Mediterranean fruit fly and Natal fly.
	Pear (fruit) *Pyrus communis*	Cold treatment—for Mediterranean fruit fly and Natal fly.
• • •	• • •	• • •

Done in Washington, DC, this 19th day of February 1993.

Kenneth C. Clayton,

Acting Assistant Secretary, Marketing and Inspection Services.

[FR Doc. 93–4346 Filed 2–24–93; 8:45 am]

BILLING CODE 3410–34–M

NUCLEAR REGULATORY COMMISSION

10 CFR Chapter 1

Issuance of Quarterly Report on the Regulatory Agenda

AGENCY: Nuclear Regulatory Commission.

ACTION: Issuance of Regulatory Agenda.

SUMMARY: The Nuclear Regulatory Commission (NRC) has issued the NRC Regulatory Agenda for the fourth quarter, October through December, of 1992. This agenda provides the public with information about NRC's rulemaking activities. The Regulatory Agenda is a quarterly compilation of all rules on which the NRC has recently completed action, or has proposed action, or is considering action, and of all petitions for rulemaking that the NRC has received that are pending disposition. Issuance of this publication is consistent with Section 610 of the Regulatory Flexibility Act.

ADDRESSES: A copy of this report, designated NRC Regulatory Agenda (NUREG–0936) Vol. 11, No. 4, is available for inspection, and copying for a fee, at the Nuclear Regulatory Commission's Public Document Room, 2120 L Street, NW. (Lower Level), Washington, DC.

In addition, the U.S. Government Printing Office (GPO) sells the NRC Regulatory Agenda. To purchase it, a customer may call (202) 512–2303 or (202) 512–2249 or write to the Superintendent of Documents, U.S. Government Printing Office, Post Office Box 37082, Washington, DC 20013–7082.

FOR FURTHER INFORMATION CONTACT:

Michael T. Lesar, Chief, Rules Review Section, Rules Review and Directives Branch, Division of Freedom of Information and Publications Services, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Telephone: (301) 492–7758, toll-free number (800) 368–5642.

Dated at Bethesda, Maryland, this 19th day of February 1993.

For the Nuclear Regulatory Commission.

Michael T. Lesar,

Acting Chief, Rules Review and Directives Branch, Division of Freedom of Information and Publications Services, Office of Administration.

[FR Doc. 93–4344 Filed 2–24–93; 8:45 am]

BILLING CODE 7590–01–M

10 CFR Part 20

Radiological Criteria for Decommissioning of NRC-licensed Facilities; Workshop

AGENCY: Nuclear Regulatory Commission.

ACTION: Notice of workshop.

SUMMARY: The Nuclear Regulatory Commission (NRC) is preparing to initiate an enhanced participatory rulemaking on establishing the radiological criteria for the decommissioning of NRC-licensed facilities. The Commission intends to enhance the participation of affected interests in the rulemaking by soliciting commentary from these interests on the rulemaking issues before the staff develops the draft proposed rule. The Commission plans to conduct a series of workshops to solicit commentary from affected interests on the fundamental approaches and issues that must be addressed in establishing the radiological criteria for decommissioning. The third workshop will be held in Boston, Massachusetts on March 12 and 13, 1993 and will be open to the public.

DATES: March 12, 1993 from 9 am to 6 pm; March 13, 1993, from 8 am to 4:30 pm, Hyatt Regency Cambridge, 575 Memorial Drive, Cambridge, Massachusetts, 617–491–6906.

As discussed later in this notice, the workshop discussions will focus on the issues and approaches identified in a Rulemaking Issues Paper prepared by the NRC staff. The Commission will accept written comments on the Rulemaking Issues Paper from the public, as well as from workshop participants. Written comments should be submitted by May 28, 1993.

ADDRESSES: Send written comments on the Rulemaking Issues Paper to: Secretary, U.S. Nuclear Regulatory Commission, Washington, DC 20555. ATTN: Docketing and Service Branch. Hand deliver comments to 11555 Rockville Pike, Rockville, Maryland between 7:45 a.m. and 4:15 p.m. on Federal workdays. The Rulemaking Issues Paper is available from Francis X. Cameron (See **FOR FURTHER INFORMATION CONTACT**).

FOR FURTHER INFORMATION CONTACT: Francis X. Cameron, Special Counsel for Public Liaison and Waste Management, Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Telephone: 301–504–1642.

SUPPLEMENTARY INFORMATION:

Background

The NRC has the statutory responsibility for protection of health and safety related to the use of source, byproduct, and special nuclear material under the Atomic Energy Act. The NRC believes that one portion of this responsibility is to ensure the safe and timely decommissioning of nuclear facilities which it licenses and to provide guidance to licensees on how to plan for and prepare their sites for decommissioning. Once licensed activities have ceased, licensees are required to decommission their facilities so that their licenses may be terminated. This requires that the radioactivity in land, groundwater, buildings, and equipment resulting from the licensed operation be reduced to levels that allow the property to be released for unrestricted use. Licensees must then demonstrate that all facilities have been properly decontaminated and that radioactive material has been transferred to authorized recipients. Confirmatory surveys are conducted by NRC, where appropriate, to verify that sites meet NRC radiological criteria for decommissioning.

The types of nuclear fuel cycle facilities that will require decommissioning include nuclear power plants; non-power (research and test) reactors; fuel fabrication plants, uranium hexafluoride production plants, and independent spent fuel storage installations. In addition there are currently about 24,000 materials licensees. About one third of these are NRC licensees, while the remainder are licensed by Agreement States acting under the authority of the Atomic Energy Act, Section 274. These licensees include universities, medical institutions, radioactive source manufacturers, and companies that use radioisotopes for industrial purposes. About 50% of NRC's 7,500 materials licensees use either sealed radioactive sources or small amounts of short-lived radioactive materials. Decommissioning of these facilities should be relatively simple because there is usually little or no residual radioactive contamination. Of the remaining 50%, a small number (e.g. radioactive source manufacturers, radiopharmaceutical producers, and radioactive ore processors) conduct

operations that could produce substantial radioactive contamination in portions of the facility. These facilities, like the fuel cycle facilities identified above, must be decontaminated before they can be safely released for unrestricted use.

Several hundred NRC and Agreement State licenses are terminated each year. The majority of these licenses involve limited operations, produce little or no radioactive contamination, and do not present complex decommissioning problems or potential risks to public health or the environment from residual contamination. However, as the nuclear industry matures, it is expected that more and more of the larger nuclear facilities that have been operating for a number of years will reach the end of their useful lives and be decommissioned. Therefore, both the number and complexity of facilities that will require decommissioning is expected to increase.

The Commission believes that there is a need to incorporate into its regulations radiological criteria for termination of licenses and release of land and structures for unrestricted use. The intent of this action would be to provide a clear and consistent regulatory basis for determining the extent to which lands and structures must be decontaminated before a site can be decommissioned. The Commission believes that inclusion of criteria in the regulations would result in more efficient and consistent licensing actions related to the numerous and frequently complex site decontamination and decommissioning activities anticipated in the future. A rulemaking effort would also provide an opportunity to reassess the basis for the residual contamination levels contained in existing guidance in light of changes in basic radiation protection standards and decommissioning experience obtained during the past 15 years.

The new criteria would apply to the decommissioning of power reactors, non-power reactors, fuel reprocessing plants, fuel fabrication plants, uranium hexafluoride production plants, independent spent fuel storage installations, and materials licenses. The criteria would apply to nuclear facilities that operate through their normal lifetime, as well as to those that may be shut down prematurely. The proposed criteria would not apply to uranium (other than source material) mines and mill tailings, high-level waste repositories, or low-level waste disposal facilities.

Until the new criteria are in place, the Commission intends to proceed with the decommissioning of nuclear facilities on a site-specific basis as the need arises considering existing criteria. Case and activity-specific risk decisions will continue to be made as necessary during the pendency of this process.

The Enhanced Participatory Rulemaking

The Commission believes it is desirable to provide for early and comprehensive input from affected interests on important public health and safety issues, such as the development of radiological criteria for decommissioning. Accordingly, the Commission is initiating an enhanced participatory rulemaking to establish these criteria. The objective of the rulemaking is to enhance the participation of affected interests in the rulemaking by soliciting commentary from these interests on the rulemaking issues before the NRC staff develops the draft proposed rule. The NRC staff will consider this commentary in the development of the draft proposed rule, as well as document how these comments were considered in arriving at a regulatory approach. The Commission believes that this will be an effective method for illuminating the decision making process on complex and controversial public health and safety issues. This approach will ensure that the important issues have been identified; will assist in identifying potential information gaps or implementation problems; and will facilitate the development of potential solutions to address the concerns that affected interests may have in regard to the rulemaking.

The early involvement of affected interests in the development of the draft proposed rule will be accomplished through a series of workshops. A workshop format was selected because it will provide representatives of the affected interests with an opportunity to discuss the rulemaking issues with one another and to question one another about their respective positions and concerns. Although the workshops are intended to foster a clearer understanding of the positions and concerns of the affected interests, as well as to identify areas of agreement and disagreement, it is not the intent of the workshop process to attempt to develop a consensus agreement on the rulemaking issues. In addition to the commentary from the workshop participants, the workshops will be open to the public and the public will be provided with the opportunity to comment on the rulemaking issues and the workshop discussions at discrete intervals during the workshops.

The workshops were initially announced in the **Federal Register** on December 11, 1992 (57 FR 58727). The complete schedule for the workshops is:

January 27 and 28, 1993—Chicago, Illinois
February 23 and 24, 1993—San Francisco, California
March 12 and 13, 1993—Boston, Massachusetts
March 23 and 24, 1993—Dallas, Texas
April 13 and 14, 1993—Philadelphia, Pennsylvania
April 29 and 30, 1993—Atlanta, Georgia
May 6 and 7, 1993—Washington, DC

The normal process for conducting Commission rulemakings is NRC staff development of a draft proposed rule for Commission review and approval, publication of the proposed rule for public comment, consideration of the comments by the NRC staff, and preparation of a draft final rule for Commission approval. In the enhanced participatory rulemaking, not only will comments be solicited before the NRC staff prepares a draft proposed rule, but the mechanism for soliciting these early comments will also provide an opportunity for the affected interests and the NRC staff to discuss the issues with each other, rather than relying on the traditional one-to-one written correspondence with the NRC staff. After Commission review and approval of the draft proposed rule that is developed using the workshop commentary, the general process of issuing the proposed rule for public comment, NRC staff evaluation of comments, and preparation of a draft final rule for Commission approval, will occur.

Participants

In order to have a manageable discussion among the workshop participants, the number of participants in each workshop must be limited. Based on discussions with experts on workshop facilitation, the NRC staff believes that the optimum size of the workshop group is fifteen to twenty participants. Due to differing levels of interest in each region, the actual number of participants in any one workshop, as well as the number of participants that represent a particular interest in any one workshop, may vary. Invitations to attend the workshops will be extended by the NRC staff using several selection criteria. First, to ensure that the Commission has the benefit of the spectrum of viewpoints on the issues, the NRC staff is attempting to achieve the participation of the full range of interests that may be affected by the rulemaking. The NRC staff has

identified several general interests that will be used to select specific workshop participants—state governments, local governments, tribal governments, Federal agencies, citizens groups, nuclear utilities, fuel cycle facilities, and non-fuel cycle facilities. In addition to these interests, the staff also plans to invite representatives from the contracting industry that performs decommissioning work and representatives from professional societies, such as the Health Physics Society and the American Nuclear Society. The NRC anticipates that most of the participants will be representatives of organizations. However, it is also possible that there may be a few participants who, because of their expertise and influence, will participate without any organizational affiliation.

The second selection criterion is the ability of the participant to knowledgeably discuss the full range of rulemaking issues. The NRC staff wishes to ensure that the workshops will elicit informed discussions of options and approaches, and the rationale for those options and approaches, rather than simple statements of opinion. The NRC staff's identification of potential participants has been based on an evaluation of such factors as the extent of a potential participant's experience with a broad range of radiation protection issues and types of nuclear facilities, specific experience with the decommissioning issue, and the extent of a potential participant's substantive comment and participation on previous Commission regulatory or licensing actions.

The third criterion emphasizes participation from organizations within the region encompassed by the workshop. As much as practicable, those organizations that primarily operate within the region, as opposed to regional units of national organizations, will have priority in terms of participating in the corresponding regional workshops. Organizations with a national standing will be part of the "national" workshop to be held in Washington, DC.

Workshop Format

To assure that each workshop addresses the issues in a consistent manner, the workshops will have a common pre-defined scope and agenda focused on the Rulemaking Issues Paper discussed below. However, the workshop format will be sufficiently flexible to allow for the introduction of any additional issues that the participants may want to raise. At each workshop, the NRC staff will begin each discussion period with a brief overview of the rulemaking issues to be discussed and the remainder of the workshop will be devoted to a discussion of the issues by the participants. The workshop commentary will be transcribed and made available to participants and to the public.

Personnel from The Keystone Center, a nonprofit organization located in Keystone, Colorado, will serve as neutral facilitators for each workshop. The facilitators will chair the workshop sessions and ensure that participants are given an opportunity to express their viewpoints, assist participants in articulating their interests, ensure that participants are given the opportunity to question each other about their respective viewpoints, and assist in keeping the discussion moving at a pace that will allow all major issue areas to be addressed.

Rulemaking Issues Paper

The NRC staff has prepared a Rulemaking Issues Paper to be used as a focal point for the workshop discussions. This paper, which will be distributed to participants in advance of the workshops, sets forth in neutral terms the issues that must be addressed in the rulemaking, as well as background information on the nature and extent of the problem to be addressed. In framing the issues and approaches discussed in the Rulemaking Issues Paper, the NRC staff has attempted to anticipate the variety of views that exist on these approaches and issues. The paper will provide assistance to the participants as they prepare for the workshops, suggest the workshop agenda, and establish the level of technical discussion that can be expected at the workshops. The workshop discussions are intended to be used by the staff in developing the draft proposed rule. Prior to the workshops no staff positions will be taken on the rulemaking approaches and issues identified in the Rulemaking Issues Paper. As noted earlier, to the extent that the Rulemaking Issues Paper fails to identify a pertinent issue, this may be corrected at the workshop sessions.

The discussion of issues is divided into two parts. First are two primary issues dealing with: (1) The objectives for developing radiological criteria; and (2) application of practicality considerations. The objectives constitute the fundamental approach to the establishment of the radiological criteria, and the NRC staff has identified four distinct possibilities including: (1) Risk Limits, which is the establishment of limiting values above which the risks to the public are deemed unacceptable, but allows for criteria to be set below the limit using practicality considerations; (2) Risk Goals, where a goal is selected and practicality considerations are used to establish criteria as close to the goal as practical; (3) Best Effort, where the technology for decontamination considered to be the best available is applied; and (4) Return to Preexisting Background, where the decontamination would continue until the radiological conditions were the same as existed prior to the licensed activities.

Following the primary issues are several secondary issues that are related to the discussions of the primary issues, but which the NRC staff believe warrant separate presentations and discussions. These secondary issues include the time frame for dose calculation, the individuals or groups to be protected, the use of separate criteria for specific exposure pathways such as groundwater, the treatment of radon, and the treatment of previously buried materials.

The Rulemaking Issues Paper will be provided to each potential workshop participant. Additional copies will be available to members of the public in attendance at the workshop. Copies will also be available from the NRC staff contact identified above.

In addition to the comments on the Rulemaking Issues Paper provided at the workshops, the Commission is also receptive to the submittal of written comments on the rulemaking issues, as noted under the heading **DATES.**

Dated at Rockville, MD this 19th day of February 1993.

For the Nuclear Regulatory Commission.

Samuel J. Chilk,

Secretary of the Commission.

[FR Doc. 93–4341 Filed 2–24–93; 8:45 am]

BILLING CODE 7590–01–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Chapter I

[Summary Notice No. PR–93–4]

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

AGENCY: Federal Aviation Administration (FAA), DOT.

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

SUMMARY: Pursuant to FAA's rulemaking provisions governing the application,

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

DATES: Comments on petitions received must identify the petition docket number involved and must be received by April 26, 1993.

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

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

FOR FURTHER INFORMATION CONTACT: D. Michael Smith, Office of Rulemaking (ARM–1), Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591; telephone (202) 267–7470.

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

Issued in Washington, DC on February 16, 1993.

Donald P. Byrne,

Assistant Chief Counsel for Regulations.

Petitions for Rulemaking

Docket No.: 27067
Petitioner: Mr. Fred G. DeLacerda
Sections of the FAR Affected: 14 CFR part 61
Description of Rulechange Sought: To add qualifications for aerobatic instructors. Specifically, Mr. DeLacerda proposes that at the time a certified flight instructor applies for renewal of his or her certificate, the instructor should be given the option of adding to the certificate the highest category International Aerobatic Club Achievement Award held by the applicant.
Petitioner's Reason for the Request: The petitioner feels that there should be certificates or ratings and flight training requirements to fly aerobaticly or to be an aerobatic instructor.

Docket No.: 27081
Petitioner: International Association of Machinists and Aerospace Workers
Regulations Affected: 14 CFR 121.377
Description of Rulechange Sought: To limit the amount of time a mechanic can perform maintenance on an aircraft to a maximum of 16 hours; thereafter, the mechanic would be required to be relieved of duty for a period of 8 hours.
Petitioner's Reason for the Request: The petitioner believes that when people become overtired, they are more prone to making errors (in judgement, or during actual maintenance work performed). The rule change would afford all mechanics the opportunity to get the rest required so they can perform their duties in peak mental condition.

Docket No.: 27100
Petitioner: Air Transport America
Regulations Affected: 14 CFR 121.577(a), and 91.535(a)
Description of Rulechange Sought: To permit individual pre-flight beverage and snack items provided by part 121 carriers to be retrieved by flight attendants during surface movement prior to take-off.
Petitioner's Reason for the Request: The petitioner states that reverting to rule language that was applicable prior to September 1992 would not adversely affect safety, and would be in the public interest. The petitioner states that when the new language was adopted, the FAA did not cite supporting data that individual beverage and snack items would become a safety hazard during an emergency.

[FR Doc. 93–4352 Filed 2–24–93; 8:45 am]
BILLING CODE 4910–13–M

Notices

Federal Register
Vol. 58, No. 36
Thursday, February 25, 1993

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

Forms Under Review by Office of Management and Budget

February 19, 1993.

The Department of Agriculture has submitted to 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) since the last list was published. This list is grouped into new proposals, revisions, extension, or reinstatements. Each entry contains the following information:

(1) Agency proposing the information collection; (2) Title of the information collection; (3) Form number(s), if applicable; (4) How often the information is requested; (5) Who will be required or asked to report; (6) An estimate of the number of responses; (7) An estimate of the total number of hours needed to provide the information; (8) Name and telephone number of the agency contact person.

Questions about the items in the listing should be directed to the agency person named at the end of each entry. Copies of the proposed forms and supporting documents may be obtained from: Department Clearance Officer, USDA, OIRM, room 404–W Admin. Bldg., Washington, DC 20250, (202) 690–2118.

Extension

- *Federal Crop Insurance Corporation*
  Crop Insurance Application and Continuous Contract.
  FCI–12.
  Annually.
  Individuals or households; farms; 80,723 responses; 6,781 hours.
  Bonnie L. Hart (202) 254–8393.
- *Forest Service*
  Technical Data—Electronic Type Land Use.
  FS–2700–10.
  On occasion.
  Individuals or households; State or local governments; farms; businesses or other for-profit; Federal agencies or employees; non-profit institutions; small businesses or organizations; 400 responses; 100 hours.
  Mark Scheibel (202) 205–1371.

New Collection

- *Forest Service*
  Environmental Ethics Study.
  One time only.
  Individuals or households; 500 responses; 125 hours.
  Patricia Winter (909) 276–6877.

Reinstatement

- *Food and Nutrition Service*
  Food Distribution Commodity Acceptability Report.
  FNS–663.
  Annually.
  State or local governments; 466 responses; 11,794 hours.
  Virginia Ross (703) 305–2644.
- *Rural Electrification Administration*
  Request for approval to Sell Capital Assets.
  REA Form 369.
  On occasion.
  Businesses or other for-profit; 260 responses; 780 hours.
  Monte Heppe (202) 720–9550.
- *Rural Electrification Administration*
  Request for Release of Lien and/or Approval of Sale.
  REA Form 793.
  Businesses or other for-profit; 75 responses; 213 hours.
  Monte Heppe (202) 720–9550.

Larry K. Roberson,
Deputy Department Clearance Officer.
[FR Doc. 93–4320 Filed 2–24–93; 8:45 am]
BILLING CODE 3410–01–M

Food and Nutrition Service

Child Nutrition Programs—Income Eligibility Guidelines

AGENCY: Food and Nutrition Service, USDA.

ACTION: Notice.

SUMMARY: This Notice announces the Department's annual adjustments to the Income Eligibility Guidelines to be used in determining eligibility for free and reduced-price meals or free milk for the period from July 1, 1993 through June 30, 1994. These guidelines are used by schools, institutions, and centers participating in the National School Lunch Program, School Breakfast Program, Special Milk Program for Children, Child and Adult Care Food Program and Commodity School Program. The annual adjustments are required by section 9 of the National School Lunch Act. The guidelines are intended to direct benefits to those children most in need and are revised annually to account for increases in the Consumer Price Index.

EFFECTIVE DATE: July 1, 1993.

FOR FURTHER INFORMATION CONTACT: Mr. Robert M. Eadie, Chief, Policy and Program Development Branch, Child Nutrition Division, FNS, USDA, Alexandria, Virginia 22302, or by phone at (703) 305–2618.

SUPPLEMENTARY INFORMATION: This action is not a rule as defined by the Regulatory Flexibility Act (5 U.S.C. 601–612) and thus is exempt from the provisions of that Act. In accordance with the Paperwork Reduction Act of 1980 (44 U.S.C. 3507), no new recordkeeping or reporting requirements have been included that are subject to approval from the Office of Management and Budget.

These programs are listed in the Catalog of Federal Domestic Assistance under No. 10.553, No. 10.555, No. 10.556 and No. 10.558 and are subject to the provisions of Executive Order 12372, which requires intergovernmental consultation with State and local officials. (See 7 CFR part 3015, subpart V, and the final rule related notice published at 48 FR 29114, June 24, 1983.)

Background

Pursuant to sections 9(b)(1) and 17(c)(4) of the National School Lunch Act (42 U.S.C. 1758(b)(1) and 42 U.S.C. 1766(c)(4)), and sections 3(a)(6) and 4(e) of the Child Nutrition Act of 1966 (42 U.S.C. 1772(a)(6) and 1773(e)), the Department annually issues the Income Eligibility Guidelines for free and reduced-price meals in the National School Lunch Program (7 CFR part 210), School Breakfast Program (7 CFR part 220), Child and Adult Care Food Program (7 CFR part 226), and Commodity School Program (7 CFR part 210), and the guidelines for free milk in the Special Milk Program for Children (7 CFR part 215). These eligibility guidelines are based on the Federal

income poverty guidelines and are stated by household size.

The Department requires schools and institutions which charge for meals separately from other fees to serve free meals to all children from any household with income at or below 130 percent of the poverty guidelines. The Department also requires such schools and institutions to serve reduced-price meals to all children from any household with income higher than 130 percent of the poverty guidelines, but at or below 185 percent of the poverty guidelines. Schools and institutions participating in the Special Milk Program may, at local option, serve free milk to all children from any household with income at or below 130 percent of the poverty guidelines.

Definition of Income

"Income," as the term is used in this Notice, means income before any deductions such as income taxes, social security taxes, insurance premiums, charitable contributions and bonds. It includes the following: (1) Monetary compensation for services, including wages, salary, commissions or fees; (2) net income from nonfarm self-employment; (3) net income from farm self-employment; (4) social security; (5) dividends or interest on savings or bonds or income from estates or trusts; (6) net rental income; (7) public assistance or welfare payments; (8) unemployment compensation; (9) government civilian employee or military retirement, or pensions or veterans payments; (10) private pensions or annuities; (11) alimony or child support payments; (12) regular contributions from persons not living in the household; (13) net royalties; and (14) other cash income. Other cash income would include cash amounts received or withdrawn from any source including savings, investments, trust accounts and other resources which would be available to pay the price of a child's meal.

"Income," as the term is used in this Notice, does not include any income or benefits received under any Federal programs which are excluded from consideration as income by any legislative prohibition. Furthermore, the value of meals or milk to children shall not be considered as income to their households for other benefit programs in accordance with the prohibitions in section 12(e) of the National School Lunch Act and section 11(b) of the Child Nutrition Act of 1966 (42 U.S.C. 1760(e) and 1780(b)).

The Income Eligibility Guidelines

The following are the Income Eligibility Guidelines to be effective from July 1, 1993 through June 30, 1994. The Department's guidelines for free meals and milk and reduced-price meals were obtained by multiplying the 1993 Federal income poverty guidelines by 1.30 and 1.85, respectively, and by rounding the result upward to the next whole dollar. Weekly and monthly guidelines were computed by dividing annual income by 52 and 12, respectively, and by rounding upward to the next whole dollar.

INCOME ELIGIBILITY GUIDELINES

[Effective from July 1, 1993 to June 30, 1994]

Household size	Federal poverty guidelines			Reduced price meals—185%			Free meals—130%		
	Annual	Month	Week	Annual	Month	Week	Annual	Month	Week
48 Contiguous United States, District of Columbia, Guam and Territories									
1	6,970	581	135	12,895	1,075	248	9,061	756	175
2	9,430	786	182	17,446	1,454	336	12,259	1,022	236
3	11,890	991	229	21,997	1,834	424	15,457	1,289	298
4	14,350	1,196	276	26,548	2,213	511	18,655	1,555	359
5	16,810	1,401	324	31,099	2,592	599	21,853	1,822	421
6	19,270	1,606	371	35,650	2,971	686	25,051	2,088	482
7	21,730	1,811	418	40,201	3,351	774	28,249	2,355	544
8	24,190	2,016	466	44,752	3,730	861	31,447	2,621	605
For each add'l family member add	+2,460	+205	+48	+4,551	+380	+88	+3,198	+267	+62
Alaska									
1	8,700	725	168	16,095	1,342	310	11,310	943	218
2	11,780	982	227	21,793	1,817	420	15,314	1,277	295
3	14,860	1,239	286	27,491	2,291	529	19,318	1,610	372
4	17,940	1,495	345	33,189	2,766	639	23,322	1,944	449
5	21,020	1,752	405	38,887	3,241	748	27,326	2,278	526
6	24,100	2,009	464	44,585	3,716	858	31,330	2,611	603
7	27,180	2,265	523	50,283	4,191	967	35,334	2,945	680
8	30,260	2,522	582	55,981	4,666	1,077	39,338	3,279	757
For each add'l family member add	+3,080	+257	+60	+5,698	+475	+110	+4,004	+334	+77
Hawaii									
1	8,040	670	155	14,874	1,240	287	10,452	871	201
2	10,860	905	209	20,091	1,675	387	14,118	1,177	272
3	13,680	1,140	264	25,308	2,109	487	17,784	1,482	342
4	16,500	1,375	318	30,525	2,544	588	21,450	1,788	413
5	19,320	1,610	372	35,742	2,979	688	25,116	2,093	483
6	22,140	1,845	426	40,959	3,414	788	28,782	2,399	554
7	24,960	2,080	480	46,176	3,848	888	32,448	2,704	624
8	27,780	2,315	535	51,393	4,283	989	36,114	3,010	695
For each add'l family member add	+2,820	+235	+55	+5,217	+435	+101	+3,666	+306	+71

Authority: (42 U.S.C. 1758(b)(1)).

Dated: February 19, 1993.

Andrew Hornsby,

Acting Administrator.

[FR Doc. 93-4343 Filed 2-24-93; 8:45 am]

BILLING CODE 3410-30-M

Forest Service

Establishment of Bagley Valley Purchase Unit

AGENCY: Forest Service, USDA.

ACTION: Notice.

SUMMARY: On January 7, 1993, the Acting Assistant Secretary, Natural Resources and Environment created the Bagley Valley Purchase Unit. This purchase unit comprises 3,631.97 acres, more or less, within Alpine County, California. A copy of the establishment document which includes the legal description of the lands within the purchase unit appears at the end of this notice.

EFFECTIVE DATE: The effective date of this purchase unit was January 7, 1993.

ADDRESSES: A copy of the map showing the purchase unit is on file and available for public inspection in the Office of the Chief of the Forest Service, Auditor's Building, 201 14th Street, SW., Washington, DC.

FOR FURTHER INFORMATION CONTACT: Ralph Bauman, Lands Staff, Forest Service, USDA, P.O. Box 96090, Washington, DC 20090-6090, (202) 205-1248.

Dated: February 11, 1993.

Gerald Coghlan,

Acting Deputy Chief.

Establishment of Bagley Valley Purchase Unit, Alpine County, California

Pursuant to the Secretary of Agriculture's authority under section 17, Pub. L. 94-588 (90 Stat. 2949), the Bagley Valley Purchase Unit is being created in Alpine County, California. The lands within the purchase unit are described as follows:

Alpine County, California, Mount Diablo Meridian

T. 8 N., R. 21 E.
Section 1: Lots 3, 4, S½ N½, S½
T. 9 N., R. 21 E.
Section 14: W½ W½
Section 15: All
Section 22: E½
Section 23: W½; S½ SE¼
Section 25: SW¼ SW¼
Section 26: W½; S½ SE
Section 27: E½
Section 35: NW¼ SE¼; S½ SE¼
Section 36: All
T. 9 N., R 22 E.
Section 31: Lot 9

The area described contains 3,631.97 acres more or less and is adjacent to the Tioyabe National Forest.

These lands are well suited for watershed protection and meet the requirements of the Act of March 1, 1911, as amended.

Dated: January 7, 1993.

John H. Beuter,

Acting Assistant Secretary, Natural Resources and Environment.

[FR Doc. 93-4313 Filed 2-24-93; 8:45 am]

BILLING CODE 3410-11-M

South Beal Project; Deerlodge National Forest, Silver Bow County, MT

AGENCY: Forest Service, USDA.

ACTION: Notice; intent to prepare environmental impact statement.

SUMMARY: The USDA, Forest Service, is preparing an environmental impact statement (EIS) with the Montana Department of State Lands, Hardrock Bureau, to disclose the environmental effects of expansion of the Beal Mountain Mine. The proposal as submitted by Beal Mountain Mining Incorporated, (BMMI) includes the development of two additional open pits for ore production. Both of the pits will be located entirely on National Forest System lands, within the Butte Ranger District of the Deerlodge National Forest. Project location is in Silver Bow County, at the head of German Gulch, 16 air miles southwest of Butte, Montana.

The proposal to develop the two open pits would extend the life of Beal Mountain Mine by one year, and represents both connected or cumulative actions as defined by the Council on Environmental Quality (40 CFR 1508.25). The purpose of the project is to continue the development of a mineral resource. Forest Service policy is to encourage and facilitate the orderly exploration, development and production of mineral resources from National Forest System lands. At the same time, the Forest Service is charged to ensure that these activities are conducted in an environmentally sound manner, and that once completed, reclamation of the land to a stable and usable condition is accomplished.

This project level EIS will tier to the Deerlodge National Forest Land and Resource Management Plan (Forest Plan) and incorporate by reference the Forest Plan (September, 1987), which provides overall guidance of all land management activities on the Deerlodge National Forest, including mineral exploration and development. This document incorporates by reference the 1988 Environmental Assessment for the Beal Mountain Mine, and the 1992 Environmental Assessment for the modified Beal Mountain Mine haul road.

DATES: Written comments and suggestions should be received by March 29, 1993.

ADDRESSES: Submit written comments and suggestions on the proposed management activities or a request to be placed on the project mailing list to Margie Ewing, District Ranger, Butte Ranger District, Deerlodge National Forest, P.O. Box 3840, Butte, Montana 59702.

FOR FURTHER INFORMATION CONTACT: Dan Avery, EIS Team Leader, Deerlodge National Forest Supervisor's Office, Federal Building, P.O. Box 400, Butte, Montana 59703, Phone (406) 496-3452.

SUPPLEMENTARY INFORMATION: Continued mineral development is proposed on approximately 25 acres of forested and nonforested land which is open to mineral exploration and development as discussed in the Deerlodge Forest Plan. The proposal is within the permit boundary of the current operation. The proposal will include the mining of 959,840 tons of gold ore, and removal of 1,289,000 tons of waste rock from the two open pits. The plan for development of the South Beal ore bodies includes reclamation of the pits back to natural contour. Waste rock subsequently mined from the main Beal pit will be used to backfill the two South Beal pits. The project area consists of approximately 25 additional acres of National Forest land located in T2N, R10W, Section 6, P.M. MT.

The Deerlodge Forest Plan provides guidance for management activities within the potentially affected area through its goals, objectives, standards and guidelines, and management area direction. The proposal would occur within Management Areas D2 and E1. Below is a brief description of the applicable management direction.

Management Area D2—This area includes grasslands, meadows, open timber stands and other forage producing areas on slopes generally less than 40 percent. Lands within this management area are to provide a balanced amount of livestock forage and big game habitat. Mineral related operations will maintain forage production to the extent practical.

Management Area E1—This area includes productive forest land containing stands of Douglas-fir, lodgepole pine, subalpine fir and spruce. Most areas are on slopes of less than 40 percent. Mineral related operations will maintain timber production to the extent practical.

The decision to be made is what should be done in relation to the proposal submitted by BMMI: (a) approve the project as proposed, (b) approve the project with mitigation measures to address the issues, (c) deny approval of the proposal. Under the United States Mining Laws of May 10, 1872 as amended (30 U.S.C. 22), United States citizens and corporations have the right to search for and develop minerals upon public lands, including National Forest Systems lands, open to mineral entry. Forest Service regulations (36 CFR 228, subpart A) require that the agency work with mineral operators to minimize or eliminate adverse environmental impacts from mineral activities on other resources on National Forest System lands.

The EIS will analyze the direct, indirect, and cumulative environmental effects of the alternatives. Past, present, and projected activities on both private and National Forest lands will be considered.

Public participation is an important part of the analysis process (40 CFR 1501.7). Scoping activities to date have included the following: a public meeting on February 6, 1992, letters to citizens and groups interested in activities in the project area, and press releases in the Montana Standard newspaper. The public is encouraged to visit with Forest Service officials at any time during the analysis and prior to the decision. In addition, the Forest Service is seeking information, comments, and assistance from Federal, State, and local agencies and other individuals or organizations who may be interested in or affected by the proposed action. No additional public meetings are scheduled at this time.

Comments from the public and other agencies are being used to prepare the draft EIS. The scoping process to date has:

1. Identified potential issues.
2. Identified major issues to be analyzed in depth.
3. Eliminated minor issues or those which have been covered by a relevant previous environmental analysis, such as the Deerlodge Forest Plan EIS.
4. Identified alternatives to the proposed action.
5. Identified potential environmental effects of the proposed action and alternatives (i.e., direct, indirect, and cumulative effects).

From the public comments received during initial scoping, the following issues have been identified:

1. Would the South Beal pits be stable? If they fail, would the area to be reclaimed be expanded?
2. How will erosion within the disturbed area be controlled?
3. What is the potential for acid rock drainage as a result of the proposed action?
4. What is the potential for acid rock drainage to affect surface and ground water quality in the German Gulch drainage as a result of the proposed action?
5. Would the proposed action produce erosion and sediment deposition which would affect water quality and fish habitat in German Gulch?
6. Would water monitoring be adequate to detect and allow for the correction of any water quality problems resulting from the proposed action?
7. Would the low pH of soils salvaged in the South Beal area affect reclamation?

Other issues commonly associated with mineral exploration and development include: effects on cultural resources, wildlife habitat, old growth, safety and scenery values. This list may be verified, expanded, or modified based on additional scoping for this proposal.

In order to implement the project, the proponent, BMMI, must obtain approval of their proposed amendment from the regulatory agencies. Implementation may take place through the selection of an alternative from this EIS.

The environmental analysis and resulting EIS is being jointly conducted by the Deerlodge National Forest and the Montana Department of State Lands, Hardrock Bureau, which is acting as the lead agency.

The Draft EIS is expected to be filed with the Environmental Protection Agency (EPA) and available for public review in late March or early April of 1993. At that time, the EPA will publish a Notice of Availability of the Draft EIS in the **Federal Register.** The comment period on the Draft EIS will be 45 days from the date the EPA's notice of availability appears in the **Federal Register.** It is very important that those interested in this proposal participate at that time. To be most helpful, comments on the Draft EIS should be as specific as possible. The Final EIS is scheduled to be completed by the end of May, 1993.

The Forest Service believes, at this stage, it is important to give reviewers notice of several court rulings related to public participation in the environmental review process. First, reviewers of draft environmental impact statements must structure their participation in the environmental review of the proposal so that it is meaningful and alerts an agency to the reviewer's position and contentions. *Vermont Yankee Nuclear Power Corp* v. *NRDC*, 435 U.S. 519, 553 (1978). Also, environmental objections that could be raised at the draft environmental impact statement stage, but that are not raised until after completion of the final environmental impact statement, may be waived or dismissed by the courts. *City of Angoon* v. *Hodel*, 803 F.2d 1016, 1022 (9th Cir. 1986) and *Wisconsin Heritages, Inc.* v. *Harris*, 490 F. Supp. 1334, 1338 (E.D. Wis. 1980). Because of these court rulings, it is very important that those interested in this proposed action participate by the close of the 45-day comment period so that substantive comments and objections are made available to the Forest Service at a time when it can meaningfully consider them and respond to them in the final environmental impact statement.

To assist the Forest Service in identifying and considering issues and concerns on the proposed action, comments should be as specific as possible. Reviewers may wish to refer to the Council on Environmental Quality Regulations for implementing the procedural provisions of the National Environmental Policy Act at 40 CFR 1503.3 in addressing these points.

I am the responsible official for this environmental impact statement. My address is Butte Ranger District, 1820 Meadowlark, P.O. Box 3840, Butte, MT 59702.

Dated: February 16, 1993.

Elizabeth McFarland,

Acting District Ranger.

[FR Doc. 93–4357 Filed 2–24–93; 8:45 am]

BILLING CODE 3410–11–M

Soil Conservation Service

South West Middle Suwannee River Area Watershed, Lafayette County, FL

AGENCY: Soil Conservation, USDA.

ACTION: Notice of a finding of no significant impact.

SUMMARY: Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR part 1500); the Soil Conservation Service Guidelines (7 CFR part 650); the Soil Conservation Service, U.S. Department of Agriculture gives notice that an environmental impact statement is not being prepared for the South West Middle Suwannee River Area Watershed, Lafayette County, Florida.

FOR FURTHER INFORMATION CONTACT: T. Niles Glasgow, State Conservationist, Soil Conservation Service, Federal Building, 400 SE First Ave. room 248, Gainesville, Florida 32601; Telephone: 904–377–0946.

SUPPLEMENTARY INFORMATION: The environmental assessment of this federally assisted action, developed by the Soil Conservation Service, indicates that the project will not cause significant local, regional, or national impacts on the environment.

As a result of these findings, T. Niles Glasgow, State Conservationist, has determined that the preparation and review of an environmental impact statement is not needed for this Project.

The project concerns a plan to relieve threats to human health and contamination of ground and surface waters by nitrate leaching from intensive agricultural operations. The planned works of improvement consist of agricultural Best Management Practices to safely collect, store, transport and utilize agricultural waste.

This Notice of A Finding of No Significant Impact (FONSI) has been forwarded to the Environmental Protection Agency and to various Federal, State and local agencies and interested parties. A limited number of copies of the FONSI are available to fill single copy requests at the above address. Basic data developed for the environmental assessment are on file and may be reviewed by contacting T. Niles Glasgow.

No administrative action on implementation of the proposal will be taken until 30 days after the date of this publication in the **Federal Register**.

(This activity is listed in the Catalog of Federal Domestic Assistance under No. 10.904—Watershed Protection and Flood Prevention—and is subject to the provisions of Executive Order 12372 which requires intergovernmental consultations with State and local Officials.)

Dated: February 18, 1993.

T. Niles Glasgow,

State Conservationist.

[FR Doc. 93–4358 Filed 2–24–93; 8:45 am]

BILLING CODE 3410–16–M

DEPARTMENT OF COMMERCE

International Trade Administration

[A–791–502]

Determination Not To Revoke Antidumping Duty Order; Low-Fuming Brazing Copper Wire and Rod From South Africa

AGENCY: International Trade Administration/Import Administration, Department of Commerce.

ACTION: Notice of determination not to revoke antidumping duty order.

SUMMARY: The Department of Commerce is notifying the public of its determination not to revoke the antidumping duty order on low-fuming brazing copper wire and rod from South Africa.

EFFECTIVE DATE: February 25, 1993.

FOR FURTHER INFORMATION CONTACT: Valerie Turoscy, Office of Antidumping Compliance, International Trade Administration, U.S. Department of Commerce, Washington, DC 20230, telephone: (202) 482–3601.

SUPPLEMENTARY INFORMATION: The Department of Commerce (the Department) may revoke an antidumping duty order or finding, pursuant to section 353.25(d)(4) of the Department's regulations, if no interested party has requested an administrative review for four consecutive annual anniversary months and no interested party objects to the revocation (19 CFR 353.25(d)(4)(iii) (1992)). We had not received a request to conduct an administrative review of the antidumping duty order on low-fuming brazing copper wire and rod from South Africa (51 FR 3640, January 29, 1986) for the last four consecutive annual anniversary months. Therefore, pursuant to the Department's regulations, on January 4, 1993, we published in the **Federal Register** a notice of intent to revoke the order and served written notice of the intent to revoke to each interested party on the Department's service list.

On January 29, 1993, the Copper & Brass Fabricators Council, Inc., an interested party under 19 CFR 353.2(k), objected to our intent to revoke this order. Therefore, because an interested party objects to the revocation, we no longer intend to revoke this antidumping duty order.

Dated: February 17, 1993.

Joseph A. Spetrini,

Deputy Assistant Secretary for Compliance.

[FR Doc. 93–4303 Filed 2–24–93; 8:45 am]

BILLING CODE 3510–DS–M

[A–588–028]

Roller Chain, Other Than Bicycle, from Japan; Preliminary Results of Antidumping Duty Administrative Review

AGENCY: International Trade Administration/Import Administration, Department of Commerce.

ACTION: Notice of preliminary results of antidumping duty administrative review.

SUMMARY: In response to a request from the American Chain Association, the petitioner in this proceeding, the Department of Commerce has conducted an administrative review of the antidumping finding on roller chain, other than bicycle, from Japan. The review covers four manufacturers/exporters of this merchandise to the United States and the period April 1, 1991 through March 31, 1992. The review indicates the existence of dumping margins. Interested parties are invited to comment on these preliminary results.

EFFECTIVE DATE: February 25, 1993.

FOR FURTHER INFORMATION CONTACT: Tom Prosser, Office of Antidumping Compliance, International Trade Administration, U.S. Department of Commerce, Washington, DC 20230; telephone: (202) 482–5255.

SUPPLEMENTARY INFORMATION:

Background

On November 27, 1992, the Department of Commerce (the Department) published in the **Federal Register** (57 FR 56319) the final results of its last administrative review of the antidumping finding on roller chain, other than bicycle, from Japan (38 FR 9226; April 12, 1973). In April 1992, the petitioner, the American Chain Association, requested, in accordance with section 353.22(a)(1) of the Department's Regulations, (19 CFR 353.22(a)(1)), that we conduct an administrative review of the period April 1, 1991 through March 31, 1992. We published a notice of initiation of review on May 22, 1992 (57 FR 21769). The Department has now conducted this review in accordance with section 751 of the Tariff Act of 1930, as amended (the Tariff Act).

Scope of the Review

Imports covered by the review are shipments of roller chain, other than bicycle, from Japan. The term "roller chain, other than bicycle," as used in this review includes chain, with or without attachments, whether or not plated or coated, and whether or not manufactured to American or British standards, which is used for power transmission and/or conveyance. Such chain consists of a series of alternately-assembled roller links and pin links in which the pins articulate inside the bushings and the rollers are free to turn on the bushings. Pins and bushings are press fit in their respective link plates. Chain may be single strand, having one row of roller links, or multiple strand, having more than one row of roller links. The center plates are located between the strands of roller links. Such chain may be either single or double

pitch and may be used as power transmission or conveyer chain.

This review also covers leaf chain, which consists of a series of link plates alternately assembled with pins in such a way that the joint is free to articulate between adjoining pitches. This review further covers chain model numbers 25 and 35. Roller chain is currently classified under the Harmonized Tariff Schedule (HTS) subheadings 7315.11.00 through 7619.90.00. HTS item numbers are provided for convenience and Customs purposes. The written description remains dispositive.

The review covers Hitachi Metals Techno Ltd. (Hitachi), Izumi Chain Manufacdturing Co., Ltd. (Izumi), Pulton Chain Co., Ltd. (Pulton), and R.K. Excel (Excel), for the period April 1, 1991 through March 31, 1992. On July 6, 1992, the ACA withdrew its request for review for Sugiyama Chain Co., Ltd. Pursuant to a temporary restraining order issued by the Court of International Trade, we have suspended our review of two additional manufacturer/exporters, Daido Kogyo Co., Ltd./Daido Corporation and Enuma Chain Manufacturing Co., Ltd./Daido Corporation. These companies will be reviewed separately, and their preliminary results will be published in a later notice.

United States Price

In calculating United States price (USP), the Department used purchase price (PP) as defined in section 772 of the Tariff Act, because the sale to the first unrelated purchaser occurred prior to importation and exporter's sales price was not otherwise indicated. PP was based on the packed, FOB or ex-go-down Japanese port price, or CIF duty-paid, delivered price to unrelated purchasers in the United States. Where applicable, we made deductions for brokerage and handling charges, foreign inland freight, foreign inland insurance, ocean freight, and marine insurance. No other adjustments were claimed or allowed.

Foreign Market Value

In calculating foreign market value (FMV), the Department used home market price, as defined in section 773 of the Tariff Act, when sufficient quantities of such or similar merchandise were sold in the home market to provide a basis for comparison. Where there were no contemporaneous home market sales of such or similar merchandise, we based FMV on constructed value (CV), in accordance with section 773(a)(2) of the Tariff Act.

Home market price was based on a packed, FOB or CIF, delivered price to unrelated purchasers in Japan. We calculated CV as the sum of materials, fabrication costs, general expenses, profit, and U.S. packing. We added statutory or actual amounts for the general expenses and profit components of CV, as appropriate.

For PP sales comparisons, where applicable, we made deductions from FMV for inland freight, insurance, and discounts. Where applicable, we made adjustments for differences in packing expenses, credit expenses, advertising expenses, warranty expenses, technical services, commissions, consumption taxes, and differences in merchandise. No other adjustments were claimed or allowed.

Preliminary Results of the Review

As a result of our comparison of United States price to foreign market value, we preliminarily determine that the following weighted-average margins exist for the April 1, 1991 through March 31, 1992 period:

Manufacturer/exporter	Margin (percent)
Hitachi Metals Techno, Ltd	[1] 12.68
Izumi	0.54
Pulton Chain	0.01
RK Excel (Takasago)	0.32
All Others	0.54

[1] No shipments during the period. Rate is from the last period in which there were shipments.

Parties to the proceeding may request disclosure within 5 days of the date of publication of this notice. Any interested party may request a hearing within 10 days of publication. Any hearing, if requested, will be held no later than 44 days after the date of publication of this notice, or the first workday thereafter.

Case briefs and/or written comments from interested parties may be submitted not later than 30 days after the date of publication of this notice. Rebuttal briefs and rebuttals to written comments, limited to issues raised in the case briefs and comments, may be filed not later than 37 days after the date of publication of this notice. The Department will publish the final results of the administrative review, including the results of its analysis of issues raised in any such written comments or at a hearing.

The Department shall determine, and the Customs Service shall assess, antidumping duties on all appropriate entries. Individual differences between USP and FMV may vary from the percentages stated above. The Department will issue appraisement instructions on each exporter directly to the Customs Service.

Furthermore, the following deposit requirements will be effective upon publication of the final results of this administrative review for all shipments of roller chain, other than bicycle, from Japan, entered, or withdrawn from warehouse, for consumption on or after the publication date, as provided by section 751(a)(1) of the Tariff Act: (1) The cash deposit rate for the reviewed companies will be that established in the final results of this administrative review; (2) for merchandise exported by manufacturers or exporters not covered in this review, but covered in previous reviews or the original less-than-fair-value investigation, the cash deposit rate will continue to be the company-specific rate published in the final determination covering the most recent previous review; (3) if the exporter is not a firm covered in this review, previous reviews, or the original investigation, but the manufacturer is, the cash deposit rate will be that established for the manufacturer of the merchandise in the final results of the most recently completed review of the manufacturer; and (4) the cash deposit rate for any future entries from all other manufacturers or exporters who are not covered in this or prior administrative reviews, and who are unrelated to any firms listed above, or any previously reviewed firm, will be the "All Others" rate established in the final results of this administrative review. This rate represents the highest rate for any firm in this administrative review (whose shipments to the United States were reviewed), other than those firms receiving a rate based entirely on the best information available. These deposit requirements, when imposed, shall remain in effect until publication of the final results of the next administrative review.

This notice also serves as a preliminary reminder to importers of their responsibility under 19 CFR 353.26 to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in the Secretary's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of double antidumping duties.

This administrative review and notice are in accordance with section 751(a)(1) of the Tariff Act (19 U.S.C. 1675(a)(1)) and section 353.22 of the Department's Regulations (19 CFR 353.22).

Dated: February 4, 1993.

Joseph A. Spetrini,

Acting Assistant Secretary for Import Administration.

[FR Doc. 93–4304 Filed 2–24–93; 8:45 am]

BILLING CODE 3510–DS–M

Incidental Take of Marine Mammals

AGENCY: National Marine Fisheries Service (NMFS), NOAA, Commerce.

ACTION: Notice of issuance of Letters of Authorization.

SUMMARY: Notice is given that on February 18, 1993, NMFS issued two Letters of Authorization for a take of ringed seals incidental to on-ice seismic activities in the Beaufort Sea for 1993. These letters were issued under the authority of the Marine Mammal Protection Act and 50 CFR part 228, subparts A and B.

Letters were issued to Western Geophysical, 351 E. International Airport Road, Anchorage, Alaska 99518, and GECO–PRAKLA, 500 W. International Airport Road, Anchorage, Alaska 99518. These letters are valid only for activities conducted in 1993, and are subject to the provisions of the Marine Mammal Protection Act, regulations governing small takes of marine mammals incidental to specified activities, and regulations governing the taking of ringed seals incidental to on-ice seismic activities in the Beaufort Sea (50 CFR part 228, subparts A and B 2 and 58 FR 4091, January 13, 1993).

Issuances of letters are based on findings that the total takings will have a negligible impact on the ringed seal species or stock and will not have an unmitigable adverse impact on the availability of the species for subsistence uses.

ADDRESSES: These letters are available for review in the following offices: Office of Protected Resources, NMFS, 1335 East-West Highway, Silver Spring, Maryland 20910, and Western Alaska Field Office, NMFS, 701 C. Street, Anchorage, Alaska 99513.

Dated: February 18, 1993.

Nancy Foster,

Director, Office of Protected Resources, National Marine Fisheries Service, National Oceanic and Atmospheric Administration.

[FR Doc. 93–4359 Filed 2–24–93; 8:45 am]

BILLING CODE 3510–22–M

National Oceanic and Atmospheric Administration

Gulf of Mexico Fishery Management Council; Public Meetings

AGENCY: National Marine Fisheries Service, NOAA, Commerce.

The Gulf of Mexico Fishery Management Council (Council) and its Committees will meet on March 9–12, 1993, at the Holiday Inn Crown Plaza, 333 Poydras, New Orleans, LA; telephone: (504) 525–9444. The agenda is as follows:

Council

The Council will convene on March 11 at 8:30 a.m. and recess at 5 p.m. Council agenda items and the times allocated for discussion are as follows:

From 8:45 a.m. to 9:15 a.m.: Receive Public Testimony on a change to the Reef Fish Stressed Area Boundary which regulates where fish traps can be used. Note: Testimony cards must be turned in to staff before the start of public testimony.

From 9:15 a.m. to 9:45 a.m.: Discuss Committee recommendations on the Stressed Area Boundary Change.

From 9:45 a.m. to 5 p.m.: Discuss Committee recommendations on Draft Reef Fish Amendment #7/Environmental Impact Statement (EIS).

The Council will reconvene at 8:30 a.m. on March 12 with adjournment at 12 noon.

From 8:30 a.m. to 9:15 a.m.: Consider appointment of Advisory Panel (AP) members (in Closed Session).

From 9:15 a.m. to 9:45 a.m.: Consider appointment of Scientific and Statistical Committee (SSC) and Stock Assessment Panel members (in Closed Session).

The Council will then receive reports from the following Committees:

1. Mackerel Management Committee (9:45 a.m. to 10:15 a.m.);
2. Spiny Lobster Management Committee (10:15 a.m. to 10:30 a.m.);
3. Law Enforcement Committee (10:30 a.m. to 10:45 a.m.);
4. International Commission for the Conservation of Atlantic Tunas Advisory Committee (10:45 a.m. to 11 a.m.) on the meeting held in Silver Spring, Maryland, on October 19, 1992; and
5. Receive a report on the Magnuson Act Amendment meeting held in Silver Spring, Maryland, on February 22, 1993 (11 a.m. to 11:15 a.m.);
6. Enforcement reports and the Director's reports and adjournment at 12 noon.

Committees

On March 9 at 10:30 a.m. the following Committees will meet, with adjournment at 5:30 p.m.: The Law Enforcement Committee, the SSC Selection Committee (in Closed Session), and the AP Selection Committee (in Closed Session).

Committee meetings will reconvene on March 10. The Reef Fish Management Committee, the Mackerel Management Committee, and the Spiny Lobster Management Committee will meet at that time, and adjourn at 5 p.m.

For more information contact Wayne E. Swingle, Executive Director, Gulf of Mexico Fishery Management Council, 5401 West Kennedy Boulevard, Suite 331, Tampa, FL; telephone: (813) 228–2815.

Dated: February 17, 1993.

David S. Crestin,

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

[FR Doc. 93–4325 Filed 2–24–93; 8:45 am]

BILLING CODE 3510–22–M

Groundfish of the Gulf of Alaska

AGENCY: National Marine Fisheries Service (NMFS), NOAA, Commerce.

ACTION: Issuance of an experimental fishing permit.

SUMMARY: NMFS announces the issuance of an experimental fishing permit (EFP) to allow the vessels TOPAZ and DAWN to harvest arrowtooth flounder in the Gulf of Alaska during times otherwise prohibited by Federal regulations. Issuance of experimental fishing permits is authorized by the Fishery Management Plan for Groundfish of the Gulf of Alaska and its implementing regulations at 50 CFR part 672.

ADDRESSES: Copies of the experimental fishing permit are available by writing to Steven Pennoyer, Director, Alaska Region, NMFS, P.O. Box 21668, Juneau, AK 99802 (Attn: Lori Gravel).

FOR FURTHER INFORMATION CONTACT: Ronald J. Berg, Chief, Fisheries Management Division, Alaska Region, NMFS, 907–586–7230.

SUPPLEMENTARY INFORMATION: NMFS announced the receipt of an application for an EFP from the Alaska Fisheries Development Foundation in the **Federal Register** (57 FR 58461, December 10, 1992). The EFP will authorize the fishing vessels TOPAZ and DAWN to harvest a limited amount of arrowtooth flounder for purposes of producing market-grade surimi for product development and test marketing by surimi analog producers elsewhere in the United States. Additional information including project design and disposition of fish harvested is contained in the application.

The application was reviewed by the North Pacific Fishery Management Council (Council) at its December 8–13, 1992, public meeting. At the Council's recommendation, the Director, Alaska Region, NMFS, approved the application and issued an EFP to the Alaska Fisheries Development Foundation, Inc. (AFDF) for two vessels:

TOPAZ (Documentation Number 575428) and DAWN (Documentation Number 532081).

The following conditions are imposed on the use of this EFP:

1. The maximum amount of arrowtooth flounder authorized to be caught under this EFP is a round-weight equivalent of 750,000 pounds, or 340 metric tons (mt);

2. Harvesting arrowtooth flounder is limited to the Gulf of Alaska;

3. Each of the harvesting vessels that will participate under this EFP must comply with Federal regulations under 50 CFR part 672, except paragraphs (c), (f), and (g) of § 672.7;

4. In addition to other requirements under § 672.27, each of the harvesting vessels must carry a NMFS certified observer at all times while harvesting arrowtooth flounder;

5. This EFP is effective during closures to directed fishing except for pollock by vessels using pelagic trawl gear, for the remainder of a season to which a halibut prohibited species catch limit or seasonal apportionment applies, as required by 50 CFR 672.20(f)(1)(i), or until (1) 750,000 pounds, calculated in round-weight equivalents, of arrowtooth flounder have been caught, or (2) a bycatch allowance of 9 mt of halibut mortality has been reached, whichever is earlier.

6. All fish catches other than arrowtooth flounder must be treated as prohibited species; and

7. AFDF must make all information resulting from the experiment conducted under this EFP available to the public in the form of a written report submitted to the Council no later than December 31, 1993.

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

Dated: February 19, 1993.

David S. Crestin,

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

[FR Doc. 93–4326 Filed 2–24–93; 8:45 am]

BILLING CODE 3510–22–M

DEPARTMENT OF DEFENSE

Department of the Air Force

Record of Decision for Disposal and Reuse of George AFB, CA

On January 14, 1992 the Air Force signed the Record of Decision (ROD) for the Disposal and Reuse of George AFB. The decisions included in this ROD have been made in consideration of but not limited to the information contained in the Final Environmental Impact Statement (FEIS).

George AFB was closed on December 15, 1992, pursuant to the Defense Authorization Amendments and Base Closure and Realignment Act (BRAC) (Public Law 100–526) and recommendations of the Defense Secretary's Commission on Base Realignment and Closure. This ROD documents the decisions made by the Air Force on how the property will be divided into parcels for disposal, how parcels are to be conveyed or transferred and what mitigation measures should be adopted.

Basically, the base has been divided into 12 parcels of land, railroad right of way, roads and utilities. Two airfield parcels are to be conveyed for public benefit (airport use), 3 parcels for negotiated sales, 2 parcels conveyed to Department of Education, 2 lease parcels, 2 parcels by public sale and the remaining parcels deferred to a later date. The Federal Aviation Administration (FAA) has jurisdiction by law regarding reuse of the runways, and associated facilities, as a civilian airport. A decision, if any, by the FAA to approve an airport layout plan (ALP) will be announced by a separate ROD issued by the FAA based on the analysis in the FEIS and any additional FAA analysis that may be required.

The implementation of the closure and reuse action and associated mitigation measures will proceed with minimal adverse impact to the environment. This action conforms with applicable federal, state and local statutes and regulations, and all reasonable and practical efforts have been incorporated to minimize harm to the local public and environment.

Any questions regarding this matter should be directed to Lt Col Gary Baumgartel, AFCEE/ESE, Brooks AFB, TX 78235–5000, (512) 536–3869.

Patsy J. Conner,

Air Force Federal Register Liaison Officer.

[FR Doc. 93–4360 Filed 2–24–93; 8:45 am]

BILLING CODE 3910–01–M

USAF Scientific Advisory Board; Meeting

The Architecture & Assessment Panel of the USAF Scientific Advisory Board's Committee on Options for Theater Air Defense will meet on 22 March 1993, at AFSPACECOM, Colorado Springs, CO and 23 March 1993 at Kirtland AFB, NM from 8 a.m. to 5 p.m.

The purpose of this meeting will be to receive briefings and gather information on issues related to theater air defense.

The meeting will be closed to the public in accordance with section 552b(c) of title 5, United States Code, specifically subparagraphs (1) and (4) thereof.

For further information, contact the Scientific Advisory Board Secretariat at (703) 697–4811.

Patsy J. Conner,

Air Force Federal Register Liaison Officer.

[FR Doc. 93–4361 Filed 2–24–93; 8:45 am]

BILLING CODE 3910–01–M

USAF Scientific Advisory Board; Meeting

The Boost Phase Panel of the USAF Scientific Advisory Board's Committee on Options for Theater Air Defense will meet on 22–23 March 1993, at Livermore, CA from 8 a.m. to 5 p.m.

The purpose of this meeting will be to receive briefings and gather information on issues related to theater air defense.

The meeting will be closed to the public in accordance with section 552b(c) of title 5, United States Code, specifically subparagraphs (1) and (4) thereof.

For further information, contact the Scientific Advisory Board Secretariat at (703) 697–4811.

Patsy J. Conner,

Air Force Federal Register Liaison Officer.

[FR Doc. 93–4362 Filed 2–24–93; 8:45 am]

BILLING CODE 3910–01–M

Air Force Reserve Officer Training Corps; Advisory Committee Meeting

The Air Force Reserve Officer Training Corps (AFROTC) Advisory committee will meet on March 26, 1993, from 7:30 a.m. to 12 p.m. at Wright-Patterson Air Force Base, Building 262, Headquarters Conference Room, Dayton, Ohio 45433–5000.

The AFROTC Advisory Committee meets to offer advice, views and recommendations regarding the educational mission of AFROTC. The Committee is an external source of expertise and services in an advisory capacity to the commander, Air Training Command and the Commandant, AFROTC. Issues expected to be discussed include: AFROTC curriculum review; scholarships; production; summer camp update; minority recruiting, and Air Force Junior ROTC.

Meeting is open to the public.

For further information, contact AFROTC Advisory Committee, Capt Mitchell D. Norton, Project Officer, HQ ATC/RSCX, Randolph Air Force Base,

Texas 78150–4527, telephone (210) 652–4364/3729.

Patsy J. Conner,

Air Force Federal Register Liaison Officer.

[FR Doc. 93–4311 Filed 2–24–93; 8:45 am]

BILLING CODE 3910–01–M

Department of the Army

Notice of Intent To Prepare a Draft Environmental Impact Statement for the Willamette River Temperature Control Feasibility Study

AGENCY: Army Corps of Engineers, DOD.

ACTION: Notice of intent.

SUMMARY: The proposed action to be evaluated in this feasibility study and EIS is the installation of temperature control facilities at Blue River and Cougar Projects in the McKenzie River Subbasin of the Willamette River Basin, Oregon. These facilities would allow the selective withdrawal of warm or cool water as needed from various elevations within the reservoirs to control the temperature of releases from these projects. The goal is to achieve approximate pre-project water temperatures in releases from Cougar and Blue River Projects to improve habitat for anadromous and resident fish species.

FOR FURTHER INFORMATION CONTACT: David Kurkoski, telephone (503) 326–6094, Portland District, U.S. Army Corps of Engineers, Regulatory and Environmental Resources Branch, P.O. Box 2946, Portland, Oregon 97208–2946.

SUPPLEMENTARY INFORMATION: Blue River Lake, which began operation in 1969, is located on the Blue River at River Mile (RM) 1.7. It provides more than 89,000 acre-feet of storage. Cougar Lake is located on the South Fork of the McKenzie River at RM 4.5, and provides 219,000 acre-foot of storage. It has been in operation since 1963. Both projects provide flood control during the winter season. During the low water season, supplemental releases furnish downstream flows for irrigation, navigation, fisheries, pollution abatement, and recreation. Power generation is included at Cougar Lake; construction of power generation facilities at Blue River Lake is planned by the Eugene Water and Electric Board (EWEB), a non-Federal entity. A license for power development by EWEB was obtained from the Federal Energy Regulatory Commission (FERC) on 16 November 1989.

The purpose of installing temperature control facilities is to provide the flexibility needed to achieve approximate pre-project water temperatures in releases from Cougar and Blue River Projects. Controlling water temperatures is believed to improve habitat for anadromous and resident fish species, including spring chinook salmon, rainbow trout, and bull trout in the McKenzie River downstream of the projects.

Temperature control is needed because the operation of Cougar and Blue River projects has altered the flow and temperature of the South Fork McKenzie River, Blue River, and the mainstem McKenzie River downstream from the projects. In general, when compared to pre-project conditions, flows and temperatures are decreased in the spring and summer when the reservoirs are filled and releases are made from deep in the reservoir pool, and they are increased in the late summer and fall during reservoir drawdown to flood control pool. These changes are most noted in the South Fork McKenzie and Blue Rivers, and moderated in the mainstem by flows above their confluences.

Temperature and flow changes are believed to cause delays in upstream migration of adult spring chinook. Incubation and rearing life stages of spring chinook are also of concern; accelerated incubation and premature fry emergence are associated with increased water temperatures in the fall during reservoir drawdown. Early emerging fry are presumed to be at a severe disadvantage for survival.

The feasibility study will identify specific fishery needs relating to temperature control releases at Blue River and Cougar projects and examine the ability of alternative temperature control structures to meet those needs under typical climatic and hydrologic conditions.

Two alternative structural plans will be considered for each project. Alternative design concepts are currently being developed. The design goal of each plan will be to provide a facility which will be able to meet release temperatures recommended by fishery agencies under a range of climatic and flow conditions. Plan evaluation will consider the alternatives of both individual and joint operation of the projects for temperature control.

The feasibility study will evaluate structural rather than operational alternatives. Structural modification is needed in order to provide the capability to withdraw water from different levels within the reservoirs to achieve significant temperature control effects. The alternative of no action will also be considered in this EIS.

The scoping process will commence in February 1993 with the issuance of a scoping letter. Federal, state, and local agencies, Indian tribes, and interested organizations and individuals will be asked to comment on the significant issues relating to the potential effects of the alternatives. Potentially significant issues to be addressed in the EIS include: the effects of alternatives on downstream water temperatures; effects of alternatives on habitat and populations of spring chinook and resident fish, including rainbow trout and bull trout, a candidate for listing as an endangered species; and, temporary changes in project operations during construction of temperature control facilities, and the effects of these changes on reservoir levels, downstream flows, biological resources, and human use of the projects and downstream areas.

Other environmental review and consultation requirements to be addressed in the EIS include:

a. Clean Water Act of 1977, as amended.

b. Fish and Wildlife Coordination Act.

c. Endangered Species Act of 1973, as amended.

d. Cultural Resources Acts.

e. Executive Order 11988, Floodplain Management.

f. Executive Order 11990, Protection of Wetlands.

The Draft EIS is scheduled to be published and distributed for public review and comment in October 1994.

Kenneth L. Denton,

Army Federal Register Liaison Officer.

[FR Doc. 93–4365 Filed 2–24–93; 8:45 am]

BILLING CODE 3710–AR–M

Notice of Inclusion of DOD Non-Appropriated Fund (NAF) Employees in the DOD Personal Property Shipping and Storage Program

AGENCY: Military Traffic Management Command, DOD.

ACTION: Notice.

SUMMARY: MTMC intends to amend the domestic personal property rate solicitation to include provisions extending the applicability of the solicitation to NAF employees. NAF employees are Federal employees within the DOD. As such, according to the NAF Personnel Policy Office, entitlements similar to those provided for APF employees have been authorized for NAF employees.

DATES: April 26, 1993.

ADDRESSES: Send comments to Headquarters, Military Traffic Management Command, ATTN: MTOP–

T–NI, 5611 Columbia Pike, Falls Church, VA 22041–5050.

FOR FURTHER INFORMATION CONTACT: Headquarters, Military Traffic Management Command, ATTN: MTOP–T–NI, 5611 Columbia Pike, Falls Church, VA 22041–5050, Janet Nemier (703) 756–1870.

SUPPLEMENTARY INFORMATION: NAF employees should be provided "quality service and responsive personal property movement and storage service" similar to those services authorized for APF employees as long as transportation and storage costs are paid with NAF funds. This **Federal Register** item advises the moving and storage industry the personal property programs will be amended to include NAF employees.

The following language will be included in all MTMC personal property rate solicitations: "The rates are solicited on behalf of the entire DOD, including civilian appropriated and non-appropriated fund employees, and the U.S. Coast Guard." This provision is currently in the international personal property rate solicitation, Chapter 1, Item 102.

Kenneth L. Denton,

Army Federal Register Liaison Officer.

[FR Doc. 93–4364 Filed 2–24–93; 8:45 am]

BILLING CODE 3710–08–M

Availability of Non-Exclusive, Exclusive, or Partially Exclusive Licensing of U.S. Patent Concerning Preparation of Nerve Agent Antidotes

AGENCY: U.S. Army Medical Research and Development Command, DOD.

ACTION: Notice of availability.

SUMMARY: In accordance with 37 CFR 404.6, announcement is made of the availability of U.S. Patent No. 5,130,438 entitled "Bis-Methylene Ether Pyridinium Compound Preparation" issued July 14, 1992 for licensing. This patent has been assigned to the United States Government as represented by the Secretary of the Army.

FOR FURTHER INFORMATION CONTACT: Mr. John F. Moran, Patent Attorney, Office of the Command Judge Advocate, U.S. Army Medical Research and Development Command, Fort Detrick, Frederick, Maryland 21702–5012, telephone (301) 619–2065.

SUPPLEMENTARY INFORMATION: Organophosphorus-containing insecticides and nerve agents or nerve gases are potent inhibitors of synaptic acetylcholinesterase, a key regulator of cholinergic neurotransmission. An illustrative embodiment of the invention substitutes solid, non-carcinogenic bis(methanesulfonoxymethyl) ether for the toxic bischloromethyl ether in a low temperature reaction to produce the important nerve agent antidotes, such as Toxogonin, HI–6, HS–S6, HGG–12 and HLO–7. The bis-methylene ether pyridinium quaternary compounds prepared according to the process of this invention are powerful nerve agent antidotes and, more specifically, evidence indicates that these compounds demonstrate total protection against all known organophosphate nerve agents.

Kenneth L. Denton,

Army Federal Register Liaison Officer.

[FR Doc. 93–4363 Filed 2–24–93; 8:45 am]

BILLING CODE 3710–08–M

Availability of Non-Exclusive, Exclusive, or Partially Exclusive Licensing of U.S. Patent Application Concerning Plasma-Free Medium for Cultivating Malaria Parasites

AGENCY: U.S. Army Medical Research and Development Command, DOD.

ACTION: Notice of availability.

SUMMARY: In accordance with 37 CFR 404.6, announcement is made of the availability of U.S. Patent Application Serial No. 07/835,832 entitled "Defined Plasma-Free Medium for the Cultivation of Plasmodium Falciparum" filed February 13, 1992 for licensing. This patent will be assigned to the United States Government as represented by the Secretary of the Army.

FOR FURTHER INFORMATION CONTACT: Mr. John F. Moran, Patent Attorney, Office of the Command Judge Advocate, U.S. Army Medical Research and Development Command, Fort Detrick, Frederick, Maryland 21702–5012, telephone (301) 619–2065.

SUPPLEMENTARY INFORMATION: The invention represents a method for the maintenance or cultivation of malaria parasites *in vitro* without the use of plasma or serum. The invention replaces serum or plasma with commercially available constituents. Use of this medium precludes the need for plasma or serum without compromising parasite growth rates.

Kenneth L. Denton,

Army Federal Register Liaison Officer.

[FR Doc. 93–4386 Filed 2–24–93; 8:45 am]

BILLING CODE 3710–08–M

Availability of Non-Exclusive, Exclusive, or Partially Exclusive Licensing of U.S. Patent Concerning the Rapid Diagnosis of Typhoid Fever

AGENCY: U.S. Army Medical Research and Development Command, DOD.

ACTION: Notice of availability.

SUMMARY: In accordance with 37 CFR 404.6, announcement is made of the availability of U.S. Patent No. 5,055,394 entitled "Nucleric Acid Probe and Method for the Rapid Detection of Typhoid Fever Bacteria" issued October 8, 1991 for licensing. This patent has been assigned to the United States Government as represented by the Secretary of the Army.

FOR FURTHER INFORMATION: Mr. John F. Moran, Patent Attorney, Office of the Command Judge Advocate, U.S. Army Medical Research and Development Command, Fort Detrick, Frederick, Maryland 21702–5012, telephone (301) 619–2065.

SUPPLEMENTARY INFORMATION: The invention involves nucleric acid probe comprising all or part of the DNA region encoding the Vi capsular antigen of enteric bacteria, such as Salmonella typhi, Salmonella paratyphi, and Citrobacter fruendi. Also, the invention encompasses a nucleric acid hybridization method in which the above nucleric acid probe can be used with clinical specimens for the rapid detection of typhoid fever bacilli.

Kenneth L. Denton,

Army Federal Register Liaison Officer.

[FR Doc. 93–4387 Filed 2–24–93; 8:45 am]

BILLING CODE 3710–08–M

Department of the Navy

CNO Executive Panel; Closed Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (5 U.S.C. App. 2), notice is hereby given that the Chief of Naval Operations (CNO) Executive Panel Future Naval Forces Task Force will meet March 4, 1993, from 9 a.m. to 5 p.m., at 4401 Ford Avenue, Alexandria, Virginia. This session will be closed to the public.

The purpose of this meeting is to develop a framework for the place of naval forces in U.S. national defense. The entire agenda for the meeting will consist of discussion of key issues regarding the future weapons and command and control systems. These matters constitute classified information that is specifically authorized by Executive order to be kept secret in the interest of national defense and are, in fact, properly classified pursuant to

such Executive order. Accordingly, the Secretary of the Navy has determined in writing that the public interest requires that all sessions of the meeting be closed to the public because they will be concerned with matters listed in section 552b(c)(1) of title 5, United States Code.

For further information concerning this meeting, contact: J. Kevin Mattonen, Executive Secretary to the Executive Panel, 4401 Ford Avenue, suite 601, Alexandria, Virginia 22302-0268, telephone (703) 756-1205.

February 16, 1993.

Michael P. Rummel

LCDR, JAGC, USN, Federal Register Liaison Officer.

[FR Doc. 93-4366 Filed 2-24-93; 8:45 am]

BILLING CODE 3810-AE-F

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket Nos. ER92-488-000, et al.]

Tampa Electric Co., et al.; Electric Rate, Small Power Production, and Interlocking Directorate Filings

February 17, 1993.

Take notice that the following filings have been made with the Commission:

1. Tampa Electric Co.

[Docket No. ER92-488-000]

Take notice that on February 5, 1993, Tampa Electric Company (Tampa Electric) amended its prior filing in this docket by providing additional information concerning the calculation of energy and purchased power charges under interchange Service Schedules A and B.

Tampa Electric proposes an effective date of May 1, 1992, for the revised daily capacity charge under Service Schedule B, as tendered previously, and therefore requests waiver of the Commission's notice requirements.

Copies of the filing have been served on all utilities with which Tampa Electric has an interchange contract that includes Service Schedules A and B, and the Florida Public Service Commission.

Comment date: March 3, 1993, in accordance with Standard Paragraph E at the end of this notice.

2. Delmarva Power & Light Co.

[Docket Nos. ER93-96-000 and EL93-11-000]

Take notice that on February 1, 1993, Delmarva Power & Light Company filed revised rate schedule sheets in compliance with the Commission's December 31, 1992 order. The revised rate schedule sheets eliminate paragraph M of each firm power rate power schedule (Original Leaf No. 36b) as filed on November 3, 1992, and contains a new paragraph D for each transmission rate schedule (Eleventh Revised Leaf No. 37) which implements the January 3, 1993 effective date assigned to the distribution-voltage transmission rate submitted on November 3, 1992. Delmarva also filed a new tariff sheet (Supplement 1 to Fourth Revised Leaf No. 36) to correct a mislabeled tariff sheet submitted with the November 3, 1992 filing.

Delmarva states that it has served the compliance filing upon each affected customer and upon the regulatory commissions of the States of Delaware and Maryland and the Commonwealth of Virginia.

Comment date: March 3, 1993, in accordance with Standard Paragraph E end of this notice.

3. Central Power and light Co.

[Docket No. ER93-151-000]

Take notice that on February 1, 1993, Central Power and Light Company (CPL) tendered for filing a supplement to its November 16, 1992 filing in the above-referenced proceeding. The filing sets forth additional information required to be provided in response to a deficiency letter issued by the Commission on December 31, 1992.

Copies of the filing have been served on Southeast Texas Electric Cooperative, Inc. Medina Electric Cooperative, Inc. and the Public Utility Commission of Texas.

Comment date: March 3, 1993, in accordance with Standard Paragraph E at the end of this notice.

4. Puget Sound Power & Light Co.

[Docket No. ER93-161-000]

Take notice that on January 19, 1993, Puget Sound Power & Light Company (Puget) tendered for filing additional information requested by Commission staff in the above-referenced docket.

Comment date: March 3, 1993, in accordance with Standard Paragraph E at the end of this notice.

5. Green Mountain Power Corp.

[Docket No. ER93-341-000]

Take notice that on January 23, 1993, Green Mountain Power Corporation (Green Mountain) tendered for filing a letter agreement between Green Mountain and Bozrah Light and Power Company (Bozrah) to defer the effectiveness of rate increases for the sales by Green Mountain to Bozrah which has been established in a Settlement Agreement accepted by letter order dated August 6, 1992.

Comment date: March 3, 1993, in accordance with Standard Paragraph E at the end of this notice.

6. Public Service Electric and Gas Co.

[Docket No. ER93-357-000]

Take notice that Public Service Electric and Gas Company (PSE&G) of Newark, New Jersey on February 5, 1993, tendered for filing an agreement for the sale of Capacity and Energy to Old Dominion Electric Cooperative (Old Dominion). Pursuant to the agreement, PSE&G will sell capacity and associated energy for a ten year period commencing on January 1, 1995, as scheduled by Old Dominion.

Copies of the filing have been served upon Old Dominion, the New Jersey Board of Regulatory Commissioners, Maryland Public Service Commission, Delaware Public Service Commission, and Virginia State Corporate Commission.

Comment date: March 3, 1993, in accordance with Standard Paragraph E at the end of this notice.

7. PSI Energy, Inc.

[Docket No. ER92-653-001]

Take notice that on January 25, 1993, PSI Energy, Inc. tendered for filing its compliance filing in this docket pursuant to the Commission's order issued on October 27, 1992.

Comment date: March 3, 1993, in accordance with Standard Paragraph E at the end of this notice.

8. The United Illuminating Co.

[Docket No. ER93-365-000]

Take notice that on February 8, 1993, The United Illuminating Company (UI) tendered for filing a letter agreement that modifies and extends the term of a previously filed and accepted exchange agreement dated June 1, 1985, and which had previously been executed by letters dated October 23, 1986, November 22, 1991, June 2, 1992 and August 27, 1992, between UI and The Connecticut Light and Power Company.

UI states that a copy of this filing has been mailed to CL&P.

UI requests that the rate schedule filed become effective May 1, 1993.

Comment date: March 3, 1993, in accordance with Standard Paragraph E at the end of this notice.

9. Boston Edison Co.

[Docket No. ER93-223-000]

Take notice that on February 1, 1993, Boston Edison Company (Boston) tendered for filing additional information to its November 18, 1992 filing in this docket.

Comment date: March 3, 1993, in accordance with Standard Paragraph E at the end of this notice.

10. Central Power and Light Co.

[Docket No. ER93–152–000]

Take notice that on February 2, 1993, Central Power and Light Company (CPL), by its counsel, tendered for filing a supplement to its November 16, 1992 filing in the above referenced proceeding. The filing sets forth additional information required to be provided in response to the deficiency letter issued by the Commission on December 31, 1992.

Copies of the filing have been served on Magic Valley Electric Cooperative and the Public Utility Commission of Texas.

Comment date: March 3, 1993, in accordance with Standard Paragraph E at the end of this notice.

11. Appalachian Power Co.

[Docket No. ER93–350–000]

Take notice that on January 29, 1993, Appalachian Power Company tendered for filing an addendum to the existing Electric Service Agreement with Union Power Company, executed on January 19, 1993.

Comment date: March 3, 1993, in accordance with Standard Paragraph E at the end of this notice.

12. Washington Water Power Co.

[Docket No. ER93–127–000]

Take notice that on February 5, 1993, Washington Water Power Company (WWP) tendered for filing with the Federal Energy Regulatory Commission pursuant to 18 CFR 35.11 an Amendment to its filing of a Service Agreement with Bonneville Power Administration under WWP's FERC Electric Tariff Volume No. 3. WWP states that the purpose of the amendment is to make changes requested by Commission staff.

A copy of the filing was mailed to Bonneville Power Administration.

Comment date: March 3, 1993, in accordance with Standard Paragraph E at the end of this notice.

13. Indiana Michigan Power Co.

[Docket No. ER93–195–000]

Take notice that American Electric Power Service Corporation on February 5, 1993, tendered for filing on behalf of Indiana Michigan Power Company (I&M), information requested by the staff of the Commission which supports the charges made by I&M to Northern Indiana Public Service Company, Inc. in connection with a Contributions in Aid of Construction agreement filed in the referenced docket.

A copy of this filing has been sent to the Indiana Utility Regulatory Commission and the Michigan Public Service Commission.

Comment date: March 3, 1993, in accordance with Standard Paragraph E at the end of this notice.

14. Montaup Electric Co.

[Docket No. ER93–80–000]

Take notice that on January 29, 1993, Montaup Electric Company (Montaup) tendered for filing additional information in the above referenced docket in response to the Commission Staff's letter dated December 30, 1992.

Comment date: March 3, 1993, in accordance with Standard Paragraph E at the end of this notice.

15. Western Massachusetts Electric Co.

[Docket Nos. ER93–219–000 and ER93–222–000]

Take notice that on January 25, 1993, Western Massachusetts Electric Company tendered for filing corrected pages to its filing dated January 11, 1993 in the above-referenced dockets.

Comment date: March 3, 1993, in accordance with Standard Paragraph E at the end of this notice.

16. Midwest Power Systems, Inc.

[Docket No. ER93–363–000]

Take notice that on February 9, 1993, Midwest Power Systems, Inc. tendered for filing a Notice of Cancellation of Rate Schedule FERC No. 56, effective April 30, 1993.

Comment date: March 3, 1993, in accordance with Standard Paragraph E at the end of this notice.

17. Montaup Electric Co.

[Docket No. ER93–366–000]

Take notice that on February 10, 1993, Montaup Electric Company (Montaup) tendered for filing a credit of $2,030,791.22 under its Purchase Capacity Adjustment Clause (PCAC) to true up the amounts billed in 1992 under a forecast billing rate to conform with actual purchased capacity costs. The credit will appear in bills for January 1993 service rendered for all requirements service to Montaup's affiliates Eastern Edison Company in Massachusetts and Blackstone Valley Electric Company in Rhode Island, contract demand service to its affiliate Newport Electric Corporation in Rhode Island, and contract demand service to two non-affiliates: Pascoag Fire District in Rhode Island and the Town of Middleborough in Massachusetts.

Comment date: March 4, 1993, in accordance with Standard Paragraph E at the end of this notice.

Standard Paragraphs

E. Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 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. 93–4316 Filed 2–24–93; 8:45 am]

BILLING CODE 6717–01–M

Notice of Contractors Qualified To Prepare Environmental Impact Statements

February 19, 1993.

On September 13, 1991, the Federal Energy Regulatory Commission (Commission or FERC) solicited Request For Proposals (Announcement No. DE–AC–39–92–RC2001) from organizations qualified to prepare National Environmental Policy Act documents for hydroelectric project license applications. On April 13, 1992, the Commission determined that the following contractors were qualified to prepare environmental impact statements (EIS) for the Commission:

CH2M Hill, Denver, Colorado
EBASCO Services Incorporated, New York, New York
Stone and Webster Environmental Services, Boston, Massachusetts

The Commission hereby provides notice that these contractors represent an initial list of contractors qualified to prepare EISs under the Third Party Contracting provisions of section 2403 (a) of the Energy Policy Act of 1992.

The Commission will publish in the Commerce Business Daily a notice of intent—under the provisions of Third Party Contracting—to solicit additional proposals from contractors seeking qualified status to prepare environmental impact statements (EIS) for the Commission.

For further information please contact Commission staff member John Blair, at (202) 219–2845.

Lois D. Cashell,

Secretary.

[FR Doc. 93–4339 Filed 2–24–93; 8:45 am]

BILLING CODE 6717–01–M

[Project No. 11181–000]

Energy Storage Partners, Inc.; Notice of Intent To Prepare an Environmental Impact Statement

February 19, 1993.

The Federal Energy Regulatory Commission (FERC) has issued a Preliminary Permit, No. 11181 to Energy Storage Partners, Inc. of Minneapolis, Minnesota, to prepare and submit an application for the Lorella Pumped Storage Hydroelectric Project located in Klamath County, Oregon.

Pursuant to the National Environmental Policy Act, the Commission staff has determined that licensing this project would constitute a major federal action significantly affecting the quality of the human environment. Therefore, FERC staff intends to prepare—under the Third Party Contracting provisions of section 2403 (a) of the National Energy Policy Act of 1992—an environmental impact statement (EIS) on the proposed hydroelectric facility.

The Commission has selected EBASCO Services Incorporated of New York, NY as the Third Party Contractor to prepare the EIS.

The EIS will objectively consider both site specific and cumulative environmental impacts of the proposed project and reasonable alternatives, and will include an economic, financial and engineering analysis.

Scoping meetings to solicit comments on the proposed project will be held at a later date and will be announced in the Federal Register and in local newspapers. Scoping documents will be prepared for further review and comment subsequent to those meetings.

A draft EIS will be issued and circulated for review to all interested persons. All comments filed on the draft EIS will be analyzed by the staff and considered in a final EIS.

For further information please contact Commission staff member Sabina Joe, at (202) 219–1648.

Lois D. Cashell,

Secretary.

[FR Doc. 93–4340 Filed 2–24–93; 8:45 am]

BILLING CODE 6717–01–M

[Docket Nos. CP93–210–000, et al.]

National Fuel Gas Supply Corp., et al.; Natural Gas Certificate Filings

February 18, 1993.

Take notice that the following filings have been made with the Commission:

1. National Fuel Gas Supply Corp.

[Docket No. CP93–210–000]

Take notice that on February 10, 1993, National Fuel Gas Supply Corporation (National Fuel), 10 Lafayette Square, Buffalo, New York 14203, filed in Docket No. CP93–210–000, an application requesting permission and approval to abandon certain minor storage facilities, as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, National Fuel proposes to abandon approximately 1,147 feet of 2″ pipeline known as SX–W1 in Elk County, Well #1202–P in Warren County and Well #303P and well line S–W1303 in McKean County, Pennsylvania. National Fuel indicates that the facilities are no longer needed as the reason for the abandonment authorization sought herein.

Comment date: March 11, 1993 in accordance with Standard Paragraph F at the end of the notice.

2. KN Energy, Inc.

[Docket No. CP93–202–000]

Take notice that on February 5, 1993, KN Energy, Inc. (KN), P.O. Box 281304, Lakewood, Colorado 80228, filed in Docket No. CP93–202–000 an application pursuant to section 7(b) of the Natural Gas Act for permission and approval to abandon sales and transportation service to Panhandle Eastern Pipe Line Company (Panhandle) pursuant to an agreement with Panhandle which is on file with the Commission as Rate Schedule T–1 of KN's FERC Gas Tariff, Second Revised Volume No. 2, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

KN states that it transports all gas purchased by it from certain leases located in the Buffalo Wallow Field in Hemphill County, Texas and other gas purchased by KN and Panhandle along KN's Buffalo Wallow Line, and redelivers this gas to Panhandle at its Aledo Plant in Dewey County, Oklahoma, pursuant to a March 11, 1969 agreement. According to KN, Panhandle requested, by letter dated October 10, 1992, the termination of the agreement referenced above, effective October 31, 1992. KN indicates that it has agreed to Panhandle's request to terminate the referenced agreement.

Comment date: March 11, 1993, in accordance with Standard Paragraph F at the end of this notice.

3. Tennessee Gas Pipeline Co.

[Docket No. CP93–213–000]

Take notice that on February 11, 1993, Tennessee Gas Pipeline Company (Tennessee), P.O. Box 2511, Houston, Texas 77252, filed a prior notice request with the Commission in Docket No. CP93–213–000 pursuant to § 157.205 of the Commission's Regulations under the Natural Gas Act (NGA) for authorization to reassign a portion of the delivery entitlements to Honesdale Gas Company (Honesdale) pursuant to two existing gas sales contracts between Tennessee and Honesdale, under the blanket certificate issued in Docket No. CP82–413–000 pursuant to section 7 of the NGA, all as more fully set forth in the request which is open to public inspection.

Tennessee proposes to reassign its daily and annual natural gas delivery volumes to Honesdale at two delivery points in Wayne and Pike Counties, Pennsylvania. Tennessee currently delivers 4,892 dekatherms daily and 1,048,518 dekatherms annually to Honesdale at the Wayne County delivery point and proposes to decrease deliveries to 4,492 dekatherms daily and 962,433 dekatherms annually. Tennessee also currently delivers 985 dekatherms daily and 238,035 dekatherms annually to Honesdale at the Pike County delivery point and proposes to increase deliveries to 1,385 dekatherms daily and 324,120 dekatherms annually. Tennessee states that Honesdale has requested the reassignment of these delivery volumes in order to provide Honesdale more operational flexibility. Tennessee would deliver the gas to Honesdale at these existing delivery points pursuant to Tennessee's FERC Rate Schedule GS–4.

Comment date: April 5, 1993, in accordance with Standard Paragraph G at the end of this notice.

4. El Paso Natural Gas Co.

[Docket No. CP93–214–000]

Take notice that on February 11, 1993, El Paso Natural Gas Company (El Paso), P.O. Box 1492, El Paso, Texas 79978, filed in Docket No. CP93–214–000 a request pursuant to § 157.205 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205), for authorization to upgrade the Cochise Power Plant meter station to permit the firm transportation and delivery of additional volumes of natural gas to Arizona Electric Power Cooperative, Inc.

(AEPCO), for use in AEPCO's electric power generation plant in Cochise County, Arizona, under the certificate issued to El Paso in Docket No. CP82–435–000, pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the request which is on file with the Commission and open to public inspection.

It is stated that effective September 1, 1991, AEPCO elected to convert its firm sales entitlements under its then-existing August 1, 1991, service agreement, to firm transportation service pursuant to the provisions of El Paso's Global Settlement at Docket No. RP88–44–000, *et al.* El Paso states that this firm transportation service is being rendered pursuant to the terms of a September 12, 1991, transportation service agreement which provides for the firm transportation of AEPCO's full requirements of natural gas for use in its Cochise Power Plant located in Arizona.

El Paso states that by letter dated March 12, 1992, AEPCO has requested that El Paso modify its facilities, as necessary, to expand the delivery capability of the Cochise Power Plant meter station in order to transport 160,000 Mcf of natural gas per day. El Paso further states that it has been advised that the increase in delivery capacity will be used to increase AEPCO's electric power generation capability.

It is stated that in order to accommodate AEPCO's request, El Paso proposes to install two 6-inch O.D. tap and valve assemblies, one 12-inch O.D. senior orifice-type meter run and approximately 100 feet of 6-inch O.D. pipe, with appurtenances, to be installed in the NW/4 of Section 10, Township 16 South, Range 24 East, Cochise County, Arizona.

El Paso estimates the cost of upgrading the Cochise Power Plant meter station to be $131,900, of which AEPCO has agreed to reimburse El Paso.

Comment date: April 5, 1993, in accordance with Standard Paragraph G at the end of this notice.

Standard Paragraphs

F. Any person desiring to be heard or make any protest with reference to said filing should on or before the comment date file with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214) 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 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 filing 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 the applicant to appear or be represented at the hearing.

G. Any person or the Commission's staff may, within 45 days after the 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 Section 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) a protest to the request. If no protest is filed within the time allowed therefore, the proposed activity shall be deemed to be authorized effective the day after the time allowed for filing a protest. If a protest is filed and not withdrawn 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. 93–4315 Filed 2–24–93; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. JD93–04536T Texas–107]

State of Texas; NGPA Notice of Determination by Jurisdictional Agency Designating Tight Formation

February 19, 1993.

Take notice that on February 16, 1993, the Railroad Commission of Texas (Texas) submitted the above-referenced notice of determination pursuant to section 271.703(c)(3) of the Commission's regulations, that the Wilcox Basal House Formation underlying a portion of Duval County, Texas, qualifies as a tight formation under section 107(b) of the Natural Gas Policy Act of 1978. The designated area contains approximately 4,800 acres in Railroad Commission District No. 4 and consists of all or part of the following surveys:

Section 138, P.E. White, A–1624, All
Section 58, C.R. Pyburn, A–1973, All
Section 57, J. Poitevent, A–429, All
Section 140, Harry A. Lundell, A–1060, All
Section 59, J. Poitevent, A–428, All
Section 13, H.E. & W.T. RR, A–808, All
Section 247, G.B. & C.N.G. RR, A–1201, All
Section 249, G.B. & C.N.G. RR, A–995, W/2

The notice of determination also contains Texas' findings that the referenced portions of the Wilcox Basal House Formation meet the requirements of the Commission's regulations set forth in 18 CFR part 271.

The application for determination is available for inspection, except for material which is confidential under 18 CFR 275.206, at the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426. Persons objecting to the determination may file a protest, in accordance with 18 CFR 275.203 and 275.204, within 20 days after the date this notice is issued by the Commission.

Lois D. Cashell,

Secretary.

[FR Doc. 93–4336 Filed 2–24–93; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. JD93–04537T Texas–108]

State of Texas; NGPA Notice of Determination by Jurisdictional Agency Designating Tight Formation

February 19, 1993.

Take notice that on February 16, 1993, the Railroad Commission of Texas (Texas) submitted the above-referenced notice of determination pursuant to section 271.703(c)(3) of the Commission's regulations, that the Vicksburg Formation, McAllen Ranch E (Vicksburg 15,650) Field, underlying a portion of Hidalgo County, Texas, qualifies as a tight formation under section 107(b) of the Natural Gas Policy Act of 1978. The designated area contains approximately 40 acres in Railroad Commission District No. 4 and consists of that portion of the "Santa Anita" Manuel Gomez (A–63) highlighted on Exhibit 2.

The notice of determination also contains Texas' findings that the referenced portions of the Vicksburg

Formation meet the requirements of the Commission's regulations set forth in 18 CFR part 271.

The application for determination is available for inspection, except for material which is confidential under 18 CFR 275.206, at the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington DC 20426. Persons objecting to the determination may file a protest, in accordance with 18 CFR 275.203 and 275.204, within 20 days after the date this notice if issued by the Commission.

Lois D. Cashell,

Secretary.

[FR Doc. 93–4337 Filed 2–24–93; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. JD93–04538T; Texas–109]

State of Texas; NGPA Notice of Determination by Jurisdictional Agency Designating Tight Formation

February 19, 1993.

Take notice that on February 16, 1993, the Railroad Commission of Texas (Texas) submitted the above-referenced notice of determination pursuant to section 271.703(c)(3) of the Commission's regulations, that the Heard-Mission Formation, underlying a portion of Hidalgo County, Texas, qualifies as a tight formation under section 107(b) of the Natural Gas Policy Act of 1978. The designated area contains approximately 176 acres in Railroad Commission District No. 4 and consists of those portions of the W. Kozel Survey, Section 216, (A–798) and J. Hudson Survey, Section 216, (A–649) highlighted on Exhibit 2.

The notice of determination also contains Texas' findings that the referenced portions of the Heard-Mission Formation meet the requirements of the Commission's regulations set forth in 18 CFR part 271.

The application for determination is available for inspection, except for material which is confidential under 18 CFR 275.206, at the Federal Energy Regulatory Commission, 825 North Capitol Street, NW., Washington DC 20426. Persons objecting to the determination may file a protest, in accordance with 18 CFR 275.203 and 275.204, within 20 days after the date this notice is issued by the Commission.

Lois D. Cashell,

Secretary.

[FR Doc. 93–4338 Filed 2–24–93; 8:45 am]

BILLING CODE 6717–01–M

Office of Hearings and Appeals

Notice of Cases Filed During the Week of February 5 Through February 12, 1993

During the Week of February 5 through February 12, 1993, the appeals and applications for 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: February 19, 1993.

George B. Breznay,

Director, Office of Hearings and Appeals.

LIST OF CASES RECEIVED BY THE OFFICE OF HEARINGS AND APPEALS

[Week of February 5 through February 12, 1993]

Date	Name and location of applicant	Case No.	Type of submission
2/8/93	Federal Sources, Inc., McLean, VA	LFA–0270	Appeal of an Information Request Denial. If granted: The January 28, 1993 Freedom of Information Request Denial issued by the Office of Placement and Administration would be rescinded, and Federal Sources, Inc. would receive access to Agency Procurement Requests (APRs) sent to the General Services Administration.
2/9/93	Arco/Mapco, Inc., Memphis, TN	RR304–56	Request for Modification/Rescission in the Arco Refund Proceeding. If granted: The March 20, 1992 and February 8, 1991 Decision and Order (RF304–12162 & RF304–10556) issued to Mapco would be modified regarding the firm's application for refund submitted in the Arco refund proceeding.

REFUND APPLICATIONS RECEIVED

Date received	Name of refund proceeding/name of refund application	Case No.
2/3/93	Bob Spaulding Texaco.	RF321–19586
2/4/93	Max's Texaco	RF321–19587
2/4/93	Max's Texaco	RF321–19588
2/5/93	Perkins Texaco	RF321–19589
2/5/93 thru 2/12/93.	Gulf Oil Applications Received.	RF300–20906 thru RF300–20931

REFUND APPLICATIONS RECEIVED—Continued

Date received	Name of refund proceeding/name of refund application	Case No.
2/5/93 thru 2/12/93.	Crude Oil Refund Applications Received.	RF272–94086 thru RF272–94131
2/5/93 thru 2/12/93.	Atlantic Richfield Applications Received.	RF304–13579 thru RF304–13603
2/8/93	Bayou Service Station.	RF346–28
2/8/93	Patterson Canal	RF346–29
2/8/93	Jim's Tee Coteau Canal.	RF346–30

REFUND APPLICATIONS RECEIVED—Continued

Date received	Name of refund proceeding/name of refund application	Case No.
2/8/93	Dare Allen Texaco Service.	RF321–19594
2/8/93	Stuckey's Store #035.	RF321–19595
2/8/93	Store #104 Round Rack Texas.	RF321–19596
2/8/93	Stuckey's Store #118.	RF321–19597
2/8/93	American Colloid Company.	RF321–19598
2/8/93	Rich's Texaco Service.	RF321–19591
2/8/93	Vic's Texaco	RF321–19592
2/8/93	Country Squire Texaco.	RF321–19593

REFUND APPLICATIONS RECEIVED—Continued

Date received	Name of refund proceeding/name of refund application	Case No.
2/9/93	Adams County Co-op.	RF272–94118
2/9/93	Abdul's Clark Service.	RF342–318
2/9/93	Jim's Clark Super 100.	RF342–319
2/10/93	Raymond Chala	RF315–10276
2/10/93	Chala Enterprises, Inc.	RF315–10277
2/11/93	Lasco Shipping Co.	RF321–19599

[FR Doc. 93–4402 Filed 2–24–93; 8:45 am]

BILLING CODE 6450–01–M

Notice of Issuance of Decisions and Orders During the Week of January 4 Through January 8, 1993

During the week of January 4 through January 8, 1993, the decisions and orders summarized below were issued with respect to appeals and applications for other relief filed with the Office of Hearings and Appeals of the Department of Energy. The following summary also contains a list of submissions that were dismissed by the Office of Hearings and Appeals.

Appeal

Seehuus Associates, 1/8/93, LFA–0256

Seehuus Associates filed an Appeal from a denial by the DOE's Office of Inspector General (the IG) of a Request for Information which the firm had submitted under the Freedom of Information Act (the FOIA). In considering the Appeal, the DOE found that the search for responsive documents conducted by the IG was adequate. Accordingly, the Appeal was denied.

Refund Application

Aminoil U.S.A., Inc./Fred G. McKenzie, 1/7/93, RR139–73

The DOE issued a Decision and Order denying a Motion for Reconsideration filed by Michael O'N Barron, an attorney, on behalf of Fred McKenzie d/b/a Fred G. McKenzie Company in the Aminoil U.S.A., Inc. Subpart V special refund proceeding. The DOE found that the reconsideration motion was both substantively and procedurally deficient. In particular, the DOE noted that the firm did not present any new or changed circumstances that justified reconsideration. Rather, the Motion simply disagreed with prior determinations disallowing the McKenzie claim. See Aminoil U.S.A., Inc./Fred G. McKenzie Co., 18 DOE ¶ 285,341 (1988), reconsideration denied, 18 DOE ¶ 85,994 (1989). Further, the DOE found that factors such as the availability of funds to pay the claim, and the fact that a proceeding has open cases do not, in themselves, justify the grant of a reconsideration motion. Finally, the DOE determined that a case relied upon by McKenzie that was decided after the original McKenzie decision presented a factually distinct situation and did not undermine the decision to deny the McKenzie application. Accordingly, the Motion for Reconsideration was denied.

Refund Applications

The Office of Hearings and Appeals issued the following Decisions and Orders concerning refund applications, which are not summarized. Copies of the full texts of the Decisions and Orders are available in the Public Reference Room of the Office of Hearings and Appeals.

Atlantic Richfield Company/Beaverton School District.	RF304–13393	01/08/93
C.B. White & Bros., Inc.	RF304–13399	
Atlantic Richfield Company/Bootheel Petroleum Co. Inc. et al.	RF304–13256	01/08/93
Atlantic Richfield Company/Ed & Marty's Fuel Oil.	RR304–50	01/07/93
Atlantic Richfield Company/Whip-It Auto Shoppes, Inc.	RF304–11778	01/08/93
Atlantic Richfield Company/Yate's Truck Center et al.	RF304–11189	01/07/93
Boston Gas Co	RF272–67203	01/06/93
City of Franklin et al	RF272–82713	01/05/93
City of Jasper	RF272–82630	01/07/93
City of La Salle	RF272–82606	01/06/93
City of Nacogdoches	RF272–82766	01/08/93
City of Union	RF272–82623	01/04/93
Decamp Bus Lines et al.	RF272–82063	01/07/93
Enron Corp./John E. Jones Oil Co., Inc.	RF340–32	01/05/93
Gulf Oil Corporation/Chap's Gulf et al.	RF300–16500	01/05/93
Gulf Oil Corporation/City of Cleveland.	RF300–16256	01/06/93
Gulf Oil Corporation/Curry & Sons Gulf et al.	RF300–15725	01/07/93
Gulf Oil Corporation/Davis Gulf Service et al.	RF300–14103	01/07/93
Gulf Oil Corporation/Peter Balco.	RF300–17134	01/05/93
Bill Pitts Gulf Service.	RF300–17371	
Gulf Oil Corporation/Petroleum Fuels, Inc. et al.	RF300–14069	01/08/93
Gulf Oil Corporation/Santa Fe Trail Transportation.	RF300–12898	01/08/93
Gulf Oil Corporation/The Marble Cliff Quarries Co.	RF300–20818	01/08/93
Jefferson County Schools.	RF272–82617	01/06/93
Murphy Oil Corp./Seymour Service Station et al.	RF309–655	01/04/93
Ravena-Coeymans Selkirk Central School District et al.	RF272–80871	01/06/93
Shell Oil Company/Beckett Aviation et al.	RF315–7477	01/04/93
Shell Oil Company/International Trading & Transport.	RF315–1543	01/06/93
Crown Central Petroleum Corp.	RF315–6283	
Southern Bulk Haulers et al.	RF272–86072	01/06/93
Texaco Inc./B G Oil Company et al.	RF321–16496	01/08/93
Texaco Inc./East Main Texaco Service Station et al.	RR321–60	01/07/93
Texaco Inc./Glenn's Freeway Texaco et al.	RF321–6102	01/07/93
Texaco Inc./J & J Texaco et al.	RF321–16276	01/06/93
Texaco Inc./Lew's Texaco et al.	RF321–617	01/04/93
Texaco Inc./Riggs Texaco et al.	RR321–1	01/07/93
Town of Fort Fairfield et al.	RF272–84305	01/08/93
West Bend Community School District et al.	RF272–79163	01/06/93
Yeatts Transfer Co. et al.	RF272–92968	01/05/93

Dismissals

The following submissions were dismissed:

Name	Case No.
A.O. Smith Corporation	RF321–18631
Arnold Corporation	RF321–18632
Bob Parsons Texaco	RF321–17920
Borg Warner Chemicals Inc	RF321–18545
Carolina Power & Light	RF321–18571
Dan Bavuso's Arco	RR304–53
Draughton's Texaco #2	RF321–10686
Equity Ten	RF272–67785
Fred's Gulf	RF300–14382
General Time Corp	RF321–18633
Great Neck Saw Mfg., Inc	RF321–18630
H.D.'s Texaco	RF321–10767
Highway 33 Gulf	RF300–14337
Kenroy Export	RF272–67793
M.E. Cunningham's Texaco	RF321–12351
Malvern Public Schools Bus Garage.	RF321–10768
McGuire's Gulf Service	RF300–17890
Nichols Texaco	RF321–15339
P&J Auto	RF304–13367
Reliance Universal, Inc	RF321–18573
Santa Fe Texaco	RF321–10765
Tony's Auto Service	RF321–15341
United Truck & Bus Service Co.	RF300–15632
Ward Transformer	RF321–18572
Wasilla Self Service	RF321–10647
Watcher's Texaco	RF321–10617
Y R Bar Trucking	RF272–68527

Copies of the full text of these decisions and orders are available in the Public Reference Room of the Office of Hearings and Appeals, room 1E–234,

Forrestal Building, 1000 Independence Avenue, SW., Washington, DC 20585, Monday through Friday, between the hours of 1 p.m. and 5 p.m., except federal holidays. They are also available in Energy Management: Federal Energy Guidelines, a commercially published loose leaf reporter system.

Dated: February 19, 1993.

George B. Breznay,

Director, Office of Hearings and Appeals.

[FR Doc. 93–4403 Filed 2–24–93; 8:45 am]

BILLING CODE 6450–01–M

ENVIRONMENTAL PROTECTION AGENCY

[FRL–4560–4]

Agency Information Collection Activities Under OMB Review

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*), this notice announces that the Information Collection Request (ICR) abstracted below has been forwarded to the Office of Management and Budget (OMB) for review and comment. The ICR describes the nature of the information collection and its expected cost and burden; where appropriate, it includes the actual data collection instrument.

DATES: Comments must be submitted on or before March 29, 1993.

FOR FURTHER INFORMATION OR A COPY OF THIS ICR CONTACT: Sandy Farmer at EPA, (202) 260–2740.

SUPPLEMENTARY INFORMATION:

Office of Policy, Planning and Evaluation

Title: Residential Solid Waste Unit Pricing Demonstration Project: Household Survey and Community Performance Records (ICR No. 1634.01). This ICR requests approval for a new collection.

Abstract: As part of a residential unit pricing demonstration project, EPA plans to collect data from households, residential and commercial solid waste haulers, and local government departments within a selected host community.

Unit pricing is a financing system which charges households for waste collection and disposal services based on the weight or volume of waste set-out for collection. The Demonstration Project is designed to determine how reductions in general trash were achieved, the source of cost savings, and the broader waste flow and economic impacts associated with unit pricing. EPA will select a host community, one already committed to adopting a unit pricing system, who will coordinate its transition to unit pricing with the Agency. The information is being collected to provide more complete and reliable data on the resource and environmental consequences of adopting residential municipal solid waste unit pricing. These data could be used in guiding Federal, state, and local solid waste management practices.

To collect household data, EPA will administer a questionnaire to a random sample of households in the host community. The Agency will recruit and screen these households using a telephone screener interview and will mail three waves of questionnaires to households during the course of a year. The household survey is designed to identify households' solid waste management practices, waste management effort, and waste flows. In each of the three waves of mail surveys, households will provide information on: (1) Household characteristics that affect their waste management; (2) the amount of each category of trash (general trash, recycled material, yard waste, oversized goods) that the household disposes of and means of disposal (set-out, self-disposal on site, and self-disposal off site); (3) processes that the household engages in as it prepares trash for disposal (e.g., rinsing, sorting); and (4) household preferences for different methods of financing, trash collection, and disposal.

Supporting data will be requested from residential and commercial solid waste haulers that provide service in the host community and public entities such as the host community's Department of Public Works and Recycling Program. Residential haulers, such as the community's Department of Public Works, will be asked to provide data on general trash, recyclables, yard waste, and oversize waste flows, and data on the cost of providing service to households and on service revenues. Commercial haulers will be asked to provide data on the amount of commercial waste collected; reports of unauthorized use or abuse of materials dropoff sites and commercial receptacles and activities and costs undertaken to counter such unauthorized use; and conditions of service offered to commercial customers (e.g., receptacle size, frequency of collection), and associated rates or charges.

Local government departments will provide background information such as: description of the organization and operation of the host community's current waste management program; roster of residential solid waste accounts; other waste flows collected, processed, or monitored by public entities (e.g., roadside litter); and enforcement action related solid waste ordinances (e.g., written warnings, assessed fines).

Burden Statement: The public reporting burden for this collection is estimated to average 3.4 hours per household, 66 hours per residential and commercial hauler, and 126 hours for local government, and includes all aspects of the information collection including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

Respondents: Households, residential waste haulers, and local government departments.

Estimated Number of Respondents: 804

Estimated Number of Responses Per Respondent: 3

Estimated Total Annual Burden on Respondents: 4,442 hours

Frequency of Collection: One-time

Send comments regarding the burden estimate, or any other aspect of this collection of information, including suggestions for reducing the burden, to:

Sandy Farmer, U.S. Environmental Protection Agency, Information Policy Branch (PM–223Y), 401 M Street SW., Washington, DC 20460.

and

Jonathan Gledhill, Office of Management and Budget, Office of Information and Regulatory Affairs, 725 17th St., NW., Washington, DC 20503.

Dated: February 18, 1993.

Paul Lapsley,

Director, Regulatory Management Division.

[FR Doc. 93–4394 Filed 2–24–93; 8:45 am]

BILLING CODE 6560–50–M

[FRL–4561–1]

Research Needs Document on Electric and Magnetic Fields; Availability

AGENCY: U.S. Environmental Protection Agency.

ACTION: Notice of availability.

SUMMARY: This notice announces the availability to the public of a U.S. Environmental Protection Agency (EPA) document entitled, "Electric and Magnetic Fields: An EPA Perspective on Research Needs and Priorities for Improving Health Risk Assessment"

(EPA/600/1–91/016F). This document describes research needs on electric and magnetic fields (EMF) in the environment. The discussion is devoted exclusively to EMF in the range of 0 to 500,000 Hertz. The goal of the document is to identify research needed to reduce uncertainties in the risk assessment of EMF and to prioritize categories of these research needs.

To obtain a copy of the document interested parties should contact the Office of Research and Development (ORD) Publications Center, Center for Environmental Research Information (CERI), U.S. Environmental Protection Agency, Cincinnati, Ohio 45268. Telephone: (513) 569–7562 or FAX: (513) 569–7566. Please provide your name, mailing address and be sure to cite the EPA number assigned to the report, EPA/600/1–91/016F.

FOR FURTHER INFORMATION CONTACT: Dr. Joe A. Elder, Health Effects Research Laboratory, MD–51, U.S. Environmental Protection Agency, Research Triangle Park, NC 27711, Telephone: (919) 541–2542.

Dated: February 18, 1993.

Gary Foley,

Acting Assistant Administrator for Research and Development.

[FR Doc. 93–4395 Filed 2–24–93; 8:45 am]

BILLING CODE 6560–50–M

FEDERAL MARITIME COMMISSION

Agreement(s) Filed; Lykes Bros. Steamship Co., Inc., et al.

The Federal Maritime Commission hereby gives notice of the filing of the following agreement(s) pursuant to section 5 of the Shipping Act of 1984.

Interested parties may inspect and obtain a copy of each agreement at the Washington, DC Office of the Federal Maritime Commission, 800 North Capitol Street, NW., 9th Floor. Interested parties may submit comments on each agreement to the Secretary, Federal Maritime Commission, Washington, DC 20573, within 10 days after the date of the **Federal Register** in which this notice appears. The requirements for comments are found in § 572.603 of title 46 of the Code of Federal Regulations. Interested persons should consult this section before communicating with the Commission regarding a pending agreement.

Agreement No.: 232–011247–003

Title: Safbank/Lykes Reciprocal Space Charter and Coordinated Sailing Agreement

Parties:

Lykes Bros. Steamship Co., Inc.
Safbank Line, Ltd.

Synopsis: The proposed amendment expands the geographic scope of the Agreement to include ports and points between the U.S. Gulf of Mexico and Pacific Coast and ports and points in Venezuela and Brazil. The parties have requested a shortened review period.

Agreement No.: 202–011375–005

Title: Trans-Atlantic Agreement

Parties:

A.P. Moller-Maersk Line
Polish Ocean Lines
Orient Overseas Container Line (UK) Ltd.
DSR-Senator Joint Service
P&O Containers Limited
Cho Yang Shipping Co.
Atlantic Container Line AB
Sea-Land Service, Inc.
Nedlloyd Lijnen BV
Hapag Lloyd AG
Mediterranean Shipping Co.

Synopsis: The proposed amendment extends the Capacity Management Program's second accounting period from March 31, 1993 to April 30, 1993. It also corrects a prior oversight in the computation of the Agreement's annualized TEU cargo capacities.

Agreement No.: 203–011401

Title: TMM/H–L Space Charter and Sailing Agreement

Parties:

Transportacion Maritime Mexicana, S.A. de C.V.
Hapag-Lloyd Aktiengesellschaft

Synopsis: The proposed Agreement permits the parties to charter space to each other and to discuss and agree upon the number of sailings, schedules and ports of call in the trade between ports in the U.S. Atlantic and Gulf and ports and points in Europe (including ports in the United Kingdom, and the Republic of Ireland) and the Gulf Coast of Mexico. The parties may also discuss and agree upon conference memberships, rates, charges and practices. Adherence to any agreement reached by the parties is strictly voluntary.

By Order of the Federal Maritime Commission.

Dated: February 19, 1993.

Ronald D. Murphy,

Assistant Secretary.

[FR Doc. 93–4318 Filed 2–24–93; 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 part 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, DC 20573.

Panatrex Corporation, 3911 S.W. 47th Ave., #906, Ft. Lauderdale, FL 33314, Officer: Hector J. Mata, President.

Navigo International, 3103 McKinney, Houston, TX 77003, Veronica Sandra McFadden, Sole Proprietor.

A & E International, Inc., 2800 Hirachfield #242, Spring, TX 77373, Officers: Ernest R. Evensen, President and Ann Taylor, Vice President/Secretary/Treasurer.

C J International, Inc., 3021 E. Baltimore Street, Baltimore, MD 21224, Officers: Curtis Rodger Perry, President/Stockholder; Joan Patricia Shindledecker, Executive Vice President; Samya Deeb Keiger, Vice President/Stockholder; Jill Lynn Perry, Stockholder; and Cynthia Leigh Perry, Stockholder.

Richard Boas U.S.A., Inc., 29 Broadway, Ste. 1608, New York, NY 10006, Officers: Hans J. Eggeling, President/Director/Stockholder; Johannes Fischer, Chairman/Director/Stockholder; Micheal Baldorf, Exec. Vice President/Director; and Brigitte Day, Vice President.

Unitrons Consolidated Inc., 420 W. Florence Ave., Inglewood, CA 90301, Officers: Chester Chong, President; Evan Gee, Controller; Chi-Wing Wong, Operation Manager; and Danny Tam, Manager-Ocean Division.

C.A. Mar Freight Forwarding, 10380 S.W. 97th Street, Miami, FL 33176, Richard Diaz, Sole Proprietor.

Dated: February 22, 1993.

By the Federal Maritime Commission.

Joseph C. Polking,

Secretary.

[FR Doc. 93–4330 Filed 2–24–93; 8:45 am]

BILLING CODE 6730–01–M

FEDERAL RESERVE SYSTEM

DIMECO, Inc., et al.; Formations of; Acquisitions by; and Mergers of Bank Holding Companies

The companies listed in this notice have applied for the Board's approval under section 3 of the Bank Holding Company Act (12 U.S.C. 1842) and § 225.14 of the Board's Regulation Y (12 CFR 225.14) to become a bank holding company or to acquire a bank or bank holding company. The factors that are

considered in acting on the applications are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Each application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank or to the offices of the Board of Governors. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Unless otherwise noted, comments regarding each of these applications must be received not later than March 22, 1993.

A. Federal Reserve Bank of Philadelphia (Thomas K. Desch, Vice President) 100 North 6th Street, Philadelphia, Pennsylvania 19105:

1. DIMECO, Inc., Honesdale, Pennsylvania; to become a bank holding company by acquiring 100 percent of the voting shares of The Dime Bank, Honesdale, Pennsylvania.

B. Federal Reserve Bank of St. Louis (Randall C. Sumner, Vice President) 411 Locust Street, St. Louis, Missouri 63166:

1. The Banc Ed Corp., Edwardsville, Illinois; to become a bank holding company by acquiring 100 percent of the voting shares of The Bank of Edwardsville, Edwardsville, Illinois.

2. First Breckinridge Bancshares, Inc., Irvington, Kentucky; to acquire at least an additional 90.56 percent for a total of 95.54 percent of the voting shares of Bank of Clarkson, Clarkson, Kentucky.

C. Federal Reserve Bank of Minneapolis (James M. Lyon, Vice President) 250 Marquette Avenue, Minneapolis, Minnesota 55480:

1. Dickinson Bancorporation, Inc., Dickinson, North Dakota; to acquire 100 percent of the voting shares of The First National Bank of Bowman, Bowman, North Dakota.

2. International Bancorporation, Bemidji, Minnesota; to merge with First National Agency of Baudette, Inc., Baudette, Minnesota, and thereby indirectly acquire The First National Bank of Baudette, Baudette, Minnesota, and Blackduck State Bank, Blackduck, Minnesota.

3. Marquette Bancshares, Inc., Minneapolis, Minnesota; to acquire 100 percent of the voting shares of Marquette Capital Bank, Minneapolis, Minnesota, a *de novo* bank.

D. Federal Reserve Bank of Kansas City (John E. Yorke, Senior Vice President) 925 Grand Avenue, Kansas City, Missouri 64198:

1. First National Beatrice Corporation Employee Stock Ownership Plan, Beatrice, Nebraska; to become a bank holding company by acquiring up to 47.5 percent of the voting shares of First National Beatrice Corporation, Beatrice, Nebraska, and thereby indirectly acquire First National Bank & Trust Co., Beatrice, Nebraska.

2. Fourth Financial Corporation, Wichita, Kansas; to merge with Nichols Hills Bancorporation, Inc., Oklahoma City, Oklahoma, and thereby indirectly acquire Nichols Hills Bank and Trust Co., Oklahoma City, Oklahoma.

E. Federal Reserve Bank of San Francisco (Kenneth R. Binning, Director, Bank Holding Company) 101 Market Street, San Francisco, California 94105:

1. Mountain Bank Holding Company, Enumclaw, Washington; to become a bank holding company by acquiring 100 percent of the voting shares of Mt. Rainier National Bank, Enumclaw, Washington.

Board of Governors of the Federal Reserve System, February 19, 1993.

Jennifer J. Johnson,

Associate Secretary of the Board.

[FR Doc. 93–4398 Filed 2–24–93; 8:45 am]

BILLING CODE 6210–01–F

Signet Banking Corporation, 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 March 17, 1993.

A. Federal Reserve Bank of Richmond (Lloyd W. Bostian, Jr., Senior Vice President) 701 East Byrd Street, Richmond, Virginia 23261:

1. Signet Banking Corporation, Richmond, Virginia; to engage *de novo* in community development activities through making equity and debt investments in corporations or projects which promote economic rehabilitation and development of low-income communities by providing housing, services, or jobs for residents pursuant to § 225.25(b)(6) of the Board's Regulation Y.

B. Federal Reserve Bank of Chicago (David S. Epstein, Vice President) 230 South LaSalle Street, Chicago, Illinois 60690:

1. Comerica Incorporated, Detroit, Michigan; to engage *de novo* through its subsidiary, Gladeshire Limited Dividend Housing Association Limited Partnership, Kalamazoo, Michigan, in a community investment project pursuant to § 225.25(b)(6) of the Board's Regulation Y.

C. Federal Reserve Bank of Dallas (W. Arthur Tribble, Vice President) 400 South Akard Street, Dallas, Texas 75222:

1. Victoria Bankshares, Inc., Victoria, Texas; to engage *de novo* through its subsidiary, Victoria Securities Corporation, Victoria, Texas, in full service brokerage activities and advisory services pursuant to §§ 225.25(b)(4) and (b)(15) of the Board's Regulation Y.

Board of Governors of the Federal Reserve System, February 19, 1993.

Jennifer J. Johnson,

Associate Secretary of the Board.

[FR Doc. 93–4399 Filed 2–24–93; 8:45 am]

BILLING CODE 6210–01–F

Union Planters Corporation; 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 March 6, 1993.

A. Federal Reserve Bank of St. Louis (Randall C. Sumner, Vice President) 411 Locust Street, St. Louis, Missouri 63166:

1. Union Planters Corporation, Memphis, Tennessee; to acquire 100 percent of the voting shares of First Cumberland Bank, Madison, Tennessee.

Board of Governors of the Federal Reserve System, February 23, 1993.

Jennifer J. Johnson,

Associate Secretary of the Board.

[FR Doc. 93–4546 Filed 2–24–93; 8:45 am]

BILLING CODE 6210–01–F

FEDERAL TRADE COMMISSION

Granting of Request for Early Termination of the Waiting Period Under the Premerger Notification Rules

Section 7A of the Clayton Act, 15 U.S.C. 18a, as added by title II of the Hart-Scott-Rodino Antitrust Improvements Act of 1976, requires persons contemplating certain mergers or acquisitions to give the Federal Trade Commission and the Assistant Attorney General advance notice and to wait designated periods before consummation of such plans. Section 7A(b)(2) of the Act permits the agencies, in individual cases, to terminate this waiting period prior to its expiration and requires that notice of this action be published in the **Federal Register.**

The following transactions were granted early termination of the waiting period provided by law and the premerger notification rules. The grants were made by the Federal Trade Commission and the Assistant Attorney General for the Antitrust Division of the Department of Justice. Neither agency intends to take any action with respect to these proposed acquisitions during the applicable waiting period.

TRANSACTIONS GRANTED EARLY TERMINATION BETWEEN: 020193 AND 021293

Name of acquiring person, name of acquired person, name of acquired entity	PMN No.	Date terminated
Fluor Corporation, Pittston Company, Eastern Coal Corporation	93–0554	02/01/93
Sandoz Ltd., Cytel Corporation, Cytel Corporation	93–0556	02/01/93
Midwest Medical Insurance Holding Company, Iowa Physicians Mutual Insurance Trust, Iowa Physicians Mutual Insurance Trust	93–0559	02/01/93
CML Group, Inc., Smith & Hawken, Ltd., Smith & Hawken, Ltd	93–0572	02/01/93
Karl M. Parrish, IFC Holdings, Inc., Industrial Leasing Corporation	93–0573	02/01/93
Information Partners Capital Fund, L.P., Wachovia Corporation, Wachovia Student Financial Services, Inc	93–0540	02/03/93
Thames Water Plc, Simon Engineering Plc, Asbrook-Simon-Hartley Inc., Simon WTS Inc	93–0560	02/03/93
Sears, Roebuck and Co., TF Acquisition Corporation, Tom's Foods Inc	93–0571	02/03/93
HC Associates, Santa Fe Energy Resources, Inc., Santa Fe Energy Resources, Inc	93–0523	02/04/93
Inacom Corp., Sears Roebuck and Co., Sears Business Centers	93–0575	02/04/93
APC Associates, L.P., The Alden Press Company, The Alden Press Company	93–0579	02/04/93
Printing Holdings, L.P., APC Associates, L.P., APC Holding, Inc	93–0581	02/04/93
Snyder Oil Corporation, Atlantic Richfield Company, Atlantic Richfield Company	93–0531	02/05/93
Joseph Littlejohn & Levy Fund, L.P., John T. Lynch, Noble Broadcast of New York, Inc	93–0539	02/05/93
J. C. Penney Company Inc., May Department Stores Company, Brea Mall and Westminster Mall	93–0574	02/05/93
Horizon Cellular Telephone Co., L.P., Carol Ann Chun, Centerum Georgia Limited Partnership	93–0580	02/05/93
Creative Technology Ltd., E-Mu Systems, Inc., E-Mu Systems, Inc	93–0587	02/05/93
Galen Health Care, Inc., Humana Inc., Galen Hospital-Pembroke Pines, Inc	93–0589	02/05/93
Blockbuster Entertainment Corporation, Republic Pictures Corporation, Republic Pictures Corporation	93–0604	02/05/93
Sara Lee Corporation, Bessin Corporation, Bessin Corporation	93–0515	02/06/93
Local Area Telecommunications, Inc., Southwestern Bell Corporation, Metromedia Paging Services, Inc	93–0555	02/08/93
SuperValu Inc., Hyper Shoppes, Inc., Hyper Shoppes, Inc	93–0578	02/08/93
TRI Valley Growers, Sacramento Growers Cooperative, Sacramento Growers Cooperative	93–0583	02/08/93
American Home Products Corporation, Artal N.V., MPI—B&G Holdings, Inc	93–0606	02/08/93
LDDS Communications, Inc., Dial-Net, Inc., Dial-Net, Inc	93–0558	02/09/93
Kelso Investment Associates IV, L.P., Hans A. Pielenz, United Refrigerated Service, Inc	93–0565	02/09/93
Mulberry Phosphates, Inc., The Dai-Ichi Kangyo Bank, Limited, The Dai-Ichi Kangyo Bank, Limited	93–0612	02/09/93
N.V. Koninklijke KNP, Buhrmann-Tetterode N.V., Buhrmann-Tetterode N.V	93–0592	02/10/93
Liberty Media Corporation, Roy M. Speer, Home Shopping Network, Inc	93–0395	02/11/93
Roy M. Speer, Liberty Media Corporation, Liberty Media Corporation	93–0396	02/11/93
Royal Dutch Petroleum Company, Ashland Oil, Inc., Super America Group, Inc./Super America of Florida, Inc	93–0594	02/12/93
General Electric Company, Weyerhaeuser Company, GNA Corporation	93–0600	02/12/93
Kaneb Services, Inc., Sun Company, Inc., Sun Marine Terminals Company	93–0603	02/12/93
Continental Bank Corporation, Arr-Maz Products, Inc., Arr-Maz Products, Inc	93–0608	02/12/93
Associated Insurance Companies, Inc., Southeastern Mutual Insurance Company, Southeastern Mutual Insurance Company	93–0609	02/12/93
InterMedia Capital Management V, L.P., InterMedia Capital Management V, L.P., Melanie Cable Partners, L.P	93–0611	02/12/93
Welsh, Carson, Anderson & Stowe V, L.P., TRW Inc., TRW Real Estate Loan Services, Inc	93–0615	02/12/93
Oregon Steel Mills, Inc., CF&I Steel Corporation, CF&I Steel Corporation	93–0626	02/12/93
Steven Hoffenberg, Peter S. Kalikow, as Debtor-in-Possession, The New York Post Co., Inc. & Peter S. Kalikow	93–0639	02/12/93

FOR FURTHER INFORMATION CONTACT: Sandra M. Peay, or Renee A. Horton, Contact Representatives; Federal Trade Commission, Premerger Notification Office, Bureau of Competition, room 303, Washington, DC 20580, (202) 326–3100.

By Direction of the Commission.

Donald S. Clark,

Secretary.

[FR Doc. 93–4411 Filed 2–24–93; 8:45 am]

BILLING CODE 6750–01–M

[Dkt. No. C–3027]

Clinique Laboratories, Inc.; Prohibited Trade Practices and Affirmative Corrective Actions

AGENCY: Federal Trade Commission.

ACTION: Modifying Order.

SUMMARY: This order reopens and modifies the 1980 consent order by deleting a provision that restricts the respondent's ability to prescribe to dealers the prices at which they should advertise their products, in connection with cooperative advertising and promotional programs. The Commission concluded that reopening the order and deleting the provision of Paragraph III(2) is in the public interest.

DATES: Consent order issued July 23, 1980. Modifying order issued February 8, 1993.[1]

FOR FURTHER INFORMATION CONTACT: Joseph Eckhaus, FTC/S–2115, Washington, DC 20580. (202) 326–2665.

SUPPLEMENTARY INFORMATION: In the Matter of Clinique Laboratories, Inc. The prohibited trade practices and/or corrective actions, as set forth at 45 FR 53455, are changed, in part, as indicated in the summary.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45)

Donald S. Clark,

Secretary.

[FR Doc. 93–4410 Filed 2–24–93; 8:45 am]

BILLING CODE 6750–01–M

[Dkt. C–3415]

Mobil Oil Corporation; Prohibited Trade Practices, and Affirmative Corrective Actions

AGENCY: Federal Trade Commission.

ACTION: Consent Order.

SUMMARY: In settlement of alleged violations of federal law prohibiting unfair acts and practices and unfair methods of competition, this consent order prohibits, among other things, a Virginia-based manufacturer and seller of plastic bags from making unsubstantiated degradability and environmental benefit claims.

DATES: Complaint and Order issued February 1, 1993.[1]

FOR FURTHER INFORMATION CONTACT: Michael Dershowitz, FTC/S–4002, Washington, DC 20580. (202) 326–3158.

SUPPLEMENTARY INFORMATION: On Monday, August 10, 1992, there was published in the **Federal Register**, 57 FR 35589, a proposed consent agreement with analysis In the Matter of Mobil Oil Corporation, for the purpose of soliciting public comment. Interested parties were given sixty (60) days in which to submit comments, suggestions or objections regarding the proposed form of the order.

No comments having been received, the Commission has ordered the issuance of the complaint in the form contemplated by the agreement, made its jurisdictional findings and entered an order to cease and desist, as set forth in the proposed consent agreement, in disposition of this proceeding.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45)

Donald S. Clark,

Secretary.

[FR Doc. 93–4409 Filed 2–24–93; 8:45 am]

BILLING CODE 6750–01–M

[1] Copies of the Modifying Order are available from the Commission's Public Reference Branch, H–130, 6th and Pennsylvania Avenue NW., Washington, DC 20580.

[1] Copies of the Complaint, the Decision and Order, and Commissioner Owen's statement are available from the Commission's Public Reference Branch, H–130, 6th Street & Pennsylvania Avenue, NW., Washington, DC 20580.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Agency for Health Care Policy and Research

Notice of Filing of Annual Reports of Federal Advisory Committees

Notice is hereby given that, pursuant to section 13 of the Federal Advisory Committee Act (5 U.S.C. App. 2), the Annual Reports prepared for the public by the committees set forth below have been filed with the Library of Congress:

Health Care Policy and Research Contracts Review Committee
Health Care Technology Study Section
Health Services Research and Developmental Grants Review Committee
Health Services Research Dissemination Study Section
Health Services Research Training Advisory Committee
National Advisory Council for Health Care Policy, Research and Evaluation

Copies of these reports, prepared in accordance with section 10(d) of the Federal Advisory Committee Act, are available to the public for inspection at: (1) The Library of Congress, Special Forms Reading Room, Main Building, on weekdays between 9 a.m. and 4:30 p.m.; and (2) the Information Resource Center, Agency for Health Care Policy and Research, suite 501, 2101 East Jefferson Street, Rockville, Maryland 20852, on weekdays between 8:30 a.m. and 5 p.m.

Copies may be obtained from Mr. James E. Owens, Committee Management Officer, Agency for Health Care Policy and Research, suite 601, 2101 East Jefferson Street, Rockville, Maryland 20852.

Dated: February 16, 1993.

J. Jarrett Clinton,

Administrator.

[FR Doc. 93–4333 Filed 2–24–93; 8:45 am]

BILLING CODE 4160–90–M

National Institutes of Health

National Heart, Lung, and Blood Institute; Notice of Meeting

Pursuant to Public Law 92–463, notice is hereby given of the meetings of the following Heart, Lung, and Blood Special Emphasis Panels.

These meetings will be closed in accordance with the provisions set forth in section 552b(c)(4) and 552b(c)(6), title 5, U.S.C. and section 10(d) of Public Law 92–463, for the review, discussion and evaluation of individual grant applications, contract proposals, and/or cooperative agreements. These 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.

Name of Panel: NHLBI SEP on RFA for Dietary Patterns and Blood Pressure.
Dates of Meeting: March 11, 1993.
Time of Meeting: 7 p.m.
Place of Meeting: Hyatt Regency, Bethesda, Maryland.
Agenda: To review and evaluate grant applications.
Contact Person: Dr. Lynn M. Amende, 5333 Westbard Avenue, room 648, Bethesda, Maryland 20892, (301) 496–8818.

Name of Panel: NHLBI SEP for Review of the Vascular Disease Academic Award (K07).
Dates of Meeting: March 18–19, 1993.

Time of Meeting: 8 a.m.
Place of Meeting: Holiday Inn Bethesda, Bethesda, Maryland.
Agenda: To review and evaluate grant applications.
Contact Person: Dr. Kathryn W. Ballard, 5333 Westbard Avenue, room 550, Bethesda, Maryland 20892, (301) 496–7361.

Name of Panel: NHLBI SEP on SCOR Programs in Acute Lung Injury, Cardiopulmonary Disorders in Sleep, and Cystic Fibrosis.
Dates of Meeting: March 22–24, 1993.
Time of Meeting: 8 p.m.
Place of Meeting: Hyatt Regency, Bethesda, Maryland.
Agenda: To review and evaluate grant applications.
Contact Person: Dr. Matthew Starr, 5333 Westbard Avenue, room 553, Bethesda, Maryland 20892, (301) 496–7351.

Name of Panel: NHLBI SEP for Program Project Grants (PPGs).
Dates of Meeting: March 24, 1993.
Time of Meeting: 7 p.m.
Place of Meeting: Holiday Inn Chevy Chase, Chevy Chase, Maryland.
Agenda: To review and evaluate grant applications.
Contact Person: Dr. Deborah P. Beebe, 5333 Westbard Avenue, room 555, Bethesda, Maryland 20892, (301) 496–4485.

Name of Panel: NHLBI SEP for Coronary Artery Risk Development in Young Adults (CARDIA) Study.
Dates of Meeting: April 20–21, 1993.
Time of Meeting: 7 p.m.
Place of Meeting: Hyatt Regency, Bethesda, Maryland.
Agenda: To review and evaluate contract proposals.
Contact Person: Dr. Lynn M. Amende, 5333 Westbard Avenue, room 648, Bethesda, Maryland 20892, (301) 496–8818.

Name of Panel: NHLBI SEP for Therapy Groups to Study T Cell-Depletion in Unrelated-Donor Marrow Transplantation.
Dates of Meeting: April 26–27, 1993.
Time of Meeting: 7 p.m.
Place of Meeting: Hyatt Regency, Bethesda, Maryland.
Agenda: To review and evaluate contract proposals.
Contact Person: Dr. Lynn M. Amende, 5333 Westbard Avenue, room 648, Bethesda, Maryland 20892, (301) 496–8818.

(Catalog of Federal Domestic Assistance Program Nos. 93.837, Heart and Vascular Diseases Research; 93.838, Lung Diseases Research; and 93.839, Blood Diseases and Resources Research, National Institutes of Health)

Dated: February 18, 1993.

Susan K. Feldman,

Committee Management Officer, NIH.

[FR Doc. 93–4404 Filed 2–24–93; 8:45 am]

BILLING CODE 4140–01–M

National Heart, Lung, and Blood Institute; Notice of Meeting

Pursuant to Public Law 92–463, notice is hereby given of the meeting of the following Heart, Lung, and Blood Special Emphasis Panel.

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. and section 10(d) of Public Law 92–463, for the review, discussion and evaluation of individual grant applications, contract proposals, and/or cooperative agreements. These 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.

Name of Panel: NHLBI SEP on RFA for the Collaborative Projects on Women's Health.
Dates of Meeting: March 18, 1993.
Time of Meeting: 8:30 a.m.
Place of Meeting: Holiday Inn, Chevy Chase, Maryland.
Agenda: To review and evaluate grant applications.
Contact Person: Dr. Louise Corman, 5333 Westbard Avenue, room 548, Bethesda, Maryland 20892, (301) 496–7363.

(Catalog of Federal Domestic Assistance Program Nos. 93.837, Heart and Vascular Diseases Research; 93.838, Lung Diseases Research; and 93.839, Blood Diseases and Resources Research, National Institutes of Health)

Dated: February 18, 1993.

Susan K. Feldman,

Committee Management Officer, NIH.

[FR Doc. 93–4405 Filed 2–24–93; 8:45 am]

BILLING CODE 4140–01–M

National Heart, Lung, and Blood Institute; Notice of Meeting of Heart, Lung, and Blood Research Review Committee B

Pursuant to Public Law 92–463, notice is hereby given of the meeting of the Heart, Lung, and Blood Research Review Committee B, National Heart, Lung, and Blood Institute, National Institutes of Health, on March 25–26, 1993 in Building 31, Conference Room 9, 9000 Rockville Pike, Bethesda, Maryland 20892.

This meeting will be open to the public on March 25, from 8 a.m. to approximately 9 a.m. to discuss administrative details and to hear reports concerning the current status of the National Heart, Lung, and Blood Institute. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5, U.S.C., and section 10(d) of Public Law 92–463, the meeting will be closed to the public from approximately 9 a.m. on March 25 to adjournment on March 26 for the review, discussion, and evaluation of individual grant applications. These applications and the discussions could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Ms. Terry Long, Chief, Communications and Public Information Branch, National Heart, Lung, and Blood Institute, Building 31, room 4A21, National Institutes of Health, Bethesda, Maryland 20892, (301) 496–4236, will provide a summary of the meeting and a roster of the committee members.

Individuals who plan to attend and need special assistance, such as sign language interpretation or other reasonable accommodations, should contact the Scientific Review Administrator in advance of the meeting.

Dr. Jeffrey H. Hurst, Scientific Review Administrator, Heart, Lung, and Blood Research Review Committee B, Westwood Building, room 555, National Institutes of Health, Bethesda, Maryland 20892, (301) 496–4485, will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program Nos. 93.837, Heart and Vascular Diseases Research; 93.838, Lung Diseases Research, National Institutes of Health)

Dated: February 12, 1993.

Susan K. Feldman,

Committee Management Officer, NIH.

[FR Doc. 93–4406 Filed 2–24–93; 8:45 am]

BILLING CODE 4140–01–M

Division of Research Grants; Notice of Meeting of the Division of Research Grants Advisory Committee

Pursuant to Public Law 92–463, notice is hereby given of the meeting of the Division of Research Grants Advisory Committee, April 12–13, 1993, Building 31C, Conference Room 10, National Institutes of Health, 9000 Rockville Pike, Bethesda, Maryland 20892.

The entire meeting will be open to the public from 8:30 a.m. on April 12 to adjournment on April 13. The topics for the meeting will include among others, the NIH peer review process and the orientation of new study section members. Attendance by the public will be limited to space available.

The Office of Committee Management, Division of Research Grants, Westwood Building, room 453, National Institutes of Health, Bethesda, Maryland 20892, telephone (301) 496–7534, will furnish a summary of the meeting and a roster of the committee members.

Dr. Samuel Joseloff, Executive Secretary of the Committee, Westwood Building, room 449, National Institutes of Health, Bethesda, Maryland 20892, phone (301) 496–7441, will provide substantive program information upon request.

Individuals who plan to attend and need special assistance, such as sign language interpretation or other reasonable accommodations, should contact the Executive Secretary at least two weeks in advance of the meeting.

Dated: February 17, 1993.

Susan K. Feldman,

Committee Management Officer, NIH.

[FR Doc. 93–4407 Filed 2–24–93; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Fair Housing and Equal Opportunity

[Docket No. N–93–3558; FR–3428–N–03]

Task Force on Occupancy Standards in Public and Assisted Housing; Meetings

AGENCY: Office of the Assistant Secretary for Fair Housing and Equal Opportunity, HUD.

ACTION: Notice of open meetings.

SUMMARY: The Task Force on Occupancy Standards in Public and Assisted Housing was established on December 31, 1992 in accordance with the provisions of section 643 of the Housing and Community Development Act of 1992 (Pub. L. 102–550) and the Federal Advisory Committee Act (FACA) (5 U.S.C. app 2). The Task Force's charter was published in the **Federal Register** on January 7, 1993 at 58 FR 3039. The Task Force was created to review all rules, policy statements, handbooks, and technical assistance memoranda issued by the Department on the standards and obligations governing residency in public and assisted housing and to make recommendations to the Secretary for the establishment of reasonable criteria for occupancy. The Task Force has established an Executive Committee and three additional subcommittees—Admissions, Occupancy and Evictions. This is a notice announcing the schedule of meetings for the subcommittees of the Task Force.

FOR FURTHER INFORMATION CONTACT: Laurence D. Pearl, Office of Fair Housing and Equal Opportunity, room 5226, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, DC 20410. Telephone: (202) 708–3727, (TDD) (202) 708–0113 (These are not toll-free numbers). If a sign language interpreter is needed for any meeting, please call either telephone number for assistance at least seven days prior to the meeting.

SUPPLEMENTARY INFORMATION:

SUBCOMMITTEE MEETING SCHEDULE

Date	Time	Subcommittee
Tuesday, March 2.	10 a.m. to 5 p.m	Occupancy.
Wednesday, March 3.	9 a.m. to 5 p.m	Admissions.
Thursday, March 4.	9 a.m. to 12 noon ...	Evictions.
Thursday, March 4.	1 p.m. to 5 p.m	Executive.

Fifteen days advance notice of the meetings on March 2–4 could not be provided because of the desire of the Task Force to proceed expeditiously with its business and to submit its final report to the Congress and the Secretary of HUD at the earliest possible date.

Monday, March 29.	10 a.m. to 5 p.m	Admissions.
Tuesday, March 30.	9 a.m. to 5 p.m	Occupancy.
Wednesday, March 31.	9 a.m. to 12 noon ...	Evictions.
Wednesday, March 31.	1 p.m. to 5 p.m	Executive.
Tuesday, April 20.	10 a.m. to 5 p.m	Admissions.
Wednesday, April 21.	9 a.m. to 5 p.m	Occupancy.
Thursday, April 22.	9 a.m. to 12 noon ...	Evictions.
Thursday, April 22.	1 p.m. to 5 p.m	Executive.
Wednesday, May 12.	10 a.m. to 5 p.m	Admissions.
Thursday, May 13.	9 a.m. to 5 p.m	Occupancy.
Friday, May 14	9 a.m. to 12 noon ...	Evictions.
Friday, May 14	1 p.m. to 5 p.m	Executive.

PLACE: The meetings on March 2–4 will be held at the Capitol Holiday Inn, 550 C Street, SW., Washington, DC. The sites for future meetings will be announced in the **Federal Register** prior to the meetings.

AGENDA: The Admissions, Occupancy and Evictions Subcommittee meetings will review all relevant information regarding the Department's occupancy standards in public and assisted housing and develop proposals to be considered by the full Task Force, circulated to the public and considered at public hearings. The Executive Committee will recommend the time and place for the public hearings and make such other recommendations to the full Task Force as may be appropriate.

PUBLIC PARTICIPATION: These are open meetings. The public is also invited to submit written comments on any aspect of the Task Force's mandate or activities to Ms. Bonnie Milstein, the Chair of the Task Force, at 1101 Fifteenth Street, NW., suite 1212, Washington, DC 20005–2765.

Dated: February 19, 1993.

Bonnie Milstein,

Chair, Task Force on Occupancy Standards in Public and Assisted Housing.

William O. Anderson,

Acting General Deputy Assistant Secretary for Fair Housing and Equal Opportunity.

[FR Doc. 93–4322 Filed 2–24–93; 8:45 am]

BILLING CODE 4210–28–M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[CO–920–93–4120–03; COC–4275]

Colorado; Notice of Availability of the Draft Environmental Cost Estimate Document for Coal Preference Right Lease Application C–4275

ACTION: Pursuant to the amended court order in the case of *NRDC* v. *Berklund* and the regulations at 43 CFR 3430.3–4, the Bureau of Land Management has prepared a draft Cost Estimate Document for coal preference right lease application (PRLA) C–4275. The draft Cost Estimate Document is now available to the public for a sixty (60) day comment and review period.

SUMMARY: A draft Cost Estimate Document (CED) for coal PRLA C–4275 has been prepared and is now available to the public. The draft CED is an independent cost analysis of the expenses a company would incur in mitigating environmental impacts while permitting, mining and reclaiming the PRLA. The draft CED was prepared by the Bureau of Land Management based on the final showing analysis submitted by the PRLA applicants, Jensen and Miller. The PRLA is located in Rio Blanco County, Colorado, and encompasses 480 acres of federal coal; 440 acres is private surface estate and 40 acres is federal surface estate.

Persons or organizations wishing to review and comment on the draft CED may obtain a copy from the address listed below. Comments on the draft must be in writing to the State Director (CO–923), Bureau of Land Management,

2850 Youngfield Street, Lakewood, Colorado 80215. In order to be most useful, the comment should contain specific reference to the part or portions of the draft which the commentor believes to be in error; a concise statement explaining why the draft CED is incorrect; and, if possible, information or data which the commentor believes to be more accurate.

DATES: Comments must be received in writing by April 26, 1993.

FOR FURTHER INFORMATION CONTACT: Copies of the draft CED are available on request by writing Colorado State Office (CO–923), Bureau of Land Management, 2850 Youngfield Street, Lakewood, Colorado 80215, or by calling Betsy Daniel. Her phone number is (303) 239–3775.

SUPPLEMENTARY INFORMATION: BLM's cost analysis was prepared in consultation with the staff of the Western Support Center of the Office of Surface Mining, Reclamation, and Enforcement under an Interagency Agreement. The draft CED addresses only the costs of environmental mitigation necessary to develop, mine and reclaim the PRLA in compliance with existing laws and regulations and specific lease stipulations developed by BLM. It was prepared specifically for public review and comment. Following the close of the public comment period, BLM will incorporate substantive comments into a final Cost Estimate Document. BLM's independent environmental protection cost estimates, as well as all other capital and operating costs associated with exploration, development, mining and reclamation of the PRLA, will form the basis for a final decision regarding whether the applicants have demonstrated that there are commercial quantities of coal on the PRLA which would justify a prudent person in the further expenditure of their labor and means with a reasonable prospect of developing a valuable mine.

Procedures for processing coal PRLA's were published on July 8, 1987. The rulemaking was the result of more than three years of negotiations with major environmental groups over the detailed procedures for processing the pending applications. As a result of those negotiations, the regulations were intended to allow full public participation throughout the administrative process and comply with the court order in *Natural Resources Defense Council (NRDC)* v. *Berklund*, 458 F. Supp. 925 (D.D.C. 1978), aff'd 609 F. 2d 553 (DC Cir. 1979). The requirement for preparation of a Cost Estimate Document applies only to pending coal PRLA's.

Dated: February 12, 1993.

Gary McVicker,

Acting State Director.

[FR Doc. 93–4368 Filed 2–24–93; 8:45 am]

BILLING CODE 4310–JB–M

[AZ–020–08–4320–12]

Meeting; Kingman Resource Area Grazing Board

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of meeting—Kingman Resource Area Grazing Board.

SUMMARY: The Kingman Resource Area Grazing Advisory Board will hold a meeting on Thursday, March 25, 1993. The meeting will start at 9 a.m. in the Kingman Resource Area Conference Room, 2475 Beverly Avenue, Kingman, Arizona 86401.

The agenda for the meeting will include:

1. Update on the status of the Kingman Resource Management Plan.
2. Update on the Burro-Bighorn Sheep Management Issue.
3. Status of Wilderness/Range Improvement Maintenance Schedules.
4. Report on Range Improvements for FY 92/93.
5. Allotment Management Plan Update.
6. Request for Advisory Board Expenditures.
7. Arrangements for Future Meetings (Crozier Allotment Tour).

The meeting is open to the public. Anyone wishing to make oral or written statements to the Board is requested to do so through the office of the District Manager, 2015 West Deer Valley Road, Phoenix, Arizona 85027, at least two days prior to the meeting date.

Summary minutes of the Board meeting will be maintained in the Kingman Resource Area Office and in the Phoenix District Office and be made available for public inspection and reproduction (during regular business hours) within 30 days following the meeting.

Dated: February 17, 1993.

David J. Miller,

District Manager.

[FR Doc. 93–4369 Filed 2–24–93; 8:45 am]

BILLING CODE 4310–32–M

[ID–020–4210–04; I–29551]

Realty Action; Exchange of Public Lands in Power County, ID

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of realty action, exchange of public land in Power County, Idaho.

SUMMARY: The following described public land has been determined to be suitable for disposal by exchange under section 206 of the Federal Land Management and Policy Act of 1976, 43 U.S.C. 1716:

Boise Meridian, Idaho

T. 9 S., R. 31 E.,
Sec. 35: NE¼SE¼.
Containing 40 acres, more or less.

In exchange for these lands, the United States will acquire the following described lands from the State of Idaho:

Boise Meridian, Idaho

T. 9 S., R. 31 E.,
Sec. 2: Lot 3.
Containing 40.86 acres, more or less.

DATES: Comments must be received by April 15, 1993.

ADDRESSES: Interested parties may submit comments to the District Manager, Burley District, Bureau of Land Management, Route 3, Box 1, Burley, Idaho, 83318, (208) 678–5514.

FOR FURTHER INFORMATION CONTACT: Wes Duggan, BLM, Deep Creek Resource Area Office, 138 South Main, Malad, Idaho 83252, (208) 766–4766.

SUPPLEMENTARY INFORMATION: The purpose of the exchange is to acquire the non-Federal lands which have high public value and to consolidate land ownership for three land owners, the Bureau of Land Management (BLM), the State of Idaho, and a private party, Melvin Munk of Rockland, Idaho. The values of the lands to be exchanged are approximately equal.

The BLM will acquire 40.86 acres of state land which adjoin the Bowen Canyon Area of Critical Environmental Concern (ACEC) for wintering Bald Eagles. Acquisition of the state land parcel will consolidate public land ownership in the Bowen Canyon area and will bring into public ownership and management lands having important wildlife, recreation, and livestock grazing values.

The State of Idaho will acquire a 74.14 acre parcel of Mr. Munk's private land at the mouth of East Fork Canyon. Acquisition of this land parcel will consolidate state land ownership in the East Fork Canyon area, provide legal access from a county road to the state and BLM lands in East Fork Canyon,

and will bring into state ownership lands having important watershed, wildlife, and recreational values.

Mr. Munk will acquire the 40 acre parcel of public land the State of Idaho would acquire from the BLM/State of Idaho exchange described above and additional state land that adjoins his private land along the East Fork Canyon road. Acquisition of this land would consolidate his private land holdings in the area which is valuable for his farming and ranching operation.

Lands to be transferred from the United States will be subject to the following reservations, terms, and conditions:

- Reservations for ditches and canals constructed by the authority of the United States, Act of August 30, 1890 (43 U.S.C. 945) and be subject to all valid existing rights.

The State of Idaho lands acquired by the United States are not subject to any reservations, terms, or conditions.

Publication of this notice segregates the public lands described above from appropriation under the land and mining laws including the mineral leasing laws. The segregative effect shall terminate upon issuance of patent, upon publication in the **Federal Register** of a termination of the segregation, or two years from the date of its publication, whichever occurs first.

Dated: February 16, 1993.

Gerald L. Quinn,

District Manager.

[FR Doc. 93–4370 Filed 2–24–93; 8:45 am]

BILLING CODE 4310–GG–M

Bureau Of Land Management

[NV–930–4210–05; N–53194]

Realty Action; Direct Sale of Public Lands, Clark County, NV

AGENCY: Bureau of Land Management, Interior.

ACTION: Direct sale of public lands in Clark County.

SUMMARY: The following described public land in Las Vegas, Clark County, Nevada has been examined and found suitable for disposal by direct sale pursuant to sections 203 and 208 under the provisions of the Federal Land Policy and Management Act of October 21, 1976, 43 U.S.C. 1713.

Mount Diablo Meridian, Nevada

T. 22 S., R. 61 E.,
Sec. 26: SE¼SE¼, S½S½NE¼SE¼.
Containing 50 acres more or less.

The land is not required for any Federal purpose. The sale is consistent with current Bureau planning for this area and would be in the public interest.

Publication of this NORA in the **Federal Register** will modify Exchange Classification N–54981 for disposal by exchange of the following described lands:

Mount Diablo Meridian, Nevada

T. 22 S., R. 61 E.,
Sec. 26: SE¼SE¼, S½S½NE¼SE¼.
Containing 50 acres more or less.

In accordance with the regulations in 43 CFR 2711.1–2, publication of this notice in the **Federal Register** will segregate the public lands, as described in this Notice, from all forms of appropriation under the public land laws, including the general mining laws, except for leasing under the mineral leasing laws and from any subsequent sale proposals filed by any other proponent other than the City of Henderson. The conveyance document when issued will contain the following reservations to the United States:

1. A right-of-way thereon for ditches and canals constructed by the authority of the United States, Act of August 30, 1890, (43 U.S.C. 945).

2. All minerals shall be reserved to the United States, together with the right to prospect for, mine and remove such deposits from the same under applicable law and such regulations as the Secretary of the Interior may prescribe.

and will be subject to:

1. An easement for streets, roads, public utilities and flood control purposes in accordance with the transportation plan for Clark County/the City of Las Vegas.

2. Those rights for power transmission line purposes which have been granted to Nevada Power Company by Permit No. N–2557 under the Act of October 21, 1976.

3. Those rights for power transmission line purposes which have been granted to Nevada Power Company by Permit No. N–53121 under the Act of October 21, 1976.

4. Those rights for Federal aid highway purposes which have been granted to Nevada Department of Transportation by Permit No. Nev–031066 under the Act of November 9, 1921.

The segregation of the above described lands shall terminate upon issuance of the patent conveying such lands or upon publication in the **Federal Register** of a notice of termination of the segregation, or the expiration of two years from the date of publication, whichever comes first.

Detailed information concerning this action is available for review at the office of the Bureau of Land Management, Las Vegas District, 4765 W. Vegas Drive, Las Vegas, Nevada.

For a period of 45 days from the date of publication of this notice in the **Federal Register**, interested parties may subject comments to the District Manager, Las Vegas District, P.O. Box 26569, Las Vegas, Nevada 89126. Any adverse comments will be reviewed by the State Director.

In the absence of any adverse comments, the classification of the lands described in this Notice will become effective 60 days from the date of publication in the **Federal Register**. The land will not be offered for sale until after the classification becomes effective.

Dated: February 16, 1993.

Ben F. Collins,

District Manager, Las Vegas, NV.

[FR Doc. 93–4371 Filed 2–24–93; 8:45 am]

BILLING CODE 4310–HC–M

Bureau of Land Management

[AK–932–4210–06; F–88329]

Proposed Withdrawal and Opportunity for Public Meeting, Correction; Alaska

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: This notice corrects the notice of proposed withdrawal for the Coldfoot Visitor Center, Administrative Site and Campground, Alaska.

FOR FURTHER INFORMATION CONTACT: Sandra C. Thomas, BLM Alaska State Office, 222 W. 7th Avenue, #13, Anchorage, Alaska 99513–7599, 907–271–5477.

SUPPLEMENTARY INFORMATION: In the notice published on January 28, 1993, 58 FR 6417 & 6418, make the following corrections:

1. On page 6417, column 2, under the heading **SUMMARY**, line 8 which reads "entry, mining, and mineral leasing." is corrected to read "entry and mining, but not mineral leasing."

2. On page 6417, column 2, under the heading **SUPPLEMENTARY INFORMATION**, line 8 which reads "laws, including the mining and mineral" is corrected to read "laws, including the mining laws, but not the mineral".

Dated: February 17, 1993.

Sue Wolf,

Chief, Branch of Lands.

[FR Doc. 93–4372 Filed 2–24–93; 8:45 am]

BILLING CODE 4310–JA–M

[NM-920-4210-06; NMNM 46844]

Proposed Continuation of Withdrawal; New Mexico

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: The United States Department of Agriculture, Forest Service, proposes that a 157.50-acre withdrawal of National Forest System land for the Doc Long and Sulphur Recreation Areas continue for an additional 20 years. The land would remain closed to location and entry under the mining laws, but would be opened to surface entry and has been and would remain open to leasing under the mineral leasing laws.

DATES: Comments should be received by May 26, 1993.

ADDRESSES: Comments should be sent to the New Mexico State Director, P.O. Box 27115, Santa Fe, NM 87502-0115.

FOR FURTHER INFORMATION CONTACT: Georgiana E. Armijo, BLM, New Mexico State Office, 505-438-7594.

The United States Department of Agriculture, Forest Service, proposes that the existing land withdrawal made by Public Land Order No. 725 dated June 4, 1951, be continued for a period of 20 years pursuant to section 204 of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1714 (1988). The land is described as follows:

New Mexico Principal Meridian

Cibola National Forest

Doc Long and Sulphur Recreation Areas

T. 11 N., R. 5 E.,
Sec. 14, E½E½NE¼NW¼, E½SW¼NW¼, E½SE¼NW¼, SW¼SE¼NW¼, NE¼SW¼, SE¼NW¼SW¼, NE¼NE¼SW¼SW¼, E½SE¼SW¼, NW¼SE¼SW¼, W½SW¼NW¼SE¼, and W½W½SW¼SE¼.

The area described contains 157.50 acres in Bernalillo County.

The withdrawal is essential for protection of substantial improvements on the site described above located with the Sandia Ranger District, Cibola National Forest. The withdrawal segregates the land from operation of the public land laws generally, including the mining laws, but not the mineral leasing laws. No change is proposed in the purpose or segregative effect of the withdrawal, except to open the land to such forms of disposition that may by law be made of National Forest lands other than under the mining laws.

For a period of 90 days from the date of publication of this notice, all persons who wish to submit comments in connection with the proposed withdrawal continuation may present their views in writing to the New Mexico State Director at the address indicated above.

The authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the land and its resources.

A report will also be prepared for consideration by the Secretary of the Interior, The President, and Congress, who will determine whether or not the withdrawal will be continued, and if so, for how long. The final determination on the continuation of the withdrawal will be published in the **Federal Register**. The existing withdrawal will continue until such final determination is made.

Dated: February 17, 1993.

Monte G. Jordan,

Associate State Director.

[FR Doc. 93-4373 Filed 2-24-93; 8:45 am]

BILLING CODE 4310-FB-M

Fish and Wildlife Service

Meeting: Klamath Fishery Management Council

AGENCY: Department of the Interior.

ACTION: Notice of meeting.

SUMMARY: Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (5 U.S.C. App. I), this notice announces a meeting of the Klamath Fishery Management Council, established under the authority of the Klamath River Basin Fishery Resources Restoration Act (16 U.S.C. 460ss *et seq.*). The meeting is open to the public.

DATES: The Klamath Fishery Management Council will meet from 1 p.m. to 9 p.m. on Saturday, March 6, 1993; and from 9 a.m. to 6 p.m. on Sunday, March 7, 1993, with possible evening sessions on March 6, 7, 8, and/or 9, 1993.

PLACE: The meeting will be held at the Holiday Inn, Crowne Plaza, 600 Airport Boulevard, Burlingame, California 94010.

FOR FURTHER INFORMATION CONTACT: Dr. Ronald A. Iverson, Project Leader, U.S. Fish and Wildlife Service, P.O. Box 1006 (1215 South Main, suite 212), Yreka, California 96097-1006, telephone (916) 842-5763.

SUPPLEMENTARY INFORMATION: For background information on the Management Council, please refer to the notice of their initial meeting that appeared in the **Federal Register** on July 8, 1987 (52 FR 25639). The principal agenda items will be to develop recommendations to the Pacific Fishery Management Council for management of 1993 ocean harvest of Klamath-origin chinook salmon stocks and recommend options to the tribes and the State of California for in-river salmon harvest.

Dated: February 12, 1993.

William E. Martin,

Acting Regional Director, U.S. Fish and Wildlife Service.

[FR Doc. 93-4367 Filed 2-24-93; 8:45 am]

BILLING CODE 4310-55-M

National Park Service

National Capital Memorial Commission; Public Meeting

Notice is hereby given in accordance with the Federal Advisory Committee Act that a meeting of the National Capital Memorial Commission will be held on Thursday, March 18, 1993, at 1 p.m., at the National Building Museum, room 312, 5th and F Streets, NW.

The Commission was established by Public Law 99-652, the Commemorative Works Act, for the purpose of preparing and recommending to the Secretary of the Interior, Administrator, General Services Administration, and Members of Congress broad criteria, guidelines, and policies for memorializing persons and events on Federal lands in the National Capital Region (as defined in the National Capital Planning Act of 1952, as amended), through the media of monuments, memorials and statues. It is to examine each memorial proposal for adequacy and appropriateness, make recommendations to the Secretary and Administrator, and to serve as information focal point for those persons seeking to erect memorials on Federal land in the National Capital Region.

The members of the Commission are as follows:

Director, National Park Service
Chairman, National Capital Planning Commission
The Architect of the Capitol
Chairman, American Battle Monuments Commission
Chairmnan, Commission of Fine Arts
Mayor of the District of Columbia
Administrator, General Services Administration
Secretary of Defense

The purpose of the meeting will be to review the following:

I. Legislative Proposals

S. 27, to authorize the Alpha Phi Alpha Fraternity to establish the Martin Luther King, Jr., Memorial, in the District of Columbia or its environs.

S. 297, to authorize the establishment of the United States Air Force Memorial in the District of Columbia or its environs.

H.R. 682, to authorize the establishment of a World War II Memorial in the District of Columbia or its environs.

H.J. Res. 98, to authorize the National Committee of American Airmen Rescued by General Mihailovich to establish a memorial to General Mihailovich in the District of Columbia or its environs.

II. Site Approvals

Memorial to African-Americans Who Served with Union Forces in the Civil War.

III. Other Business

Draft amendments to the Commemorative Works Act of 1986.

The meeting will be open to the public. Any person may file with the Commission a written statement concerning the matters to be discussed. Persons who wish to file a written statement or testify at the meeting or who want further information concerning the meeting may contact the Commission at 202–619–7097. Minutes of the meeting will be available for public inspection 4 weeks after the meeting at the Office of Land Use Coordination, National Capital Region, 1100 Ohio Drive, SW., room 201, Washington, DC 20242.

Dated: February 19, 1993.

Robert Stanton,

Regional Director, National Capital Region.

[FR Doc. 93–4391 Filed 2–24–93; 8:45 am]

BILLING CODE 4310–70–M

INTERSTATE COMMERCE COMMISSION

[Docket No. 40787]

Household Goods Carriers' Bureau, Inc.; Petition for Cancellation of Tariffs of Non-Participating Carriers

AGENCY: Interstate Commerce Commission.

ACTION: Tariff reference cancellation.

SUMMARY: Pursuant to 49 U.S.C. 10702(a) and 10762(a)(1), unless by the pertinent date the carriers subject to this decision comply with 49 CFR 1312.4(d) and 1312.27(e), the Commission directs those carriers to cancel, on one day's notice, all references in the cited tariffs to Household Goods Carriers' Bureau Mileage Guide No. 15, HGB 100–D (Mileage Guide).

DATES: The carriers subject to this decision shall cancel all references in the cited tariffs to the Mileage Guide if they have not complied with 49 CFR 1312.4(d) and 1312.27(e) by April 15, 1993. This decision will be effective on February 24, 1993.

FOR FURTHER INFORMATION CONTACT:

Richard B. Felder (202) 927–5610. [TDD for hearing impaired: (202) 927–5721.]

Thomas M. Auchincloss, Jr., Rea, Cross & Auchincloss, 1920 N. Street, NW., suite 420, Washington, DC 20036.

SUPPLEMENTARY INFORMATION: In this decision, the Commission declines to issue an order requiring certain motor carriers to show cause why their mileage tariffs should not be canceled for failure to comply with §§ 1312.4(d) and 1312.27(e). The Commission finds that the cited mileage tariffs are void for application as a matter of law.

Additional information is contained in the Commission's decision. To purchase a copy of the full decision, write to, call, or pick up in person from: Dynamic Concepts, Inc., room 2229, Interstate Commerce Commission Building, Washington, DC 20423. Telephone: (202) 289–4357/4359. [Assistance for the hearing impaired is available through TDD services (202) 927–5721.]

Decided: February 4, 1993.

By the Commission, Chairman Philbin, Vice Chairman Simmons, Commissioners Phillips, McDonald, and Walden.

Sidney L. Strickland, Jr.,

Secretary.

[FR Doc. 93–4256 Filed 2–24–93; 8:45 am]

BILLING CODE 7035–01–M

[Docket No. AB–290 (Sub-No. 122X)]

Norfolk and Western Railway Company—Abandonment Exemption—in Randolph, Macon, Adair, and Schuyler Counties, MO, and Davis, Appanoose, and Monroe Counties, IA

AGENCY: Interstate Commerce Commission.

ACTION: Notice of exemption.

SUMMARY: The Commission exempts from the prior approval requirements of 49 U.S.C. 10903–10904 the abandonment by Norfolk and Western Railway Company of 121.8 miles of its Des Moines line in Randolph, Macon, Adair, and Schuyler Counties, MO, and Davis, Appanoose, and Monroe Counties, IA, subject to environmental and standard labor protective conditions. In addition, a notice of interim trail use or abandonment over the 95.9-mile segment between Moberly, MO, and Moulton, IA, has been issued.

DATES: As a formal expression of intent to file an offer of financial assistance has been received, this exemption will be effective on April 6, 1993. Additional formal expressions of intent to file an offer of financial assistance [1] under 49 CFR 1152.27(c)(2) must be filed by March 7, 1993, petitions to stay must be filed by March 12, 1993, and petitions for reconsideration must be filed by March 22, 1993. Requests for a public use condition must be filed by March 17, 1993.

ADDRESSES: Send pleadings referring to Docket No. AB–290 (Sub-No. 122X) to: (1) Office of the Secretary, Case Control Branch, Interstate Commerce Commission, Washington, DC 20423.

(2) Petitioner's representative: Robert J. Cooney, Norfolk Southern Corporation, Three Commercial Place, Norfolk, VA 23510–2191.

FOR FURTHER INFORMATION CONTACT: Richard B. Felder (202) 927–5610, [TDD for hearing impaired: (202) 927–5721].

SUPPLEMENTARY INFORMATION: Additional information is contained in the Commission's decision. To purchase a copy of the full decision, write to, call, or pick up in person from: Dynamic Concepts, Inc., room 2229, Interstate Commerce Commission Building, Washington, DC 20423. Telephone: (202) 289–4357/4359. [Assistance for the hearing impaired is available through TDD services (202) 927–5721.]

Decided: February 16, 1993.

By the Commission, Chairman Philbin, Vice Chairman Simmons, Commissioners Phillips, McDonald, and Walden.

Sidney L. Strickland, Jr.,

Secretary.

[FR Doc. 93–4334 Filed 2–24–93; 8:45 am]

BILLING CODE 7035–01–M

DEPARTMENT OF JUSTICE

Notice of Lodging of Consent Decrees Pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act

In accordance with Departmental policy, 28 CFR 50.7, notice is hereby given that three proposed consent decrees in *United States* v. *Anchor Motor Freight, et al.*, Civil Action No. 4:89CV1999, were lodged on February 12, 1993, with the United States District Court for the Northern District of Ohio. The proposed consent decrees require ten defendants in this action under the Comprehensive Environmental Response, Compensation, and Liability

[1] See Exempt. of Rail Abandonment—Offers of Finan. Assist., 4 I.C.C.2d 164 (1987).

Act, to partially reimburse the United States a total of approximately $2.7 million for costs incurred by the United States in connection with the Laskin/Polar Oil Superfund Site (the "Laskin Site"), located in Jefferson, Ohio. Two prior consent decrees have been entered in connection with the Laskin Site. Through entry of the 1989 consent decree in *United States* v. *Alvin F. Laskin, et al.*, CA No. 84–2035Y (N.D. Ohio), defendants paid the United States $1.47 million as partial reimbursement for certain past costs. In 1990, the United States entered into a Remedial Design/Remedial Action consent decree with certain defendants in *United States* v. *Alvin Laskin, et al.*, CA No. 4:90CV0483 (N.D. Ohio), wherein 27 defendants became obligated to conduct the remedial action at the Laskin Site and pay, along with 131 *de minimis* defendants, certain future oversight costs and approximately $1.38 million as partial reimbursement of additional United States' past costs.

Each settling defendant in the current action, *United States* v. *Anchor Motor Freight, et al.*, signed one of the three proposed consent decrees, depending on whether the defendant signed the 1989 consent decree, the 1990 consent decree, or neither consent decree that was previously entered. Settling defendants in these proposed consent decrees are: Perfection Corporation, General Refractories Co., R.W. Sidley, Inc., Gulf Oil Corporation (n/k/a Chevron U.S.A.), Midwest Rubber Liquidating Trust, Buffalo Molded Plastics, Inc., East Ohio Gas Co., Diver-Steel City Auto Crushers, North East Service Plaza, and Perry Shipbuilding.

For a period of thirty (30) days from the date of this publication, the Department of Justice will receive comments relating to the proposed Consent Decrees. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, Department of Justice, Washington, DC 20530, and should refer to *United States* v. *Anchor Motor Freight, et al.* (N.D. Ohio) and DOJ Ref. No. 90–11–3–38A.

The proposed consent decrees may be examined at the office of the United States Attorney, Northern District of Ohio, 600 Superior Street, Cleveland, Ohio 44114; the Region 5 office of U.S. EPA, 77 West Jackson Blvd., Chicago, Illinois 60604–3590; and at the Consent Decree Library, 1120 G Street, NW., Washington, DC 20005, (202) 624–0892. Copies of the proposed consent decrees may be obtained in person or by mail from the Consent Decree Library. In requesting a copy of a consent decree, please identify which consent decree is sought and enclose a check in the amount of $8.75 for the consent decrees (25 cents per page reproduction costs) payable to "Consent Decree Library."

Myles E. Flint,

Acting Assistant Attorney General, Environment and Natural Resources Division.

[FR Doc. 93–4374 Filed 2–24–93; 8:45 am]

BILLING CODE 4410–01–M

Notice of Lodging of Final Judgment by Consent Pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act

In accordance with Departmental policy, 28 CFR 50.7, and section 122 of the Comprehensive Environmental Response, Compensation and Liability Act ("CERCLA"), 42 U.S.C. 9622, notice is hereby given that on February 12, 1993, a proposed consent decree in *United States* v. *Apache Energy & Mineral Company, et al.*, Civil Action No. 86–C–1675, was lodged with the United States District Court for the District of Colorado.

The proposed consent decree with defendant Leadville Corporation ("LC") resolves the company's alleged liability to the United States based on its property ownership and operations at the California Gulch Superfund Site ("Site"). The decree requires LC to pay $3 million to the United States by making annual payments equal to 3% of its adjusted net income, as defined in the decree, or minimum annual payments totaling $250,000, whichever is greater, over the next 15 years. The proposed decree allows LC to conduct mining operations within the Site only if it complies with all applicable laws and obtains necessary government approval for matters which might adversely affect, impair, or delay response actions at the Site. The United States covenants not to sue or take any other civil or administrative action against LC for reimbursement of response costs incurred by the United States or for injunctive relief, pursuant to sections 106 and 107(a) of CERCLA, 42 U.S.C. 9606 and 9607(a), unless LC either fails to make timely payments or declares bankruptcy, in which case the covenant may be nullified. The decree also states that LC waives all claims it has against the United States and residential property owners at the Site.

The Department of Justice will receive comments relating to the proposed consent decree with Leadville Corporation for a period of thirty (30) days from the date of this publication. Comments on the decree should be addressed to the Assistant Attorney General, Environment & Natural Resources Division, U.S. Department of Justice, Washington, DC 20530, and should refer to *United States* v. *Apache Energy and Mineral Company*, DOJ Ref. 90–11–3–138.

A copy of the proposed consent decree may be examined at the Office of the United States Attorney, District of Colorado, 633 17th Street, suite 1600, Denver, Colorado 80202; the Region VIII Office of the Environmental Protection Agency, 999 18th Street, Denver, Colorado, 80202; and the Consent Decree Library, 1120 G Street, NW., 4th Floor, Washington, DC 20005, (202–624–0892). A copy of the proposed decree may be obtained in person or by mail from the Consent Decree Library, 1120 G Street, NW., 4th Floor, Washington, DC 20005. When requesting a copy of the proposed consent decree, please enclose a check in the amount of $22.75 (including exhibits) (twenty-five cents per page reproduction costs) payable to the "Consent Decree Library."

Myles E. Flint,

Acting Assistant Attorney General, Environment & Natural Resources Division.

[FR Doc. 93–4375 Filed 2–24–93; 8:45 am]

BILLING CODE 4410–01–M

Lodging of Consent Decree Pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act of 1980

In accordance with 42 U.S.C. 9622(i), notice is hereby given that on February 5, 1993 a proposed consent decree in *United States of America* v. *Automation Components, Inc., et al.*, Civil Action No. 90–1279, was lodged with the United States District Court for the District of New Jersey. The United States' complaint sought recovery of response costs, civil penalties, and punitive damages under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), from the Delaware Container Company, Inc. and other defendants who failed to comply with Administrative Orders issued to them by EPA and were responsible for hazardous wastes found at the Scientific Chemical Processing ("SCP") Site in Newark, New Jersey.

Pursuant to the terms of the proposed consent decree, Delaware Container Company, Inc. shall pay the United States $70,000 in reimbursement of past response costs incurred by the United States in connection with the SCP Site, and $10,000 in civil penalties and punitive damages for its failure to

comply with a Unilateral Administrative Order issued by EPA under Section 106(a) of CERCLA, 42 U.S.C. 9606(a).

Four other consent decrees involving the SCP Site were entered by the court in this case on November 10, 1992. The first consent decree required Environmental Waste Resources, Inc. to pay $35,000 of EPA's past response costs. The second consent decree required Dominick Presto and the partnership of Sigmond & Presto to make a combined payment of $50,000 toward EPA's past response costs. The third decree required Randolph Products Company to pay $85,000 toward EPA's past response costs and required the estate of Wendell Randolph (former president of the company) to pay penalties and punitive damages totalling $300,000. The fourth decree required Matlack Systems Inc. to pay $75,000 toward EPA's past response costs and required a penalty/punitive damages payment of $125,000.

With the proposed Delaware settlement, the United States will have recovered all of EPA's total response costs of $315,000, and a total of $435,000 in civil penalties and punitive damages for failure by the Estate of Wendell Randolph, Matlack Systems Inc., and Delaware to comply with CERCLA Section 106 Unilateral Administrative Orders.

The Department of Justice will receive comments relating to the proposed consent decree for a period of thirty (30) days from the date of this publication. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, Department of Justice, Washington, DC 20530 and should refer to *United States* v. *Automation Components, Inc., et al.*, D.J. Ref. 90–11–2–486.

The proposed consent decree may be examined at the Office of the United States Attorney, 970 Broad St., room 502, Newark, NJ 07102; the Region II office of the Environmental Protection Agency, 26 Federal Plaza, New York, New York 10278; and the Consent Decree Library, 1120 G St., NW., 4th Floor, Washington, DC 20005, telephone (202) 624–0892. A copy of the proposed consent decrees may be obtained in person or by mail from the Consent Decree Library, 1120 G St., NW., 4th Floor, Washington, DC 20005. In requesting a copy of the consent decree, please enclose a check in the amount of $5.25 per copy payable to the "Consent Decree Library."

John C. Cruden,

Chief, Environmental Enforcement Section, Environment and Natural Resource Division.

[FR Doc. 93–4376 Filed 2–24–93; 8:45 am]

BILLING CODE 4410–01–M

Lodging of Consent Decree

In accordance with Department policy, 28 CFR 50.7, notice is hereby given that on February 3, 1993, a proposed Consent Decree in *United States* v. *Case Corporation d/b/a/ Case Corporation*, (Civil Action No. 3–93–CV–70020) was lodged with the United States District Court for the Southern District of Iowa (Davenport Division).

The Complaint in this enforcement action was filed on February 3, 1993, pursuant to Section 107 of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), 42 U.S.C. 9607, seeking reimbursement of costs incurred by the United States in responding to the release or threat of release of hazardous substances from four sites (the Bettendorf Site, the Rolff Road Site, the Rockingham Road Site, and the Farragut Road Site) located in the Bettendorf/ Davenport area of Iowa. The proposed consent decree has been entered into between the United States and Case Corporation (d/b/a/ J.I. Case). Under the terms of the proposed consent decree, Case Corporation will pay the United States two hundred and seventy-five thousand dollars and no cents ($275,000.00) to reimburse the United States for its response costs.

The Department of Justice will receive, for a period of thirty (30) days from the date of this publication, comments relating to the proposed Consent Decree. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, U.S. Department of Justice, Washington, D.C. 20530, and should refer to *United States* v. *Case Corporation d/b/a/ J.I. Case* (DOJ # 90–11–3–555B).

The proposed Consent Decree may be examined at the office of the United States Attorney, Southern District of Iowa, 115 U.S. Courthouse, East 1st & Walnut Sts., Des Moines, Iowa 50309 and the United States Environmental Protection Agency, Region VII, 726 Minnesota Avenue, Kansas City, Kansas 66101. Copies of the proposed Consent Decree may be obtained in person or by mail from the Consent Decree Library, 1120 G Street, NW., 4th Floor, Washington, DC 20005, (202) 624–0892). In requesting a copy, please enclose a check in the amount of $5.50 (25 cents per page reproduction costs), payable to the "Consent Decree Library."

John C. Cruden,

Section Chief, Environmental Enforcement Section, Environment and Natural Resources Division.

[FR Doc. 93–4377 Filed 2–24–93; 8:45 am]

BILLING CODE 4410–01–M

Lodging of Consent Decree

Notice is hereby given that a proposed Settlement Agreement and Stipulated Order ("Agreement") in *In re Chateaugay Corp. (LTV)*, Case Nos. 86 B 11270 through 86 B11334, 86 B 11402, and 86 B 11464 (BRL) (S.D.N.Y.) has been lodged with the United States District Court for the Southern District of New York. Under the Agreement, LTV agrees to a cash payment of $1,001,000 and an allowed general unsecured claim of $34,791,050 in LTV's bankruptcy proceeding. As is indicated in the agreement, of the $37,491,050 general unsecured claim, $32,615,500 is for response costs, and natural resource damages, under the Comprehensive Environmental Response, Compensation, and Liability Act ("CERCLA"), 42 U.S.C. 9601 *et seq.*, at the following fifteen sites: the Arrowhead Refinery Site, Hermantown, Minnesota; Bio-Ecology Systems Site, Grand Prairie, Texas; Chemresol Site, Brunswick, Georgia, Cherokee County Site, Cherokee County, Kansas; Conservation Chemical Company of Indiana Site, Gary, Indiana; Forest Waste Products Site, Otisville, Michigan; G & H Landfill Site, Shelby Township, Michigan; LH Inc. Site, Cambridge, Ohio; Liquid Disposal, Inc. Site, Utica, Michigan; Maxey Flats Site, Fleming County, Kentucky; the Ninth Avenue Dump Site, Gary, Indiana; Republic Steel Quarry Site, Elyria, Ohio; Royal Hardage Site, Criner, Oklahoma; Tar Creek Site, Ottawa County, Oklahoma; and the U.S. Scrap Site, Chicago, Illinois. As is indicated in the agreement, of the $34,791,050 general unsecured claim, the remaining $2,175,550 is for civil penalties for LTV's violation of various environmental statutes.

The Settlement Agreement also provides that LTV's obligations and liabilities arising from prepetition acts, omissions, or conduct of LTV or its predecessors at any Additional Sites not owned by LTV will be discharged under the bankruptcy laws but will be liquidated and satisfied as general unsecured claims if and when the

United States undertakes enforcement activities in the ordinary course.

The Department of Justice will receive comments relating to the proposed Settlement Agreement and Stipulated Order for 30 days following the publication of this Notice. Comments should be addressed to the Assistant Attorney General of the Environment and Natural Resources Division, Department of Justice, Washington, DC 20530, and should refer to *In re Chateaugay Corp. (LTV)*, Case Nos. 86 B 11270 through 86 B11334, 86 B 11402, and 86 B 11464 (BRL) (S.D.N.Y.), D.J. Ref. No. 90–11–3–160. The proposed Settlement Agreement and Stipulated Order may be examined at the Office of the United States Attorney for the Southern District of New York, 100 Church Street, New York, New York 10007; the Region II Office of the Environmental Protection Agency, 26 Federal Plaza, New York, New York; and at the Consent Decree Library, 1120 G Street, NW., 4th Floor, Washington, DC. 20005 (202–624–0892). A copy of the proposed Settlement Agreement and Stipulated Order may be obtained in person or by mail from the Consent Decree Library. In requesting a copy, please enclose a check in the amount of $12.50 (25 cents per page for reproduction costs), payable to the Consent Decree Library.

Myles E. Flint,

Acting Assistant Attorney General, Environment and Natural Resources Division.

[FR Doc. 93–4378 Filed 2–24–93; 8:45 am]

BILLING CODE 4410–01–M

Lodging of Consent Decree in Action Under the Clean Air Act

In accordance with Departmental policy, 28 CFR 50.7, notice is hereby given that on January 20, 1993, the United States Department of Justice, by the authority of the Attorney General and acting at the request of and on behalf of the Administrator of the United States Environmental Protection Agency, lodged a consent decree in *United States* v. *Kerr-McGee Chemical Company*, Civil Action No. 91–685–WLB, with the United States District Court for the Southern District of Illinois. The consent decree addresses alleged violations of the Clean Air Act and Applicable portions of the Illinois State Implementation Plan ("Illinois SIP") that occurred during the operation of Kerr-McGee's creosote treatment plant in Madison, Illinois. The consent decree requires Kerr-McGee Chemical Company to pay civil penalties of $95,875.00 to the United States and $51,625.00 to the State of Illinois and to fully comply with the requirements of the Clean Air Act and the Illinois SIP.

The Department of Justice will receive written comments relating to the consent decree for a period of thirty (30) days from the date of this notice. Comments should be addressed to the Assistant Attorney General for the Environment and Natural Resources Division, Department of Justice, Washington, DC 20530, and should refer to *United States* v. *Kerr-McGee Chemical Company*, DOJ Reference No. 90–5–2–1–1622.

The proposed consent decree may be examined at the Office of the United States Attorney, 9 Executive Drive, Suite 300, Fairview Heights, Illinois 62208; the Region 5 Office of the Environmental Protection Agency, 77 West Jackson Boulevard, Chicago, Illinois 60604–3590; and the Consent Decree Library, 1120 G Street, NW., 4th Floor, Washington, DC 20005 202–624–0892. A copy of the proposed consent decree may be obtained in person or by mail from the Consent Decree Library, 1120 G Street NW., 4th Floor, Washington, DC 20005. In requesting a copy, please refer to the referenced case and enclose a check in the amount of $1.75 (25 cents per page reproduction costs), payable to the Consent Decree Library.

John C. Cruden,

Chief, Environmental, Enforcement Section, Environment and Natural Resource Division.

[FR Doc. 93–4379 Filed 2–24–93; 8:45 am]

BILLING CODE 4410–01–M

Lodging of Proposed Final Judgment Pursuant to the Clean Water Act

In accordance with Departmental Policy, 28 CFR 50.7, notice is hereby given that a proposed final judgment in *Leslie Salt Co.* v. *United States*, No. C–85–8615–CAL and consolidated case (N.D. Cal.), was lodged with the United States District Court for the Northern District of California, on February 18, 1993.

The proposed final judgment concerns violations of sections 301 and 404 of the Clean Water Act, 33 U.S.C. 1311, 1344, as a result of the discharge of fill material into waters of the United States present at the Newark Coyote property, located in Newark, California. The final judgment requires Leslie Salt Co. to pay a $50,000 civil penalty under section 309(d) of the Clean Water Act. The judgment also requires Leslie Salt Co. to restore two of the violations.

The Department of Justice will receive written comments until March 19, 1993, relating to the proposed final judgment. Comments should be addressed to the Assistant Attorney General, Environment & Natural Resources Division, United States Department of Justice, P.O. Box 23986, Washington DC 20026–3986, Attention: Scott A. Schachter. The comments should refer to DJ 1# 90–5–1–1–2583.

The proposed final judgment may be examined at the Clerk's Office, United States District Court for the Northern District of California, 450 Golden Gate Avenue, 18th Floor, San Francisco, California 94102.

Myles E. Flint,

Acting Assistant Attorney General, Environment & Natural Resources Division.

[FR Doc. 93–4380 Filed 2–24–93; 8:45 am]

BILLING CODE 4410–01–M

Antitrust Division

Public Comment and Response on Proposed Final Judgment

Pursuant to the Antitrust Procedures and Penalties Act, 15 U.S.C. 16 (b) through (h), the United States publishes below an additional comment it received on the proposed Final Judgment in *United States* v. *Hospital Association of Greater Des Moines, Inc., et al.*, Civil Action No. 4–92–70648, filed in the United States District Court for the Southern District of Iowa, Central Division, together with the response of the United States to the comment.

Copies of the response and the public comment are available on request for inspection and copying in room 3233 of the Antitrust Division, U.S. Department of Justice, Tenth Street and Pennsylvania Ave., NW., Washington, DC 20530, and for inspection at the Office of the Clerk of the United States District Court for the Southern District of Iowa, Central Division, United States Courthouse, East 1st & Walnut Streets, Des Moines, Iowa 50329.

Joseph H. Widmar,

Director of Operations, Antitrust Division.

United States' Additional Response to Public Comment

Filed: February 10, 1993.

United States of America, Plaintiff, v. Hospital Association of Greater Des Moines, Inc.; Broadlawns Medical Center; Des Moines General Hospital Co.; Iowa Lutheran Hospital; Iowa Methodist Medical Center; Mercy Hospital Medical Center, Des Moines, Iowa, Defendants.

Pursuant to section 2(d) of the Antitrust Procedures and Penalties Act, 15 U.S.C. 16(d) (the "APPA"), the United States responds to an additional public comment to the proposed Final Judgment submitted for entry in this civil antitrust proceeding.

This action began on September 22, 1992, when the United States filed a Complaint alleging that the defendants unreasonably restrained competition among the hospitals in Polk County, Iowa by agreeing to limit the types and amounts of advertising in which they would engage, in violation of section 1 of the Sherman Act, 15 U.S.C. 1. The United States simultaneously filed a proposed Final Judgment, Competitive Impact Statement, and a stipulation signed by all the defendants for entry of the proposed Final Judgment. The proposed Final Judgment embodies the relief sought in the Complaint.

The 60-day period provided by 15 U.S.C. 16(d) for submission of public comments expired on January 13, 1993. The United States received comments from one individual, Dr. Mayank K. Kothari. The initial comment from Dr. Kothari and our response to his comment was filed with the Court on January 14, 1993 and published in the **Federal Register** on January 25, 1993, 48 FR 6013. As required by 15 U.S.C. 16(b) and 16(d), Dr. Kothari's second comment was filed with court on November 27, 1992.

The United States has now responded to Dr. Kothari's second comment on the proposed Final Judgment.[1] Dr. Kothari questioned the adequacy of the proposed Final Judgment because it does not require the hospitals to advertise, its entry would mean that a full trial on the merits would not occur, and the comment period was too short. The United States answered Dr. Kothari by indicating that the antitrust laws forbid collective activities of competitors that lessen competition. The proposed final judgment precluded the defendants from participating in such joint actions. Individual hospitals are free to decide for themselves what types and amount of advertising is in their best interest, and as long as this decision is not jointly made with competing hospitals, there is no injury to competition.

In addition, the United States responded that the proposed judgment provided for a full and complete remedy to the alleged violation and thus no benefit would be gained by requiring a full trial on the merits. Finally, the United States informed Dr. Kothari that the length of the comment period was established by statute and not by the parties to the case. However, given the nature of the case, it appears that 60 days was ample time for the public to participate in the process.

Dated: February 8, 1993.

[1] The comment and response are both attached as Exhibit 1.

Respectfully submitted,

Nancy M. Goodman,

Karen L. Gable,

John B. Arnett, Sr.,

Attorneys, U.S. Department of Justice, Antitrust Division, 555 4th Street, NW., Washington, DC 20001, Telephone: (202) 307–0798.

United States District Court for the Southern District of Iowa, Central Division

Exhibit 1

Civil Action No.
Filed: 4–92–70648

United States of America, Plaintiff, v. Hospital Association of Greater Des Moines, Inc.; Broadlawns Medical Center; Des Moines General Hospital Company; Iowa Lutheran Hospital; Iowa Methodist Medical Center; Mercy Hospital Medical Center, Des Moines, Iowa.

Public Comment Heretofore Presented To The Honorable Judge Harold Vietor

Fri, Nov 27, 1992.

Cause of Action

On September 22, 1992, the United States of America filed a civil antitrust complaint alleging that the defendants conspired unreasonably to restraint competition among themselves, by agreeing to limit the types and amounts of advertising in which they would engage, in violation of Section 1 of the Sherman Act, 15 U.S.C. 1. This conspiracy diminished competition among these defendant hospitals for patients, physician referrals, and third-party contracts, and deprived patients, physicians, and third-party payers of information necessary for them to make informed choices on the selection of hospitals and of the benefits of free and open competition in the sale of hospital services.

The Concerted Action

The defendants acted in concerted action by the account of the United States. The statutory phrase, "contract, combination or conspiracy," conjures up the classic image of robber barons gathering clandestinely to carve up a market. The statute, classically conceived, aims at bad conduct of the conspirators who eschew competition, who plan and execute action to stifle market forces. . . . A court may in these cases take inferences from indirect evidence in reaching the conclusion that the conspirators entered into an express agreement to follow a given course. And where the course agreed upon is not explicitly to fix prices or divide territories, there may also be, as there was in *Socony-Vacuum*, inference involved in the conclusion that the purpose and effect of what was expressly agreed upon is tantamount to price fixing or market division or that the purpose and effect (though not capable of being assimilated under one of the *per se* violations) is nevertheless unreasonable. Inference, be it understood, may be involved in one or more of several steps in the analysis, in deciding that an agreement took place, in concluding that the agreement which did take place should be characterized in a way which offends *per se* rule, or in concluding that the agreement is, on balance, unreasonable. But the bottom layer of the analysis is always the finding that concerted action did occur, that conspirators in one way or another dealt with each other, came to terms on a course of conduct to be concertedly followed. . . .[1]

Remedies Offered in the Proposed Settlement Evade Public Interests

The proposed settlement provides inadequate remedies for the following reasons:

a. Neither the conduct nor the credo of the defendants appear to have changed a bit. On 10/26/92, Mr. Willis Fry, the Chief Executive Officer of Broadlawns Medical Center stated confidently in a public forum that this case had been "dropped". The overconfidence exuded mocked official judicial action which has not taken place as of yet. His presumptuous statements were perceived by the citizenry at the time that the court case was fixed.

b. In the proposed settlement, there is no provision for any method or series of action which would ensure that competitively oriented consumer information would be publicized. Without proper consumer information being available, providers, insurers and taxpayer funded medical programs will be consequentially paying more and receiving less.

c. Public interests are harmed by the very nature of having a settlement as opposed to a trial. The historical financial damage if even one per cent of the financial impact would be negative over a period of years and the damages would exceed tens of millions of dollars.

d. During my communications with Mr. Arnett of the United States Attorney's office in Washington, DC, he was forthright and pointed out the fact that public comments were welcome but proceeded to state that they would be totally inconsequential in the adjudication of this case. The arbitrary rationale for this settlement compared with having a full trial, is far from reasonable, evades public interests and has the effect of having no deterrent effect on potential violators of the Sherman Act. Furthermore, it presents unreasonable immunity to the defendants against any future civil actions by the aggrieved citizenry by way of excluding evidentiary introduction of this case of public domain in future actions against the defendants. The overconfidence exuded by Mr. Arnett and Mr. Fry are highly suggestive of a *res judicata* which already has the appearance of an imprimatur of the Court. All these statements and actions have severely diminished the value of public comments, much less the dignity of the Honorable Court.

Finally, it is felt that unreasonable burden is placed upon the citizenry by creating a deadline of November 30, 1992 in order to have public comments placed in this matter. It is even more unreasonable given the consideration that the attorneys are given years in preparation of such intricate cases. The paucity of resources and the

[1] Antitrust, *Handbook Series*, Lawrence Anthony Sullivan: West Publishing Company.

unreasonable deadline have resulted into a highly rushed preparation. The Court is requested to take notice of the procedure which may be largely statuary and not discretionary. If so, the legislative and the executive branches of the government have placed one more dark cloud upon our judiciary in this democracy.

Submitted with respects,

Mayank K. Kothari,

Adult Care Clinic, 1221 Center, Suite 3, Des Moines, IA 50309, (515) 243–1878.

Department of Justice

EXHIBIT 1

February 8, 1993.

Mayank K. Kothari, M.D.
1221 Center St., #3
Des Moines, Iowa 50309

Re: United States v. Hospital Association of Greater Des Moines, et al.

Dear Dr. Kothari: This letter responds to comments filed by you with the court on November 27, 1992, that have been recently forwarded to us. Your comments raise a number of concerns as to the adequacy of the proposed final judgment in the above-referenced matter. Since we have previously responded to comments submitted by you to the court, I will limit my response to those additional points raised by your filing of November 27, 1992.

Your comments suggest that the proposed final judgement is inadequate because (1) it does not require the hospitals to advertise, (2) it will not have a deterrent effect because the parties did not have to bear the time and expense of a full trial, and (3) the comment period was too short to allow the public to understand fully the case.

As to the first point, the defendants were charged with *jointly* agreeing on the types and amount of advertising they would do. The final judgment precludes them from entering into such collective agreements. The antitrust laws protect the public from competitors acting together to restrain competition. As long as each hospital decides on its own about its advertising budget, the antitrust laws are not violated even if one hospital decides to discontinue all public advertisements. Therefore, the relief you have suggested would be inappropriate given the scope of the statute under which this case was brought.

As to your second point, the relief in the final judgment is the relief that was requested in our complaint. It precludes the parties from continuing their activities or engaging in any similar conduct and requires them to establish an antitrust compliance program that is to be in effect for ten years. In addition, the Court will retain jurisdiction over this matter in order to determine whether there have been any violations of the terms of the judgment. Given the extent of the relief agreed to, a full adjudication of the issues was unnecessary and would have been a poor use of judicial resources.

Finally, the time frame for the public comment period is established by the Antitrust Procedures and Penalties Act, 15 U.S.C. 16 (b) through (h). The time period is to allow the public to comment on the final judgment and its adequacy given the charges contained in the complaint. Given the straightforward nature of the allegations in this case and the proposed final judgment, it appears that 60 days is enough time for the public to evaluate the adequacy of the proposed relief.

As required by the Antitrust Procedures and Penalties Act, your comments and our responses are being filed with the court and published in the **Federal Register**. Ultimately, the court will determine whether the judgment is in the public interest.

I hope that the above explanation helps you better to understand the proposed final judgment. Again, we appreciate your interest in antitrust enforcement and your comments.

Sincerely yours,

Robert E. Bloch,

Chief, Professions & Intellectual Property Section.

Certificate of Service

I, John B. Arnett, Sr., hereby certify that a copy of the United States' Response to Additional Public Comments in United States v. Hospital Association of Greater Des Moines, Inc., et al., Civil Action No. 4–92–70648, was served on the 8th day of February 1993, first class mail, to counsel as follows:

Mark McCormick, Esq., Belin, Harris, McCormick, 2000 Financial Center, Des Moines, Iowa 50309

Gene Olson, Esq., Connolly Law Office, 820 Liberty Building, 418 6th Avenue, Des Moines, Iowa 50309

Norene Jacobs, Esq., Dorsey & Whitney, 801 Grand, Suite 3900, Des Moines, Iowa 50309

Thomas Burke, Esq., Whitfield, Musgrave, 1300 First Interstate Bank Building, Des Moines, Iowa 50309

John Shors, Esq., Davis Hockenberg, 2300 Financial Center, 666 Walnut Street, Des Moines, Iowa 50309

Edgar Hansell, Esq., Nyemaster, Goode, McLaughlin, Voigts, West & O'Brien, 1900 Hub Tower, 699 Walnut Street, Des Moines, Iowa 50309

John B. Arnett, Sr.

[FR Doc. 93–4381 Filed 2–24–93; 8:45 am]

BILLING CODE 4410–01–M

Drug Enforcement Administration

Importer of Controlled Substances; Notice of Registration

By Notice dated December 28, 1992, and published in the **Federal Register** on January 6, 1993 (58 FR 583), Research Biochemicals Inc., One Strathmore Road, Natick, Massachusetts 01760, made application to the Drug Enforcement Administration to be registered as an importer of Morphine (9300), a basic class of controlled substance listed in Schedule II.

No comments or objections have been received. Therefore, pursuant to section 1008(a) of the Controlled Substances Import and Export Act and in accordance with title 21 Code of Federal Regulations 1311.42, the above firm is granted registration as an importer of the basic class of controlled substance listed above.

Dated: February 16, 1993.

Gene R. Haislip,

Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration.

[FR Doc. 93–4319 Filed 2–24–93; 8:45 am]

BILLING CODE 4410–09–M

Federal Bureau of Investigation

Uniform Crime Reporting (UCR) Data Providers' Advisory Policy Board; Meeting

The Advisory Policy Board of the Uniform Crime Reporting (UCR) Program will meet on March 26–27, 1993, from 9 a.m. until 5 p.m., at the Loews Anatole Hotel, 2210 Stemmons Freeway, Dallas, Texas, telephone (214) 748–1200.

The topics to be discussed will include the progress of the National Incident Based Reporting System (NIBRS), the status of the Criminal Justice Information Services Division (CJIS), the advisory groups process in CJIS, and other operational matters.

The meeting will be open to the public on a first-come, first-served basis. Any member of the public may file a written statement with the Board before or after the meeting. Anyone wishing to address a sessions of the meeting should notify the Committee Management Liaison Officer, Mr. David F. Nemecek, Federal Bureau Investigation (FBI), at least 24 hours prior to the start of the session. The notification may be by mail, telegram, cable, or a hand-delivered note. It should contain the name, corporate designation, consumer affiliation, or Government designation, along with a capsulized version of the statement and an outline of the material to be offered. A person will be allowed not more than 15 minutes to present a topic, except with the special approval of the Chairman of the Board.

Inquiries may be addressed to Mr. David F. Nemecek, Inspector-Deputy Assistant Director, CJIS Division, FBI, 10th Street and Pennsylvania Avenue, NW., Washington, DC 20535, telephone (202) 324–8920.

Dated: February 18, 1993.

William S. Sessions,

Director.

[FR Doc. 93–4382 Filed 2–24–93; 8:45 am]

BILLING CODE 4410–02–M

LEGAL SERVICES CORPORATION

Funding Availability for Law School Civil Clinical Programs

AGENCY: Legal Services Corporation.

ACTION: Announcement of funding.

SUMMARY: The Legal Services Corporation (LSC or Corporation) requests proposals for the development or expansion of the Law School Civil Clinical Program (LSCCP) to provide civil legal services to indigent clients for the 1993–94 academic year.

All grants would be issued on a one-time, non-recurring basis pursuant to the authority conferred on LSC by Section 1006(a)(1)(B) of the Legal Services Corporation Act of 1974, as amended. Applicants may request funding in an amount of up to $100,000 per grant and for a term of up to 12 months. LSC expects to announce grant awards in May 1993.

Applicants are hereby notified that the LSC Board of Directors recently voted to reprogram the FY 1993 line item appropriation for law schools and to seek Congressional approval of the reprogramming. Therefore, applicants should be aware that there will be no funds available for the LSCCP in 1993–94 if reprogramming is approved. This solicitation is made in the event Congress does not approve the Corporation's request to reprogram the law school funds. LSC will advise law schools of the final status of the 1993–94 LSCCP as soon as possible.

DATES: Grant proposals must be received by the Office of Field Services by 5 p.m. (EST) on March 26, 1993.

ADDRESSES: Law School Civil Clinical Program, Office of Field Services, Attn: Janice P. White, Legal Services Corporation, 750 First Street, NE., 11th Floor, Washington, DC 20002–4250.

FOR APPLICATIONS OR FURTHER INFORMATION CONTACT: Leslie Q. Russell, Manager, or Janice P. White, Grants Research Analyst, Program Support and Technical Assistance Division, Office of Field Services, (202) 336–8908.

SUPPLEMENTARY INFORMATION: This grant program is designed to provide monetary assistance for expansion or development of law school clinical programs that address the civil legal needs of poor persons. This expansion may include increasing the number of supervising attorneys and participating students, developing new areas of clinical coverage, providing legal services to LSC-eligible clients who are not otherwise receiving legal assistance, developing projects that provide services to underserved segments of the population (e.g., Native American, disabled, homebound, isolated, or rural residents) or filling in the gaps in existing services and resources.

All law schools and consortia of law schools that are currently accredited by the American Bar Association or accredited for purposes of bar admission by the state bar associations of the states in which the law schools are located are eligible to apply. Law schools enrolling primarily minority students are encouraged to apply. Similarly, all types of civil legal clinics will be considered for available 1993–94 LSCCP funding based on their merits. In areas of specialized service delivery, the clinic will be assessed as to whether that specialized service meets an existing legal need within the locality.

Grant proposals are evaluated by an advisory panel composed of experts in clinical programs, staff of legal services programs, and LSC staff. The President of LSC makes all final funding decisions, pursuant to Section 1007(e) of the LSC Act and based on the availability of funds.

Law schools should also be aware that LSC's FY 1994 budget request will not include a request for law school funding for the 1994–95 academic year. Thus, if the LSCCP is funded for FY 1993–94, funded schools should not expect continued funding for the project by the Corporation.

In an effort to address geographic shifts in the nation's poverty population, priority for any available LSCCP funding will be given to applicants whose services are to be provided in areas where the poverty population has increased (based on the 1990 Census). Thus, LSC has eliminated the regional configuration of law schools used in the past. LSC will continue to use its best efforts to encourage nationwide participation and ensure geographic distribution of all available LSCCP funds.

The selection criteria, which will be used to review the proposals, are as follows:

1. Goals and Objectives of Legal Clinic Program Development/Expansion (20%)

The applicant's objectives will be reviewed in terms of the quality of the proposed project, as well as the extent to which they will supplement existing service delivery provided by current LSC field programs. Goals and objectives will be assessed in the context of the amount of funding requested and the clinic's prior LSCCP grant history, if any.

2. Capability of Applicant to Accomplish Objectives (20%)

The proposed project design, management plan, staff level and experience, and clinic structure will be evaluated to determine whether the applicant can accomplish its stated objectives effectively.

3. Potential of Clinic To Respond To Unmet Client Needs (25%)

In light of the shifts of poverty population, proposals will be reviewed to determine the extent to which proposed clinical services can respond to increased client need in areas that have experienced an increase in poverty population without a commensurate increase in available resources.

4. Reasonableness of Costs in Relation To LSCCP Objectives and University Commitment to the LSCCP Objectives (20%)

(a) The extent to which the applicant has or will be able to obtain substantial non-federal support for its LSCCP project;

(b) The extent to which the costs and expenses set forth in budget submissions appear reasonable;

(c) The extent of in-kind contributions from the university to the project;

(d) The extent to which the university's funding levels for the proposed project will be maintained or increased beyond the grant term; and

(e) The extent to which the applicant can demonstrate a commitment to continued funding of the proposed project for at least one academic year beyond the expiration of the LSCCP grant term.

5. Community Support (15%)

Community support will be measured by the extent of the cooperative effort or relationship maintained between the applicant and LSC-funded field programs, local courts and bar associations.

Dated: February 19, 1993.

Ellen J. Smead,

Director, Office of Field Services.

[FR Doc. 93–4392 Filed 2–24–93; 8:45 am]

BILLING CODE 7050–01–M

NATIONAL ADVISORY COUNCIL ON THE PUBLIC SERVICE (NACPS)

Meetings

CHANGE: Time and Agenda.

SUMMARY: The meeting of the National Advisory Council on Public Service scheduled for Monday, March 15, 1993, Dupont Plaza Hotel, 1500 New

Hampshire Avenue, NW., Washington, DC which was published in the **Federal Register**, February 19, 1993, has changed its meeting time from 9 a.m. to 9:30 a.m. and the agenda will be as follows:

9:30 a.m.–10:30 a.m.
Executive Session (Closed)
10:30 a.m.–10:45 a.m.
Break
Status of the remainder of the meeting: Open
10:45 a.m.–11:45 a.m.
Presentation by Mark Abramson, President, The Council for Excellence in Government
12:00 Noon–1:15 p.m.
Members Only Working Lunch
Presenter: Dr. Paul Lorentzen, University of Southern California
1:30 p.m.–2:30 p.m.
Council Business
- Summary of February public hearing
- Review of Committee Activities to date
- Selection of publications committee

2:30 p.m.–3 p.m.
Public Comment
3 p.m.
Adjournment
3:30 p.m.–5 p.m.
Focus Group on the public image of the Federal Workforce sponsored by the NACPS Public Understanding Committee.

FOR FURTHER INFORMATION CONTACT: Jane Riddleberger, NACPS, suite 420, National Press Building, 529 14th Street, NW., Washington, DC 20045 (202–724–0796).

Dated: February 22, 1993.

Jean M. Curtis,

Executive Director.

[FR Doc. 93–4327 Filed 2–24–93; 8:45 am]

BILLING CODE 7525–01–M

NATIONAL SCIENCE FOUNDATION

Alan T. Waterman Award Committee; Notice of Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation announces the following meeting:

Date and Time: Monday, March 15, 1993; 9 a.m.—3 p.m.

Place: Room 543, National Science Foundation, 1800 G Street, NW., Washington, DC.

Type of Meeting: Closed.

Contact Person: Mrs. Susan E. Fannoney, Executive Secretary, room 545, National Science Foundation, 1800 G Street, NW., Washington, DC 20550. Telephone: 202/357–7512.

Purpose of Meeting: To provide advice and recommendations in the selection of the Alan T. Waterman Award recipient.

Agenda: To review and evaluate nominations as part of the selection process for awards.

Reason for Closing: The nominations being reviewed include information of a personal nature where disclosure would constitute unwarranted invasions of personal privacy. These matters are exempt under 5 U.S.C. 552b(c)(6) of the Government in the Sunshine Act.

Dated: February 22, 1993.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 93–4329 Filed 2–24–93; 8:45 am]

BILLING CODE 7555–01–M

Special Emphasis Panel in Biological Instrumentation and Resources; Notice of Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation announces the following meeting:

Date and Time: Monday, March 15, 1993; 8:30 am–6 pm Tuesday, March 16, 1993; 8:30 am–12 noon.

Place: Room 540, National Science Foundation, 1800 G St., NW., Washington, DC 20550.

Type of Meeting: Open.

Contact Person: Dr. Peter W. Arzberger, Program Director, Biological Instrumentation and Resources, room 312, National Science Foundation, 1800 G St. NW., Washington, DC 20550. Telephone: (202) 357–7652.

Minutes: May be obtained from the contact person listed above.

Purpose of Meeting: To discuss issues related to Computational Biology.

Agenda: To discuss topics related to Computational Biology and to draft summary of discussion.

Dated: February 22, 1993.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 93–4328 Filed 2–24–93; 8:45 am]

BILLING CODE 7555–01–M

SECURITIES AND EXCHANGE COMMISSION

[Rel. No. IC–19274; 812–7885]

ICOS Corporation; Notice of Application

February 18, 1993.

AGENCY: Securities and Exchange Commission ("SEC").

ACTION: Notice of application for an Order under the Investment Company Act of 1940 (the "Act").

APPLICANT: ICOS Corporation.

RELEVANT ACT SECTIONS: Order requested under section 3(b)(2).

SUMMARY OF APPLICATION: Applicant seeks an order under section 3(b)(2) declaring that it is engaged primarily in a business other than that of investing, reinvesting, owning, holding, or trading in securities.

FILING DATE: The application was filed on March 5, 1992, and amendments thereto were filed on October 26, 1992, and December 22, 1992.

HEARING OR NOTIFICATION OF HEARING: An order granting the application will be issued unless the Commission orders a hearing. Any interested person may request a hearing by writing to the SEC's Secretary and serving applicant with a copy of the request, personally or by mail. Hearing requests should be received by the SEC by 5:30 p.m. on March 15, 1993, and should be accompanied by proof of service on applicant, in the form of an affidavit or, for lawyers, a certificate of service. Hearing requests should state the nature of the writer's interest, the reason for the request, and the issues contested. Persons who wish to be notified of a hearing may request notification by writing to the SEC's Secretary.

ADDRESSES: Secretary, SEC, 450 Fifth Street, NW., Washington, DC 20549. Applicant, 22021 20th Avenue S.E., Bothell, Washington 98021.

FOR FURTHER INFORMATION CONTACT: John V. O'Hanlon, Staff Attorney, at (202) 272–3922, or Nancy M. Rappa, Branch Chief, at (202) 272–3030 (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 at the SEC's Public Reference Branch.

Applicant's Representations

1. ICOS is a development stage biopharmaceutical company incorporated in Delaware. ICOS researches and develops medications to treat diseases for which there currently is no effective treatment. In June 1991, ICOS completed an initial public offering. Based upon the NASDAQ price of its stock and the number of shares outstanding, ICOS had a market valuation of approximately $140 million at the time the application was filed.[1]

[1] ICOS had a market valuation of approximately $189 million as of January 27, 1993.

ICOS is a reporting company under the Securities Exchange Act of 1934, and has no subsidiaries.

2. ICOS currently has no drug products approved for commercial use and, as a result, has no revenue from drug sales. Nonetheless, ICOS requires substantial amounts of working capital to fund drug research and development and the preclinical and clinical trials required by the government approval process for therapeutic drugs. Like other development stage companies in its industry, ICOS has provided for its current and future working capital through private and public stock offerings, and has raised approximately $90 million to date. ICOS has invested the proceeds of its offerings in securities to preserve such proceeds pending their use in funding losses incurred in ICOS' research and development programs.

3. Throughout its existence, ICOS has been engaged primarily in the business of researching and developing applications of its technology. Since beginning operations in September 1990, ICOS has recruited recognized scientists and management experienced in the biotechnology industry, invested in the laboratory facilities and equipment to conduct its current research and development programs, and established strategic collaborative and joint research agreements with leading corporate and academic organizations.

4. ICOS' current research is focused on chronic inflammatory diseases. ICOS is using a combination of scientific approaches to understand the molecular and cellular basis of inflammation and to translate that understanding into effective treatments for asthma, multiple sclerosis, and rheumatoid arthritis. Human proteins discovered by ICOS may be useful directly as therapeutics or may lead to the discovery of nonbiological therapeutics, enabling their use in a broader array of acute and chronic illnesses.

5. ICOS employs a team of veteran scientists who combine experience in genetic engineering, cell biology, and chemistry, as well as a senior management team experienced in operating biopharmaceutical companies. An additional 29 full-time employees support the company's research and development programs administratively. ICOS has 129 full-time employees, 44 of whom hold doctorate degrees.

6. ICOS' administrative offices and research laboratories are located in a 50,000-square-foot building in Bothell, Washington. ICOS currently occupies 80% of this facility and is in the process of making improvements in the remaining space, which are expected to be completed in early 1993. Upon completion of the current expansion, 80% of ICOS' space will be dedicated to laboratory facilities and offices for scientists. As of June 30, 1992, ICOS has invested directly or through capital leases over $2.9 million in equipment used directly in research and development programs, and recently acquired an additional $4.2 million in furniture, equipment, and leasehold improvements to support operations.

7. ICOS currently has no products approved for commercial use and has received no revenue from the sale of any product. Due to both competitive pressures and the need to quickly alleviate human suffering from disease, ICOS has sought to accelerate its drug development efforts by directing as much of its cash resources as practicable on research and development of its technology. As is typical of development stage biopharmaceutical companies, ICOS has operated at a loss, and expects to do so for the next several years while potential products are developed, tested, and approved for sale. During the development stage, ICOS' expenditures on research and development have been funded principally by depleting its equity capital, by interest earned on the proceeds from its offerings, and, to a lesser extent, by revenues received under collaborative research arrangements and government grants.

8. ICOS requires substantial amounts of working capital to fund drug research and development and the preclinical and clinical trials required by the government approval process for therapeutic drugs, significant portions of which already have been used to fund ICOS' programs and to acquire laboratory facilities and equipment. Of the approximately $90 million in net proceeds received by ICOS from its offerings of common stock, approximately $16.5 million has been used during the period from incorporation through June 30, 1992 to fund operations, purchase furniture and equipment, and expand laboratory space, and approximately $73 million remained available as of June 30, 1992. The majority of ICOS' expenses were for research and development. The aggregate expenses for investment advisory and management activities, investment research and selection, and supervisory and custodial fees and expenses, as determined in accordance with generally accepted accounting principles, incurred by ICOS for the four fiscal quarters ended September 30, 1992, accounted for less than one percent of ICOS' total expenses.

9. ICOS expects that over the next three years, it will continue to use the funds its has raised to date, plus funds received from collaborative research agreements and government grants, to fund the cash requirements of its research and development operations and to expand its laboratory facilities and equipment. During that period, ICOS does not anticipate meaningful revenues from product sales. ICOS intends to use its existing capital, together with the interest income it generates and revenues from collaborative agreements and government grants, to support research and development, capital expenditures, and working capital requirements through at least the mid-1990s.

10. ICOS has invested the proceeds of its offerings in short-term Government and commercial debt securities pending the application of such proceeds to its research and development programs and capital expenditures. ICOS invests in such instruments to preserve capital while providing a reasonable return and avoiding unreasonable risk.

11. As of June 30, 1992, ICOS' balance sheet reflects total assets of approximately $83 million. Based on financial statements dated June 30, 1992 (exhibit E to the application), ICOS has investments in securities totalling in excess of $75 million, of which approximately $19 million consisted of Government securities.

12. Based upon the statements of operations contained in the prospectus dated April 17, 1992 (attached as exhibit A to the application) and Form 10–Q (attached as exhibit E to the application), in the 1989 ICOS' total operating expenses were approximately $360,000, all of which were general and administrative expenses. In 1990, ICOS' total operating expenses were approximately $4.0 million. Of this amount, $2.6 million, or 65%, were research and development expenses, and the balance were general and administrative expenses. In 1991, ICOS' total operating expenses were approximately $10.2 million. Of this amount, $7.7 million, or 76%, were research and development expenses, and the balance were general and administrative expenses. Finally, in the first six months of 1992, ICOS' total operating expenses were approximately $6.2 million. Of this amount, $4.8 million, or 77%, were research and development expenses, and the balance were general and administrative expenses.

13. ICOS derives most of its income from interest on its securities. For the quarter ended September 30, 1992, investment revenues accounted for

approximately 67% of ICOS' total revenues, and investment revenues from the previous three quarters exceeded 50% of total revenues.

Applicant's Legal Analysis

1. Under section 3(a)(1), an issuer is a *prima facie* investment company if it "is or holds itself out as being engaged primarily * * * in the business of investing, reinvesting, or trading in securities."

2. Under section 3(a)(3), an issuer is a *prima facie* investment company if it "is engaged or proposes to engage in the business of investing, reinvesting, owning, holding, or trading in securities, and owns or proposes to acquire investment securities having a value exceeding 40 per centum of the value of such issuer's total assets (exclusive of Government securities and cash items) on an unconsolidated basis." Section 3(a) defines "investment securities" to include all securities except Government securities, securities issued by employees' securities companies, and securities issued by majority-owned subsidiaries of the owner which are not investment companies.

3. ICOS has always been engaged primarily in the business of developing biopharmaceutical products, and is not an investment company as defined in the Act. As a result of ICOS' holdings in investment securities on June 30, 1992, ICOS falls within the 40% test set forth in section 3(a)(3) and, thus, ICOS could be deemed to be an investment company pursuant to that section.

4. At times, ICOS has had significant amounts invested in U.S. Treasury bills, which would be considered "Government securities" as defined in section 2(a)(16) of the Act and, thus, excluded from the definition of "investment securities" in section 3(a)(3).[2] These funds, however, since have been invested in other instruments which could be viewed as investment securities. ICOS' net after-tax yield on U.S. Treasury bills is significantly less than the average return available to ICOS from other short-term investments.

5. ICOS has never intended to be nor held itself out as being in the business of investing, reinvesting, owning, holding, or trading in securities, and it has no intention of doing so in the future. ICOS' business activities to date have been researching and developing medications to treat diseases and its intention is to continue to engage in that business. As a result, ICOS believes that it is not an investment company within the meaning of the Act pursuant to section 3(b)(1). Section 3(b)(1) provides that notwithstanding section 3(a)(3), any issuer engaged primarily, directly or through a wholly-owned subsidiary or subsidiaries, in a business or businesses other than that of investing, reinvesting, owning, holding, or trading in securities, is not an investment company.

6. ICOS is concerned, however, that the issue may not be entirely free from doubt or could be subject to challenge. So that it may continue its operations and effectuate its plans without delay, interruption, or challenge, ICOS requests a Commission order under section 3(b)(2) of the Act that it is engaged primarily in a business other than that of investing, reinvesting, owning, holding, or trading in securities, to wit, the business of developing medications for the treatment of chronic inflammatory diseases.

7. Section 3(b)(2) provides that notwithstanding section 3(a)(3), "any issuer which the Commission, upon application by such issuer, finds and by order declares to be primarily engaged in a business or businesses other than that of investing, reinvesting, owning, holding, or trading in securities either directly or (A) through majority-owned subsidiaries or (B) through controlled companies conducting similar types of businesses, is not an investment company."

8. In determining whether a company is "primarily engaged" in a non-investment company business for purposes of section 3(b)(2), the Commission has considered the following factors: (a) the company's historical development; (b) its public representations of policy; (c) the activity of its officers and directors; (d) the nature of its present assets; and (e) the sources of its present income. Tonopah Mining Company of Nevada, 26 S.E.C. 426, 427 (1947).

9. ICOS submits that its historical development, its public representations of policy, the activities of its officers and directors, the nature of its assets, and the nature of its income demonstrate that applicant is not engaged primarily in the business of investing, reinvesting, owning, holding, or trading in securities within the meaning of section 3(b)(2).

10. During its brief history, ICOS' efforts have been devoted solely to developing medications for the treatment of chronic inflammatory diseases. ICOS was formed for this purpose in 1989 and all activities since inception have been devoted to this purpose. After closing its first private placement, ICOS hired its scientific staff and has been involved continuously and primarily in the business of researching and developing biopharmaceutical drug products.

11. ICOS consistently has represented in its prospectuses, reports to stockholders, press releases, and filings with the Commission that it is involved in the biopharmaceutical business. In fact, ICOS has never made any public representation that would indicate that it is in any business other than biopharmaceutical research. Press releases and written communications issued by ICOS have related primarily to recent events regarding ICOS' operations and research and development.

12. In addition, all of ICOS' officers devote substantially all their time to its business of developing pharmaceutical products. ICOS has retained Wells Fargo Bank, an outside money management firm, to manage its investment portfolio. Of ICOS' 129 full-time employees, only two devote an average of less than four hours each per month to ICOS' investment process, reviewing and reconciling bank statements and preparing accounting entries. The involvement of ICOS' board of directors in ICOS' investment process has been limited to establishing policies of preserving capital and obtaining a reasonable return while avoiding unreasonable risk to capital. As indicated above, the aggregate expenses for investment advisory and management activities, investment research and selection, and supervisory and custodial fees and expenses incurred by ICOS for the four fiscal quarters ended September 30, 1992, accounted for less than one percent of ICOS' total expenses.

13. As of September 30, 1992, ICOS had investable assets (cash and short-term investments not otherwise unencumbered) of approximately $68 million, representing approximately 86% of total assets. The high percentage of its assets held in securities results from the nature of ICOS' business. Like other emerging companies in the industry, ICOS requires large amounts of working capital due to the substantial capital requirements for product research and development, the long lead time before products are commercialized, and the lengthy government approval process for pharmaceutical products. ICOS is legally prohibited from commercializing its products pending the completion of the government approval process, which usually takes several years. The average

[2] In the application, ICOS uses a broader definition of investment securities. In this notice, all references to investment securities refer to the term as defined in section 3(a).

cost to develop, conduct preclinical and clinical trials, and bring a drug to market exceeds $200 million. Given such requirements, ICOS seeks to raise capital whenever market conditions are favorable. Moreover, ICOS' assets must be relatively liquid to permit ICOS to use the assets as needed in operations. The maintenance of adequate cash reserves is of critical importance to ICOS' ongoing product research and development activities and requires obtaining reasonable returns on short-term investments. ICOS' programs are subject to substantial fluctuation depending upon the results of ICOS' scientific inquiry.

14. ICOS holds, and will continue to hold, investment securities solely for capital preservation purposes, and not for speculative purposes, pending the application of capital to ICOS' current and future operations. ICOS anticipates that as potential products are commercialized, accounts receivable and inventory will become a larger component of total assets.

15. ICOS receives a substantial portion of its revenues from interest income. Investment revenues as a percentage of total revenues are high because ICOS is in the development stage and does not generate significant revenues from operations. However, the most significant indication that its primary business is developing medications for the treatment of chronic inflammatory diseases is that ICOS' expenditures on research and development exceed by a large proportion the revenues ICOS receives from interest on its invested capital. ICOS does not expect to have meaningful revenues from product sales or royalties for at least several more years and expects that its cash expenditures during that period will continue to substantially exceed its revenues from research projects and interest income. In fact, since inception in 1989 through December 31, 1991, ICOS has incurred a net loss of $9.5 million; ICOS' operating loss during that period was $13.8 million with 75% of the operating loss representing research and development expense to pursue development of medications for the treatment of chronic inflammatory diseases. Until its products become approved for commercialization, ICOS must rely upon use of its invested capital and the interest income therefrom to support its programs.

16. ICOS is depleting its cash reserves to fund the losses inherent at this stage of its drug development business. ICOS anticipates, based on current estimates of revenues, that the aggregate amount of cash, cash equivalents, and investment securities it holds will be depleted in 1995, with some exceptions. Competitive conditions, together with funding commitments under ICOS' agreements with strategic partners, ensure ICOS' continued use of its cash resources in excess of interest earned on short-term investments.

By the Commission.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 93–4321 Filed 2–24–93; 8:45 am]

BILLING CODE 8010–01–M

[Rel. No. IC–19275; 812–7927]

Notice of Application; United International Holdings, Inc.

February 18, 1993.

AGENCY: Securities and Exchange Commission (the "SEC").

ACTION: Notice of Application for an Order under the Investment Company Act of 1940 (the "Act").

APPLICANT: United International Holdings, Inc.

RELEVANT 1940 ACT SECTION: Order requested under section 3(b)(2) of the Act.

SUMMARY OF APPLICATION: Applicant seeks an order declaring that it is engaged primarily in a business other than that of investing, reinvesting, owning, holding, or trading in securities.

FILING DATES: The application was filed on May 26, 1992 and amended on October 13, 1992 and January 26, 1993.

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 applicant with a copy of the request, personally or by mail. Hearing requests should be received by the SEC by 5:30 p.m. on March 18, 1993, and should be accompanied by proof of service on applicant, in the form of an affidavit or, for lawyers, a certificate of service. Hearing requests should state the nature of the writer's interest, the reason for the request, and the issues contested. Persons who wish to be notified of a hearing may request notification by writing to the SEC's Secretary.

ADDRESSES: Secretary, SEC, 450 Fifth Street NW., Washington, DC 20549. Applicant, 4643 South Ulster Street, suite 1300, Denver, Colorado 80237.

FOR FURTHER INFORMATION CONTACT: Fran M. Pollack-Matz, Senior Attorney, (202) 504–2801 or Nancy M. Rappa, Branch Chief, (202) 272–3030 (Office of Investment Company Regulation).

SUPPLEMENTARY INFORMATION: Following is a summary of the application. The complete application is available for a fee at the SEC's Public Reference Branch.

Applicant's Representations

1. United International Holdings, Inc. ("United International") was incorporated under the laws of Delaware in 1989. United International's parent, United International Holdings ("UIH"), a Colorado general partnership, also was formed in 1989.

2. United International provides multi-channel television services to households outside the United States and Canada. Authorizations for systems now operated by United International cover over 1.8 million homes. Those systems now serve over 740,000 active subscribers and are located in Hungary, Ireland, Israel, Norway, Malta and Sweden. Multi-channel television systems include cable television, multi-channel multi-point distribution services ("MMDS"), and direct broadcast satellite systems.

3. Until recently, United International conducted its business activities with its parent, UIH. UIH recently transferred all its assets relating to the multi-channel television business to United International. References herein to United International also include United International's wholly-owned subsidiaries.

4. United International actively pursues opportunities to develop and operate multi-channel television systems outside the United States and Canada together with financial and strategic partners. Its financial and strategic partners in projects undertaken to date are Tele-Communications, Inc. ("TCI"), Time Warner, Inc. ("Time Warner"), and US West, Inc. ("US West").

5. Currently, United International holds the majority of its assets in two general partnerships, United Communications International ("UCI") and United International Investments ("UII"). UCI is a Colorado general partnership between United International and Tele-West Europe Group, a Colorado general partnership between wholly-owned subsidiaries of US West and TCI ("Tele-West"). UCI owns interests in cable television systems in Hungary, Norway, and Sweden. UII, a Colorado general partnership between United International and a wholly-owned subsidiary of TCI, owns interests in multi-channel television systems in Ireland and Israel and is acquiring

United International's interest in a multi-channel television system in Malta. UCI and UII together are referred to as the "Partnerships."

6. UIH and a wholly-owned subsidiary of US West formed UCI in 1990 and initially agreed to contribute 10 percent and 90 percent, respectively, of UCI's capital. UIH transferred its entire interest in UCI to United International, effective December 31, 1992. US West transferred its interest in UCI to Tele-West in early 1992. UCI's original agreed capital was funded some time ago. Tele-West has provided additional capital to UCI, which has resulted in a corresponding increase in its economic interest in UCI. No changes were made in the management of UCI.

7. UCI owns an 86 percent interest in the shares of NorKabel A/S ("NorKabel"). NorKabel, through wholly-owned subsidiaries, owns and operates 13 cable television systems in Norway, making it Norway's second largest cable television operator. UCI owns an approximate 26 percent interest [1] in two "sister" corporations, Swedish Cable & Dish AB and SCD Invest AB (collectively, "SCD"). SCD through an operating subsidiary owns a number of local limited partnerships that hold contracts with local housing companies for the provision of multi-channel television services. The SCD subsidiary is the general partner and owns the majority interest (typically 80 percent) in the local partnerships. UCI also owns an approximate 50 percent interest in the Kabelkom Group, two general partnerships that directly or indirectly through a wholly-owned subsidiary own a 50 percent or greater interest in a number of operating companies providing multi-channel television services in Hungary. A wholly-owned subsidiary of Time Warner owns the remaining interest in the Kabelkom Group.

8. United International and a wholly-owned subsidiary of TCI formed UII in 1991. UII owns interests in multi-channel television systems in Israel and Ireland and is acquiring United International's interest in a multi-channel television system in Malta. United International currently has a 50 percent interest in the profits and losses of UII with respect to Israel, a 44.44 percent interest with respect to Ireland, and anticipates having a 50 percent interest with respect to Malta.

[1] A portion of the UCI interest in SCD is held in the form of debentures that are immediately convertible into shares of SCD. The 26 percent interest assumes conversion of substantially all debentures held by UCI and the other stockholders of SCD. UCI's interest in each SCD sister company exceeds 25 percent.

9. UII, indirectly through wholly-owned subsidiaries, owns a 46.55 percent interest in Tevel Israel International Communications, Ltd. ("Tevel"), a cable television operator in Israel. UII owns a 98 percent interest [2] in a Utah limited liability company that holds a 90 percent general partner interest in a Colorado limited partnership, which in turn holds a 50 percent voting interest in Princes Holdings, Ltd. ("Princes"), an Irish corporation. Princes, through three wholly and majority-owned subsidiaries, owns established cable television and MMDS systems in Ireland.

10. United International, indirectly through its beneficial ownership of Melita Partnership, a Colorado general partnership, and Melita Cable Holdings Limited ("Melita Holdings"), a Maltese limited liability company, which is the other partner in the partnership, owns an approximate 71 percent interest in Melita Cable TV Limited ("Melita"), an operating company currently developing a system to provide cable television services in Malta. In particular, UCI owns a 50 percent interest in Melita Partnership and an approximate 42 percent interest in Melita Holdings, which holds the other 50 percent interest in Melita Partnership. It is anticipated that UII will acquire the 70 percent interest in Melita from United International.

Applicant's Legal Analysis

1. Under section 3(a)(3), an issuer is an investment company if it "is engaged or proposes to engage in the business of investing, reinvesting, owning, holding, or trading in securities, and owns or proposes to acquire investment securities having a value exceeding 40 per centum of the value of such issuer's total assets (exclusive of Government securities and cash items) on an unconsolidated basis."

2. United International is engaged primarily in the multichannel television business directly and through majority-owned subsidiaries and controlled companies and is not in the business of investing, reinvesting, or trading in securities.

3. United International believes it should not be an investment company within the meaning of section 3(a) since the principal assets it owns are general partnership interests, not securities, within the meaning of the Act.

4. The Partnerships likewise should not be considered investment companies under the Act because neither Partnership has issued any securities or has any interest outstanding that could constitute a security other than its general partnership interests. The partners of UCI and UII each retain ultimate control over their investments through participation on the management committees of UCI and UII. A company that does not issue securities cannot be an "issuer" as defined in section 2(a)(22) of the Act. Even if the Partnerships were treated as having issued securities, then neither Partnership would be an investment company within the meaning of the Act by virtue of section 3(c)(1).[3] However, if United International increases the number of beneficial owners of its securities in a public offering or other financing, then the exclusion under section 3(c)(1) would not be available to the Partnerships.[4]

5. Although the Partnerships may not be issuers and, therefore, United International may not be engaged in the business of investing in securities, United International is concerned that its structure could be viewed as an indirect mechanism to invest in the operating companies. The operating companies (other than the one located in Malta) would not be majority-owned subsidiaries; therefore, United International's interest in those securities would be "investment securities" under the Act and United International would own investment securities having a value exceeding 40 percent of the value of its total assets. United International thus could fall within the definition of investment company under section 3(a)(3) of the Act. Moreover, if the Partnerships were issuers, the Partnerships might be *prima facie* investment companies under section 3(a)(3) due to the nature of their holdings. To clarify its status under the Act, United International requests an order under section 3(b)(2).

6. Notwithstanding section 3(a)(3) of the Act, the SEC may, pursuant to

[2] The remaining 2 percent interest in the Utah company is owned directly by United International and the TCI subsidiary.

[3] Section 3(c)(1) excludes from the definition of investment company an issuer "whose outstanding securities (other than short-term paper) are beneficially owned by not more than one hundred persons and which is not making and does not presently propose to make a public offering of its securities." Neither UIH nor United International currently is an investment company by virtue of section 3(c)(1). Approximately 76 persons, including those holding interests in two family partnerships, beneficially own interests in UIH, as determined in accordance with section 3(c)(1).

[4] Applicant states that "[a]lmost any type of financing by United International (*e.g.*, a public offering or a private placement with more than 24 new investors) could render section 3(c)(1) unavailable to [United International]." Application at 4.

section 3(b)(2), issue an order declaring an issuer to be primarily engaged in a business or businesses other than that of investing, reinvesting, owning, holding, or trading in securities either directly, through majority-owned subsidiaries, or through controlled companies conducting similar types of businesses.

7. In determining whether a company is engaged primarily in a non-investment company business under section 3(b)(2), the SEC considers certain factors; *i.e.*, the company's historical development, its public representations of policy, the activities of its officers and directors, and, most importantly, the nature of its assets and the sources of its income. *See* Tonopah Mining Company of Nevada, 26 S.E.C. 426 (1947).

8. United International's historical development indicates that it is and has been engaged in a non-investment company business. United International's business is, and will continue to be, the pursuit of opportunities to develop and operate multi-channel television systems outside the United States and Canada. United International first identifies and pursues cable and other multi-channel television opportunities by obtaining rights to acquire and develop the systems and then identifying local partners to satisfy any local legal requirements and to provide additional capital and helpful understanding and relationships for the local market. United International maintains significant control of the operating companies and provides management or consulting services, either alone or with financial and strategic partners. United International is pursuing development opportunities in multi-channel television and similar businesses. It has identified additional development opportunities in multichannel television in Europe and the Far East; in some cases, United International is primarily responsible for pursuing those opportunities, in others, it is doing so with financial, strategic, and local partners.

9. United International is not publicly owned and, thus, is not subject to the periodic reporting requirements of the Securities Exchange Act of 1934. However, United International has always held itself out to those with which it does business as being directly and actively involved in the multi-channel television business worldwide. Any representations of policy have been consistent with that view; neither UIH nor United International has made any public representations to the effect that it is engaged in the business of an investment company.

10. United International's management is actively involved in operating the companies in which it has an interest, and has extensive experience in all aspects of multi-channel television operations. Management devotes substantial time to serving on boards of directors or their equivalent of its operating companies and in carrying out its obligations under management or consulting agreements with operating companies. Under those agreements, United International provides technical advice and consulting services to the operating companies in which it has invested.

11. As of November 30, 1992, United International had 60 full-time employees (including its executive officers), of whom 24 were engaged primarily in the management and oversight of operating companies or were seconded to operating companies as full time employees, 13 were primarily engaged in new business development, two were primarily engaged in obtaining financing for operating companies (and to a lesser extent United International) and 21 were engaged in corporate administration (including secretarial and other support to those engaged in United International's other activities). Bernard G. Dvorak, an executive officer, is responsible for overseeing United International's investments, other than those investments in controlled companies through which United International's business is conducted. As almost all of United International's investments (other than in controlled companies) currently consist of temporary investment of funds pending their use in business, Mr. Dvorak devotes only a fraction of his time to managing such investments.

12. United International estimates that practically none of management's time is devoted to consideration of investment issues unrelated to its investments in operating companies, and that about 30 percent of management time is devoted to considering issues relating to its holdings in operating companies. Management's responsibilities unrelated to actual cable operations and the pursuit of new business consist of maintaining partner relations, including those with TCI, US WEST, and Time Warner (as well as local partners), obtaining financing for both United International and operating companies, maintaining relations with United International's own investors and corporate administration, including financial reporting and tax compliance. United International does not engage in the trading of securities for short-term speculative purposes or for purposes of investment.

13. As of November 30, 1992, 16.6% and 72% [5] of United International's assets consisted of ownership of UCI and UII, respectively.[6] Thus, for the past four fiscal quarters, excluding securities issues by controlled companies, 1.3% of United International's total assets has been represented by securities other than government securities and securities issued by majority-owned subsidiaries. Moreover, substantially all of United International's total net loss for each of the last four fiscal quarters is attributable to operating losses. The foregoing financial information is derived from unaudited financial statements of United International being prepared on a basis that combines the portion of UIH's assets and business being transferred to United International with those of United International as though such transfer had been completed prior to the period to which the statements relate.

14. United International is primarily engaged in multichannel television business and related businesses directly, through wholly-owned subsidiaries, and through controlled companies, all of which engage in the multi-channel television business or a similar type of business. The control analysis is a two-step process. United International controls the Partnerships, which in turn control the operating companies in which they have an interest. United International controls both Partnerships because it appoints one-half of the members of the management committee

[5] The value of United International's assets is computed in accordance with section 2(a)(41) of the Act. In accordance with such section, the value of securities held as of the end of the last preceding fiscal quarter for which market quotations are readily available is market value as of such date and the value of all other securities and assets owned as of the end of the last preceding fiscal quarter is fair value at the end of such quarter as determined in good faith by United International's board of directors.

[6] The analysis of United International's assets and income is derived from rule 3a–1 under the Act, except that, consistent wit section 3(b)(2), the assets of, and the income from, controlled companies are treated the same as those of majority-owned subsidiaries. Rule 3a–1 provides that, notwithstanding section 3(a)(3), an issuer is not an investment company provided that no more than 45% of the value of the issuer's total assets (exclusive of Government securities and cash items) consists of and no more than 45% of its net income after taxes (for the last four fiscal quarter combined) is derived from, securities, other than government securities, and securities issued by companies which are controlled primarily by the issuer, through which the issuer engages in a business other than that of investing in securities, and which are not investment companies. The Division notes that the United International may not be able to rely on rule 3a–1 because United International may not control primarily either the Partnerships or the operating companies.

of each Partnership and all actions require the affirmative vote of at least one United International representative. United International also serves as managing partner of each Partnership, therefore, influencing how management committee decisions are implemented.[7]

15. UCI and UII presumptively control the operating companies in which they have an interest through beneficial ownership of more than 25 percent of the voting securities of those operating companies. UCI and UII also exercise a controlling influence over the management and policies of the operating companies through representation on boards of directors or their equivalent, through shareholder and other voting agreements and through the provision of management and consulting services to the operating companies.

16. United International's structure is required because of foreign laws affecting investment in telecommunications, the practical need to work with local partners familiar with local markets, practices and customs, and the need to obtain capital from financial and strategic partners. In many cases, foreign governmental regulations require a minimum ownership or voting interest by local partners. Substantial capital requirements for developing cable and other multi-channel television systems has necessitated pursing opportunities in conjunction with others who primarily contribute to the financial requirements of the project.

For the SEC, by the Division of Investment Management, under delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 93–4401 Filed 2–24–93; 8:45 am]

BILLING CODE 8010–01–M

SELECTIVE SERVICE SYSTEM

Form Submitted to the Office of Management and Budget for Extension of Clearance

The following form, to be used only in the event that inductions into the armed services are resumed, has been submitted to the Office of Management and Budget (OMB) for the extension of clearance in compliance with the Paperwork Reduction Act (44 U.S. chapter 35):

SSS–9

Title: Registrant Claim Form.

Purpose: Is used to submit a claim for postponement of induction or a different classification.

Respondents: Registrants filing claims for either postponement or reclassification.

Frequency: One-time.

Burden: The reporting burden is five minutes or less per individual.

Copies of the above identified form can be obtained upon written request to Selective Service System, Reports Clearance Officer, Washington, DC 20435.

Written comments and recommendations for the purposed extension of clearance of the form should be sent within 60 days of publication of this notice to Selective Service System, Reports Clearance Officer, Washington, DC 20435.

A copy of the comments should be sent to the Office of Information and Regulatory Affairs, Attention: Desk Officer, Selective Service System, Office of Management and Budget, New Executive Office Building, room 3235, Washington, DC 20503.

Dated: February 16, 1993.

Robert W. Gambino,

Director.

[FR Doc. 93–4312 Filed 2–24–93; 8:45 am]

BILLING CODE 8015–01–M

SMALL BUSINESS ADMINISTRATION

Reporting and Recordkeeping Requirements Under OMB Review

ACTION: Notice of reporting requirements submitted for review.

SUMMARY: Under the provisions of the Paperwork Reduction Act (44 U.S.C. chapter 35), agencies are required to submit proposed reporting and recordkeeping requirements to OMB for review and approval, and to publish a notice in the **Federal Register** notifying the public that the agency has made such a submission.

DATES: Comments should be submitted by March 29, 1993. If you intend to comment but cannot prepare comments promptly, please advise the OMB Reviewer and the Agency Clearance Officer before the deadline.

COPIES: Request for clearance (S.F. 83), supporting statement, and other documents submitted to OMB for review may be obtained from the Agency Clearance Officer. Submit comments to the Agency Clearance Officer and the OMB Reviewer.

FOR FURTHER INFORMATION CONTACT:

Agency Clearance Officer: Cleo Verbillis, Small Business Administration, 409 3rd Street, SW., 5th Floor, Washington, DC 20416, Telephone: (202) 205–6629.

OMB Reviewer: Gary Waxman, Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Washington, DC 20503.

Title: Portfolio Financing Report.

SBA Form No: SBA Form 1031.

Frequency: On Occasion.

Description of Respondents: Small Business Investment Companies.

Annual Responses: 2,100.

Annual Burden: 525.

Cleo Verbillis,

Chief, Administrative Information Branch.

[FR Doc. 93–4385 Filed 2–24–93; 8:45 am]

BILLING CODE 8025–01–M

Interest Rates; Quarterly Determinations

AGENCY: Small Business Administration.

ACTION: Notice of interest rate.

SUMMARY: Pursuant to 13 CFR 108.503–8(b)(4), the maximum legal interest rate for a commercial loan which funds any portion of the cost of a project (see 13 CFR 108.503–4) shall be the greater of 6% over the New York prime rate or the limitation established by the constitution or laws of a given State. For a fixed rate loan, the initial rate shall be the legal rate for the term of the loan.

Dated: February 17, 1993.

William S. Hogbin,

Acting Assistant Administrator for Financial Assistance.

[FR Doc. 93–4420 Filed 2–24–93; 8:45 am]

BILLING CODE 8025–01–M

Alpha Capital Venture Partners, L.P. (License No. 05/05–0191); Notice of Surrender of License

Notice is hereby given that Alpha Capital Venture Partners, L.P., Three First National Plaza, 14th Floor, Chicago, Illinois 60602 has surrendered its license to operate as a small business investment company under the Small Business Investment Act of 1958, as amended (the Act). Alpha Capital Venture Partners, L.P., was licensed by the Small Business Administration on April 23, 1984.

[7] If the general partnership interests in UCI and UII are treated as voting securities, United International's interest in each would constitute 50 percent of the voting securities of each Partnership because United International is entitled to appoint 50 percent of the management committee of each and has other rights comparable to a person holding 50 percent of a company's voting securities.

Under the authority vested by the Act and pursuant to the Regulations promulgated thereunder, the surrender was accepted on January 29, 1993, and accordingly, all rights, privileges, and franchises derived therefrom have been terminated.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

Dated: February 8, 1993.

Wayne S. Foren,

Associate Administrator for Investment.

[FR Doc. 93–4419 Filed 2–24–93; 8:45 am]

BILLING CODE 8025–01–M

El Paso District Advisory Council; Public Meeting

The U.S. Small Business Administration El Paso District Advisory Council will hold a public meeting at 9 a.m. to 12 noon on Friday, March 26, 1993 in the board room at the Montwood National Bank, 2110 Yarbrough, El Paso, Texas, to discuss such matters as may be presented by members, staff of the U.S. Small Business Administration, or others present.

For further information, write or call Mr. Rudy H. Ortiz, U.S. Small Business Administration, 10737 Gateway Blvd. West, suite 320, El Paso, Texas 79935–4996, (915) 540–5560.

Dated: February 11, 1993.

Dorothy A. Overal,

Acting Assistant Administrator, Office of Advisory Councils.

[FR Doc. 93–4413 Filed 2–24–93; 8:45 am]

BILLING CODE 8025–01–M

Honolulu District Advisory Council; Public Meeting

The U.S. Small Business Administration Honolulu District Advisory Council will hold a public meeting at 9:30 a.m. on Thursday, March 4, 1993 at the Prince Kuhio Federal Building, 300 Ala Moana Boulevard, Conference Room 4113A, Honolulu, Hawaii, to discuss such matters as may be presented by members, staff of the U.S. Small Business Administration, or others present.

For further information, write or call Mr. Andrew K. Poepoe, District Director, U.S. Small Business Administration, 300 Ala Moana Boulevard, room 2314, Honolulu, Hawaii 96850, (808) 541–2965.

Dated: February 16, 1993.

Dorothy A. Overal,

Acting Assistant Administrator, Office of Advisory Councils.

[FR Doc. 93–4414 Filed 2–24–93; 8:45 am]

BILLING CODE 8025–01–M

Indianapolis District Advisory Council; Public Meeting

The U.S. Small Business Administration Indianapolis District Advisory Council will hold a public meeting at 9:30 a.m. on Thursday, April 1, 1993 at the North Meridian Inn, 1530 North Meridian Street, Indianapolis, Indiana, to discuss such matters as may be presented by members, staff of the U.S. Small Business Administration, or others present.

For further information, write or call Mr. Robert D. General, District Director, U.S. Small Business Administration, 429 North Pennsylvania Street, suite 100, Indianapolis, Indiana 46204–1873, (317) 226–7275.

Dated: February 16, 1993.

Dorothy A. Overal,

Acting Assistant Administrator, Office of Advisory Councils.

[FR Doc. 93–4415 Filed 2–24–93; 8:45 am]

BILLING CODE 8025–01–M

Polaris Capital Corporation (License No. 05/05–0212)

Notice is hereby given that Polaris Capital Corporation (Polaris), One Park Plaza, 11270 West Park Place, suite 320, Milwaukee, Wisconsin 53224, a Federal licensee under the Small Business Investment Act of 1958, as amended (the Act), has filed an application with the Small Business Administration (SBA) pursuant to section 312 of the Act and covered by § 107.903 of the SBA Rules and Regulations (the Regulations) governing Small Business Investment Companies (13 CFR 107.903 (1993)) for approval of a conflict of interest transaciton falling within the scope of the above sections of the Act and the Regulations.

Subject to such approval, Polaris proposes to provide funds to Artcraft Industries Corporation (Artcraft), 320 East Buffalo Street, Milwaukee, Wisconsin 53202–5888, to be used for working capital needs.

The proposed financing is brought within the purview of § 107.903(b)(1) of the Regulations because Mrs. Barbara Gardner, 100% shareowner, president and C.E.O. of Artcraft, is the wife of Mr. John Gardner, an employee of Artcraft, a director of Polaris and the Polaris Group, the 100% shareowner of the Licensee. Mr. Gardner owns directly or through an Artcraft Industries Profit Sharing Trust, of which he is Trustee, more than 10% of the Polaris Group's outstanding common stock. Artcraft is considered to be an associate of Polaris as defined by § 107.3 of the SBA Regulations.

Notice is further given that any person may, not later than 15 days from the date of the publication of the Notice, submit written comments on the proposed transaction to the Associate Administrator for Investment, U.S. Small Business Administration, 409 Third Street SW., Washington, DC 20416.

A copy of this Notice shall be published, in accordance with § 107.903(e) of the Regulations, in a newspaper of general circulation in Milwaukee, Wisconsin.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

Dated: February 8, 1993.

Wayne S. Foren,

Associate Administrator for Investment.

[FR Doc. 93–4418 Filed 2–24–93; 8:45 am]

BILLING CODE 8025–01–M

United Financial Resources Corp. (License No. 07/07–0087); Notice of Filing of an Application for an Exemption Under Regulation 107.903 Governing Conflicts of Interest

Notice is hereby given that United Financial Resources Corp. (the Licensee), 7401 "F" Street, Omaha, Nebraska 68127, a Federal Licensee under the Small Business Investment Act of 1958, as amended (the Act), has filed an application with the U.S. Small Business Administration (SBA) pursuant to section 107.903(b) of the Regulations governing small business investment companies (13 CFR 107.903(b) (1992)) for an exemption from the provisions of the cited Regulations.

Subject to SBA approval, the Licensee proposes to provide funds to an associate, Jim & Dean's Town & Country Market, Inc. (J&D), 4010 Fourth Street, Council Bluffs, Iowa 51501, to be used for equipment and working capital.

The proposed financing is brought within the purview of section 107.903(b) of the Regulations because Mr. James Scheer is a director of the Licensee's parent, United-A.G. Cooperative, Inc. (UAG) which owns 100% of the Licensee, and is also an owner of J&D.

Notice is hereby given that any interested person may, not later than fifteen (15) days from the date of publication of this Notice, submit

written comments on the proposed transaction to the Associate Administrator for Investment, Small Business Administration, 409 3rd Street, SW., Washington, DC 20416.

A copy of this Notice will be published in a newspaper of general circulation in Omaha, Nebraska.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

Dated: February 8, 1993.

Wayne S. Foren,

Associate Administrator for Investment.

[FR Doc. 93–4417 Filed 2–24–93; 8:45 am]

BILLING CODE 8025–01–M

DEPARTMENT OF TRANSPORTATION

Coast Guard

[CGD–93–011]

Public Hearing Concerning the Elgin, Joliet & Eastern Railroad Bridge Across the Illinois Waterway, Mile 270.6, Devine, Illinois

AGENCY: Coast Guard, DOT.

ACTION: Notice of public hearing.

SUMMARY: Notice is hereby given that the Commandant has authorized a public hearing to be held by the Commander, Second Coast Guard District, at Joliet, Illinois. The purpose for the hearing is to provide an opportunity to all interested persons to present data, views and comments orally or in writing concerning the alteration of the Elgin, Joliet, and Eastern Railroad Bridge across the Illinois Waterway, mile 207.6, at Devine, Illinois.

DATES: April 14, 1993, commencing at 1 p.m., until all speakers in attendance wishing to comment have provided comments.

ADDRESSES: The hearing will be held in the City Council Chambers, Second Floor, City Hall, 150 West Jefferson Street, Joliet, Illinois.

FOR FURTHER INFORMATION CONTACT: Mr. Roger Wiebusch, Second Coast Guard District (ob), 1222 Spruce Street, St. Louis, Missouri 63103–2832, (314) 539–3724.

SUPPLEMENTARY INFORMATION: Complaints have been received alleging that the bridge is unreasonably obstructive to navigation. Information available to the Coast Guard indicates there were 81 marine collisions with the bridge between 1972 and 1990. These collisions have caused moderate to heavy damage to the bridge. Based on this information, the bridge appears to be a hazard to navigation. This may require increasing the horizontal clearance of the bridge to meet the needs of navigation. All interested parties shall have full opportunity to be heard and to present evidence as to whether any alteration of this bridge is needed, and if so, what alterations are needed, giving due consideration to the necessities of free and unobstructed water navigation. The necessities of rail traffic will also be considered.

Any person who wishes, may appear and be heard at this public hearing. Persons planning to appear and be heard are requested to notify the Commander, Second Coast Guard District, 1222 Spruce Street, St. Louis, Missouri 63103–2832, Telephone: (314) 539–3724, any time prior to the hearing indicating the amount of time required. Depending upon the number of scheduled statements, it may be necessary to limit the amount of time allocated to each person. Any limitations of time allocated will be announced at the beginning of the hearing. Written statements and exhibits may be submitted in place of or in addition to oral statements and will be made a part of the hearing record. Such written statements and exhibits may be delivered at the hearing or mailed in advance to the Commander, Second Coast Guard District.

Transcripts of the hearing will be made available for purchase upon request.

The public hearing will be held: April 14, 1993, commencing at 1 p.m., City Council Chambers, Second Floor, City Hall, 150 West Jefferson Street, Joliet, IL

Authority: 33 U.S.C. 513: 49 CFR 1.46(c)(3)

Dated: February 19, 1993.

W. J. Ecker,

Rear Admiral, U.S. Coast Guard, Chief, Office of Navigation Safety and Waterway Services.

[FR Doc. 93–4421 Filed 2–24–93; 8:45 am]

BILLING CODE 4910–14–M

Federal Aviation Administration

[Summary Notice No. PE–93–9]

Petitions for Exemption; Summary of Petitions Received; Dispositions of Petitions Issued

AGENCY: Federal Aviation Administration (FAA), DOT.

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

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

DATES: Comments on petitions received must identify the petition docket number involved and must be received on or before March 16, 1993.

ADDRESSES: Send comments on any petition in triplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attn: Rule Docket (AGC–10), Petition Docket No. _____, 800 Independence Avenue, SW., Washington, DC 20591.

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

FOR FURTHER INFORMATION CONTACT: Mrs. Jeanne Trapani, Office of Rulemaking (ARM–1), Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591; telephone (202) 267–7624.

This notice is published pursuant to paragraphs (c), (e), and (g) of § 11.27 of part 11 of the Federal Aviation Regulations (14 CFR part 11).

Issued in Washington, DC, on February 18, 1993.

Donald P. Byrne,

Assistant Chief Counsel for Regulations.

Petitions for Exemption

Docket No.: 25652.

Petitioner: Cochise Community College.

Sections of the FAR Affected: 14 CFR part 141, Appendix H(3)(c) (1) and (3).

Description of Relief Sought: To extend the termination date of Exemption No. 5530, which expires June 30, 1993, and which allows students to enroll in the ground curriculum of Cochise Community College's Part 141 Flight Instructor-Airplane Certification Course prior to completing the flight portion of the Commercial Pilot-Airplane Certification/Instrument-Airplane Rating Course.

Docket No.: 27148.

Petitioner: Heliflight, Inc.
Sections of the FAR Affected: 14 CFR 141.27(c).
Description of Relief Sought: To allow Heliflight, Inc., to reapply for a provisional pilot school certificate without waiting at least 180 days after the expiration date of its current provisional certificate.

Dispositions of Petitions

Docket No.: 26736.
Petitioner: Executive Airlines, Inc.
Sections of the FAR Affected: 14 CFR 121.371(a), and 121.378.
Description of Relief Sought/ Disposition: To allow Executive Airlines, Inc., to use components, parts, and accessories that have been repaired, overhauled, or otherwise maintained by its foreign original equipment manufacturers on the Spanish-built CASA–212 or the French-built Aerospatiale ATR–42 and ATR–72 aircraft operated by Executive Airlines, Inc. *Grant, February 12, 1993, Exemption No. 5605.*

Docket No.: 27046.
Petitioner: Bay Cities Medical Supply.
Sections of the FAR Affected: 14 CFR 43.3(g).
Description of Relief Sought/ Disposition: To allow properly trained pilots employed by Bay Cities Medical Supply, Inc., to remove and reinstall the left rear seat in the company aircraft. *Grant, January 29, 1993, Exemption No. 5602.*

Docket No.: 27121.
Petitioner: Tower Air.
Sections of the FAR Affected: 14 CFR part 121, Appendix H.
Description of Relief Sought/ Disposition: To allow Tower Air to conduct initial training for its current group of highly experienced pilots in the B–747 as seconds in command in a Phase II simulator without receiving any training or checking in the actual airplane. *Grant, January 29, 1993, Exemption No. 5596.*

Docket No.: 27121.
Petitioner: Tower Air.
Sections of the FAR Affected: 14 CFR part 121, Appendix H.
Description of Relief Sought/ Disposition: To amend Exemption No. 5596, which was issued January 29, 1993, to permit Tower Air to continue to use its current training program as it pertains to the initial training of its second-in-command pilots in a Phase II simulator in accordance with the provisions of appendix H of part 121. *Grant, February 16, 1993, Exemption No. 5596A.*

Docket No.: 27123.
Petitioner: Atlas Air, Inc.
Sections of the FAR Affected: 14 CFR 121.358(c)(1).
Description of Relief Sought/ Disposition: To allow Atlas Air, Inc., to submit a request for approval of a retrofit schedule for installing windshear equipment after the June 1, 1990, deadline to the Flight Standards Division Manager in the region of the certificate holding district office. *Grant, February 12, 1993, Exemption No. 5604.*

[FR Doc. 93–4353 Filed 2–24–93; 8:45 am]
BILLING CODE 4910–13–M

[Summary Notice No. PE–93–10]

Petitions for Exemption; Summary of Petitions Received; Dispositions of Petitions Issued

AGENCY: Federal Aviation Administration, DOT.

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

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

DATES: Comments on petitions received must identify the petition docket number involved and must be received on or before March 16, 1993.

ADDRESSES: Send comments on any petition in triplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attn: Rule Docket (AGC–10), Petition Docket No. _____, 800 Independence Avenue, SW., Washington, DC 20591.

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

FOR FURTHER INFORMATION CONTACT: Mrs. Jeanne Trapani, Office of Rulemaking (ARM–1), Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591; telephone (202) 267–7624.

This notice is published pursuant to paragraphs (c), (e), and (g) of § 11.27 of part 11 of the Federal Aviation Regulations (14 CFR part 11).

Issued in Washington, DC, on February 16, 1993.

Donald P. Byrne,
Assistant Chief Counsel for Regulations.

Petitions for Exemption

Docket No.: 25103.
Petitioner: Air Wisconsin, Inc.
Sections of the FAR Affected: 14 CFR 121.371(a) and 121.378.
Description of Relief Sought: To extend the termination date of Exemption No. 4803, which allows Air Wisconsin, Inc. (AWA), to utilize foreign repair agencies for the maintenance, preventive maintenance, and alteration of components and parts used on its aircraft, and to use foreign original equipment manufacturers to maintain and/or modify AWA's aircraft.

Docket No.: 25983.
Petitioner: Federal Express Corporation.
Sections of the FAR Affected: 14 CFR 121.613 and 121.625.
Description of Relief Sought: To extend the termination date of Exemption No. 5392, which expires May 30, 1993, and which allows relief from certain weather requirements applicable to supplemental air carriers, establishing in their place requirements applicable to domestic air carrier operations listed as a condition of the exemption.

Docket No.: 26412.
Petitioner: The Soaring Society of America, Inc.
Sections of the FAR Affected: 14 CFR 61.118.
Description of Relief Sought: To extend the termination date of Exemption No. 5303, which expires May 31, 1993, and which permits private pilots who are members of The Soaring Society of America, Inc., to log the flight time accumulated while towing gliders.

Docket No.: 27025.
Petitioner: Flight Review, Inc.
Sections of the FAR Affected: 14 CFR 135.293; 135.297; 135.299; 135.337(a)(2) and (3); 135.339(c); and part 121, appendix H.
Description of Relief Sought: To allow Flight Review, Inc., to use its in-house initial and recurrent training program to meet the flight check requirements for instructors, and to provide credible training to its clients from instructors who may not be technically qualified to fly as pilots in command under part 135.

Docket No.: 27027.
Petitioner: Skyways International.
Sections of the FAR Affected: 14 CFR 21.197(c).
Description of Relief Sought: To allow Skyways International to issue Special Flight Permits for continuing authorization to conduct Ferry Flights internationally for maintenance purposes.

Docket No.: 27063.
Petitioner: Gulkana Air Service, Inc.
Sections of the FAR Affected: 14 CFR 43.3(g).
Description of Relief Sought: To allow pilots employed by Gulanka Air Service, Inc., to remove and replace passenger seats of aircraft used in FAR Part 135 operations to accommodate freight, baggage, passengers, or stretcher systems.

Docket No.: 27117.
Petitioner: Paragators, Inc.
Sections of the FAR Affected: 14 CFR 105.43(d).
Description of Relief Sought: To allow foreign skydivers to make parachute jumps using parachute equipment approved or accepted in the skydiver's country of citizenship.

Docket No.: 27122.
Petitioner: Air Tractor, Inc.
Sections of the FAR Affected: 14 CFR 61.31(a)(1).
Description of Relief Sought: To allow purchasers of specific models of Air Tractor, Inc.'s aircraft to operate them without a type rating although the maximum gross weight of these aircraft may exceed 12,500 pounds during some operations.

Dispositions of Petitions

Docket No.: 26149.
Petitioner: The Boeing Company.
Sections of the FAR Affected: 14 CFR 21.197.
Description of Relief Sought/ Disposition: To allow the Boeing Company to conduct flight crew training of its flight crews while operating under a special flight permit. *Grant, February 8, 1993, Exemption No. 5600.*

Docket No.: 26900.
Petitioner: Boeing Commercial Airplane Group.
Sections of the FAR Affected: 14 CFR 25.562 (c)(5) and (c)(6).
Description of Relief Sought/ Disposition: To allow an exemption from the Head Injury Criterion and femur load limitations for front row seating and cockpit seating in Boeing Model 777 airplanes, until such time as design solutions are available. *Denial, January 29, 1993, Exemption No. 5597.*

Docket No.: 27048.
Petitioner: Shannon Engineering, Inc.
Sections of the FAR Affected: 14 CFR 25.841(a).
Description of Relief Sought/ Disposition: To allow type certification of the Cessna Citation Model 500 with approval to operate at cabin altitudes up to 10,000 feet. *Denial, January 25, 1993, Exemption No. 5595.*

[FR Doc. 93–4354 Filed 2–24–93; 8:45 am]
BILLING CODE 4910–13–M

Availability of Solicitation for Aviation Research Grants Proposals

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of availability.

SUMMARY: The Federal Aviation Administration (FAA) is soliciting proposals for research grants and cooperative agreements addressing the long-term technical needs of the National Airspace System (NAS) pursuant to Section 9205, Aviation Research Grant Program, and Section 9208, Catastrophic Failure Prevention Research Program, of the FAA Research, Engineering, and Development Authorization Act of 1990 (Pub. L. 101–508), and section 107 of the Aviation Security Improvement Act of 1990 (Pub. L. 101–604). Specific research areas called out include air traffic control (ATC) automation, aviation applications of artificial intelligence, aviation training techniques and technologies, human factors in highly automated environments, and aircraft safety. Grant awards typically will range from $50,000.00 to $500,000.00. Although sections 9208 and 9209 of Public Law 101–508 permit the FAA Administrator to establish Centers of Excellence, no applications for designation as a Center of Excellence are being solicited or accepted at this time.

DATES: Proposals may be submitted to the person listed below in the **ADDRESSES** section at any time after the effective release date of this notice. No closing date for proposal submission is specified. This solicitation is open until further notice is provided in the **Federal Register**. Applicants should allow at least 3 months for review and processing.

ADDRESSES: Inquiries regarding this subject matter should be directed to: James H. Remer, Aviation Research Grants Officer, Office of Research and Technology Applications, ACL–1, FAA Technical Center, Building 270, room B115, Atlantic City International Airport, New Jersey 08405, (609) 484–5356.

SUPPLEMENTARY INFORMATION:

Background

Title IX, The Aircraft Safety and Capacity Expansion Act of 1990 (Pub. L. 101–508), was enacted to enhance the FAA's access to resources and research facilities available at colleges, universities, and other non-profit research institutions. The Aviation Research Grant Program, Section 9205, states its purpose is "to conduct aviation research into areas deemed by the Administrator to be required for the long-term growth of civil aviation." The Catastrophic Failure Prevention Research Grants Program, Section 9208, directs the FAA "to conduct aviation research relating to development of technologies and methods to assess the risk and prevent defects, failures, and malfunctions of products, parts, processes, and articles manufactured for use in aircraft, aircraft engines, propellers, and appliances that could result in a catastrophic failure of an aircraft." The Act authorizes the FAA to establish a research grant program that encompasses a broad spectrum of aviation research activities and Centers of Excellence that are targeted at specific areas of long-term aviation research. As a result the base of aviation research talent will be increased and this valuable resource will be available to the FAA and the aviation community. By encouraging academic institutions to establish aviation research programs, and by expanding the role these institutions play in aviation research, the FAA will nurture the long-term growth of the aviation industry.

The Aviation Security Improvement Act of 1990 (Pub. L. 101–604) responded to the report issued by the President's Commission on Aviation Security and Terrorism, dated May 15, 1990. This Act authorized the creation of a grants program "to accelerate and expand the research, development, and implementation of technologies and procedures to counteract terrorist acts against civil aviation." There is a special emphasis on human factors projects that include "research and development of both technological improvements and ways to enhance human performance."

The central purpose of the FAA Research Grant Program is to encourage and support innovative, advanced research of potential benefit to the long-term growth of civil aviation.

Research Areas

The legislation cited earlier provides for aviation research grants programs in three general categories:

(1) Areas deemed by the FAA Administrator to be required for the long-term growth of civil aviation;

(2) Areas related to research on the prevention of catastrophic failures; and

(3) Areas related to research, development, and implementation of technologies and procedures to counteract terrorist acts against civil aviation. These three specific areas of interest may be found within the eight broad program areas identified in the FAA Research, Engineering, & Development (RE&D) Plan that comprises the agency's research and development initiatives. A ninth area, that of Systems Science/Operations Research, which supports and ties together these eight areas, also is included. These areas, which contribute to the FAA's mission of improving aviation safety, capacity, efficiency, and security, are as follows:

a. Capacity and Air Traffic Control Technology.

b. Communications, Navigation, and Surveillance.

c. Aviation Weather.

d. Airports.

e. Aircraft Safety Technology.

f. System Security Technology.

g. Human Factors and Aviation Medicine.

h. Environment and Energy.

i. Systems Science/Operations Research.

The following is a more detailed descriptions of these nine program areas and is offered to illustrate possible topics of interest to those who may consider applying for an aviation research grant.

a. Capacity and Air Traffic Control Technology

This area represents the FAA's effort to improve the capacity of the airspace while maintaining high safety standards. The primary goal is to increase the capacity and use of airspace and airport resources in a safe manner through automation of enroute and terminal ATC and flow management. Successful implementation of the results of this research will reduce delays and enable as many aircraft as possible to operate on their preferred flight paths. Major areas of interest include research in advanced cockpit technologies and the development of automation tools for ATC in enroute and terminal airspace and on the airport surface.

b. Communications, Navigation, and Surveillance

The thrust of this area is the development and standardization of essential communication, navigation, and surveillance services required for air traffic management. The goals are to exploit emerging technologies to provide cost-effective services that have high levels of integrity, reliability, availability, and coverage. A principal initiative in this area is the development and application of satellite based-services.

(1) Communications

Communications users include computer systems, surveillance systems, weather sensors, and air-ground equipment users as well as pilots and controllers. These users are linked together today with the largest civil communications system in the Federal Government.

(2) Navigation and Landing

The FAA has the responsibility for developing and implementing radionavigation systems to meet the need for safe and efficient navigation and control of all civil aviation and a significant portion of military aviation. Three major areas comprise this program: precision approach and landing, navigational systems development, and improvements to present landing systems.

(3) Surveillance

This technical area includes radar, ground based surveillance of airborne aircraft, and the surveillance of aircraft and ground vehicles on airport surfaces. Secondary surveillance employing active airborne transponders, such as Mode S, and related equipment such as Airborne Collision Avoidance and Automatic Dependent Surveillance, would be three related research areas.

(4) Satellite Applications

The maturing of satellite technology has substantially increased interest in satellite systems, although questions remain concerning their applications in an aviation environment and their economic viability. The two principal technical areas that comprise satellite applications are Satellite-Based Air-Ground Communications and Future Satellite Communications, Navigation and Surveillance Systems.

c. Aviation Weather

Weather remains a critical factor in all flight operations. Inclement weather is the single largest contributor to delays and a major factor in aircraft accidents and incidents. Weather service users encompass the entire spectrum of the aviation community, from general aviation to large air transport operators.

An overall system is required that includes the acquisition of a wide variety of weather data, analysis, and forecasting based on ATC and pilot needs. The system must quickly and efficiently communicate appropriate weather data to the controller and the pilot. Activities in the weather area include airborne windshear detection equipment, hazardous weather cell detection and warning, and improved forecasting of winds, turbulence, etc., to support air traffic management automation.

d. Airports

Agency efforts in this area target a plethora of issues comprising the physical and environmental aspects of airports. Efforts in airport standards and guidelines address the design, construction, operation, and maintenance of airports. Specific considerations are airport layout and geometrics; pavements, terminal buildings, and heliports; fire fighting and rescue equipment; runway friction; snow and ice control; surface lighting and visual guidance aids; bird and wildlife control; runway surface contamination detection and removal; and environmental impacts of aircraft operations. Landside capacity is also addressed through such considerations as highway systems, pedestrian systems, parking, and mass transit access.

e. Aircraft Safety Technology.

One of the central responsibilities of the FAA is the certification of aircraft based on appropriate technical and operational standards. Modification of these standards and regulatory criteria is a continuous process as the regulatory framework keeps pace with the technological and operational changes to ensure safe, efficient air travel. The research goal in this area is to assure a continuing solid technology base to support the regulatory framework designed to improve the airworthiness and crashworthiness of aircraft. The primary focus in the aircraft safety research area is on aging aircraft, fire protection, engine maintenance, and structural crashworthiness. Atmospheric hazards such as icing and lightning, as well as raw materials and advanced control systems, are also subjects of research.

f. System Security Technology

The presence of international terrorism makes it imperative for the FAA to identify and develop the advanced technologies that can be applied to practical security systems. The goal is to improve security without unreasonable increases in cost or inconvenience to passengers. The focus of FAA initiatives in this area is on

developing systems that deter or prevent hijacking and sabotage against civil aviation. The continued emphasis of the RE&D program has been on the development of capabilities to prevent the introduction of explosives and weapons onto the aircraft. This effort encompasses research in the areas of sensors, image processing, nuclear, X–ray and chemical instrumentation, as well as systems integration.

g. Human Factors and Aviation Medicine

Human error is identified as a causal factor in 66 percent of fatal air carrier accidents, in 79 percent of fatal commuter accidents, and in 88 percent of fatal general aviation accidents. Research in this area focuses on increasing both the understanding and effectiveness of human performance. The goals are to assess approaches to automation that minimize human error, and to understand and alleviate errors caused by lack of training and experience. Areas of research include human factor concerns for flight crews, controllers, and maintenance technicians.

h. Environment and Energy

This area represents the FAA's effort to improve regulatory standards for sources of air and noise pollution, and to develop better technologies for predicting, measuring and abating the environmental impact of emissions. Projects in this area support national goals to protect the environment while keeping the transportation industry strong and competitive. RE&D goals are technology improvements that address environmental and regulatory issues such as noise abatement, aircraft pollution, and improved certification of clean, quiet, fuel efficient aircraft.

i. Systems Science/Operations Research

The importance of Systems Science/ Engineering and Operations Research to the NAS has come to prominence in recent years. The macroscopic tools of mathematical modeling, simulation, decision support systems and prototyping, as well as optimization are playing a greater role in research related to the NAS. In some cases this will involve new paradigms implemented as novel algorithms and software packages. In other cases, innovative computational platforms and architectures may emerge as major contributors. The goal of research in all facets of this technical area is common—the improvement of the safety, security, capacity, and efficiency of the National Airspace System.

Eligibility

Applicant eligibility for the award of an aviation research grant varies depending upon the nature of the proposer's organization as well as the character of work one proposes to perform. In general, colleges, universities, and other nonprofit research institutions are eligible to qualify for grants to perform research in all specified areas. Other appropriate research institutions and non-Federal Governmental entities may qualify for grants to perform research in aviation security under section 107 of Public Law 101–604. The FAA is seeking to ensure an equitable geographical distribution of grant funds and the inclusion of historically black colleges and universities and other minority institutions for funding consideration.

Proposal Submission

The proposal should contain sufficient information to demonstrate that the proposed activity is both sound and worthy of support under the FAA criteria listed below for the selection of projects. The proposal should be succinct and self-contained. The FAA has a published solicitation and application kit. These guidelines on the application format and content are contained in the Solicitation for Grants for Aviation Research Number 93.1, which is available by contacting the office identified in the **ADDRESSES** paragraph. Recipients of the previous solicitation, No. 91.1, will automatically be mailed the new document. One original plus three copies of the proposal should be forwarded to the address indicated in the **ADDRESSES** paragraph. The outside of the mailer should be marked "Aviation Research Grant Proposal." A return mail postcard will be sent to the proposer to acknowledge receipt of the proposal. Every effort will be made to reach a decision and inform the applicant promptly.

Proposal Review

Research proposals, when received, will be assigned a proposal number, and acknowledged in writing. Each proposal will be reviewed by the grants staff to assure that it has been signed, that it is in the format described in the solicitation/application kit "Grants for Aviation Research Number 93.1," that all relevant information has been submitted, that it satisfies the conditions of a grant instrument rather than a procurement instrument, and that the proposed research falls under the FAA research grant authority. After initial proposal review, the proposal will be reviewed carefully for technical merit by a technical evaluation team. The team will consist of three or more technically qualified people, some of whom may be reviewers from outside the Government. An FAA representative will be designated as the team leader. The team leader is responsible for developing an overall rating based on the ratings of the team members.

Evaluation Criteria

The FAA established four criteria against which each proposal will be evaluated to determine funding eligibility. Failure to meet any one of the criteria may result in the proposal being judged ineligible. The criteria and a brief explanation of each are listed below.

a. Intrinsic Value

This is the likelihood that the proposed research will lead to new discoveries or fundamental advances within a specific field of science or engineering or have substantial impact on progress in that field or in other scientific or engineering fields pertinent to FAA research. The introduction of new ideas or innovative approaches will be viewed positively.

b. Relevance to the FAA Mission

This is the establishment of a logical connection and probable application to the long-term growth of civil aviation.

c. Technical Soundness of the Proposal

This is the quality of the overall approach proposed to verify concepts or apply new technologies. The proposal must be formulated in a clear and logical fashion, using known scientific principles and their extensions to reach a definable, substantial, relevant goal.

d. Research Performance Competence

This is the capability of the organization (personnel and resources) to carry on successful work. The grantee should identify specific resources that are required and note whether adequate access to these will exist or whether they will be acquired in the course of the proposed activity. Past achievement will be considered in evaluating performance competence. The principal investigator should demonstrate an established reputation in the relevant field. Such reputation may be shown by publications, patents, conference contributions, or any other relevant information that demonstrates capability to advance the state of knowledge in the proposed area.

Each eligible proposal will be rated as either a category A, B, or C proposal. These categories will be used to

differentiate the proposals according to technical merit.

(1) Category A proposals—meet the evaluation criteria with no distinction.

(2) Category B proposals—meet the evaluation criteria with distinction in one or more of the criteria.

(3) Category C proposals—meet each of the evaluation criteria with distinction and presents a strong, well-constructed program in all respects.

Funding

Appropriated discretionary funds are not currently available for grants. Awards will be made via program funding sponsorship.

Award Date

Recipients of FAA research grants will be announced on a continuous basis.

Issued in Atlantic County, New Jersey, on January 29, 1993.

Harvey B. Safeer,

Director, FAA Technical Center, ACT-1.

[FR Doc. 93-4355 Filed 2-24-93; 8:45 am]

BILLING CODE 4910-13-M

Phoenix Sky Harbor International Airport, AZ; Notice of Intent To Rule on Application

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of Intent To Rule on application to impose a Passenger Facility Change (PFC) at Phoenix Sky Harbor International Airport, Phoenix, Arizona; correction.

SUMMARY: This correction incorporates information from the public agency's application.

In notice document 93-2503 beginning on page 7033 in the issue of Wednesday, February 3, 1993 make the following correction:

In the third column "Class or classes of air carriers which the public agency has requested not be required to collect PFCs:

Business Air Service South
Corporate Flight Inc.
Critical Care Services Inc."
IJA Inc.
KMR Aviation Inc.
Louisiana Pacific Corporation
Ponderosa Aviation and Poncero
Raleigh Jet Charter
Sioux Valley Hospital Intensive Air
Windstar Aviation Corporation

Should read "Class or classes of air carriers which the public agency has requested exemption from collecting PFC's:

ATCO: Air Taxi/Commercial Operators filing FAA form 1800-31.

CRAC: Large Certificated Route Air Carriers filing RSPA form T-100 providing non-scheduled service with less than 7,500 enplanements each annually at Phoenix Sky Harbor International Airport.

FFC: Foreign Flag Air Carriers filing RSPA form T-100(f) including Canadian Flag Air Carriers."

Issued in Los Angeles California on February 10, 1993.

Ellsworth Chan,

Acting Manager, Airport Division, Western Pacific Region.

[FR Doc. 93-4356 Filed 2-24-93; 8:45 am]

BILLING CODE 4910-13-M

Federal Highway Administration

Environmental Impact Statement: Sutter and Yuba Counties, CA

AGENCY: Federal Highway Administration (FHWA). DOT.

ACTION: Notice of intent.

SUMMARY: The FHWA is issuing this notice to advise the public that an environmental impact statement will be prepared for a proposed highway project in Sutter and Yuba Counties, California.

FOR FURTHER INFORMATION CONTACT: Leonard E. Brown, Chief District Operations, Federal Highway Administration, P.O. Box 1915, Sacramento, California 95812-1915, Telephone (916) 551-1307.

SUPPLEMENTARY INFORMATION: The FHWA, in cooperation with the California Department of Transportation, will prepare an Environmental Impact Statement (EIS) on a proposal to upgrade State Route 70 in Sutter and Yuba Counties to a four-lane expressway capable of supporting future traffic volumes. The proposed construction would begin 0.8 miles south of Striplin Road, extend north across the Bear River, and terminate 0.3 mile south of the McGowan Road overcrossing.

A number of alternatives will be considered in the EIR/EIS. All of the alternatives generally follow the existing Route 70 alignment, at East Nicholas, where the route will be realigned to bypass the community. The alternatives consist of widening on different sides of the existing highway, different median widths to allow future lane additions, and interchange locations. Right-of-Way would be purchased to accommodate an ultimate six-lane freeway with interchanges. The EIS will evaluate the proposed expressway as well as ultimate freeway alternatives.

Route 70 is a principal transportation corridor connecting Chico and Oroville to Sacramento. The existing highway serves commuter, commercial and recreational traffic between urban and rural areas of Sutter, Yuba and Butte Counties and the large urban area that includes the City of Sacramento. Without the proposed improvements, the existing facility would have a Level of Service (LOS) of F by the year 2017.

An initial public meeting was held on the Route 70 project on Thursday, April 23, 1992, in the evening at the Marcum-Illinois Union Elementary School. Open house workshops will be held at key stages of the project studies in addition to a public hearing on the Draft EIS. A notice for formal scoping meetings will be published in area newspapers.

Views of agencies which may have knowledge about historic resources potentially affected by the proposal or interested in the effects of the project on historical properties are hereby solicited.

To ensure that the full range of issues related to this proposed action are addressed and all significant issues identified, comments or questions concerning this proposed action and the EIS should be directed to the FHWA at the address provided above.

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

Issued on February 16, 1993.

Leonard E. Brown,

Chief, District Operations, Sacramento, California.

[FR Doc. 93-4384 Filed 2-24-93; 8:45 am]

BILLING CODE 4910-22-M

UNITED STATES COMMISSION ON IMPROVING THE EFFECTIVENESS OF THE UNITED NATIONS

Hearing

AGENCY: United States Commission on Improving the Effectiveness of the United Nations.

ACTION: Notice: Public hearing.

SUMMARY: The purpose of this hearing is to obtain information on the subject of United Nations reform and U.S. policy toward the United Nations, and to conduct other Commission business. The hearing will be open to the public.

DATES: Atlanta, Georgia, March 12, 1993, 9 a.m. to 5 p.m..

ADDRESSES: The Atlanta hearing will be held in the Atlanta City Council Chambers in City Hall, 55 Trinity Avenue, SW., Atlanta, GA.

FOR FURTHER INFORMATION CONTACT: Kathleen O'Leary, Administrative Officer, 1825 Connecticut Avenue, suite 1011, Washington, DC 20009; telephone: (202) 673–5012; telefax: (202) 673–5007.

Experts or representatives of interested groups wishing to present testimony should contact the Administrative Officer and submit a summary of their presentation by March 5.

Citizens interested in testifying at the Atlanta hearing may sign up at the Atlanta City Council Chambers between 9:30 a.m. and 11 a.m. on the date of the hearing and will be selected on a first-come, first-served basis. Testimony will be heard after 3:30 p.m. Citizen witnesses are required to limit their statements to one minute. All witnesses may submit additional material for the record.

The U.S. Commission on Improving the Effectiveness of the United Nations was established by Public Law 100–204, 101 Stat. 1934 (22 U.S.C. 287 note). The Commission is charged with preparing and submitting to the President and Congress a report containing a detailed statement of its findings, conclusions and recommendations regarding reform of the United Nations system and the role of the United States in the United Nations system. The Commission is bipartisan and is privately funded.

The Commission members are: Representative James A. Leach and Charles M. Lichenstein, Co-Chairs; Thomas F. Eagleton, Edward F. Feighan, Edwin J. Feulner, Jr., Walter Hoffmann, Alan L. Keyes, Jeane J. Kirkpatrick, Peter M. Leslie, Gary E. MacDougal, Father Richard John Neuhaus, Senator Claiborne Pell, Senator Larry Pressler, Jerome J. Shestack, Harris O. Schoenberg, and Jose S. Sorzano.

Dated: February 22, 1993.

Gregory Wierzynski,

Executive Director.

[FR Doc. 93–4335 Filed 2–24–93; 8:45 am]

BILLING CODE 6820–BB–M

UNITED STATES INFORMATION AGENCY

Central and Eastern European Citizens Network Initiative (CNI)

AGENCY: United States Information Agency.

ACTION: Notice—request for proposals.

SUMMARY: The Office of Citizen Exchanges (E/P) announces a competitive grants program for private, non-profit organizations to develop indigenous, non-governmental, professional, civic, youth, philanthropic, and issue-oriented institutions and citizen exchange organizations. These projects should link the U.S. organization's exchange interests with counterpart institutions and groups in Albania, Bulgaria, Croatia, Czech Republic, Estonia, Hungary, Latvia, Lithuania, Macedonia, Poland, Slovak Republic and Slovenia.

Interested applicants are urged to read the complete **Federal Register** announcement before addressing inquiries to the Office or submitting their proposals. After the deadline for submitting proposals, USIA officers may not discuss this competition in any way with applicants until final decisions are made.

ANNOUNCEMENT NAME AND NUMBERS: All communications concerning this announcement should refer to the Central and Eastern European Citizens Network Initiative (CNI). This announcement number is E/P–93–10. Please refer to this title and number in all correspondence or telephone calls to USIA.

DATES: Deadlines for Proposals: All copies must be received at the U.S. Information Agency by 5 p.m. Washington, DC, time on April 16, 1993. Faxed documents will not be accepted, nor will documents postmarked April 16, 1993, but received at a latter date.

It is the responsibility of each grant applicant to ensure that proposals are received by the above deadline. CNI grant project activity should begin after September 1, 1993.

ADDRESSES: The original and 14 copies of the completed application and required forms should be submitted by the deadline to: U.S. Information Agency, Ref CNI–E/P–93–10, Office of Grants Management (E/XE), 301 4th Street, SW., room 336, Washington, DC 20547.

FOR FURTHER INFORMATION CONTACT: Interested organizations, institutions should contact: European Division, Office of Citizen Exchanges (E/P), room 216, U.S. Information Agency, 301 4th Street SW., Washington, DC 20547, telephone 202/619–5348, fax 202/619–4350 to request detailed application packets, which include award criteria, all necessary forms, and guidelines for preparing proposals, including specific budget preparation.

OBJECTIVES OF CENTRAL AND EASTERN EUROPEAN CITIZEN NETWORK INITIATIVE

Overview

Proposals must be for projects which enhance the growth of indigenous, non-governmental, professional, civic, youth, philanthropic, and issue-oriented institutions and citizen exchange organizations. They should serve as an important avenue for community participation in problem solving, quality of life enhancement and professional development. Proposals should also enhance links between American and Central/Eastern European citizen organizations. Grant proposals which are overly ambitious or general will not be competitive. Doing a few tasks well is preferred. Other objectives which may apply:

—The advancement of mutual understanding through targeted professional development programs for Central/Eastern European leaders of citizen organizations;

—The development of culturally sensitive and relevant study tours in the U.S. for small groups of citizen activists to observe how theories and concepts are put into practice;

—The transfer at minimal cost of relevant knowledge through short courses and intensive workshops (preferable of at least two weeks duration conducted in Central/Eastern Europe);

—Well-planned internships in the U.S. and extended learning programs overseas (from four to ten weeks with considerable in-country cost-sharing);

—The transfer of American academic and professional expertise through consultations in Central/Eastern Europe for period of not less than one month;

—The development of specialized materials for secondary and post-secondary teachers, plus special workshops for such teachers.

Programmatic Considerations

Pursuant to the Bureau's authorizing legislation, grant programs must maintain a non-political character and should be balanced and representative of the diversity of American political, social and cultural life.

The Office of Citizen Exchanges strongly encourages the coordination of these activities between respected universities, professional associations, and significant cultural, educational and political institutions in the U.S. and abroad. In addition, coordination in the design of program with U.S. Information Agency officers overseas and with foreign government officials will likely make the proposal more competitive. The themes addressed in these exchange programs must be of long-term importance rather than focussed on current events or short-term issues.

In every case, a compelling rationale for the development and execution of an exchange program must be presented as part of the proposal, one that clearly indicates the distinctive and important

contribution of the overall project and its enduring impact.

USIA will give priority to proposals from U.S. organizations which have partner organizations in Central/Eastern Europe, which will assist logistically and will contribute to the realization of program goals and objectives and will themselves be enhanced by the program. Applicants are encouraged to demonstrate partner relationships by providing copies of correspondence or other materials as appendices to proposals.

The CEE partner institutions are encouraged to provide cost-sharing or significant in-kind contributions such as local housing, transportation, interpreting, translating and other local currency costs and to assist with the organization of projects. USIA is interested in multi-phase programs. A model program could include a planning visit by the American organizer; an in-country workshop or seminar led by American experts; a travel/study program in the United States for selected foreign participants; U.S.-based internships where appropriate; and, finally, follow-up consultations overseas by American organizers. Internships usually work best when arranged for the most promising participants in earlier, in-country workshops.

The development of new curricula and instructional materials in Central/Eastern European languages is encouraged; however, USIA does not pay for publication of materials for distribution in the United States.

Planning Trips

USIA grants will pay for planning trips to partner CEE countries by staff or consultants for consultations and planning meetings with partner institutions, but these should be trips which build on previous communications and agreements for cooperation.

Seminars and In-Country Workshops

Seminars and workshops should be at least two weeks in duration. CEE language skills on the part of American experts are desirable but not essential. American presenters should be experienced trainers and professionals in the development of non-governmental, professional, civic, youth, philanthropic, and issue-oriented institutions and citizen exchange organizations and be sufficiently knowledgeable of local conditions and needs to tailor presentations.

Orientation Activities

All CNI grant projects should include a pre-departure orientation to introduce travellers, in both directions, to administrative and substantive details of the grant program. On arrival in the USA, all projects should begin with two to three days of local orientation to such matters as geographic and historical setting, medical insurance, health, cultural values and practices, the roles of police and mass media and other sectors of society which visitors may encounter, and the like. In addition, there should be an orientation for hosts, whether families or individuals or institutions; if overseas visitors will stay longer than a couple of weeks, it is advisable to establish some sort of support network to monitor the project and resolve problems which develop.

The purpose in all these orientations is not only to inform participants about agenda and logistics but also to raise issues of economic, social, political, and cultural sensitivities, knowledge, and practice.

Finally, there should be a re-entry orientation and project evaluation just before visitors return home to ease their re-entry, to promote understanding, to identify strengths and weaknesses in the program, and to make adjustments in the remainder of the program where possible.

Study Tours in the United States

Study tours are generally three-four weeks in length and can be a mix of site visits, mini-workshops, and consultations. The purpose of these visits is to provide participants with a first-hand look at U.S. non-governmental, professional, civic, youth, philanthropic, and issue-oriented institutions and citizen exchange organizations, as well as an introduction to the cultural and geographic richness of the U.S.

U.S.-Based Internships

For the purposes of this competition, internships are practical work experiences in non-governmental, professional, civic, youth, philanthropic, and issue-oriented institutions and citizen exchange organizations. Active, productive internships are preferred over passive job shadowing. They are not university-based residency programs or research opportunities. Participants must be fluent in English. The length of stay for an internship should be at least one month, including orientation activities, but probably not longer than ten weeks. USIA gives priority to proposals which demonstrate private sector cost-sharing, either in the form of in-kind contributions or through corporate or foundation support. Funding from private sources is encouraged to cover food, lodging, and pocket money for the participant. In no case could the intern receive a wage or be "hired" by the sponsoring institution.

Well-designed internships require considerable planning and monitoring. Critical to the success of internship programs is the matching of expectations of host institution and participant. USIA will give priority to proposals that include a detailed plan for how internships will be developed and organized, including the recruitment of institutions for placements and their preparation, the detailed course of work for participants, extra curricular activities, on-going monitoring, contingency planning for any required changes, and final evaluation.

Internships should begin with a basic orientation program as described above but also with due emphasis on American work habits and detailed information on the particular structure of each non-governmental, professional, civic, youth, philanthropic, and issue-oriented institutions and citizen exchange organizations included in the program. For internships of an extended duration, organizations may wish to design a mid-point workshop which brings participants together for a few days to evaluate the experience and make mid-course corrections if necessary.

Materials Development

USIA encourages the development, where needed, of written, audio and video materials in CEE languages to enhance the training programs. For example, if not already available, glossaries of specialized terms used by non-governmental, professional, civic, youth, philanthropic, and issue-oriented institutions and citizen exchange organizations might be developed.

In developing materials, consideration should be given to their wider use, beyond the immediate training program. USIA is interested in organizations' ideas on how to "reuse" specialized materials by providing them to universities, libraries, or other institutions for use by a larger audience.

Scope

CNI will focus on facilitating the development of new citizen groups and associations, providing information to leaders who are eager to create these institutions and consortia. CNI will train trainers and pool resources to maximize the probability of assisting in the

solution of long-term problems. Initially, American assistance may prove beneficial, but the U.S. Government role should end soon after the transfer of information is accomplished and sustainable information/training centers and professional associations/consortia are established. The major exception to this reduced U.S. role is continued contact through international linkages, exchanges of resource materials and exchange of persons programs. The development of Citizen Network programs should respond to the needs and interests of the people of Central and Eastern Europe. U.S. support is designed to provide an array of information or models from which Central and Eastern Europeans may wish to choose.

Proposals will be considered that contribute to the development of private sector support institutions in one of six general thematic areas. Applicants must indicate which of the following areas is addressed in its proposal cover sheet.

1. Public administration, public policy, and public relations;
2. Local, municipal, and regional government professional association development for cities, provinces, states, for their governors, mayors, key bureaucrats and other officials;
3. Small business and entrepreneurial development and enhancement through professional associations, research centers, and volunteer support groups;
4. Legal and judicial association and related institutional development;
5. Indigenous foundation development;
6. Volunteer, professional and youth association development (civic, business, education parent/teacher or environment);

USIA is interested in proposals for programs which target one of the CEE countries, and focuses on one of the six major topics listed above. A program that is broader in scope is less likely to receive USIA support.

USIA will consider geographic distribution in selecting grantee institutions to ensure a wide distribution of this program.

USIA encourages proposals which feature "train the trainers" models; the creation of indigenous training centers; schemes to create professional networks or professional associations to disseminate information, and other enduring aspects.

Guidelines and Restrictions

In the selection of all foreign participants, USIA and USIS posts retain the right to nominate participants and to accept or deny participants recommended by the program institution. Grantee organizations are strongly encouraged to consult with USIS posts throughout the selection process.

Selection of Participants

All grant proposals must clearly describe the type of persons who will participate in the program as well as the process by which participants will be selected. It is recommended that programs in support of internships in USA should include letters tentatively committing host institutions to support the internships.

USIA does not support proposals limited to conferences or seminars of only a few days length which are organized as plenary sessions, major speakers, and panels with a passive audience. It will support conferences only insofar as they are a minor part of a larger project in duration and scope which is receiving USIA funding from this competition. Furthermore, grants are not given to support projects whose focus is limited to technical issues, or for research projects, for publications intended for dissemination in the United States, for individual student exchanges, for film festivals or exhibits. Nor does this Office provide scholarships or other support for long-term (i.e., a semester or more) academic studies. Competitions sponsored by other offices of USIA's Bureau of Educational and Cultural Affairs are also announced in the **Federal Register**, and may have different guidelines or restrictions.

Funding

The amount requested from USIA should not exceed $125,000. However, exchange organizations with less than four years of successful experience in managing international exchange programs are limited to $60,000.

Applicants are invited to provide both an all-inclusive budget as well as separate sub-budgets for each program component, phase, location or activity in order to facilitate USIA decisions on funding. While an all-inclusive budget must be provided with each proposal, separate component budgets are optional. Competition for USIA funding support is keen.

The following project costs are eligible for consideration for funding:

1. International and domestic air fares; visas; transit costs; ground transportation costs.
2. Per Diem. For the U.S. program, organizations have the option of using a flat $140/day for program participants or the published U.S. Federal per diem rates for individual American cities.

Note: U.S. escorting staff must use the published Federal per diem rates, not the flat rate. For activities in Central/Eastern Europe, the Federal per diem rates must be used.

3. Interpreters: If needed, interpreters for the U.S. program are provided by the U.S. State Department Language Services Division. Typically, a pair of simultaneous interpreters is provided for every four visitors who need interpretation. USIA grants do not pay for foreign interpreters to accompany delegations from their home country. Grant proposal budgets should contain a flat $140/day per diem for each DOS interpreter, as well as home-program-home air transportation of $400 per interpreter plus any U.S. travel expenses during the program. Salary expenses are covered centrally and should not be part of an applicant's proposed budget.
4. Book and cultural allowance: Participants are entitled to and escorts are reimbursed a one-time cultural allowance of $150 per person, plus a book allowance of $50. U.S. staff do not get these benefits.
5. Consultants. May be used to provide specialized expertise or to make presentations. Daily honoraria generally do not exceed $250 per day. Subcontracting organizations may also be used, in which case the written agreement between the prospective grantee and subcontractor should be included in the proposal.
6. Room rental, which generally should not exceed $250 per day.
7. Materials development. Proposals may contain costs to purchase, develop and translate materials for participants.
8. One working meal per project. Per capita costs may not exceed $15–20 for a lunch and $20–30 for a dinner; this includes room rental if applicable. The number of invited guests may not exceed participants by more than a factor of two to one.
9. Administrative costs. USIA-funded administrative costs are limited to 22% of total funds requested. Administrative costs are defined as salaries for grantee organization employee, benefits, other direct and indirect costs incurred in the United States. Overseas administrative costs, such as employee compensation in an office abroad, are not counted in this 22% limit. Important note for universities: The U.S. Information Agency's Bureau of Educational and Cultural Affairs defines U.S. faculty salaries as an administrative expense, regardless of how the faculty time is to be used.
10. A return travel allowance of $70 for each participant which is to be used for incidental expenditures incurred during international travel. Please Note: All delegates will be covered under the

terms of a USIA-sponsored health insurance policy. The premium is paid by USIA directly to the insurance company.

Application Requirements

Proposals must be structured in accordance with the instructions contained in the application package.

Review Process

USIA will acknowledge receipt of all proposals and will review them for technical eligibility. Proposals will be deemed ineligible if they do not fully adhere to the guidelines established herein and in the application packet. Eligible proposals will be forwarded to panels of USIA officers for advisory review. Proposals are reviewed by USIS posts and by USIA's Office of European Affairs. Proposals may also be reviewed by the Office of General Counsel or other Agency offices. Funding decisions are at the discretion of the Associate Director for Educational and Cultural Affairs. Final technical authority for grant awards resides with USIA's contracting officer. The award of any grant is subject to availability of funds.

The U.S. Government reserves the right to reject any or all applications received. USIA will not pay for design and development costs associated with submitting a proposal. Applications are submitted at the risk of the applicant; should circumstances prevent award of a grant all preparation and submission costs are at the applicants expense. USIA will not award funds for activities conducted prior to the actual grant award.

Review Criteria

USIA will consider proposals based on their conformance with the objectives and considerations already stated in this RFP, as well as the following criteria:

1. Quality of Program Idea

Proposals should exhibit relevance, originality, rigor and substance to the USIA mission. They should demonstrate the match of U.S. resources to a clearly defined need.

2. Institutional Ability/Capacity/Record

Applicant institutions should demonstrate their potential for program excellence and/or provide documentation of successful programs. If an organization is a previous USIA grant recipient, responsible fiscal management and full compliance with all reporting requirements for past USIA grants as determined by the Office of Contracts (M/KG) will be considered. Relevant program evaluation of previous projects may also be considered in this assessment.

3. Project Personnel

Personnel's thematic and logistical expertise should be relevant to the proposed program. Resumes should be relevant to the specific proposal.

4. Program Planning

A detailed agenda and relevant work plan should demonstrate substantive rigor and logistical capacity.

5. Thematic Expertise

Proposal should demonstrate the organization's expertise in the subject area.

6. Cross-Cultural Expertise and Area Expertise

Evidence of sensitivity to historical, linguistic, and other cross-cultural factors, as well as relevant knowledge of target area/country.

7. Ability to Achieve Program Objectives

Objectives should be realistic and attainable. Proposal should clearly demonstrate how the grantee institution will meet program objectives.

8. Multiplier Effect

Proposed programs should strengthen long-term mutual understanding, to include maximum sharing of information and establishment of long-term institutional and individual ties.

9. Cost-effectiveness

Overhead and administrative costs should be kept as low as possible. All other items proposed for USIA funding should be necessary and appropriate to achieve the program's objectives.

10. Cost-Sharing

Proposals should maximize cost-sharing through other private sector support as well as direct funding contributions and/or in-kind support from the prospective grantee institution.

11. Follow-on Activities

Proposals should provide a plan for continued exchange activity (without USIA support) which ensures that USIA-supported programs are not one-time events.

12. Project Evaluation

Proposals should include a plan to evaluate the activity success. In this respect the applicant should include a draft survey questionnaire or other technique and a methodology to use to link outcomes to original project objectives. Applicants will be expected to submit intermediate reports after each project component is concluded or quarterly, whichever is less frequent.

Notice

The terms and conditions published in this RFP are binding and may not be modified by any USIA representative. Explanatory information provided by USIA that contradicts published language will not be binding. Issuance of the RFP does not constitute an award commitment on the part of the U.S. Government. Awards cannot be made until funds have been fully appropriated by the U.S. Congress and allocated and committed through internal USIA procedures.

Notification

All applicants will be notified of the results of the review process on or about July 1, 1993. Awarded grants will be subject to periodic reporting and evaluation requirements.

Dated: February 22, 1993.

Barry Fulton,

Acting Associate Director, Bureau of Educational and Cultural Affairs.

[FR Doc. 93–4342 Filed 2–24–93; 8:45 am]

BILLING CODE 8230–01–M

Public and Private Non-Profit Organizations In Support of International Educational and Cultural Activities; Exchange Programs for the Development of Legislatures in Yemen and Nepal

ACTION: Notice: request for proposals.

SUMMARY: The Office of Citizen Exchanges (E/P) of the Bureau of Educational and Cultural Affairs announces a competitive grants program for non-profit organizations to develop two multi-phased exchange programs (one for Nepal and one for Yemen) for national/provincial legislators, their staff members, and representatives of organizations which support these bodies in efforts to legislate more effectively.

Interested applicants are urged to read the complete **Federal Register** announcement before addressing inquires to the Office or submitting their proposals. After the RFP deadline, the Office of Citizen Exchanges may not discuss this competition in any way with applicants until the final decisions are made.

ANNOUNCEMENT NUMBER: This Announcement number is E/P–93–11. Please refer to the title given above and this number in all correspondence or telephone calls to USIA.

DATES: Deadline for Proposals: All copies must be received at the U.S.

Information Agency by 5 p.m. Washington, DC time on April 23, 1993. Faxed documents will not be accepted, nor will documents postmarked April 23, 1993 but received at a later date. It is the responsibility of each grant applicant to ensure that proposals are received by this deadline. Grant activity should begin after August 1, 1993.

ADDRESSES: The original and 14 copies of the completed application and required forms should be submitted by the deadline to: U.S. Information Agency, Ref: E/P–93–11, Office of Grants Management (E/XE), 301 Fourth Street, SW, room #336, Washington, DC 20547.

CONTACT FOR INFORMATION: Interested organizations/institutions should contact the Office of Citizen Exchanges (E/P), room 224, USIA, 301 Fourth Street, SW., Washington, DC 20547, fax (202) 619–4350, to request detailed Application Packages which include all necessary forms and guidelines for RFP proposals, including specific budget preparation. Please specify the name of USIA Program Specialist Michael Weider on all inquiries and correspondence.

Objectives of This Program

Each project should concentrate on comparative analysis of legislatures at the national and state or provincial levels in the U.S. and the target country and on the application of management, information, and resource systems used in the U.S. which might be adapted for use in legislatures of Nepal and Yemen. Program modules should be designed to stimulate discussion among U.S. hosts/experts and delegates from Nepal or Yemen to improve mutual understanding and the performance of legislatures in both countries. Applicants may design programs for elected legislators or their professional staff or both; if both types of participants are included, they probably should take part in separate, specially designed components; applicants should provide a convincing rationale for each component of their proposed programs and the audience to be addressed.

Thematically, each program should:

—Introduce overseas participants to the organization and functions of the legislative, executive, and judicial branches of the U.S. Federal Government, including the formal and informal channels of communications among them;

—Analyze the structure, functions, and needs of the Yemeni or Nepalese legislative bodies;

—Introduce delegations from overseas to the organization and management of U.S. legislatures at the state and national levels;

—Analyze how U.S. legislators and their staffs influence and develop domestic and foreign policies;

—Examine the structure of U.S. Congressional Committees and Subcommittees and discuss the applicability of such arrangements in other systems, with particular emphasis on their roles in legislative development, appropriations, and in oversight;

—Provide opportunities for foreign legislators with specific expertise and committee assignments to discuss and observe U.S. legislative offices with similar problems, concerns and needs of constituents;

—Observe institutions such as the Congressional Research Service, the Library of Congress, and other public and private support groups which are available to U.S. legislators;

—Assess staff skills which are necessary for effective functioning of a legislative office and methods for developing those skills;

—Address issues related to lobbying and to other types of constraints, concerns and pressures which a legislator faces;

—Analyze the role of the U.S. media in the legislative process.

USIA is interested in supporting programs which will lay the groundwork for new and continuing links between American and Middle Eastern and South Asian professional organizations and legislatures and encourage the further growth and development of democratic institutions. Proposals which are overly ambitious and those which are very general will not be competitive. Therefore, institutions should provide strong evidence of their ability to accomplish a few tasks exceptionally well. Other structural or procedural objectives recommended include:

—Culturally sensitive and professionally relevant study tours and seminars in the United States for small groups of key legislators with similar backgrounds and committee assignments so that they can directly observe theories and concepts at work in the United States legislatures;

—The development of institutional links in the private or independent sectors that continue beyond the duration of USIA funding support, preferably with funding commitments;

—Coordination, in the design of these programs, with U.S. Information Service officers overseas, and with foreign government officials and private sector leaders with direct experience in determining needs of constituents, and the development of feasible legislative approaches to respond to those needs;

—Short courses and intensive workshops (each at least two weeks in duration) conducted in the Middle East and South Asia;

—Carefully crafted internships and extended learning programs (six weeks to three months with considerable in-country cost-sharing) in the U.S. for visiting legislative staff members;

—Consultations by American specialists with foreign language fluency in the Middle East and South Asia for periods of not less than one month;

—The development and distribution of written, audio, and video instructional materials in Arabic and English to complement and enhance educational training programs.

Participants

The grantee should provide the names of American participants and brief, relevant biographical data. All Yemeni and Nepalese participants will be nominated by the USIS officers in participating countries, although recommendations from the grantee institution are welcome. The USIS offices will facilitate the issuance of visas and other program related materials. Programs or program elements should be designed for either elected members of National or Provincial Assemblies or their respective staffs. Components designed for elected officials should take protocol considerations into account. Please note: U.S. government funds may not be used for entertainment.

Programmatic Considerations

Pursuant to the legislation authorizing the Bureau of Educational and Cultural Affairs, programs must maintain a non-political character and should be balanced and representative of the diversity of American political, social and cultural life.

USIA will give priority to proposals from U.S. organizations with relevant institutional contacts in Nepal and Yemen. Partner institutions are encouraged to provide cost-sharing or significant in-kind contributions such as local housing and transportation, interpreting, translating and other local currency costs. These institutions are also encouraged to assist with the organization of various program activities.

Programmatic Recommendations

In both Nepal and Yemen, there is a preponderance of newly elected officials at all levels of government. Many have little if any experience in city, regional, state or national government administration. A variety of program methodologies should be considered to address their interests and those of their staffs, including study tours, workshops, U.S.-based internships, and consultancies.

Carefully constructed internships or cohort arrangements in Washington, DC, and in state governments may be especially useful for emerging leaders, current law makers and professional staff from overseas to enhance their skills in legislation and other activities of representative government. Ideally, such experiential learning programs would be developed in conjunction with related outreach programs by suitable organizations in the partner country. Such efforts would help address the desire of the USIA to fund programs which promote relationships between U.S. and overseas institutions which will continue beyond the duration of the funded program.

The American participants should be selected on the basis of their knowledge and experience in developing and shaping relevant policies and programs, and their ability to convey their expertise to foreign audiences. While awareness of the Middle East or South Asia is generally desirable, it is not essential for all speakers selected.

Meetings with members of Congress who are familiar with the Middle East or South Asia and with U.S. foreign policy decision-making will strengthen a proposal if backed by written commitments.

The grantee will be responsible for most arrangements associated with this program. These include selecting speakers, themes, and topics for discussion; organizing a coherent progression of activities; providing international and domestic travel arrangements for all delegates and U.S. domestic travel for escort-interpreters; making lodging and local transportation arrangements for visitors; orienting and debriefing participants; preparing any necessary support materials; and working with host institutions and individuals to achieve maximum program effectiveness.

To prepare foreign legislators for this project prior to their arrival in the U.S., E/P encourages the grantee to develop a set of materials that would be sent to USIS offices overseas for distribution to delegates. These briefing materials might include a tentative project outline with clearly defined goals and objectives; relevant background information; a list of U.S. participants and lecturers, including Members of Congress or State Legislators committed to supporting the program; explanation of the bicameral U.S. Congressional organization including the Committee and Subcommittee system; and materials outlining rules of order and the structuring of Congressional staffs.

At the start of the U.S. portion of the program, the grantee should conduct an orientation session for the visiting delegation which addresses administrative and substantive details of the program plus geographic, historical, and cross-cultural factors which they should consider to enhance program success. Also, early in the program, visiting participants should be provided a forum where they are able to make presentations to U.S. colleagues summarizing the systems and resources currently at their disposal, and the major demands and challenges which they face in present legislation.

Upon conclusion of the program the grantee will be required to submit a report to E/P summarizing results of the entire program.

While activities in Washington are essential to portions of U.S.-based programs, they should be balanced with programming outside the capital to emphasize the decentralized nature of the U.S. political system. Often, in their scope, mandate, and budget, U.S. state legislatures more closely parallel foreign legislatures then does the U.S. Congress. Likewise, State officials and representatives may be valuable participants for certain program activities which will be conducted overseas.

At the conclusion of the U.S. portion of the program, the group should meet in a symposium to review what had been presented, to define possible future collaborative efforts, and to refine the goals and objectives of the follow-on components of the project.

Possible Structure

For projects dealing with Yemeni audiences, the program might begin by sending teams of Americans with practical experience in legislative affairs to Yemen to conduct a series of seminars for legislators and/or staff. They would simultaneously assess needs, leading to a refined plan for the ensuing phases of the exchange. For projects directed to Nepalese audiences, the program might commence with a U.S. study tour and then include a follow-up visit to Nepal by a team of American specialists.

The U.S. seminar/study tour component for both countries might be designed for groups of up to ten members of newly elected National Assemblies or Provincial Assemblies from specific committee assignments. Such a tour should be three-to-four weeks in duration and consist of seminars, site visits and meetings with various groups concerned with the workings of Congress and the committee system. This portion of the project would include an analysis of at least one state legislature which resembles the respective legislative body in size and function. The U.S. tour would be conducted in Arabic for Yemeni audiences and, if required, in Nepalese for Nepali audiences.

Overseas program components should include workshops, seminars, and consultancies designed to provide insight and encourage the development of legislative staffs to help them pursue their responsibilities more effectively and to determine subjects and modalities for collaboration between U.S. and overseas legislatures and their support services.

Some months later, a select group of foreign professional staff might travel to the U.S. to participate in extended internships with American counterparts.

Scope

Proposals should be developed for audiences from either Nepal or Yemen and may also be designed to target sub-audiences identified by their thematic expertise or committee assignments.

Other Logistical Considerations

Program monitoring and oversight will be provided by appropriate USIA elements. Per Diem support from host institutions during an internship component is strongly encouraged. However, for all programs which include internships, a non-profit grantee institution which receives funds from corporate or other cosponsors should then use those monies to provide food, lodging, and pocket money for the participants. In no case could the intern receive a wage or "be hired" by the sponsoring institution. Internships should also have an American studies/values orientation component at the beginning of the exchange program in the U.S. Grantee institutions should try to maximize cost-sharing in all facets of their program design, and to stimulate U.S. private sector (foundation and corporate) support

Additional Guidelines and Restrictions

Proposals recommending internships in the U.S. will be more competitive if

letters committing host institutions to support these efforts are provided.

Bureau grants are not given to support projects whose focus is limited to technical issues, or for research projects, or for developing publications for dissemination in the United States, for individual student exchanges, for film festivals or exhibits. Neither does this Office provide scholarships or support for long-term (a semester or more) academic studies. Competitions sponsored by other Bureau offices are also announced in the **Federal Register** and may have different application requirements as well as different objectives.

Funding

Competition for USIA funding support is keen. The final selection of a grantee institution will depend on assessment of proposals according to the review criteria delineated below.

USIA will consider funding up to $200,000 for the Nepalese program and up to $200,000 for the Yemeni program. Any proposal whose request to USIA exceeds these limits will be considered technically ineligible. Proposals may be submitted to manage both the Yemeni and Nepali programs or they may be submitted for only one of these programs. If submitting proposals for both programs, applicants should be careful to avoid duplication of costs. Note: Organizations with less than four years of successful experience in managing international exchange programs are limited to $60,000.

USIA Will Consider Funding the Following Project Costs

1. International and domestic air fares; visas; transit costs (e.g., airport taxes); ground transportation costs.

2. Per diem: For the U.S. program, organizations have the option of using a flat $140/day for international participants or the published DOS/DOD per diem rates for individual American cities. Note: Accompanying staff must use the published federal per diem rates, not the flat rate. For activities in the Middle East and South Asia, the DOS/DOD Federal per diem rates must be used.

3. Escort-Interpreters: Interpretation for U.S.-based programs is provided by the State Department's Language Services Division. USIA grants do not pay for foreign interpreters to accompany delegations during travel from and to their home country. Grant proposal budgets should contain a flat $140/day per diem for each State Department interpreter, who normally work in pairs, as well as home-program-home air transportation of $400 per interpreter and any U.S. travel expenses during the program itself. Salary expenses are covered centrally and are not part of a grantee's budget proposal.

4. Book and cultural allowance: Participants and escorts are entitled to a one-time book allowance of $200 plus a cultural allowance of $150/person. U.S. staff do not get these benefits.

5. Consultants: May be used to provide specialized expertise or to make presentations. Honoraria should not exceed $250 per day. Subcontract organizations may also be used, in which case the written contract(s) should be included in the proposal.

6. Room rental, which generally should not exceed $250 per day.

7. Materials development: Proposals may contain costs to purchase, develop and translate materials for participants.

8. One working meal per project: Per capita cost may not exceed $15–20 per lunch and $20–30 per dinner. Invited guests may not exceed participants by two to one.

9. Administrative Costs: USIA-funded administrative costs are limited to 22% of total funds requested from USIA. Administrative costs are defined as salaries, benefits, and other direct and indirect costs incurred in U.S. as defined in the Application Package. Please note: The USIA Bureau of Education and Cultural Affairs defines U.S. faculty salaries as an administrative expense, regardless of how the faculty time is to be used.

10. A return travel allowance: $70 for each participant which is to be used for incidental expenditures incurred during international travel.

Please note: All delegates will be covered under the terms of a USIA-sponsored health insurance policy. The premium is paid by USIA directly to the insurance company.

Application Requirements

Proposals must be structured in accordance with the instructions contained in the Application Package. Confirmation letters from U.S. and foreign co-sponsors noting their intention to participate in the program will enhance a proposal.

Review Process

USIA will acknowledge receipt of all proposals and will review them for technical eligibility. Proposals will be deemed ineligible if they do not fully adhere to the guidelines established herein and in the Application Package.

Eligible proposals will be forwarded to panels of USIA officers for advisory review. Proposals will be reviewed by USIS posts and by USIA's Office of North African, Near Eastern and South Asian Affairs. Proposals may also be reviewed by the Office of General Counsel or other Agency offices. Funding decisions are at the discretion of the Associate Director for Educational and Cultural Affairs. Final technical authority for grant awards resides with USIA's contracting officer. The award of any grant is subject to availability of funds.

The U.S. Government reserves the right to reject any or all applications received. USIA will not pay for design and development costs associated with submitting a proposal. Applications are submitted at the risk of the applicant; should circumstances prevent award of a grant, all preparation and submission costs are at the applicant's expense. USIA will not award funds for activities conducted prior to the actual grant award.

Review Criteria

USIA will consider proposals based on the following criteria:

1. *Quality of Program Idea:* Proposals should exhibit originality, substance, rigor, and relevance to the Agency mission. They should demonstrate the matching of U.S. resources to a clearly defined need.

2. *Institutional Reputation and Ability:* Applicant institutions should demonstrate their potential for excellence in program design and implementation and/or provide documentation of successful programs. If an applicant is a previous USIA grant recipient, responsible fiscal management and full compliance with all reporting requirements for past Agency grants as determined by USIA's Office of Contracts will be considered. Relevant substantive evaluations of previous projects may also be considered in this assessment.

3. *Project Personnel:* The thematic and logistical expertise of project personnel should be relevant to the proposed program. Resumes or C.V.s should be summaries which are relevant to the specific proposal and no longer than two pages each.

4. *Program Planning:* A detailed agenda and relevant work plan should demonstrate substantive rigor and logistical capacity.

5. *Thematic Expertise:* Proposal should demonstrate the organization's expertise in the subject area which promises an effective sharing of information.

6. *Cross-Cultural Sensitivity and Area Expertise:* Evidence should be provided of sensitivity to historical, linguistic, religious, and other cross-cultural factors, as well as relevant knowledge of the target geographic area/country.

7. *Ability to Achieve Program Objectives:* Objectives should be realistic and feasible. The proposal should clearly demonstrate how the grantee institution will meet program objectives.

8. *Multiplier Effect:* Proposal programs should strengthen long-term mutual understanding and contribute to maximum sharing of information and establishment of long-term institutional and individual ties.

9. *Cost-Effectiveness:* Overhead and direct administrative costs to USIA should be kept as low as possible. All other items proposed for USIA funding should be necessary and appropriate to achieve the program's objectives.

10. *Cost-Sharing:* Proposals should maximize cost-sharing through other private sector support as well as direct funding contributions and/or in-kind support from the prospective grantee institution and its partners.

11. *Follow-on Activities:* Proposals should provide a plan for continued exchange activity (without USIA support) which ensures that USIA-supported programs are not isolated events.

12. *Project Evaluation:* Proposals should include a plan to evaluate the activity's success. USIA recommends that the proposal include a draft survey questionnaire or other technique plus description of a methodology to use to link outcomes to original project objectives. Grantees will be expected to submit intermediate reports after each project component is concluded or quarterly, whichever is less frequent.

Notice

The terms and conditions published in this RFP are binding and may not be modified by any USIA representative. Explanatory information provided by the Agency which contradicts published language will not be binding. Issuance of the RFP does not constitute an award commitment on the part of the U.S. Government. Awards cannot be made until funds have been fully appropriated by Congress and allocated and committed through internal USIA procedures.

Notification

All applicants will be notified of the results of the review process on or about July 21, 1993. Awarded grants will be subject to periodic reporting and evaluation requirements.

Dated: February 17, 1993.

Barry Fulton,

Associate Director, Bureau of Educational and Cultural Affairs.

[FR Doc. 93–4091 Filed 2–24–93; 8:45 am]

BILLING CODE 8230–01–M

Sunshine Act Meetings

Federal Register
Vol. 58, No. 36
Thursday, February 25, 1993

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).

COMMODITY FUTURES TRADING COMMISSION

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 58 F.R. 7178

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 10 a.m., Thursday, February 25, 1993.

CHANGES IN THE MEETING: The Commodity Futures Trading Commission has postponed the meeting previously scheduled to 10 a.m., Tuesday, March 2, 1993. The open meeting schedule for March 2 is:

—Quarterly Review, 1st quarter, FY 1993
—Proposed rules on Dual Trading
—Proposed rules on Disciplinary Committees and Governing Boards of Self-Regulatory Organizations

CONTACT PERSON FOR MORE INFORMATION: Jean A. Webb, 254–6314.

Jean A. Webb,

Secretary of the Commission.

[FR Doc. 93–4474 Filed 2–23–93; 10:44 am]

BILLING CODE 6351–01–M

FEDERAL ENERGY REGULATORY COMMISSION

FEDERAL REGISTER CITATION OF PREVIOUS ANNOUNCEMENT: February 22, 1993, 58 FR 9595.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 10 a.m., February 24, 1993.

CHANGE IN THE MEETING: The following Docket Numbers have been added to Items CAG–2 and RS–8(B) on the Agenda scheduled for February 24, 1993:

Item No., Docket No., and Company

CAG–2, RP91–51–000, *et al.*, CNG Transmission Company
RS–8(B), RP89–160–000, Trunkline Gas Company

Lois D. Cashell,

Secretary.

[FR Doc. 93–4570 Filed 2–23–93; 3:51 pm]

BILLING CODE 6717–02–M

FEDERAL ELECTION COMMISSION

FEDERAL REGISTER NUMBER: 93–3978

PREVIOUSLY ANNOUNCED DATE AND TIME: Thursday, February 25, 1993 at 2 p.m. (Open to public).

This meeting has been rescheduled to start at 10 a.m.

DATE AND TIME: Tuesday, March 2, 1993 at 10 a.m.

PLACE: 999 E Street, NW., Washington, DC.

STATUS: This meeting will be closed to the public.

ITEMS TO BE DISCUSSED:

Compliance matters pursuant to 2 U.S.C. § 437g.
Audits conducted pursuant to 2 U.S.C. § 437g, § 438(b), and Title 26, U.S.C.
Matters concerning participation in civil actions or proceedings or arbitration.
Internal personnel rules and procedures or matters affecting a particular employee.

DATE AND TIME: Thursday, March 4, 1993 at 10 a.m.

PLACE: 999 E Street NW., Washington, DC, (Ninth Floor).

STATUS: This meeting will be open to the public.

ITEMS TO BE DISCUSSED:

Setting of Dates for Future Meetings.
Title 26 Certification Matters
Final Repayment Determination—Simon for President Committee
Regulation—Request for Public Hearing on Best Efforts NPRM
Letter to New Candidates
Report from the Inspector General
Routine Administrative Matters

PERSON TO CONTACT FOR INFORMATION: Mr. Fred Eiland, Press Officer, Telephone: (202) 219–4155.

Marjorie W. Emmons,

Secretary of the Commission.

[FR Doc. 93–4560 Filed 2–23–93; 2:30 pm]

BILLING CODE 6715–01–M

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

TIME AND DATE: 10 a.m., Wednesday, March 3, 1993.

PLACE: Marriner S. Eccles Federal Reserve Board Building, C Street entrance between 20th and 21st Streets, NW., Washington, DC 20551.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Personnel actions (appointments, promotions, assignments, reassignments, and salary actions) involving individual Federal Reserve System employees.
2. Any items carried forward from a previously announced meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Joseph R. Coyne, Assistant to the Board; (202) 452–3204. You may call (202) 452–3207, beginning at approximately 5 p.m. two business days before this meeting, for a recorded announcement of bank and bank holding company applications scheduled for the meeting.

Dated: February 23, 1993.

Jennifer J. Johnson,

Associate Secretary of the Board.

[FR Doc. 93–4515 Filed 2–23–93; 2:11 pm]

BILLING CODE 6210–01–M

federal register

Thursday
February 25, 1993

Part II

Department of Transportation

Federal Highway Administration

23 CFR Parts 657 and 658

Truck Size and Weight; Restrictions on Longer Combination Vehicles (LCV's) and Vehicles with Two or More Cargo-Carrying Units; Proposed Rule

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

23 CFR Parts 657 and 658

[FHWA Docket No. 92–15]

RIN 2125–AC86

Truck Size and Weight; Restrictions on Longer Combination Vehicles (LCV's) and Vehicles With Two or More Cargo-Carrying Units

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Supplemental notice of proposed rulemaking (SNPRM).

SUMMARY: The Intermodal Surface Transportation Efficiency Act (ISTEA) of 1991 restricts the operation of longer combination vehicles on the Interstate Highway System and commercial motor vehicle combinations with two or more cargo-carrying units on the National Network to the types of vehicles in use on or before June 1, 1991, subject to whatever State rules, regulations, or restrictions were in effect on that date. The ISTEA also includes special variances from the June 1 date for Alaska, Ohio, and Wyoming which are discussed in this SNPRM. The FHWA published a notice of proposed rulemaking (NPRM) regarding these requirements on March 20, 1992. This SNPRM is being published to clarify and standardize the information listed in the previous NPRM. In addition, it also includes a definition and applicable length limits for a "maxi-cube" vehicle; changes to the proposed definition of a nondivisible load; changes in the proposal to allow States to make temporary minor adjustments in approved routes and operating restrictions for these vehicles; and corrections or clarifications to 23 CFR parts 657 and 658 reflecting statutory changes made by the ISTEA and the Surface Transportation Assistance Act of 1982 (STAA).

DATES: Comments on this docket must be received on or before April 12, 1993.

ADDRESSES: Submit written, signed comments to FHWA Docket No. 92–15, Federal Highway Administration, room 4232, HCC–10, Office of the Chief Counsel, 400 Seventh Street SW., Washington, DC 20590. All comments received, as well as material submitted by the States used in preparing this SNPRM, will be available for examination at the above address between 8:30 a.m. and 3:30 p.m., e.t., Monday through Friday, except legal holidays. Those desiring notification of receipt of comments must include a self-addressed, stamped envelope or postcard.

FOR FURTHER INFORMATION CONTACT: Mr. Thomas Klimek, Office of Motor Carrier Information Management, at (202) 366–2212 or Mr. Charles Medalen, Office of the Chief Counsel, at (202) 366–1354, Federal Highway Administration, Department of Transportation, 400 Seventh Street SW., Washington, DC 20590. Office hours are from 7:45 a.m. to 4:15 p.m., e.t., Monday through Friday, except legal holidays.

SUPPLEMENTARY INFORMATION: Section 1023 of the Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA) [Pub. L. 102–240, 105 Stat. 1914, 1951, codified at 23 U.S.C. 127(d)] required States, within 60 days of adoption, to submit to the Secretary of Transportation, for publication in the **Federal Register** 30 days thereafter, a complete list of (1) all operations of longer combination vehicles (LCV's) being conducted as of June 1, 1991; (2) State laws, regulations, and any other limitations and conditions, including routing specific and configuration specific designations governing the operation of LCV's; and (3) a copy of such laws, regulations, limitations, and conditions. LCV's are defined in the ISTEA as:

> Any combination of a truck tractor and 2 or more trailers or semitrailers which operates on the Interstate System at a gross vehicle weight greater than 80,000 pounds.

Similarly, section 4006 of the ISTEA (49 U.S.C. App. 2311(j)) also required the States to submit a complete list of State length limitations applicable to commercial motor vehicle (CMV) combinations with two or more cargo-carrying units in effect on or before June 1, 1991. This section prohibits States from allowing the operation (by statute, regulation, permit, or other means) of CMV's with cargo-carrying unit lengths that exceed the length, by specific configuration, allowed and in actual lawful operation on a regular or periodic basis (including continuing seasonal operation) on the National Network (NN) in that State on or before June 1, 1991. The NN is defined in 23 CFR 658.5(f). The NN includes the Interstate System, with minor exceptions, and selected non-Interstate routes. The non-Interstate NN highways are listed in appendix A to part 658.

Sections 1023 and 4006 provide that no statute or regulation shall be included on the list submitted by a State or published by the Secretary merely on the grounds that it authorized, or could have authorized, by permit or otherwise, the operation of LCV or CMV combinations not in actual operation on a regular or periodic basis on or before June 1, 1991.

States may continue to issue special permits, in accordance with applicable State laws, for those vehicles and loads which cannot be easily dismantled or divided. A proposed definition of such nondivisible loads is included in this SNPRM.

The ISTEA includes three narrow exceptions to the June 1, 1991, freeze date. Wyoming may allow the operation of additional vehicle configurations not in actual operation on June 1, 1991, provided they are authorized by State law not later than November 3, 1992. These configurations must also comply with the Federal single-axle, tandem-axle, and bridge formula weight limits.

Ohio may allow LCV's with three cargo-carrying units of 28.5 feet each (not including the truck tractor) not in actual operation on June 1, 1991, to be operated within its boundaries on the 1-mile segment of Ohio State Route 7 which begins at, and extends south of, Exit 16 on the Ohio Turnpike.

Alaska may continue to allow the operation of LCV's which were not in actual operation on June 1, 1991, but which were in actual operation prior to July 6, 1991. It may also continue to allow the operation of CMV's with two or more cargo-carrying units which were not in actual operation on June 1, 1991, but which were in actual operation prior to July 6, 1991.

A preliminary list of the information provided by the States in response to sections 1023 and 4006 was published in the **Federal Register** as an NPRM on March 20, 1992 (57 FR 9900). The proposed list of vehicles and restrictions being presented here includes corrections, clarifications, and additional material submitted to the docket in response to the March 20 NPRM. One significant change in the way the information provided by the States is being presented is that appendices C and D have been combined into a single list of vehicles and restrictions as shown in new appendix C.

Section 4006 defines the length of cargo-carrying units as the distance from the front of the first cargo unit to the rear of the last cargo unit. In compiling the cargo-carrying unit lengths for the March 20 NPRM, assumptions were made regarding the distance between units and the length of the driver's cab. For combinations including a truck tractor subject to an overall vehicle length requirement, the cargo-carrying unit length was estimated at 10 feet less than the overall length. If both overall length and individual cargo-carrying unit length are controlled, the sum of

the cargo-carrying unit maximum lengths plus 4 feet between units was first compared against the overall length. If the sum of the cargo-carrying unit lengths plus the 4-foot inter-unit spacing was less than the overall combination length minus 10 feet for the tractor, then the length was estimated at overall length minus 10 feet. If the sum of unit lengths plus spacing was greater than the overall length minus 10 feet, the unit length plus spacing sum was listed as the cargo-carrying length. In order to allow for a 7-foot cab, however, the shortest tractor likely to be used in over-the-road operations, the cargo-carrying unit length was not allowed to exceed the overall vehicle length minus 7 feet. For truck-trailer combinations, 7 feet was allowed for cab space, making the cargo-carrying unit length for these combinations no greater than the overall combination length minus 7 feet.

Very few comments were received on the cargo-carrying length values derived by the use of these guidelines. In general, the cargo-carrying length values listed for each vehicle in proposed appendix C continue to be based on the same guidelines. Some changes have been made, however, and they are discussed next.

Many States do not differentiate between a "Rocky Mountain" and "Turnpike" double in the statutes or regulations which authorize their operation. Typically these States allow a truck tractor-semitrailer-trailer, or a truck tractor and two trailing units where each trailing unit can be up to some maximum length. Under such rules both "Rocky Mountain" and "Turnpike" doubles can operate. For States with such laws or regulations, the maximum cargo-carrying length listed in the March 20 NPRM was the same for both configurations.

Sections 1023 and 4006 of the ISTEA both impose the freeze on a "configuration specific" basis. The common description of a "Rocky Mountain" double is a combination with a semitrailer and a full trailer which normally operates with a long semitrailer and a shorter second trailer. Typical lengths for the first unit are 45 to 53 feet and for the second unit 27 to 28.5 feet. A "Turnpike" double is also a combination with two trailers or semitrailers. Each of the two units traditionally have exceeded 40 feet in length, and currently are typically 45 to 48 feet long. Obviously, "Rocky Mountain" and "Turnpike" doubles are not the same configuration, and therefore, should not have the same maximum cargo-carrying length or allowable gross weight.

In the March 20 NPRM, eight States (Alaska, Florida, Idaho, Kansas, Nevada, New York, North Dakota, and Oklahoma) reported the same cargo-carrying length for both configurations. In order to differentiate the two configurations in these States, this SNPRM includes reduced values for the length of cargo-carrying units and the maximum allowable gross weight of "Rocky Mountain" double configurations.

The revised cargo-carrying length was derived by combining the State's maximum semitrailer length in effect June 1, 1991, a 4-foot inter-unit spacing, and 28.5 feet for a trailing unit. The revised maximum allowable gross weight for the shorter combination was determined by applying the weight limitations described for that State's "Turnpike" double combination. For example, if the "Turnpike" double's maximum allowable gross weight is determined by the Federal bridge formula, that formula has been applied to the estimated length of the "Rocky Mountain" double to produce the gross weight limit listed here.

Comment is invited on the method used to develop the reduced values for the "Rocky Mountain" double combination.

Further review of the LCV and extra-length, multi-unit vehicle information for Alaska has resulted in a reduction of the cargo-carrying length for their "Turnpike" double listed in proposed appendix C. The 95-foot length listed in the March 20 NPRM, has been reduced to 90 feet.

For continued operation under the terms of ISTEA section 4006, a CMV with two or more cargo-carrying units in Alaska not only had to have had a legal basis to operate prior to July 6, 1991, but also had to have been in actual operation. The amendment to the Alaska Administrative Code (AAC) increasing the cargo-carrying length to 95 feet was published July 3, 1991, in AAC Register 119. The FHWA, however, has received no documentation that a "Turnpike" double with a cargo-carrying length of 95 feet actually began operations in Alaska prior to July 6, 1991.

In order to establish a cargo-carrying length greater than the 90 feet listed for Alaska "Turnpike" doubles, information documenting actual operation of this combination, including the routes used, must be provided to the docket.

Further review of the LCV information for Kansas has resulted in the elimination of a route for use by special vehicle combinations (SVC's), i.e., triples, included in the March 20 NPRM. Interstate 70 from the Colorado State Line to I–70 Exit 19 has been removed from the list of routes available for triples. According to the Conference Report on the ISTEA [H.R. Conf. Rep. No. 404, 102d Cong., 1st Sess. 314 (1991)], "Use of an LCV on only one or two occasions pursuant to a special permit would not provide a basis for satisfactorily certifying grandfather rights or operations under this subsection." A review of the Kansas size and weight program, conducted last February by the FHWA Kansas Division Office of Motor Carriers, determined that one trip under a special permit issued May 31, 1991, was made on I–70 between Goodland and the Colorado State Line prior to 12:01 a.m. on June 1, 1991.

This finding, coupled with the conference report language, disqualifies the I–70 segment from use by triples. The route list for Kansas triples, included as part of appendix C, has been corrected accordingly.

Vehicles Submitted by States but Excepted From or not Subject to Section 4006 of the ISTEA

In preparing the March 20 interim list required by section 4006(a) of the ISTEA, published as proposed appendix D to part 658 in that proceeding, the FHWA decided not to list certain vehicle combinations which it determined Congress did not intend to include in the ISTEA freeze. No additional information regarding conditions, routes, or authority to operate these vehicles was required. However, in publishing the proposed list of vehicles and restrictions today, the same approach regarding vehicles not to be included has been followed, with one adjustment and a consolidation of exception criteria as follows:

1. STAA Doubles

In the March 20 NPRM, truck tractor-semitrailer-semitrailer and truck tractor-semitrailer-trailer combinations with a length of cargo-carrying units of 62 feet or less were excluded because these vehicles are subject to other provisions in part 658. These are the twin 28-foot or grandfathered 28.5-foot units authorized by the STAA and the 28-foot B-train doubles authorized by the FHWA as specialized equipment under the authority of the STAA. The 62-foot dimension resulted from adding twin 28.5-foot units, a 4-foot inter-unit spacing, and an additional foot to allow for rounding, measuring differences, and other minor length-related contingencies. The STAA, however, requires States to allow twin 28-foot or grandfathered 28.5-foot units in a

doubles combination regardless of inter-unit spacing. The 62-foot limitation required some States to list an STAA double in appendix D as an extra-length, multi-unit vehicle because the allowed inter-unit spacing exceeded 5 feet. As a result, the exception criteria intended to cover STAA doubles are being clarified to exclude all STAA doubles, regardless of inter-unit spacing.

2. Other STAA Vehicles

No State needs to report on the following vehicles, all of which are specialized equipment authorized by the FHWA, on the authority of section 411(d) of the STAA:

a. Saddlemount combinations 75 feet or less in length;
b. Dromedary equipped truck tractor-semitrailer combinations authorized under § 658.13(f); and
c. Automobile or boat transporter combinations 65 feet or less in length (75 feet if stinger steered).

3. Truck-trailer and truck-semitrailer combinations, including maxi-cubes

The March 20 NPRM separately excluded maxi-cube vehicles and other truck-trailer and truck-semitrailer combinations from the freeze. Maxi-cubes were excluded because States are required to allow them to operate on the NN with a maximum overall length of 65 feet (49 U.S.C. 2311 (c), (f)(2)). In addition, the report issued by the House Appropriations Committee on the FY 1991 Department of Transportation Appropriations Act (Pub. L. 101–516, 104 Stat. 2155) made it clear that Congress intended to allow a maximum cargo-carrying unit length of 60 feet [H.R. Rep. No. 584, 101st Cong., 2d Sess. 78–79 (1990)]. In response to comments received on the March 20 NPRM, this SNPRM proposes to define the term "maxi-cube" and establish applicable length limits. A detailed discussion of the maxi-cube changes is found later in the **SUPPLEMENTARY INFORMATION** section.

Other truck-trailer or truck-semitrailer combinations were excluded because they are used primarily in construction or farming, e.g., dump trucks with tag-along trailers or straight trucks with hopper trailers or flatbeds. We do not believe Congress intended to include such vehicles, used locally for relatively short distances and often on secondary roads, within the scope of the ISTEA freeze. The question, however, is at what length the exclusion should end.

The statutory definition of a maxi-cube includes an overall length of 65 feet (49 U.S.C. 2311(f)(2)). If a State allowed a longer maxi-cube vehicle on June 1, 1991, the vehicle's cargo box length would have to be listed. Other truck-trailer and truck-semitrailer combinations, however, were excluded in the March 20 NPRM if the cargo-carrying distance was 65 feet or less. Using the cargo-carrying length determination conventions discussed earlier, a nonmaxi-cube truck-trailer and truck-semitrailer combination could have an overall length of up to 72 feet and still be excluded from these freeze provisions.

In order to eliminate an exclusion category essentially based on vehicle design and provide a consistent exclusion rule for a common vehicle type, it is proposed that all truck-trailer and truck-semitrailer combinations, including maxi-cubes, would now be subject to a single exclusion category, and would not be listed in appendix C unless they exceed an overall length of 65 feet. The 65-foot dimension follows the congressional intent expressed in deliberations involving the maxi-cube and the regulatory precedent established with respect to conventional automobile transporters. In addition, 65 feet was a relatively common overall length control established by those States which allowed multi-unit combination vehicles prior to passage of the STAA. Additional information regarding conditions, routes, or authority to operate is required for these configurations if the overall length is greater than 65 feet. We believe most combinations with an overall length greater than 65 feet are likely to be over-the-road CMV's. For the nonmaxi-cube combinations this change requires that certain vehicles, excluded from appendix D in the March 20 NPRM, now be listed, albeit in appendix C. This change has been made where necessary.

4. Tow truck operations

In commenting on the March 20 NPRM, both the Wisconsin DOT and the Wyoming Highway Patrol stated that emergency towing operations should be exempted from any of the provisions in either of sections 1023 or 4006 of the ISTEA. The Connecticut DOT, while indicating that wreckers are exempt from length and weight statutes, nevertheless provided the information necessary to list a wrecker-towed vehicle combination in appendix C.

The nature of the service provided by wreckers or tow trucks is such that these vehicles need to have immediate access to all roads in a State to remove disabled or abandoned, as well as accident-damaged, vehicles. They are, to that extent, emergency vehicles. There is no evidence that Congress intended to include these operations under the freeze restrictions. Therefore, the FHWA would exclude emergency towing operations from any of the freeze provisions proposed in appendix C.

These exclusions from the ISTEA freeze would be codified at § 658.23(b).

In responding to our original request for the LCV information, and the March 20 NPRM, many States included information about vehicles which either fall under one of the exception categories described above, or are not subject to the provisions of the ISTEA freeze. For these reasons, the following vehicles will not be listed in appendix C.

Note: The term "double" means a truck tractor-semitrailer-trailer combination vehicle.

California

1. A double with an individual unit length of 28.5 feet or less (Exclusion 1).

Colorado

1. A double with an individual unit length of 28.5 feet or less (Exclusion 1).

Connecticut

1. A wrecker with towed vehicle (Exclusion 4).
2. Farm equipment. Not a CMV with multiple cargo-carrying units.
3. A school bus. Not a CMV with multiple cargo-carrying units.
4. A boat transporter (Exclusion 2).

Florida

1. Tractor-semitrailer combinations where the semitrailer is 57.5 feet or less in length. Single-trailer vehicles are not subject to the ISTEA freeze.
2. Maxi-cubes allowed by 49 U.S.C. 2311 (Exclusion 3).

Georgia

1. A truck pulling a maximum 15-foot-long trailer. The maximum overall length is 55 feet 7 inches (Exclusion 3).

Idaho

1. A double with an individual unit length of 28.5 feet or less (Exclusion 1).

Indiana

1. A combination of two vehicles coupled together with an overall length not to exceed 60 feet (Exclusion 3).
2. A double with an individual unit length of 28.5 feet or less (Exclusion 1).
3. A maxi-cube vehicle with an overall length of 65 feet or less (Exclusion 3).

Louisiana

1. A truck and trailer with an overall length restricted to 65 feet, cargo-carrying length limited to 58 feet (Exclusion 3).

Maryland

1. A maxi-cube consisting of a truck pulling a trailer having a maximum length of 34 feet. The maximum overall length of the combination is 65 feet (Exclusion 3).

2. A truck pulling a trailer having a maximum length of 28 feet. The maximum overall length of the combination vehicle is 60 feet (Exclusion 3).

Massachusetts

1. A truck and trailer with a maximum cargo-carrying length of 45.5 feet (Exclusion 3).

Missouri

1. Any vehicle combination, other than a double with twin 28-foot units and a truck tractor-semitrailer with a maximum semitrailer length of 53 feet, operating on Interstate and primary highways plus 10-mile access is limited to a maximum overall length of 65 feet. The resulting maximum cargo-carrying length is 58 feet or less (Exclusion 3).

Nebraska

1. A truck and full trailer where the maximum overall length is 65 feet, with cargo-carrying length limited to 58 feet (Exclusion 3).

Oklahoma

1. A recreational vehicle pulling two trailers with an overall length of 65 feet for recreational purposes only. The total length of the cargo-carrying units is 58 feet or less (Exclusion 3).

2. A pickup or light truck pulling two recreational-related trailers with a maximum overall length of 70 feet. The trailers are not CMV's.

Oregon

1. A truck tractor-semitrailer equipped with a dromedary box on the tractor.

2. Specialized equipment authorized by the STAA of 1982, including automobile and boat transporters and saddlemount combinations (Exclusion 2).

South Dakota

1. Specialized equipment authorized by the STAA of 1982, including automobile and boat transporters and saddlemount combinations (Exclusion 2).

2. A pickup or light truck pulling two recreational-related trailers. Overall length is 70 feet or less. The maximum length of the second trailer is 24 feet. The trailers are not CMV's.

3. Heavy-haul combination consisting of a four-axle truck tractor pulling a two-axle semitrailer (a "jeep") which is noncargo-carrying, but supports part of the load of the second three-axle semitrailer. The second semitrailer is the primary load-carrying unit and is followed by a third two-axle trailer (jeep) which also supports part of the load of the second semitrailer. The overall length of the combination vehicle is 110 feet or less. The vehicle is operated only under permit and used only for nondivisible loads. Nondivisible loads are not subject to the ISTEA freeze, provided the State issues a permit for their operation.

Tennessee

1. A truck and trailer with a maximum overall length of 65 feet with a cargo-carrying length limited to 58 feet (Exclusion 3).

2. A tractor-semitrailer with a kingpin to end of trailer length that does not exceed 50 feet, provided the kingpin to center of rear axle(s) length does not exceed 41 feet. Single trailer vehicles are not subject to the ISTEA freeze.

3. A wrecker towing disabled vehicles (Exclusion 4).

4. A truck tractor pulling a 53-foot seed cotton module. See paragraph 2 above.

Wisconsin

1. A truck-trailer-trailer where each trailer is an empty pressurized or nonpressurized tank unit used in connection with hauling or storing liquid agricultural fertilizer. The overall length is 60 feet or less (Exclusion 3).

2. A truck and three trailers where each trailer carriers a cargo of warning signs used exclusively for highway maintenance or construction. The overall length is 60 feet or less. This vehicle is not a CMV.

3. A farm tractor and two trailers where the trailers are used primarily as implements of husbandry in connection with seasonal agricultural activities. The overall length is 60 feet or less (Exclusion 3).

4. A truck and three or fewer trailer-type vehicles designed to carry passengers on educational or recreational excursions. The overall length is 50 feet or less. This vehicle is not a CMV.

5. Stinger-steered automobile transporters with an overall length of 66 feet (Exclusion 2).

6. The Wisconsin DOT asked if the restrictions imposed by section 4006 would apply to a combination vehicle comprised of a straight truck and two empty semitrailers or trailers moving between a manufacturer and a dealer, or between two dealers. There are several factors to consider. Empty trailers or semitrailers are cargo-carrying units. In the ISTEA definition of cargo-carrying unit (section 4006(a)), the term "used for the carrying of cargo" must be read as "designed and constructed to be used." Otherwise, the freeze would end every time a carrier unloaded. The State noted that the enabling legislation for this combination became effective August 15, 1991. Accordingly, unless the overall length of this combination is 65 feet or less, the restrictions in section 4006 would apply and the vehicle could not operate on any NN route. However, if loaded truck-trailers or truck-semitrailer combinations of the same or greater length were running legally on June 1, 1991, then empty vehicles would also be allowed to operate on the same NN routes.

Wyoming

1. A dromedary equipped truck tractor-semitrailer combination authorized under a § 658.13(f). (Exclusion 2).

For the reasons noted, all of the above vehicles are excluded from the ISTEA freeze and therefore are not listed in appendix C.

States and/or carriers should furnish information on any other combinations with two or more cargo-carrying units which were allowed to operate on the NN on or before June 1, 1991, but not covered by the exclusion categories previously noted. If this information is not provided to the docket by April 12, 1993, so that the FHWA can include it in the final list, the State could ultimately be prohibited from allowing any further use of such vehicles on the NN highways in the State.

List of ISTEA Vehicle Operations and Conditions Submitted By States

In addition to the lists of vehicle configurations, the ISTEA also required each State to submit a copy of all its statutes, regulations, limitations, and conditions which apply to the operation of each of the LCV's or extra-length vehicles reported as in use on or before June 1, 1991.

The content of the States' original responses to this request covered the full range of what could be supplied, both in terms of items covered and volume of material. The diversity of the contents of the responses was so great that the FHWA determined that before any list could be finalized, increased uniformity both in terms of items covered and the type of information would be necessary.

One of the subheadings for each LCV or extra-length vehicle described in proposed appendix C of 23 CFR part 658 is "Operational Conditions." The information in the March 20 NPRM was

taken directly from the State responses to the questionnaire, regardless of content. In those cases where another document was referenced, the FHWA attempted to summarize that document. Because of the differences in State-provided responses, there was little consistency as to coverage or depth. Therefore, in addition to asking for comments, the March 20 NPRM also asked the States and all other sources, including industry trade groups, either to reformat existing information, or to provide new information following a suggested format. Those States which allow LCV's or extra-length vehicles were requested to provide the operational condition information in the following format:

1. The weight—list the maximum single-axle, tandem-axle, and gross weight, as well as any axle spacing requirements for each combination vehicle.

2. The driver—describe any special training, experience, or licensing requirements required to handle the combination vehicle described.

3. The vehicle—describe any special requirements that apply, such as horsepower, braking ability, off-tracking limits, or order of trailers.

4. Permit requirements—indicate whether a permit is required and, if so, its duration, type (i.e., whether it is for a single or multiple trip), and if a fee is charged.

5. Access requirements—recognizing that approved operating routes are listed separately, describe any conditions which would restrict vehicle access between terminals and approved highways, i.e., describe what, if any, "reasonable access" conditions exist for the combination described.

The information included in proposed appendix C reflects the States' responses to the NPRM's request. For States which did not respond, the FHWA reformatted previously submitted information.

Operators of the vehicles described in appendix C are cautioned, however, that any such operation must be in full compliance with all applicable State regulations. The "Operational Conditions" described in appendix C are intended to be an informational summary of the major conditions for the public at large. They do not replace State regulations as the basis for actual operations.

A summary of the material furnished by the States is shown in appendix C to 23 CFR part 658. The actual State submissions, as well as comments on the March 20 NPRM, are on file at the FHWA Headquarters, room 4232, and may be viewed there from 8:30 a.m. to 3:30 p.m., e.t., Monday through Friday, except on holidays.

Documentation of Actual Operation

For continued operation under the terms of ISTEA sections 1023 and 4006, a CMV with two or more cargo-carrying units may only operate if on or before June 1, 1991 (Alaska prior to July 6, 1991), the specific configuration was (1) legally allowed in the State, and (2) was in actual lawful operation on a regular or periodic basis. If a specific multi-trailer configuration was authorized by State statute or regulation, but not in actual lawful operation on a regular basis on or before June 1, 1991, it may not now be put into service.

The information which the States have supplied in response to the ISTEA and the March 20 NPRM has satisfied the legal requirement for operation, i.e., documenting the basis for legal operation in the States involved. The demonstration of actual lawful operation on a regular or periodic basis on or before June 1, 1991, however, has yet to be similarly supported.

The situation with respect to "Turnpike" double operation in Alaska was discussed earlier. To reiterate briefly, the authorizing legislation/regulation was passed 3 days prior to the operations cutoff date established by the ISTEA. Given the distances involved on the authorized routes and the fact that 1 of the 3 days was a national holiday, the FHWA is justified in asking for some evidence that each authorized route was covered in a relatively short time period.

The Alaska situation represents a special circumstance and is not typical of the other States and vehicles listed in appendix C. What is common to all States and motor carriers, however, is the requirement to demonstrate actual operation of each configuration and the maximum length and weight at which that vehicle configuration was operated on or before June 1, 1991. Accordingly, this SNPRM is requesting information, from any source, to show actual operation of the vehicles described in appendix C. While a copy of the special permit under which operations occurred is the preferred means of satisfying this requirement, any item which can support operation of the vehicle described on or before June 1, 1991, is acceptable. This information can be supplied by the States, carriers, State trucking associations, or any other entity having knowledge of such vehicle's operation.

This information must be supplied to the docket. Any vehicle combination for which an entry is included in appendix C which is not supported by some type of operational documentation, will not be included in the final list of allowable multi-unit combination vehicles, and therefore will no longer be allowed to operate in that State.

The FHWA anticipates that operation of a specific vehicle configuration, and the maximum weight and cargo-carrying length associated with that configuration, should be documentable in a relatively straightforward manner. The requirements of the ISTEA with regard to route specificity, however, may not be so easily supported. Since more than one route might have been legally available between terminals, the fact that carriers preferred or used one route more than others does not preclude the continued availability of the other potential route(s). If configuration-specific operation in a State can be supported, the FHWA will accept as *prima facie* evidence that all of the routes listed in appendix C as being available to that configuration, were in fact used on or before June 1, 1991.

Minor Adjustments to Listed Information

Sections 1023 and 4006 of the ISTEA allow States to make minor adjustments of a temporary and emergency nature which will relax route designations and vehicle operating restrictions in effect on June 1, 1991. They also direct the Secretary to issue regulations establishing criteria for the States to follow in making such adjustments.

Minor adjustments must be both temporary and caused by an emergency. According to the Conference Report on the ISTEA [H.R. Conf. Rep. No. 404, 102d Cong., 1st Sess. 314 (1991)], such adjustments are intended to be temporary and limited, for example, a bridge failure that would require the rerouting of ISTEA vehicles to highways where they would otherwise be prohibited. Since it is impossible to foresee all types of emergencies that might necessitate a minor adjustment, and it is not the intent of the FHWA to establish a burdensome reporting requirement, the proposed regulation would require a State to report the details of an adjustment only if the duration was expected to exceed 30 days. Emergency adjustments with a duration of 30 days or less would not be reported to the FHWA.

The March 20 NPRM proposed to cap the duration of minor adjustments at 1 year. Adjustments lasting more than 1 year would not be considered to be of a temporary or emergency nature. Minor adjustments for the same emergency would not be permitted to be broken into periods of less than 1 year to extend

the emergency for a period longer than that. Similarly, an emergency would not be permitted to be broken into 30-day or shorter periods to avoid reporting.

The FHWA has re-examined the 1-year limitation in light of the fact that highway and bridge construction or repair can require significant amounts of time depending on the extent and/or complexity of the work involved. Accordingly, this SNPRM proposes to allow minor adjustments to remain in effect until replacement construction or repair work is completed, without a time limit.

In its response to the docket, the Citizens For Reliable And Safe Highways (CRASH) opposed, as far too liberal, the language proposed for § 658.23(c) allowing temporary route and/or restriction adjustments to remain in effect for as long as 1 year. The CRASH maintains that any situation requiring an adjustment that can last as long as 1 year is neither "temporary," nor of an "emergency nature." If a situation lasts that long, then carriers must be made to comply with the reduced weight, length, or number of unit regulations which would normally apply to the detour route. The FHWA does not agree, as our re-examination of the issue highlights. While the FHWA obviously will not encourage lengthy "minor adjustments" as a way to circumvent the intent of this rulemaking, neither do we feel that it is reasonable to put an arbitrary time limit on what might truly be an extensive and/or complex project. In order to avoid misunderstandings, however, the proposed regulatory language is being revised to clearly indicate that the FHWA must approve any submissions for minor adjustments that will exceed 30 days. Rejection of a State's request would cause freeze restrictions to be reimposed.

Yellow Freight System, Inc., commented that the use of extra-length, multi-unit vehicles was developed primarily in response to multi-state regional economic needs. Yellow Freight feels that despite the freeze language of the ISTEA, States should be allowed to continue to pursue interstate harmonization of LCV routes and regulations in order to support regional economic needs.

Congress had many options in writing the ISTEA language with regard to LCV operations. In the end, Congress clearly established a freeze date (June 1, 1991) as a cutoff for LCV operations. The FHWA has no statutory latitude to allow permanent changes to LCV routes and restrictions in a State after June 1, 1991. The only adjustments allowed after the June 1, 1991, date are the temporary minor adjustments covered by this section.

Further Restrictions on ISTEA Vehicles

The ISTEA provides that States may further restrict, or even prohibit, the operation of LCV's or CMV's with two or more cargo-carrying units after June 1, 1991. Such restrictions, however, must be consistent with sections 411, 412, and 416(a) of the STAA. This means States may not prohibit twin-trailer combinations with trailers not over 28 feet long (28.5 feet if grandfathered) from operating on the NN or reasonable access routes. States may not restrict the width of vehicles on the NN or reasonable access routes to less than 102 inches or the metric equivalent, 102.36 inches.

A State must notify the Secretary within 30 days after the imposition of further restrictions or prohibitions on the operation of LCV's or CMV's with two or more cargo-carrying units. The FHWA does not have approval authority over any additional restrictions a State may impose, but is merely required to publish such restrictions in the **Federal Register.** The FHWA may require further information or clarification before publishing the restrictions in the **Federal Register.**

In providing a general comment on the NPRM, the National-American Wholesale Grocers' Association (NAWGA) cautioned States considering further restrictions on LCV's or CMV's with two or more cargo-carrying units that such restrictions would impose an undue burden on NAWGA members using these vehicles in the food distribution process. The proposed language in § 658.23(d) directly reflects congressional intent as expressed in the ISTEA.

Definition of Nondivisible Loads

With only a few exceptions, section 4006(a) of the ISTEA freezes the length of vehicles with two or more cargo-carrying units at the length allowed on June 1, 1991. There is, however, an exception for nondivisible loads. States may issue permits for vehicles with loads that exceed the length allowed in 1991 if the load cannot be easily dismantled or divided. The Conference Report on the ISTEA [p. 441] states that the types of loads envisioned by this provision are long loads, e.g., missiles or bridge sections on two or more connected flatbed trucks.

The exemption would also apply to very large objects moved on a series of dollies, each of which is technically a cargo-carrying unit. Because Congress has authorized the States, in identical terms, to issue overweight and oversize permits "for those vehicles and loads which cannot be easily dismantled or divided" [23 U.S.C. 127(a); section 4006(a) of the ISTEA, 49 U.S.C. app. 2311(j)(1)], the FHWA initially proposed a definition of "nondivisible load" which would be equally applicable to an overweight and/or oversize load. Briefly, a load would be considered nondivisible if dividing it into smaller or lighter components would destroy its value or cause the shipper or motor carrier to incur a significant additional expense to dismantle it.

There were eight responses to the March 20 NPRM discussing the proposed nondivisible load definition. The CRASH opposed the definition on the grounds that wording such as "destroying the value * * *" and "imposing significant additional costs * * *" are too subjective and vague. Further, the CRASH argued that the proposed purpose of the definition, i.e., to implement 23 U.S.C. 127(a) as well as section 4006(a) of the ISTEA, goes beyond the congressional intent expressed by the ISTEA. The CRASH feels that this combination of vagueness, subjectivity, and coverage will encourage shippers and motor carriers to encourage the States to consider more items as nondivisible, which would increase circumvention of State weight laws. One respondent, the North Carolina DOT, supported the definition as proposed.

The other six commenters generally supported the concept of the definition with comments on two issues, safety and the phrase "significant additional expense."

The Wyoming Highway Patrol (WHP), Wyoming Trucking Association (WTA), and the American Trucking Associations (ATA) all support the inclusion of a safety reference in the definition as a factor in helping to determine a load's divisibility. The ATA wrote that:

> [T]he movement of concrete construction panels, each of which are over statutory dimensions if carried horizontally or vertically and considered a risky move from a safety and stability standpoint if transported one at a time; could be moved two at a time, diagonally cribbed to support each other, providing a safer and more stable operation.

The ATA contends that such a load should be considered nondivisible.

Several commenters echoed the statement of the WHP that, "Economics should not be a consideration when making a determination on divisible vs. nondivisible configurations." This referred to the language in the proposed definition about imposing "significant additional costs on the shipper or motor

carrier to dismantle the load." The Connecticut, Idaho, and Oregon DOT's all support the elimination of "economics" as a factor in the nondivisibility determination. Each suggested different approaches to change the original proposal. For example, Idaho suggests using the definition of nondivisible load recently adopted by the Western Association of State Highway and Transportation Officials (WASHTO) Subcommittee on Highway Transport. That definition is:

Nondivisible load—a load which cannot be readily or reasonably dismantled and which is reduced to a minimum practical size and weight. Portions of a load can be detached and reloaded on the same hauling unit provided that the separate pieces are necessary to the operation of the machine or equipment which is being hauled, if the arrangement does not exceed permittable limits.

The Oregon DOT commented that the reference to "significant additional expense" should be more specific and proposed a criteria based on the time needed, by those who originally assembled, the item, to dismantle it. The Connecticut DOT proposed that the permitting authority decide on the necessity and feasibility of shipping an item by highway before issuing a permit.

As indicated in the March 20 NPRM, the statutory language dealing with permits for "vehicles and loads which cannot be easily dismantled or divided" is the same for overweight and overlength vehicles. The language in section 4006 of the ISTEA was adopted from Federal vehicle weight law [23 U.S.C. 127(a)]. The FHWA has long had authority to promulgate rules and regulations to carry out the Interstate weight limits [23 U.S.C. 315]. At this time, however, there is no rule which defines nondivisible overweight loads, even though there is regulatory authority for States to issue permits for nondivisible overweight movements [23 CFR 658.17(g)]. Since the ISTEA directed the FHWA to define nondivisible overlength loads, it makes sense to adopt a definition applicable to both kinds of loads. This approach is completely consistent with the requirements of the ISTEA.

Further, the FHWA is concerned by the rapidly expanding use of nondivisible load permits. Data submitted by the States, in their annual size and weight certifications, and transmitted to Congress in the FHWA's reports on "Overweight Vehicles—Penalties and Permits," indicate that between fiscal years 1984 and 1990 the number of single-trip nondivisible load permits increased by 29 percent, while the number of multiple-trip nondivisible load permits grew by 119 percent. There is no reason to believe that the number of nondivisible products is expanding faster than that of other goods, yet the growth of multiple-trip permits has outstripped that of the economy by a large margin. A few States have recently defined bulk liquids as nondivisible loads, which conflicts with common sense, since liquids are inherently divisible. It is hard to avoid the conclusion that existing Federal authority for nondivisible load permits is sometimes abused. The FHWA believes that the proposed definition would be reasonable and practical, and that its inclusion in this regulatory action will help to reduce unjustified use of nondivisible load permits.

The NPRM proposed that a load be defined as nondivisible if it could not be reduced into smaller or lighter components "without destroying the value of the shipment or imposing significant additional costs on the shipper or motor carrier to dismantle the load." The ATA argued that the phrase "destroying the value" should be changed to "significantly reducing the value." The two parts of the definition—destroying the value, and imposing significant added costs—were intended to deal with somewhat different kinds of loads. The first part covered cargo which is essentially a single piece (boilers, long I-beams or pipes, blocks of quarried stone) and which would have to be cut into smaller pieces to meet the applicable size or weight limit, thereby destroying or enormously reducing the value of the load. The second part dealt with manufactured products assembled from smaller components which could be dismantled and reassembled without destroying the use value of the product, but only at the cost of unreasonably time, effort, and expense to the shipper or motor carrier. The ATA's concerns are adequately addressed by the revised definition discussed below.

The CRASH argued that the definition was vague and susceptible to misinterpretation. The FHWA agrees in part—the concept of "significant added costs" was not sufficiently specific—and is therefore now proposing a definition which excludes a specific reference to cost.

The proposed definition reads as follows: *Nondivisible vehicle or load.* As used in this part, "nondivisible" means any vehicle or load exceeding applicable length or weight limits which cannot readily be separated into smaller vehicles or loads that comply with such limits without (1) compromising the intended use of the vehicle, (2) destroying the value of the load, or (3) using expert knowledge or specially designed tools. The intended use of a vehicle would be compromised if separating it into smaller units would make it unable to perform the function for which it was designed. The value of a load would be destroyed if separating it into smaller units would make the load unusable for its intended purpose. Expert knowledge means familiarity with procedures required to dismantle and reassemble a load which are beyond the job requirements typically associated with positions in the motor carrier industry. Specially designed tools means equipment designed and manufactured only for use with the load in question. A State may treat a sealed containerized load moving in international commerce as a nondivisible.

The intended use of a vehicle is not "compromised" simply because it is required to comply with applicable weight limits. For example, the fact that a combination with GCWR of 90,000 or 100,000 pounds may not be allowed to operate on the Interstate at more than 80,000 pounds does not compromise its intended use since the vehicle's cargo-carrying function remains entirely unchanged. This definition does not imply that vehicles must be allowed to operate at their design limits. The term "specially designed tools" does not include lifting equipment such as cranes, hoists, or forklifts routinely available where cargo is loaded, even though special attachments may be needed to secure the lifting equipment to the load.

The option of treating a containerized load in international commerce as nondivisible simply codifies an FHWA policy that has been in effect since 1984. In the early 1980's some State highway agencies did not issue special permits to allow carriers with containerized loads to exceed State weight limits, mainly because of questions about their grandfathered permit authority. This was seen as putting port facilities in the State at a competitive disadvantage, especially against ports in States which routinely issue overweight permits for container shipments. The 1984 policy was based in part on the needs of international maritime commerce and possible tax implications for sealed and bonded cargoes. By allowing a maritime container shipment to be considered a nondivisible load, States can legally issue a permit to the carrier to exceed appropriate weight limits, without consideration of the grandfather rights needed for issuing divisible load permits. The FHWA requests comments on the revised definition.

As stated above, several commenters support the point of view that all forms of economic criteria should be excluded as a factor in the determination of nondivisibility. In that case, the authority to issue a permit would turn

entirely on the physical characteristics of the vehicle and cargo. Metal products cast, extruded, or welded as a single piece would qualify as nondivisible, and so would large concrete castings. But the rule would prohibit a nondivisible load permit if a product assembled from smaller parts could be dismantled without significantly reducing the use value, no matter how great the cost and time required to do so. The FHWA believes this is a result more stringent than Congress intended. The decision as to whether reducing a load will make it unusable must also include consideration of reassembly at the eventual destination. A carrier should not need tools specifically designed for the item, or expertise on the function of the item, in order to properly reassemble any parts which have been removed. If special tools or functional knowledge about the item are necessary to reattach any components, then the item should be considered nondivisible. This is the only practical way to insure that States are able to authorize the movement of large and valuable, but not absolutely monolithic, loads without imposing unreasonable costs on motor carriers, shippers, and the economy. Nonetheless, nondivisible load permits should be used sparingly. Loads which are inherently divisible, including bulk items such as liquids, grain, or cement, would not qualify as "nondivisible." Nor would shipments consisting of more than one of a unit item or assembly, which by itself may be nondivisible. In such cases, items can be removed until the load meets the legal limits. Nondivisible load permits are not "loopholes" in Federal law, and the FHWA expects to see the number of nondivisible load permits stabilize or even decline in the next few years.

The WASHTO definition cited by Idaho is partially self-contradictory. Although it requires the reduction of a load to the minimum practical size and weight, it also allows certain detached parts of the load to be carried on the same vehicle as the nonreducible portion of the load. Such a cargo is obviously divisible. While this policy might reduce the excess length or width of oversize cargo, it would not reduce the excess weight of an overweight load. The latter result is clearly inconsistent with congressional intent.

The argument that a reference to safety should be included in the definition of a nondivisible load is not persuasive. Safety is obviously a critical consideration where oversize or overweight vehicles are concerned. States typically impose a variety of constraints on such vehicles, for example prohibiting their operation after dark, in bad weather, or on weekends or holidays when recreational travel is likely to be heavy. In some circumstances, States might impose a special speed limit and require these vehicles to be accompanied by pilot cars with warning lights and placards. However, if the State is convinced that an oversize or overweight vehicle would not be sufficiently safe even if it complied with these or similar conditions, it can and should refuse to issue a permit.

The example offered by the ATA is similar to the Idaho comment. It is not obvious that concrete construction panels could be considered risky "from a safety and stability standpoint if transported one at a time," as the ATA argued. A flat concrete panel is more stable when loaded horizontally than in any other position. If a horizontal loading exceeds statutory width or length limits, then an overwidth or overlength permit with accompanying special travel or escort conditions should be considered. Loading two panels diagonally "cribbed" to each other would considerably increase the weight and stopping distance of the vehicle and make it far more susceptible to sidewinds than if a single panel were carried horizontally.

A similar argument has been made, although not in this rulemaking, that tank vehicles weighing more than 80,000 pounds should be eligible for nondivisible-load overweight permits because a partially loaded tank of legal weight is susceptible to cargo surge that can make the vehicle unstable and even cause accidents in turns or emergency maneuvers. By this reasoning, a nondivisible-load overweight permit would be authorized to increase safety. Proponents of this position do not explain the reason tanker operators purchase vehicles that necessarily exceed applicable weight limits when fully loaded. It is certainly true that tank trucks must be operated with particular care; that is the reason the FHWA's commercial driver's license regulations require drivers of these vehicles to obtain a special endorsement [49 CFR 383.93(b)(2)]. But the fact is that liquids, like two concrete panels, are easily divisible. If a safety element were added to the definition of a nondivisible load, the concept of nondivisibility could lose all meaning if economic interests were to masquerade as safety issues.

Meaning of "On Or Before"

Section 1023(b) of the ISTEA specifies that LCV's may continue to be used only if "in actual operation on a regular or periodic basis (including seasonal operations) *on or before* June 1, 1991." It also provides, however, that all such operations shall continue to be subject to rules "in force *on* June 1, 1991" [23 U.S.C. 127(d)(1)(A) and 127(d)(1)(B), respectively (emphasis added)].

The differences in wording raise the question whether a State could allow certain combinations, e.g., triples, in lawful use at some earlier time but unlawful as of June 1, 1991, to be used after that date. Under the proposed rule, the answer would be that it could not. "On or before" relates to LCV's used on a periodic basis under authority in effect on June 1, 1991, so that even if not in actual use on that very day, they nevertheless were authorized to operate on a regular or periodic basis on that date.

Procedure to Review and Correct Final List

Sections 1023 and 4006 of the ISTEA provide a review and correction procedure for the final list of ISTEA vehicles, to be published as appendix C to 23 CFR part 658. Any person or State may request that the Secretary review the final list to determine if there is cause to believe that it contains a mistake. The Secretary may also initiate the review. If the Secretary believes an error exists, he or she must commence a proceeding to determine if the list should be corrected, and if so, make the correction.

OTHER ISSUES RAISED BY THE ISTEA AND COMMENTS TO THE MARCH 20 NPRM

Applicability of LCV Restrictions

Three commenters—Yellow Freight System, Inc., the Idaho DOT, and the ATA—suggested that the applicability of the restrictions for LCV's in proposed appendix C be clearly highlighted as involving operations on the Interstate System only. The term "longer combination vehicle" is defined in the ISTEA and in proposed § 658.5 as "* * * any combination of a truck tractor and two or more trailers or semitrailers which operates on the Interstate System * * *." The motor carrier industry's previous use of the term LCV never included route limitations. In order to avoid confusion, all three commenters suggested that the phrase "on the Interstate System" be included in the proposed wording of § 658.23(a)(1). The FHWA agrees with this suggestion and has changed the proposed wording of that section.

Reorganization of the Appendices to Part 658

The ATA suggested that appendices A, B, C, and D to part 658 could be more easily understood by users if the information was combined into a single

appendix organized by State, rather than four topical appendices. Presently, appendix A lists routes, which prior to October 1, 1991, were Federal-aid Primary highways, designated by the Secretary as part of the NN. Appendix B lists the grandfathered semitrailer lengths which must be allowed in the State on the NN as part of a truck-tractor-semitrailer combination vehicle. Proposed appendix C now lists the operations of LCV's and CMV's with two or more cargo-carrying units which are frozen by the ISTEA, and represents a consolidation of the information presented as appendices C and D in the March 20 NPRM.

The information provided by the three appendices is not likely to have the same user audience all the time. For example, a carrier operating a grandfathered 53-foot-long semitrailer as part of the truck tractor-semitrailer combination in Missouri wants to know what routes are on the NN, and is not interested in "Rocky Mountain" double restrictions.

Due to the disparate audiences, the FHWA feels that a reformatting of the information would confuse as many users as it might help. Accordingly, the format of the current and proposed appendices will be retained.

Definition of Maxi-Cube

Among the vehicles specifically excluded from the listing in appendix C, and therefore not subject to the restrictions described in section 4006 of the ISTEA, is the maxi-cube. While these combinations have been in use for several years, the FHWA has not adopted a definition of the vehicle. The ISTEA provisions on vehicles with two or more cargo-carrying units have increased the need for a definition and operational rule for maxi-cubes. The Connecticut Department of Transportation noted the reference to maxi-cubes in the NPRM and asked where the vehicle was defined. The American Movers Conference and the ATA suggested that the FHWA promulgate a definition in the course of this rulemaking. The FHWA is, therefore, including a proposed definition of *maxi-cube vehicle* in this SNPRM at § 658.5.

In 1987, Congress defined a maxi-cube combination as "a truck tractor combined with a semitrailer and a separable cargo-carrying unit which is designed to be loaded and unloaded through the semitrailer, except that the entire combination shall not exceed 65 feet in length and the separable cargo-carrying unit shall not exceed 34 feet in length" [49 U.S.C. app. 2311(f)(2)]. In 1990, Congress designated a maxi-cube vehicle as specialized equipment subject to the authority of the U.S. Department of Transportation [49 U.S.C. app. 2311(d)]. In explaining that action, however, the House Appropriations Committee used a description of the vehicle somewhat different from the definition enacted in 1987 [H.R. Rep. No. 584, 101st Cong., 2d Sess. at 78–79 (1990)]. The legislative history of section 2311(d), no matter how detailed, cannot overrule or by implication repeal the statutory definition in section 2311(f)(2). Nevertheless, the Committee Report is a clear statement of congressional intent, and the FHWA has broad discretionary authority to make rules to accommodate specialized equipment. The FHWA is therefore proposing to combine, as far as possible, the existing statutory definition of a maxi-cube vehicle with the Committee's policy guidance.

A maxi-cube would be defined [§ 658.5] as a combination of a truck and trailer or semitrailer designed so that the cargo box on the truck can be loaded and unloaded through the box on the trailer or semitrailer. The American Movers Conference suggested a definition that did not include a load-through provision. That design feature is required by the statutory definition of a maxi-cube in 49 U.S.C. app. 2311(f)(2). Neither cargo box may be more than 34 feet long, excluding the hitching device, the combined box length cannot exceed 60 feet, and the overall vehicle length may not exceed 65 feet. The operational rule [§ 658.13(e)(4)] would require States to allow these vehicles to operate on the NN and reasonable access routes. Many maxi-cube designs include adjustable drawbars to facilitate loading of the first cargo box through the second. The FHWA believes the 60- and 65-foot lengths should be measured with an adjustable drawbar at its maximum extension, since that is where it would normally be positioned for over-the-road operations. The FHWA seeks comments on this issue.

Cargo-Carrying Length Determination

The CRASH contends that the FHWA cannot use an overall length dimension in determining the cargo-carrying length of a "Rocky Mountain" or "Turnpike" double, because such dimension was made illegal by the STAA of 1982. The relevant section of the STAA provides in part that "No State shall establish, maintain, or enforce any regulation of commerce which imposes an overall length limitation on commercial motor vehicles operating in truck-tractor semitrailer or truck-tractor semitrailer, trailer combinations" [49 U.S.C. app. 2311(b)]. Both "Rocky Mountain" and "Turnpike" doubles are truck tractor-semitrailer-trailer combinations.

Continuing its docket response, the CRASH states that, "In employing overall length restrictions as a basis for calculating cargo unit lengths, the FHWA would be abetting chronic state failures to amend their existing laws * * * to conform to the STAA." Further, "The agency has an [sic] duty to act expeditiously to notify the LCV states to repeal or otherwise void the application of * * * overall length restrictions * * * ."

The CRASH is correct that overall length limits on these two vehicle types conflict with the STAA. Such limits were preempted by Federal law and cannot be enforced if challenged in court. That, however, does not diminish the usefulness of these limits in determining a physical characteristic of a vehicle. The FHWA believes that overall length limits are useful in helping to determine the cargo-carrying capacity of these vehicles, especially "Turnpike" doubles, as they reflect actual dimensions. Insofar as the legality of overall length limits for these vehicles is concerned, the FHWA is taking the following actions. For "Rocky Mountain" and "Turnpike" doubles described in appendix C, no State will be allowed to list an overall length limit as an operational condition for these vehicles. Previously listed overall limits have been removed as part of the appendix C information for vehicles in Arizona, Florida, Idaho, Kansas, Missouri, Montana, Nebraska, New York, North Dakota, Ohio, South Dakota, Washington, and Wyoming. Overall length limits, however, are legal for triples and combinations involving a straight truck, since these vehicles are not subject to the length provisions of the STAA.

The Connecticut DOT also raised some questions regarding cargo-carrying units and their length determination. Should the definition of a cargo-carrying unit be limited to open flats beds, closed containers, and stake sides with open tops? Can an expandable pole trailer be a cargo unit? How is it measured? Should the overall limit(s) of the cargo-carrying unit(s) include the cargo (i.e., overhangs)? Does the measurement exclude overhanging cargo?

First, the definition of a cargo-carrying unit in section 4006 of the ISTEA includes all of the vehicle types Connecticut mentioned, and could not be changed without further congressional action. Second, expandable trailers for poles, logs, or pipe are obviously cargo-carrying units, but the statutory description is not readily applicable to such vehicles. The

weight of the cargo on these trailers is usually carried by two transverse members, each a few feet long at most. For practical purposes, the length of the cargo-carrying unit(s) is essentially the length of the cargo itself. In some cases, the cargo may even serve as the structural element connecting the tractor to a dolly, or one dolly to another. It seems likely that most States have special length limitations for pole or log trailers. The FHWA is therefore proposing to list, as the authorized length of such trailers and combinations, the lengths allowed by State law, even if these limits refer to the cargo rather than the vehicle itself. We believe this is a practical way to establish length limits for pole trailers which is also consistent with the purpose of section 4006. Comments on this approach are requested, as well as specific information on the length of trailer combinations used for poles, logs, pipes, or similar cargo which were in operation on June 1, 1991. Finally, section 4006 defines the term cargo-carrying unit as "any portion of a commercial motor vehicle * * * used for the carrying of cargo." Cargo is not part of the vehicle, and (except in the case of pole or log trailers) its length cannot be used in lieu of the actual length of the cargo unit. The only Federal provisions that address cargo overhangs, however, are the FHWA rules on automobile and boat transporters [23 CFR 658.13(d)(1) and (2)]. The States retain all of their present authority to allow, prohibit, or otherwise regulate cargo overhangs.

Route Availability for Vehicles Described in Appendix C

The Oregon DOT raised several questions regarding the availability of routes for through travel and access by LCV's and CMV's with two or more cargo-carrying units. The questions center on the relationship between the NN and operating routes included in the limitations described in appendix C. While not directly affecting this rulemaking, the State's questions are relevant to the issue of where larger combination vehicles can operate. The FHWA feels this topic is of sufficient general interest to warrant discussion.

Route questions and answers are as follows:

1. When a highway originally designated as a NN route is reconstructed or realigned in the same transportation corridor, but no longer travels entirely over the old alignment, does the new facility become the NN route? If the new alignment carries the route number previously assigned to the old alignment when that old alignment was designated as part of the NN, the new alignment becomes the NN route. If CMV's with two or more cargo-carrying units described in appendix C were legally able to use the old route, they may also use the new route.

2. What happens when an existing non–NN highway is improved between two points and becomes better suited to handling LCV and extra-length, multi-unit vehicles, but is located in a different transportation corridor from an existing NN route which serves the same two points? If the newly improved route remains non-designated by the Secretary, i.e., not included in appendix A to part 658, it is a State (or local) decision to allow CMV's with two or more cargo-carrying units described in appendix C to use the improved highway. If the newly improved route is added to the NN by the FHWA at a State's request, vehicles described in appendix C may only use the route if they were authorized to and actually did use the route on or before June 1, 1991.

3. Can LCV's and extra-length, multi-unit vehicles continue to use a non-NN highway if the jurisdiction (ownership) of the highway changes, such as from State to County? The ISTEA freeze does not apply to non-NN highways. The decision whether to continue allowing the larger vehicles would be a matter for State or local determination.

4. Do the LCV and extra-length, multi-unit vehicle route restrictions resulting from sections 1023 and 4006 of the ISTEA apply to highways which are not a part of the NN? No, they do not.

The remaining questions apply uniquely to Oregon.

5. Oregon allows a truck tractor-semitrailer-trailer combination with a cargo-carrying length of up to 68 feet (commonly known as an "Oregon double") to operate on all NN highways. Does reasonable access, as defined in 23 CFR part 658, apply to these vehicles? The FHWA's reasonable access rule (23 CFR 658.19) applies only to STAA vehicles, and "Oregon doubles" do not appear to qualify as such. An STAA double [§ 658.19 (a)(2), (b) (2) and (5)] may not have trailers more than 28 feet long (or 28.5 feet if in actual, lawful use on December 1, 1982, within a 65-foot overall length). Two 28.5-foot trailers connected by a 4-foot drawbar, for example, would have a cargo-carrying length of only 61 feet, compared to the 68 feet Oregon allows. It thus seems likely that one (or both) of the trailers in an "Oregon double" exceeds 28.5 feet in length, which means that the access provisions of part 658 would not apply. If, however, the combination were to consist of two units with each being 28.5 feet or less in length, the vehicle would qualify as an STAA vehicle regardless of inter-unit spacing, and therefore would be eligible for reasonable access as defined in 23 CFR part 658.

6. Are "Oregon doubles" considered LCV's as defined by the ISTEA? Are they vehicles with "two or more cargo-carrying units"? Or are they vehicles subject to the rules set forth by the STAA of 1982? The "Oregon double" is considered an LCV when it is operated on the Interstate with a gross vehicle weight in excess of 80,000 pounds. If either trailing unit is over 28.5 feet long, the "Oregon double" is considered a vehicle with two or more cargo-carrying units and, as such, may continue to operate only under the conditions and on the routes set forth in appendix C. The "Oregon double" becomes subject to the rules implementing the STAA of 1982 only if each traveling unit is 28.5 feet or less in length and an overweight permit is not required for the load being carried.

Operation of Certain Specialized Hauling Vehicle on Interstate Route 68

Section 1023(d) of the ISTEA added 23 U.S.C. 127(e) to read as follows:

(e) Operation of Certain Specialized Hauling Vehicles on Interstate Route 68.—The single axle, tandem axle, and bridge formula limits set forth in subsection (a) [23 U.S.C. 127(a)] shall not apply to the operation on Interstate Route 68 in Garrett and Allegany Counties, Maryland, of any specialized vehicle equipped with a steering axle and a tridem axle and used for hauling coal, logs, and pulpwood if such vehicle is of a type of vehicle as was operating in such counties on United States Route 40 or 48 for such purpose on August 1, 1991.

This exempts the described vehicles with selected cargo from the axle and bridge formula weight limits that Maryland must enforce on Interstate Route 68 in Allegany and Garrett Counties. However, the normal gross weight limit remains in effect. This change is reflected in proposed § 658.17(j).

Temporary Exemption for Emergency Vehicles

Section 1023(e) of the ISTEA added the following exemption from 23 U.S.C. 127:

(1) *Temporary exemption.*—The second sentence of section 127 of title 23, United States Code, relating to axle weight limitations and the bridge formula for vehicles using the Dwight D. Eisenhower System of Interstate and Defense Highways, shall not apply, in the 2-year period beginning on the date of the enactment of this Act, to any existing vehicle which is used for the purpose of protecting persons and property from fires and other disasters

that threaten public safety and which is in actual operation before such date of enactment and to any new vehicle to be used for such purpose while such vehicle is being delivered to a fire fighting agency. The Secretary may extend such 2-year period for an additional year.

This removes the Interstate axle-weight and bridge formula limits for fire or emergency vehicles in actual operation before December 18, 1991, and for such equipment being delivered from the manufacturer to a fire department. The normal gross weight limit remains in effect. The exemption applies until December 17, 1993, or 1994, if extended for a year by the Secretary. This exemption is proposed to be codified at § 658.17(k).

Certification

Section 1023(c) of the ISTEA amended 23 U.S.C. 141(b) by adding a new sentence at the end reading as follows:

> Each State shall also certify that it is enforcing and complying with the provisions of section 127(d) of this title and section 411(j) of the Surface Transportation Assistance Act of 1982 (49 U.S.C. App. 2311(j)).

As implemented by 23 CFR 657.15, 23 U.S.C. 141(b) requires each State to certify annually that it is enforcing its size and weight laws on the Federal-aid Primary System (FAP), Federal-aid Urban System (FAU), Federal-aid Secondary System (FAS), and the Interstate System in accordance with 23 U.S.C. 127.

Under the new ISTEA provision, States must also certify that they are enforcing and complying with the ISTEA freeze on the use of LCV's and other multi-unit vehicles. Failure to certify would subject a State to the penalties provided in 23 U.S.C. 141.

The ISTEA, however, effectively replaced the FAP with the National Highway System (NHS), and eliminated the FAU and FAS Systems, without providing a conforming amendment to 23 U.S.C. 141(b).

Until 23 U.S.C. 141 is amended to reflect changes in system nomenclature, the FHWA will require the States to certify size and weight enforcement on those routes which prior to October 1, 1991, were designated as part of the FAP, FAS, or FAU Systems.

Bus Length and Access

Section 4006(b)(1) of the ISTEA amended section 411(a) of the STAA of 1982 [49 U.S.C. app. 2311(a)] by inserting "of less than 45 feet on the length of any bus," after "vehicle length limitation."

Section 4006(b)(2) of the ISTEA amended section 412(a)(2) of the STAA [49 U.S.C. app. 2312(a)(2)] by inserting "motor carrier of passengers" after "household goods carriers."

The first provision has the effect of requiring States to allow buses with a length of 45 feet or less on the NN and reasonable access routes. The second provision requires States to allow motor carriers of passengers to have the same access off the NN as household goods carriers, i.e., to "points of loading and unloading." The FHWA is therefore changing § 658.13(d) to reflect these provisions.

Interstate System Weight Requirements

The first sentence in 23 U.S. C. 127(a) was amended by the STAA to require all States to allow the maximum weights permitted by Federal law on the Interstate System. In other words, the upper limits set by section 127 until 1982 are now lower limits as well. States must allow vehicles that comply with the Federal single-axle, tandem-axle, and bridge formula limits, subject to a maximum gross weight of 80,000 pounds, to operate on the Interstate System. A few States have argued that, although Interstate single-axle, tandem-axle, and gross weight limits are both maximum and minimum values, bridge formula limits are maximum but not minimum values. That position is incorrect since it contradicts the purpose and legislative history of the 1982 amendment. The bridge formula generates many gross weight limits, each of which has the same legal status as the 80,000 pound limit, i.e., each is both the maximum weight a State may, and the minimum it must, allow.

By the early 1980's, the few States that still retained gross weight limits of 73,280 pounds on the Interstate had become barriers to the east-west movement of cargo. The House Report on the STAA described the congressional response.

> This section amends section 127 of title 23, United States Code, to provide for national uniform vehicle axle and gross weight limits for the Interstate System. These limits are set at 20,000 pounds for a single axle and 34,000 pounds on a tandem axle. *The overall gross vehicle weight is to be limited by the operation of the bridge formula* to a maximum of 80,000 pounds, except for nondivisible loads for which special permits have been issued by States in accordance with applicable State laws. *No funds* authorized to be appropriated under the 1956 Highway Act *may be apportioned to a State which does not permit the operation of such vehicles at such maximum weights* on the Interstate System within that State * * *. This provision would eliminate the problem of the three so-called "barrier States" which have not adjusted their weight laws in conformity with the other States and which thus impose an undue burden on interstate commerce [emphasis added].

H.R. Rep. No. 555, 97th Cong., 2d Sess. 22–23 (1982), reprinted in 1982 U.S. Code Cong. & Admin. News 3639, 3660–3661.

The House Report makes it clear that 80,000 pounds is not a single-number weight limit like 34,000 pounds for a tandem axle. Allowable gross weight on the Interstate is a function of the bridge formula, and 80,000 pounds is simply the maximum weight allowed to vehicles complying with that formula. The bridge formula provides for literally dozens of lower gross weight limits which depend on the number and spacing of the axles on a given vehicle. Since gross weight limits on the Interstate are determined by the bridge formula, it necessarily follows that the maximum and minimum gross weights a State must allow include all of the gross weight limits less than 80,000 pounds generated by the bridge formula. The purpose of the STAA amendment, in the words of the House Report, was to create "national uniform vehicle * * * gross weight limits for the Interstate System." Yet vehicles that comply fully with the bridge formula could be required to offload cargo, or be cited for illegal overloads, if a State has bridge table weights lower than those in Table B. That is precisely the kind of nonuniformity and burden on interstate commerce the STAA was designed to eliminate. Reading section 127(a) to permit weights below those prescribed by the bridge formula would defeat the stated purpose of the STAA amendment because it would require funds to be "apportioned to a State which does not permit the operation of such vehicles at such maximum weights on the Interstate System * * *." The FHWA is proposing to adopt § 658.17(f) to clarify and resolve this issue.

Reassignment of Size and Weight Responsibilities Within the FHWA

On October 1, 1991, responsibility for the vehicle Size and Weight and National Network programs in the FHWA's regional and divisional offices was transferred to the Office of Motor Carriers. Provisions in 23 CFR 657.11, 657.15, and 657.17 must be amended to reflect this change. Size and weight responsibilities in the Washington, DC Headquarters office remain assigned to the Office of Motor Carriers.

National Network—Virginia

The ISTEA freeze applies to the operation of specified CMV's on the NN or the Interstate portions thereof. The

identification of NN routes in Virginia contained in appendix A to 23 CFR part 658 utilizes Interstate System exit numbers to identify the beginning or end of some NN routes. We have been notified by the State that it has converted all Interstate System exit numbers from a consecutive number system to a milepost numbering system. In order to identify NN routes in Virginia, we are reissuing the State's NN routes in appendix A, 23 CFR part 658, to reflect the new exit numbers.

Rulemaking Analyses and Notices

As noted in the following paragraphs the FHWA has determined that this rulemaking is (1) not a major action under Executive Order 12291, (2) not a significant action under DOT rules, (3) will not have significant economic impact on a substantial number of small entities, (4) does not require a federalism assessment, and (5) does not require an environmental impact statement. All of these findings were made and included in the March 20 NPRM, after careful review of the various requirements against the content of the document.

The WTA, in commenting to the docket, indicated that a long-term effect of any freeze would be to prohibit the natural evolution of technological advances in an industry. Such a situation, in turn, is likely to cause major and significant impacts on competing transportation modes, related businesses, and the general public. Accordingly, WTA argued that the FHWA should conduct (1) a full regulatory evaluation, (2) a full economic assessment, (3) a federalism assessment, and (4) an environmental impact study.

As restated below, the FHWA continues to believe that the economic and environmental impacts of this proposed rule will be minimal. The freeze about which the WTA is concerned is statutorily mandated, and the FHWA is not authorized to vary the terms of this freeze. This rulemaking merely documents the State limitations in effect on June 1, 1991, and does not impose any requirements beyond those contained in sections 1023 and 4006 of the ISTEA.

Executive Order 12291 (Federal Regulation) and DOT Regulatory Policies and Procedures

The FHWA has determined that this action is not major within the meaning of Executive Order 12291 or significant within the meaning of Department of Transportation regulatory policies and procedures. It is anticipated that the economic impact of this supplemental notice of proposed rulemaking will be minimal; therefore, a full regulatory evaluation is not required.

Regulatory Flexibility Act

In compliance with the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), the FHWA has evaluated the effects of this rule on small entities. Based on the evaluation, the FHWA hereby certifies that this action will not have a significant economic impact on a substantial number of small entities. This action merely lists applicable limitations by specific vehicle combination, by State, in effect on June 1, 1991, and will not further restrict the operation of any vehicle in lawful operation on or before June 1, 1991, which is subject to those limitations.

Executive Order 12612 (Federalism Assessment)

This action has been analyzed in accordance with the principles and criteria contained in Executive Order 12612, and it has been determined that this action does not have sufficient federalism implications to warrant the preparation of a federalism assessment. This action merely implements requirements of the ISTEA.

Executive Order 12372 (Intergovernmental Review)

Catalog of Federal Domestic Assistance Program Number 20.217, Motor Carrier Safety. The regulations implementing Executive Order 12372 regarding intergovernmental consultation on Federal programs and activities do not apply to this program.

Paperwork Reduction

This action does not contain a collection of information requirement for purposes of the Paperwork Reduction Act of 1980, 44 U.S.C. 3501 *et seq.*

National Environmental Policy Act

The Agency has analyzed this action for the purpose of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*) and has determined that this action would not have any effect on the quality of the environment.

Regulation Identification Number

A regulation identification number (RIN) is assigned to each regulatory action listed in the Unified Agenda of Federal Regulations. The Regulatory Information Service Center publishes the Unified Agenda in April and October of each year. The RIN contained in the heading of this document can be used to cross reference this action with the Unified Agenda.

List of Subjects in 23 CFR Parts 657 and 658

Grant programs—transportation, Highways and roads, Motor carrier size and weight.

Issued on: February 17, 1993.

E. Dean Carlson,

Executive Director.

In consideration of the foregoing, the FHWA proposes to amend chapter I of Title 23, Code of Federal Regulations, parts 657 and 658 as set forth below.

PART 657—CERTIFICATION OF SIZE AND WEIGHT ENFORCEMENT WIDTH AND WEIGHT LIMITATIONS

1. The authority citation for 23 CFR part 657 is revised to read as follows:

Authority: Sec. 123, Pub. L. 95–599, 92 Stat. 2689; 23 U.S.C. 127, 141, and 315; 49 U.S.C. app. 2311, 2312, and 2316; Sec. 1023, Pub. L. 102–240, 105 Stat. 1914; and 49 CFR 1.48(b)(19) and (23); 1.48(c)(1) and (19).

2. Section 657.11 is revised to read as follows:

§ 657.11 Evaluation of operations.

(a) The State shall submit its enforcement plan or annual update to the Office of Motor Carriers in the FHWA division office by July 1. However, if a State's legislative or budgetary cycle is not consonant with that date, the FHWA and the State may jointly select an alternate date. In any event, a State must have an approved plan in effect by October 1 of each year. Failure of a State to submit or update a plan will result in the State being unable to certify in accordance with § 657.13 for the period to be covered by the plan.

(b) The Office of Motor Carriers in the FHWA division office shall review the State's operation under the accepted plan on a continuing basis and shall prepare an evaluation report annually. The State will be advised of the results of the evaluation and of any needed changes either in the plan itself or in its implementation. Copies of the evaluation report and subsequent modifications resulting from the evaluation shall be forwarded through the Regional Director of Motor Carriers to the Washington, DC Headquarters office.

3. In § 657.15, paragraphs (a), (b), and (c) are revised, paragraphs (d) and (e) are redesignated as paragraphs (e) and (f), respectively, and a new paragraph (d) is added to read as follows:

§ 657.15 Certification content.

* * * * *

(a) A statement by the Governor of the State, or an official designated by the

Governor, that the State's vehicle weight laws and regulations governing use of the Interstate System conform to 23 U.S.C. 127.

(b) A statement by the Governor of the State, or an official designated by the Governor, that all State size and weight limits are being enforced on the Interstate System and those routes which prior to October 1, 1991, were designated as part of the Federal-aid Primary, Urban, and Secondary Systems, and that the State is enforcing and complying with the provisions of 23 U.S.C. 127(d) and 49 U.S.C. app. 2311(j). Urban areas not subject to State jurisdiction shall be identified. The statement shall include an analysis of enforcement efforts in such areas.

(c) The certifying statements required by paragraphs (a) and (b) of this section shall be worded as follows:

I, *(name of certifying official), (position title),* of the State of _____ do hereby certify:

(1) That all State laws and regulations governing vehicle size and weight are being enforced on those highways which, prior to October 1, 1991, were designated as part of the Federal-aid Primary, Federal-aid Secondary, or Federal-aid Urban Systems;

(2) That the State is enforcing the freeze provisions of the Intermodal Surface Transportation Efficiency Act of 1991 [23 U.S.C. 127(d) and 49 U.S.C. app. 2311(j)]; and

(3) That all State laws governing vehicle weight on the Interstate System are consistent with 23 U.S.C. 127 (a) and (b).

(d) If this statement is made by an official other than the Governor, a copy of the document designating the official, signed by the Governor, shall also be included in the certification made under this part.

* * * * *

4. Section 657.17 is revised to read as follows:

§ 657.17 Certification submittal.

(a) The Governor, or an official designated by the Governor, shall each year submit the certification to the Office of Motor Carriers in the FHWA division office prior to January 1.

(b) The Office of Motor Carriers in the FHWA division office shall forward the original certification to the Associate Administrator for Motor Carriers and one copy to the Office of Chief Counsel. Copies of appropriate evaluations and/or comment shall accompany any transmittal.

PART 658—TRUCK SIZE AND WEIGHT, ROUTE DESIGNATIONS—LENGTH, WIDTH, AND WEIGHT LIMITATIONS

5. The authority citation for 23 CFR part 658 is revised to read as follows:

Authority: 23 U.S.C. 127 and 315; 49 U.S.C. app. 2311, 2312, and 2316; 49 CFR 1.48(b)(19) and (c)(19).

6. Section 658.5 is amended by removing the arabic letter paragraph designations from all definitions, placing the definitions in alphabetical order, and adding four new definitions in appropriate order as follows:

§ 658.5 Definitions.

* * * * *

Cargo-carrying unit. As used in this part, cargo-carrying unit means any portion of a commercial motor vehicle (CMV) combination (other than a truck tractor) used for the carrying of cargo, including a trailer, semitrailer or the cargo-carrying section of a single-unit truck.

* * * * *

Longer combination vehicle. As used in this part, longer combination vehicle (LCV) means any combination of a truck tractor and two or more trailers or semitrailers which operates on the Interstate System at a gross vehicle weight greater than 80,000 pounds.

* * * * *

Maxi-cube vehicle. A maxi-cube vehicle is a combination vehicle consisting of a power unit and a trailing unit, both of which are designed to carry cargo. The power unit is a nonarticulated truck with one or more drive axles that carries either a detachable or a permanently attached cargo box. The trailing unit is a trailer or semitrailer with a cargo box so designed that the power unit may be loaded and unloaded through the trailing unit. Neither cargo box may exceed 34 feet in length, excluding drawbar or hitching device; the distance from the front of the first to the rear of the second cargo box may not exceed 60 feet; and the overall length of the combination vehicle may not exceed 65 feet.

* * * * *

Nondivisible vehicle or load. As used in this part, "nondivisible" means any vehicle or load exceeding applicable length or weight limits which cannot readily be separated into smaller vehicles or loads that comply with such limits without:

(1) Compromising the intended use of the vehicle,

(2) Destroying the value of the load, or

(3) Using expert knowledge or specially designed tools. The intended use of a vehicle would be compromised if separating it into smaller units would make it unable to perform the function for which it was designed. The value of a load would be destroyed if separating it into smaller units would make the load unusable for its intended purpose. Expert knowledge means familiarity with procedures required to dismantle and reassemble a load which are beyond the job requirements typically associated with positions in the motor carrier industry. Specially designed tools means equipment designed and manufactured only for use with the load in question. A State may treat a sealed containerized load moving in international commerce as a nondivisible load.

* * * * *

7. In § 658.13, paragraphs (d), (e), and (f) are redesignated as paragraphs (e), (f), and (g), respectively, a new paragraph (d) is added, and a new paragraph (e)(4) is added under redesignated paragraph (e) to read as follows:

§ 658.13 Length.

* * * * *

(d) No State shall impose a limit of less than 45 feet on the length of any bus on the NN.

(e) * * *

(4) **Maxi-cube vehicle.** No State shall impose a length limit on a maxi-cube vehicle, as defined in § 658.5 of this part, of less than 34 feet on either cargo box, excluding drawbar or hitching device; 60 feet on the distance from the front of the first to the rear of the second cargo box, including the space between the cargo boxes; or 65 feet on the overall length of the combination, including the space between the cargo boxes. If the maxi-cube vehicle is equipped with an adjustable drawbar, the 60- and 65-foot distances shall be measured with the drawbar positioned at its maximum extension.

* * * * *

8. In § 658.17, paragraphs (f), (g), and (h) are redesignated as paragraphs (g), (h), and (i), respectively, and new paragraphs (f), (j), and (k) are added, and redesignated paragraph (h) is revised to read as follows:

§ 658.17 Weight.

* * * * *

(f) States may not enforce on the Interstate System vehicle weight limits of less than 20,000 pounds on a single axle, 34,000 pounds on a tandem axle, or the weights derived from the bridge formula, up to a maximum of 80,000

pounds, including all enforcement tolerances.

* * * * *

(h) States may issue special permits without regard to the axle, gross, or Federal bridge formal requirements for nondivisible vehicles or loads.

* * * * *

(j) The provisions of paragraphs (c) through (e) of this section shall not apply to the operation on Interstate Route 68 in Allegany and Garrett Counties, Maryland, of any specialized vehicle equipped with a steering axle and a tridem axle and used for hauling coal, logs, and pulpwood if such vehicle is of a type of vehicle as was operating in such counties on United States Route 40 or 48 for such purposes on August 1, 1991.

(k) Beginning December 18, 1991, and ending December 17, 1993, the provisions of paragraphs (c) through (e) of this section shall not apply to any existing vehicle used for the purpose of protecting persons and property from fire and other disasters that threaten public safety which was in actual operation between December 18, 1991, and to any new vehicle to be used for such purpose while such vehicle is being delivered to a firefighting agency. The Secretary may extend this temporary exemption for an additional year.

9. In § 658.19, paragraph (a) is revised to read as follows:

§ 658.19 Reasonable access.

(a) No State may enact or enforce any law denying reasonable access to vehicles with dimensions authorized by the STAA between the National Network and terminals and facilities for food, fuel, repairs, and rest. In addition, no State may enact or enforce any law denying reasonable access between the National Network and points of loading and unloading to household goods carriers, motor carriers of passengers, and any truck tractor-semitrailer combination in which the semitrailer has a length not to exceed 28 feet (28.5 feet where allowed pursuant to § 658.13(b)(5) of this part) and which generally operates as part of a vehicle combination described in §§ 658.13(b)(5) and 658.15(a) of this part.

* * * * *

10. Part 658 is amended by adding § 658.23 as follows:

§ 658.23 LCV freeze; cargo-carrying unit freeze.

(a) (1) Except as otherwise provided in this section, a State may allow the operation on the Interstate System of longer combination vehicles (LCV's) only as listed in appendix C.

(2) Except as otherwise provided in this section, a State may not allow the operation on the National Network of any commercial motor vehicle (CMV) combination with two or more cargo-carrying units (not including the truck tractor) whose cargo-carrying units exceed:

(i) The maximum combination trailer, semitrailer, or other type of length limitation authorized by State law or regulation of that State on or before June 1, 1991; or

(ii) The length of the cargo-carrying units of those CMV combinations, by specific configuration, in actual, lawful operation on a regular or periodic basis (including continuing seasonal operation) in that State on or before June 1, 1991, as listed in appendix C.

(b) Notwithstanding paragraph (a)(2) of this section, the following CMV combinations with two or more cargo-carrying units may operate on the National Network.

(1) Truck tractor-semitrailer-trailer and truck tractor-semitrailer-semitrailer combinations with a maximum length of the individual cargo units of 28.5 feet or less.

(2) Vehicles described in section 658.13 (d) and (f).

(3) Truck-trailer and truck-semitrailer combinations (including maxi-cubes) with an overall length of 65 feet or less.

(4) Tow trucks and vehicles in tow.

(c) Wyoming shall notify the Federal Highway Administrator within 30 days after November 3, 1992, if additional vehicle configurations were authorized by law on or before that date. The notification shall include a copy of the law and a description of the vehicle length and weight restrictions and other operating conditions imposed.

(d) For specific safety purposes and road construction, a State may make minor adjustments of a temporary and emergency nature to route designations and vehicle operating restrictions applicable to combinations subject to sections 1023 and 4006 of Public Law 102–240 and in effect on June 1, 1991 (July 6, 1991, for Alaska and November 3, 1992, for Wyoming). Adjustments which last 30 days or less may be made without notifying the FHWA. Minor adjustments which exceed 30 days require approval of the Division Office of Motor Carriers. When such adjustments are needed, a State must submit to the Division Office of Motor Carriers, by the end of the 30th day, a written description of the emergency; the date on which it began; and the date on which it is estimated to conclude. If the adjustment involves route designations, the State shall describe the new routes on which vehicles otherwise subject to the freeze imposed by sections 1023 and 4006 of Public Law 102–240 are allowed to operate. The Division Office of Motor Carriers approval of adjustments involving route designations shall be coordinated with the Division Office of Motor Carriers. If the adjustment involves vehicle operating restrictions, the State shall list the restrictions that have been removed or modified. If the adjustment is approved, the FHWA will publish a notice of adjustment, with an expiration date, in the **Federal Register**. Requests for extensions of time beyond the originally established conclusion date shall be subject to the same approval and publication process as the original request. If the Division Office of Motor Carriers determines that minor adjustments made by a State are not legitimately attributable to road or bridge construction or safety, the Division Office of Motor Carriers will so inform the State, and the original conditions of the freeze must be reimposed immediately. Failure to do so may subject the State to a penalty pursuant to 23 U.S.C. 141.

(e) A State may issue a permit authorizing a commercial motor vehicle to transport an overlength nondivisible load on two or more cargo-carrying units on the NN without regard to the restrictions in § 658.23(a)(2).

(f) States further restricting or prohibiting the operation of vehicles subject to sections 1023 and 4006 of Pub. L. 102–240 after June 1, 1991, shall notify the FHWA Division Office of Motor Carriers within 30 days after the restriction is effective. The FHWA will publish the restriction in the **Federal Register** as an amendment to appendix C. Failure to provide such notification may subject the State to a penalty pursuant to 23 U.S.C. 141.

(g) The FHWA Administrator, on his or her own motion or upon a request by any person (including a State), shall review the information set forth in appendix C to this part. If the FHWA Administrator determines there is cause to believe that a mistake was made in the accuracy of the information contained in appendix C, the FHWA Administrator shall commence a proceeding to determine whether the information published should be corrected. If the FHWA Administrator determines that there is a mistake in the accuracy of the information contained in appendix C, the FHWA Administrator shall publish in the **Federal Register** the appropriate corrections to reflect that determination.

11. Appendix A to part 658—National Network—Federally Designated Routes is amended by revising the entry for the State of Virginia to read as follows:

Appendix A to Part 658—National Network—Federally Designated Routes

* * * * *

VIRGINIA

Route	From	To
US 11	I–81 Exit 195	0.16 Mi. N. of VA 645 Rockbridge Co.
US 11	VA 220 Alt. N. Int.	2.15 Mi. S. of VA 220 Alt. N. Int. Cloverdale.
US 11	VA 100 Dublin	VA 643 S. of Dublin.
US 11	1.52 Mi. N. of VA 75	US 19 N. Int. Abington.
US 13	MD State Line	I–64 Exit 282 Norfolk.
US 17	US 29 Opal	VA 2/US 17 BR New Post.
US 17	VA 134 York County	I–64 Exit 258 Newport News.
US 17 BR/VA 2	SCL Fredericksburg	US 17 New Post.
US 19	I–81 Exit 14 (via VA 140) Abington	US 460 N. Int./VA 720 Bluefield.
US 23	TN State Line	US 58 Alt. Big Stone Gap.
US 23	0.33 Mi. N. of US 23 BR Norton	KY State Line.
US 25E	TN State Line	KY State Line.
US 29	NC State Line	I–66 Exit 43 Gainesville.
US 33	N. Carlton Street Harrisonburg	US 340 Elkton.
US 33	I–295 Exit 49	0.96 Mi. W. of I–295 Hanover County.
US 50	VA 259 Gore	VA 37 Frederick County.
US 50	Apple Blossom Loop Rd. Winchester	I–81 Exit 313 Winchester.
US 58	VA 721 W. of Martinsville	US 220 BR N. Int. Martinsville.
US 58	S. Fairy Street Martinsville	WCL Emporia.
US 58	0.6 Mi. E. of ECL Emporia	VA 35 S. Int. Courtland.
US 58	US 58 BR E. of Courtland	US 13/I–264 Bowers Hill.
US 58 Alt	US 23 Norton	US 19 Hansonville.
US 58 Alt	0.4 Mi. W. of US 11	I–81 Exit 17 Abington.
US 58 BR	VA 35 Courtland	US 58 E. of Courtland.
US 58	W. Int. VA 337 Claremont St. Norfolk	US 460/St. Paul's Blvd. Norfolk.
US 60	0.03 Mi. West of VA 887 Chesterfield County	US 522 Powhatan.
US 220	NC State Line	I–581 Roanoke.
US 220	I–81 Exit 150	SCL Fincastle.
US 220 BR	US 220 S. Int.	0.16 Mi. N. of VA 825 S. of Martinsville.
US 220 BR	US 58 N. Int. Martinsville	US 220 N. Int. Bassett Forks.
US 250	US 340 E. Int. Waynesboro	VA 254 Waynesboro
US 250	I–81 Exit 222	VA 261 Statler Blvd. Staunton.
US 258	NC State Line	US 58 Franklin.
US 258	VA 10 Benns Church	VA 143 Jefferson Ave. Newport News.
US 301	VA 1250 S. of I–295	I–295 Exit 41 Hanover County.
US 301	US 301 BR N. Int. Bowling Green	MD State Line.
US 340/522	I–66 Exit 6 Front Royal	2.85 Mi. N. of I–66.
US 340	VA 7 Berryville	WV State Line.
US 360	US 58 South Boston	VA 150 Chesterfield County.
US 360	I–64 Exit 192 Richmond	VA 627 Village.
US 460	VA 67 W. Int. Raven	US 19 Claypool Hill.
US 460	VA 720 Bluefield	WV State Line at Bluefield.
US 460	WV State Line at Glen Lyn	I–81 Exit 118 Christiansburg.
US 460	I–581 Roanoke	0.08 Mi. E. of VA 1512 Lynchburg.
US 460	US 29 Lynchburg	1 Mi. W. of VA 24 Appomattox County.
US 460	0.64 Mi. E. of VA 707 Appomattox County	I–85 Exit 61 Petersburg.
US 460	I–95 Exit 50 Petersburg	US 58 Suffolk.
US 501	VA 360 S. Int. Halifax	US 58 South Boston.
US 522	0.6 Mi. S. of US 50	US 50 Frederick County.
US 522	VA 37 Frederick County	1.07 Mi. N. of VA 705 Cross Junction.
VA 3	US 1 Fredericksburg	VA 20 Wilderness.
VA 7	I–81 Exit 315 Winchester	0.68 Mi. W. of WCL Round Hill.
VA 10	US 58 Suffolk	VA 666 Smithfield.
VA 10	ECL Hopewell	0.37 Mi. W. of W. Int. VA 156 Hopewell.
VA 10	US 1 Chesterfield County	VA 827 W. of Hopewell.
VA 20	I–64 Exit 121	Carlton Rd. Charlottesville.
VA 30	I–95 Exit 98 Doswell	US 1.
VA 33	I–64 Exit 220	VA 30 E. Int. West Point.
VA 36	I–95 Exit 52 Petersburg	VA 156 Hopewell.
VA 37	I–81 Exit 310 S. of Winchester	I–81 Exit 317 (via US 11) N. of Winchester.
VA 42	VA 257 S. Int. Bridgewater	VA 290 Dayton.
VA 57	VA 753 Bassett	US 220 Bassett Forks.
VA 86	US 29 Danville	NC State Line.
VA 100	I–81 Exit 98	US 11 Dublin.
VA 105	US 60 Newport News	I–64 Exit 250.
VA 114	US 460 Christiansburg	0.09 Mi. E. of VA 750 Montgomery County.
VA 156	VA 10 W. Int. Hopewell	VA 36 Hopewell.
VA 199	US 60 Williamsburg	I–64 Exit 242.
VA 207	I–95 Exit 104	0.2 Mi. S. of VA 619 Milford.
VA 220 Alt	US 11 N. Int. N. of Cloverdale	I–81 Exit 150/US 220.
VA 277	I–81 Exit 307 Stephens City	1.6 Mi. E. of I–81 Exit 307.
VA 419	I–81 Exit 141 Salem	Midland Ave. Salem.
VA 624	I–64 Exit 96	Old SCL Waynesboro.
Commonwealth Blvd. in Martinsville.	Market Street	N. Fairy Street.

Note 1: I–66 Washington, DC area—There is a 24-hour total truck ban on I–66 from I–495 Capital Beltway to the District of Columbia. [Excepted under 23 CFR 658.11(f)].

Note 2: I–264 Norfolk—Truck widths are limited to 96 inches for the westbound tube of the Elizabeth River Downtown Tunnel from Norfolk to Portsmouth because of clearance deficiencies.

12. Part 658 is amended by adding appendix C to read as follows:

Appendix C to Part 658—Trucks Over 80,000 Pounds on the Interstate System and Trucks Over STAA Lengths on the National Network

This appendix contains information, by State, regarding longer combination vehicles (LCV's), i.e., commercial motor vehicle (CMV) combinations consisting of a truck tractor and two or more trailers or semitrailers lawfully operating on the Interstate System on a regular or periodic basis (including seasonal operations) with a gross weight in excess of 80,000 pounds as of June 1, 1991. It also contains information, by State, regarding the cargo-carrying length of CMV combinations with two or more cargo-carrying units lawfully operating on the National Network (NN), on a regular or periodic basis (including seasonal operation), on or before June 1, 1991. All vehicles are listed by configuration type.

Trucks Over 80,000 Pounds on the Interstate System

CMV combinations which can also be LCV's are identified with the letters "LCV" following the type of combination vehicle in the State-by-State descriptions. The maximum allowable gross vehicle weight is given (in thousands of pounds indicated by a "K"), as well as information summarizing the operational conditions, routes, and legal citations is provided in this appendix. The term "Interstate System" as used herein refers to the Dwight D. Eisenhower System of Interstate and Defense Highways.

Trucks Over STAA Lengths on the National Network

Listed for each State by combination type is either:

a. The maximum cargo-carrying length (shown in feet); or

b. A notation that such vehicle was not allowed (indicated by a "NO").

CMV's are categorized as follows:

1. A CMV combination with two trailers or semitrailers either of which is over 28.5 feet long, but which normally operates with a long semitrailer plus a shorter trailer, commonly known as a "Rocky Mountain" double.

2. A CMV combination with two trailers or semitrailers, both of which exceed 40 feet in length, commonly known as a "Turnpike" double.

3. A CMV combination with three trailers or semitrailers, commonly known as a "Triple."

4. CMV combinations with two or more cargo-carrying units not included in descriptions 1, 2, or 3.

In the following table the top number is the maximum cargo-carrying length measured in feet from the front of the first cargo unit to the rear of the last cargo unit. The number below the length measurement is the maximum gross weight in thousands of pounds that the vehicle can carry when operating as an LCV on the Interstate System. For every State where there is a length or weight number in the table that follows, additional information is provided.

VEHICLE COMBINATIONS SUBJECT TO PUBLIC LAW 102–240

State	Rocky Mountain doubles 1	Turnpike doubles 2	Triples 3	Other 4
Alabama	No	No	No	No
Alaska	80.5′	90′	110′	83′
	111.5K	135K	135K	
Arizona	92′	95′	95′	(1)
	111K	111K	123.5K	
Arkansas	No	No	No	No
California	No	No	*55′	No
Colorado	85′	95′	95′	78′
	110K	110K	110K	
Connecticut	No	No	No	68′
Delaware	No	No	No	62′
Dist. of Columbia	No	No	No	No
Florida	*85.5′	*106′	No	No
Georgia	No	No	No	No
Hawaii	*65′	No	No	No
Idaho	85.5′	95′	95′	(1)
	105.5K	105.5K	105.5K	
Illinois	No	No	No	No
Indiana	86′	106′	104.5′	No
	127.4K	127.4K	127.4K	
Iowa	No	No	No	No
Kansas	92′	109′	109′	No
	116K	120K	110K	
Kentucky	No	No	No	No
Louisiana	*75′	No	No	No
Maine	No	No	No	No
Maryland	No	No	No	No
Massachusetts	No	114′	No	No
		127.4K		
Michigan	58′	No	No	No
	128K			
Minnesota	No	No	No	No
Mississippi	No	No	No	No
Missouri	102′	109′	100′	No
	120K	120K	120K	
Montana	85′	93′	100′	(1)
	124K	124K	131.06K	
Nebraska	85′	95′	95′	58′
	95K			

VEHICLE COMBINATIONS SUBJECT TO PUBLIC LAW 102–240—Continued

State	Rocky Mountain doubles 1	Turnpike doubles 2	Triples 3	Other 4
Nevada	85.5′	95′	95′	98′
	114.5K	129K	129K	
New Hampshire	No	No	No	85′
New Jersey	No	No	No	No
New Mexico	61′	No	No	No
	86.4K			
New York	85.5′	102′	No	No
	114.5K	143K		
North Carolina	No	No	No	No
North Dakota	85.5′	103′	100′	103′
	105.5K	105.5K	105.5K	
Ohio	80′	102′	95′	No
	90K	127.4K	127.4K	
Oklahoma	92′	123′	95′	No
	90K	90	90K	
Oregon	68′	No	95′	68′
	105.5K		105.5K	
Pennsylvania	No	No	No	No
Puerto Rico	No	No	No	No
Rhode Island	No	No	No	No
South Carolina	No	No	No	No
South Dakota	81.5′	100′	100′	(1)
	129K	129K	129K	
Tennessee	No	No	No	No
Texas	No	No	No	No
Utah	88′	95′	95′	(1)
	129K	129K	129K	
Vermont	No	No	No	No
Virginia	No	No	No	No
Washington	68′	No	No	68′
	105.5K			
West Virginia	No	No	No	No
Wisconsin	No	No	No	No
Wyoming	81′	81′	(2)	(1)
	101K	117K		

*=These vehicles are not considered "LCV's" per the ISTEA definition and therefore do not have a maximum allowable gross weight figure listed.
(1)=State submission includes multiple vehicles in this category—see individual State listings.
(2)=Wyoming has until November 3, 1992, to determine this length.

State: Alaska

Combination: Rocky Mountain Double—LCV

Length of the Cargo-Carrying Units: 80.5 feet

Maximum Allowable Gross Weight: 111,500 pounds

Operational Conditions

Weight: The maximum single-axle weight is 20,000 pounds for a 10-foot minimum spacing. Any axle spaced less than 10 feet from any other axle, measured between the centers of the nearest axles, is considered as part of an axle group. The maximum tandem-axle weight is 38,000 pounds for two axles spaced a minimum of 3.5 feet. Three axles spaced a minimum of 3.5 feet can carry a maximum weight of 42,000 pounds, and four axles spaced a minimum of 3.5 feet can carry a maximum of 50,000 pounds. The above weight limits include all weighing tolerances.

The weight on any tire located on a steering axle may not exceed 600 pounds per inch of tire width based upon the tire manufacturer's rating of tire width, while the weight on any tire located on any other axle may not exceed 550 pounds per inch of tire width based upon the tire manufacturer's rating of tire width.

During the annual spring thaw, all commercial vehicles, including LCV's, are further restricted as to allowable axle weight. The Alaska Department of Transportation and Public Facilities (DOT&PF) determines the percentage weight reduction and the highways affected.

The weight carried on an axle before or after a pintle hook in a two-trailer combination may not exceed the standards of 17 AAC 25.060(a). This regulation provides the general legal weight allowances for axles and for vehicle combinations. The weight of the power unit and the first trailer in a two-trailer combination may not exceed the weight allowable under 17 AAC 25.060(a) for a power unit and single trailer with the same axle configuration and of equal length, calculated without regard to the presence of the second trailer in the combination.

Driver: Commerical driver's license with multiple-trailer endorsement.

Vehicle: Combinations with an overall length greater than 75 feet, measured bumper to bumper, must display an "OVERSIZE" warning sign on the front and rear. In combinations where one cargo-carrying unit is more than 5,000 pounds heavier than the other, the heavier shall be placed immediately behind the power unit.

The weight of the power unit and the first load-carrying unit in a combination with two load-carrying units may not exceed the weight allowed under 17 AAC 25.060(a) for a power unit and single load-carrying unit with the same axle configuration and length, calculated without regard to the presence of the second load-carrying unit in the combination.

Weather restrictions are imposed when hazardous conditions exist, as determined by the Alaska DOT&PF and the Alaska Department of Public Safety, Division of State Troopers.

Travel is not restricted by time of day.

Permit: Single- or multiple-trip permits are required for divisible overweight loads. A fee is charged. No other permits are required.

Access: Alaska allows reasonable access not to exceed 5 miles to reach or return from terminals and facilities for food, fuel, or rest. The most direct route must be used. The Commissioner of the

Alaska DOT&PF may allow access to specific routes if it can be shown that travel frequency, necessity, and route accommodation are required.

ROUTES

	From	To
AK-1	Anchorage (Potter Weigh Station).	Palmer (Palmer-Wasilla Highway Junction).
AK-2	Fairbanks (Gaffney Road Junction).	Delta Junction (MP 1412 Alaska Highway).
AK-3	From its junction with AK-1.	Fairbanks (Gaffney Road Junction).

Legal Citations

17 AAC 35
17 AAC 25
Administrative Permit Manual

State: Alaska

Combination: Turnpike Double—LCV
Length of the Cargo-Carrying Units: 90 feet
Maximum Allowable Gross Weight: 135,000 pounds

Operational Conditions: Same as for Alaska "Rocky Mountain" doubles.

Routes: Same as for Alaska "Rocky Mountain" doubles.

Legal Citations: Same as for Alaska Rocky Mountain" doubles.

State: Alaska

Combination: Triple—LCV
Length of the Cargo-Carrying Units: 110 feet
Maximum Allowable Gross Weight: 135,000 pounds

Weight and Access: Same as for Alaska "Rocky Mountain" doubles.

Driver: Commercial driver's license with multiple-trailer endorsement. Drivers of triples must have 10 years of experience in Alaska and certified training in triples operation.

Vehicle: Triples may consist of three cargo-carrying units. Trailer length shall not exceed 28.5 feet. Engine power rating shall not be less than 400 horsepower.

Triples are allowed to operate only between April 15 and September 30 of each year. Weather restrictions are imposed when hazardous conditions exist, as determined by the Alaska DOT&PF and the Department of Public Safety, Division of State Troopers. No movement is permitted if visibility is restricted to less than 1,000 feet by inclement weather.

Triple trailer combinations are allowed to operate only during the following hours:

1 a.m. Sunday to 12 p.m. Sunday
7 p.m. Sunday to 6 a.m. Monday
8 p.m. Monday to 7 a.m. Tuesday
8 p.m. Tuesday to 8 p.m. Wednesday

Permit: Permits are required with specified durations of not less than 3 months or more than 18 months. There is a fee.

ROUTES

	From	To
AK–1	Anchorage (Potter Weigh Station).	Junction of AK–1 and AK–3 (5 miles S. of Palmer).
AK–3	From its Junction with AK–1.	Fairbanks (Gaffney Road Junction).

Legal Citations: Same as for Alaska "Rocky Mountain" doubles.

State: Alaska

Combination: Truck-trailer
Length of the Cargo-Carrying Units: 83 feet

Operational Conditions

Weight, Driver, Permit, and Access: Same as for Alaska "Rocky Mountain" doubles.

Vehicle: Same as for Alaska "Rocky Mountain" doubles, except overall length may not exceed 90 feet.

Routes: Same as for Alaska "Rocky Mountain" doubles.

Legal Citations: Same as for Alaska "Rocky Mountain" doubles.

State: Arizona

Combination: Rocky Mountain Double—LCV
Length of the Cargo-Carrying Units: 92 feet
Maximum Gross Vehicle Weight: 111,000 pounds

Operational Conditions

Weight: Single-axle maximum weight limit is 20,000 pounds, tandem-axle maximum weight limit is 34,000 pounds, and the gross vehicle weight limit is 111,000 pounds, subject to the Federal bridge formula.

Driver: Commercial driver's license with multiple-trailer endorsement. Drivers must comply with the Federal Motor Carrier Safety Regulations of the U.S. Department of Transportation and Title 28, Arizona Revised Statutes.

Vehicle: This vehicle must be able to operate at speeds compatible with other traffic on level roads and maintain 20 miles per hour speed on grades where operated. A heavy-duty fifth wheel is required. The kingpin must be a solid type, not a screw-out or folding type. All hitch connectors must be of a no-slack type, preferably an air-actuated ram. Axles must be those designed for the width of the body. All braking systems must comply with State and Federal requirements. A brake force limiting valve, sometimes called a "slippery road" valve, may be provided on the steering axle. Mud flaps or splash guards are required. When traveling on a smooth, paved surface, LCV trailers must follow in the path of the towing vehicle without shifting or swerving more than 3 inches to either side when the towing vehicle is moving in a straight line.

Permits: Permits are required. Fees are charged. This vehicle is allowed continuous travel, however, the State may restrict or prohibit operations during periods when traffic, weather, or other safety considerations make such operations unsafe or inadvisable. All multiple-trailer combinations shall be driven in the right-hand traffic lane.

Access: Access is allowed for 20 miles from I–15 Exits 8 and 27 or 20 miles from other authorized routes.

ROUTES

	From	To
I–15	Nevada	Utah.
US 89	20 miles south of the Utah State Line.	Utah.
US 160	US 163	New Mexico.
US 163	US 160	Utah.

LEGAL CITATIONS

ARS 28–107	ARS 28–1009.01.	ARS 28–1011.N
ARS 28–108.5 .	ARS 28–1011.A	ARS 28–1011.0
ARS 28–108.13	ARS 28–1011.C	ARS 28–1013
ARS 28–108.14	ARS 28–1011.F	ARS 28–1014
ARS 28–1001 ..	ARS 28–1011.K	ARS 28–1031
ARS 28–1004.G.	ARS 28–1011.L	ARS 28–1051
ARS 28–1008 ..	ARS 28–1011.M.	ARS 28–1052
ARS 28–1009 ..	R17–40–426	ARS 28–403
ARS 28–1012 ..	.....	ARS 28–405

State: Arizona

Combination: Turnpike Double—LCV
Length of the Cargo-Carrying Units: 95
Maximum Allowable Gross Weight: 111,000 pounds

Operational Conditions: Same as for Arizona "Rocky Mountain" doubles.

Routes: Same as for Arizona "Rocky Mountain" doubles.

Legal Citations: Same as for Arizona "Rocky Mountain" doubles.

State: Arizona

Combination: Triple—LCV
Length of the Cargo-Carrying Units: 95 feet
Maximum Allowable Gross Weight: 123,500 pounds

Operational Conditions

Weight, Vehicle, and Access: Same as for Arizona "Rocky Mountain" doubles.

Driver: The requirements are the same as for Arizona "Rocky Mountain" doubles, except that, in addition, drivers of triples must be trained by an experienced triple trailer driver. Training shall be through special instructions or by traveling with the new driver until such time as the new driver is deemed adequately qualified by the trainer on the use and operation of triple trailer combinations.

Permit: The requirements are the same as for Arizona "Rocky Mountain" doubles, except that, in addition, triple trailers shall not be dispatched during adverse weather conditions.

Routes: Same as for Arizona "Rocky Mountain" doubles.

Legal Citations: Same as for Arizona "Rocky Mountain" doubles.

State: Arizona

Combination: Truck-semitrailer-trailer
Length of the Cargo-Carrying Units: 98 feet

Operational Conditions: Same as for Arizona "Rocky Mountain" doubles.

Routes: Same as for Arizona "Rocky Mountain" doubles.

Legal Citations: Same as for Arizona "Rocky Mountain" doubles.

State: Arizona

Combination: Truck-trailer
Length of the Cargo-Carrying units: 69 feet

Operational Conditions: Same as for Arizona "Rocky Mountain" doubles.

Routes: Same as for Arizona "Rocky Mountain" doubles.

Legal Citations: Same as for Arizona "Rocky Mountain" doubles.

State: California

Combination: Triple
Length of Cargo-Carrying Units: 55 feet

Operational Conditions

Weight: Maximums: single axle=18,000 pounds, tandem axle=36,000 pounds, and gross weight=76,800 pounds.

Driver: Commercial driver's license with multiple-trailer endorsement.

Vehicle: Overall length limited to 65 feet.

Permit: None required.

Access: As allowed by the State.

Routes: All National Network routes.

Legal Citations: CVC 12804.9 (CDL), 15278(a) (Double-trailer endorsement), 35401(a) (Maximum length of vehicle combinations), and 35551.5 (Weight).

State: Colorado

Combination: Rocky Mountain Double—LCV
Length of the Cargo-Carrying Units: 85 feet
Maximum Allowable Gross Weight: 110,000 pounds

Operational Conditions

Weight: The maximum gross weight is 110,000 pounds, subject to the formula W=800(L+40) where "W" equals the gross weight in pounds and "L" equals the length in feet between the centers of the first and last axles, or the gross weight determined by the Federal bridge formula, whichever is least. A single axle shall not exceed 20,000 pounds and a tandem axle shall not exceed 36,000 pounds.

Driver: Commercial driver's license with multiple-trailer endorsement. The driver cannot have had any suspension of driving privileges in any State during the past 3 years where such suspension arose out of the operation of a motor vehicle used as a contract or common carrier of persons or property.

The driver must be certified by the motor carrier permit holder's safety office. The certification shall demonstrate that the driver has complied with all written requirements, and that the driver has successfully completed a company-approved road test for each type of combination vehicle operated.

Vehicle: Vehicles shall not have fewer than six axles or more than nine axles. They shall be configured such that the shorter trailer shall be operated as the rear trailer, and the trailer with the heavier gross weight shall be operated as the front trailer. In the event that the shorter trailer is also the heavier, the load must be adjusted so that the front trailer is the longer and heavier of the two.

Vehicles shall have adequate power to maintain a minimum speed of 20 miles per hour on any grade over which the combination operates and can resume a speed of 20 miles per hour after stopping on any such grade.

Tires must conform to the standards in the Department of Public Safety's (DPS) Rules and Regulations Concerning Minimum Standards for the Operation of Commercial Motor Vehicles, at 8 CCR 1507–1 and C.R.S. 42–4–225 and 42–2–406.

Vehicles are required to have a heavy-duty fifth wheel and equal strength pick-up plates that meet the standards in the DPS Commercial Vehicle Rules. This equipment must be properly lubricated and located in a position that provides stability during normal operation, including braking. The trailers shall follow in the path of the towing vehicle without shifting or swerving more than 3 inches to either side when the towing vehicle is moving in a straight line.

Kingpins must be of a solid type and permanently fastened. Screw-out or folding type kingpins are prohibited.

Hitch connections must be of a no-slack type, preferably air-actuated ram.

Drawbar lengths shall be adequate to provide for the clearances required between the towing vehicle and the trailer(s) for turning and backing maneuvers.

Axles must be those designed for the width of the body of the trailer(s).

Braking systems must comply with the DPS Commercial Vehicle Rules and C.R.S. 42–4–220. Fast air-transmission and release valves must be provided on all trailer(s) and converter dolly axles. A brake force limiting valve, sometimes called a "slippery road" valve, may be provided on the steering axle.

Permit: An annual permit is required for which a fee is charged. A "Rocky Mountain" double shall not operate on the following designated highway segments during the hours of 7 a.m. to 9 a.m. and from 4 p.m. to 6 p.m., Monday through Friday, for Colorado Springs, Denver, and Pueblo ("Rocky Mountain" doubles operating above the legal maximum weight are subject to different hours of operation restrictions. Refer to rules pertaining to Extra-Legal Vehicles or Loads).

Colorado Springs: I–25 between Exit 135 (CO 83 Academy Blvd. So.) and Exit 150 (CO 83, Academy Blvd. No.).
Denver: I–25 between Exit 200 (Jct. I–225) and Exit 223 (CO 128, 120th Avenue),
I–70 between Exit 259 (CO 26/US 40) and Exit 282 (Jct. I–225),
I–76 between Exit 5 (Jct. I–25) and Exit 12 (US 85),
I–225 entire length,
I–270 entire length.
Pueblo: I–25 between Exit 94 (CO 45 Lake Ave.) and Exit 101 (US 50/CO 47).

Access: A vehicle shall not be operated off the designated portions of the Interstate System except to access food, fuel, repairs, and rest or to access a facility. Access to a facility shall be subject to the following conditions:

(1) The facility must:

(a) Be either a manufacturing or a distribution center, a warehouse, or truck terminal located in an area where industrial uses are permitted; or

(b) Be a construction site; and

(c) Meet the following criteria:

(i) Vehicles are formed for transport or broken down for delivery on the premises;

(ii) Adequate off-roadway space exists on the premises to safely maneuver the vehicles; and

(iii) Adequate equipment is available on the premises to handle, load, and

unload the vehicle, its trailers, and cargo.

(2) The facility must be located within a maximum distance of 10 miles from the point where the vehicle enters or exits the designated portions of the Interstate System. Such 10-mile distance shall be measured by the actual route(s) to be traveled to the facility, rather than by a straight line radius from the designated Interstate System to the facility;

(3) The access route(s) between the designated Interstate System and the facility must be approved in advance by the public entity (CDOT, municipality, or county) having jurisdiction for the roadway(s) that make up the route(s). Where the State of Colorado has jurisdiction over the access route(s), it will consider the following safety, engineering, and other criteria in determining whether to approve the route(s):

(a) Safety of the motoring public;

(b) Geometrics of the street and roadway;

(c) Traffic volumes and patterns;

(d) Protection of State highways, roadways, and structures;

(e) Zoning and general characteristics of the route(s) to be encountered; and

(f) Other relevant criteria warranted by special circumstances of the proposed route(s).

Local entities, counties, and municipalities having jurisdiction over route(s), should consider similar criteria in determining whether to approve the proposed ingress and egress route(s); and

(4) A permit holder shall access only the facility or location authorized by the permit. If the permit authorizes more than one facility or location, then on any single trip by an LCV from the designated Interstate System the permit holder may access only one facility or location before returning to the designated Interstate System.

Routes: National Network routes except that LCV's may not operate on I–70 from Exit 90 to Exit 259.

Legal Citations: Vehicles must comply with all applicable statutes, such as C.R.S. 42–4–402(1), C.R.S. 42–4–404(1), 42–4–407(1)(C)(III)(A), 42–4–409(11)(a)(II) (A), (B) or (C), and Rule 4–15 in the Extra-Legal Vehicles and Loads and Longer Combination Vehicle Rules.

State: Colorado

Combination: Turnpike Double—LCV
Length of the Cargo-Carrying Units: 95 feet
Maximum Allowable Gross Weight: 110,000 pounds

Operational Conditions: Same as for Colorado "Rocky Mountain" doubles.

Routes: Same as for Colorado "Rocky Mountain" doubles.

Legal Citations: Same as for Colorado "Rocky Mountain" doubles.

State: Colorado

Combination: Triple—LCV
Length of the Cargo-Carrying Units: 95 feet
Maximum Allowable Gross Weight: 110,000 pounds

Operational Conditions: Same as for Colorado "Rocky Mountain" doubles.

Routes: Same as for Colorado "Rocky Mountain" doubles.

Legal Citations: Same as for Colorado "Rocky Mountain" doubles.

State: Colorado

Combination: Truck-trailer
Length of the Cargo-Carrying Units: 78 feet

Operational Conditions: Same as for Colorado "Rocky Mountain" doubles.

Routes: Same as for Colorado "Rocky Mountain" doubles.

Legal Citations: Same as for Colorado "Rocky Mountain" doubles.

State: Connecticut

Combination: Vehicle and trailer for carrying poles, lumber, piling, or structural units.
Length of the Cargo-Carrying Unit: 68 feet.

Operational Conditions

Weight: Single axle—20,000 pounds, tandem axle—34,000 pounds, and gross vehicle weight—80,000 pounds.

Driver: Commercial driver's license.

Vehicle: No restrictions up to an overall length of 80 feet.

Permits: None Required.

Access: No restrictions for this vehicle.

Routes: All National Network Routes.

Legal Citation: Connecticut General Statutes, Section 14–262(2)(A).

State: Delaware

Combination: Truck tractor-semitrailer-trailer
Length of the Cargo Carrying Unit: 62 feet

Operational Conditions

Weight: Single axle—20,000 pounds, tandem axle—34,000 pounds, and gross vehicle weight—80,000 pounds.

Driver: Commercial driver's license with multiple-trailer endorsement.

Vehicle: No restrictions.

Permits: None Required.

Access: No restrictions for this vehicle.

Routes: All National Network Routes.

Legal Citation: Delaware Code, title 21, chapter 45.

State: Florida

Combination: Rocky Mountain Double
Length of the Cargo Carrying Units: 85.5 feet

Operational Conditions: Same as for Florida "Turnpike" doubles.

Routes: Same as for Florida "Turnpike" doubles.

Legal Citations: Same as for Florida "Turnpike" doubles.

State: Florida

Combination: Turnpike Double
Length of the Cargo Carrying Units: 106 feet

Operational Conditions: All overdimensional and weight regulations of the Florida Turnpike Authority shall apply to such units unless specifically excluded under the terms of the Tandem Trailer Permit or these regulations.

Weight: Maximum weight limits (including all tolerances) are single axle: 22,000 pounds, tandem axle: 44,000 pounds, overall gross weight: 147,000 pounds, and gross weight of converter dolly plus second trailer: 67,000 pounds. There are no special axle-spacing requirements for LCV's. For further information, see Rule 14–62.003 FAC.

Driver: Commercial driver's license with multiple-trailer endorsement. Proposed drivers of tandem-trailer units shall be registered by the Florida Turnpike Authority prior to driving such equipment on the turnpike system. For further information, see Rule 14–62.016 FAC.

Vehicle: A complete tandem-trailer combination shall consist of a truck tractor, first semitrailer, fifth-wheel converter dolly, and a second semitrailer. The converter dolly may be either a separate unit or an integral component of the first semitrailer. The width shall not exceed 102 inches and the height shall not exceed 13 feet 6 inches. A tractor used in the tandem-trailer operations shall be capable of hauling the maximum gross load to be transported by a permittee at a speed of not less than 40 miles per hour on all portions of the turnpike system excepting that portion of the roadway, as posted in 1988, between mileposts 234 and 238 where a minimum speed of 30 miles per hour will be permitted.

Every tandem-trailer combination shall be equipped with full air brakes or air-activated hydraulic brakes on the tractor and either air or electric brakes on the dolly and trailers.

A tractor, which will be used to haul a complete tandem-trailer combination

with a total gross weight of 110,000 pounds or more, shall be equipped with tandem rear axles and driving power shall be applied to all wheels on both axles. When the above tandem-axle tractor is required, a tandem-axle dolly converter must be used.

Every tandem-trailer combination shall be equipped with emergency equipment that equals or exceeds both the equipment requirements and the performance standards cited in Chapter 316, Florida Statutes and subpart H "Emergency Equipment" of 49 CFR 393.95.

A converter (fifth-wheel) dolly used in the tandem-trailer operations may have either single or tandem axles, according to its total gross weight. In addition to the primary towbar(s), the dolly vehicle must be equipped with safety chains or cables for connecting the dolly to the lead semitrailer and must be adequate to prevent breakaway.

Lamps and Reflectors. Each tractor, trailer, and converter dolly in a tandem-trailer combination shall be equipped with electric lamps and reflectors mounted on the vehicle, in accordance with chapter 316, Florida Statutes, and subpart B "Lighting Devices, Reflectors and Electrical Equipment," of 49 CFR parts 393.9 through 393.33.

Coupling Devices. Coupling devices shall be so designed, constructed, and installed and the vehicles in a tandem-trailer combination shall equal or exceed both the equipment requirements and the performance standards established on 49 CFR part 393.70, except that such devices shall be so designed and constructed as to ensure that any such combination traveling on a level, smooth paved surface will follow in the path of the towing vehicle without shifting or swerving from side to side over 2 inches to each side of the path of the vehicle when it is moving in a straight line. (For further information see Rule 14–62.002; 14–62.005; 14–62.006; 14–62.007; 14–62.008; 14–62.009; 14–62.010; 14–62.011; 14–62.012; 14–62.013; and 14–62.015, FAC.)

Permit: Tandem-trailer units may operate on the turnpike system under a Tandem Trailer Permit issued by the Florida Turnpike Authority upon application, except as provided in subparagraph (2) below.

(1) The Florida Turnpike Authority shall provide a copy of each such permit to the Motor Carrier Compliance Office.

(2) Tandem-trailer trucks of the dimensions mandated by the Surface Transportation Assistance Act of 1982 (STAA of 1982) and operating in compliance with Rule Chapter 14–54, FAC, and under the provisions of section 316.515, Florida Statutes shall be exempt from the provisions of this rule chapter to the extent provided in Rule 14–54.0011, FAC.

(For further information see Rules 14–62.001; 14–62.022; 14–62.023; 14–62.024; 14–62.026; 14–62.027, FAC)

Access: Staging. Tandem-trailer truck combinations shall be made up and broken up only in special assembly (staging) areas as designated for this purpose. For further information, see Rule 14–62.017, FAC. Make-up and break-up of tandem-trailer truck combinations shall not be allowed on a public right-of-way unless the area is designated for such use or unless an emergency exists.

ROUTES

	From	To
Florida's Turnpike.	So. end Homestead Extension at US1.	Exit 90 (Wildwood).

Legal Citations: Chapter 14–62, "Regulations Governing Tandem Combinations of Florida's Turnpike," Florida Administrative Code.

State: Hawaii

Combination: Rocky Mountain Double
Length of Cargo Carrying Units: 65 feet

Operational Conditions

Weight: Single axle (or two or more consecutive axles less than 42 inches apart): 22,500 pounds. Tandem axles (over 42 inches but less than 6 feet apart): 34,000 pounds. Bridge formula (Interstate routes) limits—axles 6 feet or more apart: Federal bridge formula limits. Bridge formula (Non-Interstate routes) limits—axles 6 feet or more apart: W=900 (L + 40). *Driver:* Commercial driver's license with multiple-trailer endorsement.

Vehicle: No load may exceed the carrying capacity of the axles specified by the manufacturer and no combination vehicle shall have a total weight in excess of its designed gross combination weight limit.

Permits: No permits are required.

Access: Designated routes off the National Network.

Routes: All National Network routes except HI–95 from H–1 to Barbers Point Harbor.

Legal Citations: Chapter 291, section 34, Hawaii Revised Statutes and chapter 104 of title 19, Administrative Rules.

State: Idaho

Combination: Rocky Mountain Double—LCV
Length of the Cargo-Carrying Units: 85.5 feet
Maximum Allowable Gross Weight: 105,500 pounds

Operational Conditions

Weight: Single axle: 20,000 pounds, tandem axle: 34,000 pounds, and gross vehicle weight: registered weight up to 105,500 pounds.

Axle spacing: must comply with Idaho Code 49–1001.

Trailer weights: The respective loading of any trailer shall not be substantially greater than the weight of any trailer located ahead of it in the vehicle combination. Substantially greater shall be defined as more than 4,000 pounds heavier.

Driver: Commercial driver's license with multiple-trailer endorsement.

Vehicle: The rules provide that all CMV's with two or more cargo-carrying units (except for truck-trailer combinations which are limited to an 85-foot combination length) are subject to calculated maximum off-tracking (CMOT) limits. The CMOT formula is:

$$CMOT=R-[R^2-(A^2+B^2+C^2+D^2+E^2)]^{1/2}$$

$R=161$

A, B, C, D, E, etc.=measurements between points of articulation or pivot. Squared dimensions to stinger steer points of articulation are negative.

The power unit of LCV's and extra-length combinations shall have adequate power and traction to maintain a speed of 15 miles per hour under normal operating conditions on any upgrade over which the combination is operated.

Fifth wheel, drawbar, and other coupling devices shall be as specified by Federal Motor Carrier Safety Regulations, Section 393.70.

Every combination operated under special permit authority shall be covered by insurance meeting State and Federal requirements. Evidence of this insurance must be carried in the permitted vehicle.

Permit: Permits are required. Permit duration is for 1 year from the date of issuance.

Access: Combinations with a CMOT limit of less than 6.5 feet may use any Interstate or designated highway system interchange for access. Combinations with a CMOT of 6.5 to 8.75 feet may use only the following Interstate System interchanges:

I–15 Exits 58 and 119.
I–84 Exits 3, 49, 50, 52, 54, 57, 95, 168, 173, 182, 208, and 211.
I–86 Exits 36, 40, 56, and 58.

Routes: All National Network routes.

Legal Citations: Other regulations and restrictions that must be complied with are:

Idaho Code 49–1001, 49–1002, 49–1004, 49–1010, and 49–1011.

Idaho Transportation Department Rules 39.C.01, 39.C.06, 39.C.08, 39.C.09, 39.C.10, 39.C.11, 39.C.15, and 39.C.19–23.

State: Idaho

Combination: Turnpike Double—LCV
Length of the Cargo-Carrying Units: 95 feet
Maximum Allowable Gross Weight: 105,500 pounds
Operational Conditions: Same as for Idaho "Rocky Mountain" doubles.
Routes: Same as for Idaho "Rocky Mountain" doubles.
Legal Citations: Same as for Idaho "Rocky Mountain" doubles.
Combination: Triple—LCV
Length of the Cargo-Carrying Units: 95 feet
Maximum Allowable Gross Weight: 105,500 pounds
Operational Conditions: Same as for Idaho "Rocky Mountain" doubles. The maximum number of units allowed in a combination vehicle is one power unit and three cargo units.
Routes: Same as for Idaho "Rocky Mountain" doubles.
Legal Citations: Same as for Idaho "Rocky Mountain" doubles.
Combination: Truck-trailer-trailer and Truck-semitrailer-trailer
Length of the Cargo-Carrying Units: 98 feet
Operational Conditions: *Weight, Driver, Permit, and Access:* Same as for Idaho "Rocky Mountain" doubles.
Vehicle: Overall combination length limited to 105 feet.
Routes: Same as for Idaho "Rocky Mountain" doubles.
Legal Citations: Same as for Idaho "Rocky Mountain" doubles.
Combination: Truck-trailer
Length of the Cargo-Carrying Units: 78 feet
Operational Conditions: *Weight, Driver, Permit, and Access:* Same as for Idaho "Rocky Mountain" doubles.
Vehicle: Overall combination length limited to 85 feet.
Routes: Same as for Idaho "Rocky Mountain" doubles.
Legal Citations: Same as for Idaho "Rocky Mountain" doubles.
Combination: Dromedary Tractor-semitrailer or Dromedary Tractor-semitrailer-trailer combination.
Length of the Cargo-Carrying Units: 98 feet
Operational Conditions: *Weight, Driver, Permit, and Access:* Same as for Idaho "Rocky Mountain" doubles.
Vehicle: Overall combination length limited to 105 feet.
Routes: Same as for Idaho "Rocky Mountain" doubles.
Legal Citations: Same as for Idaho "Rocky Mountain" doubles.

State: Indiana

Combination: Rocky Mountain Double-LCV
Length of the Cargo-Carrying Units: 86 feet
Maximum Allowable Gross Weight: 127,400 pounds
Operational Conditions: *Weight:* Single axle = 22,400 pounds. Axles spaced less than 40 inches between centers are considered to be single axles.

Tandem axle = 36,000 pounds. Axles spaced more than 40 inches but less than 9 feet between centers are considered to be tandem axles.

Gross vehicle weight = 90,000 pounds plus 1,070 pounds per foot for each foot of total vehicle length in excess of 60 feet with a maximum gross weight not to exceed 127,400 pounds.

Driver: Commercial driver's license with multiple-trailer endorsement. Toll Road identification card. Drivers must be at least 26 years old, in good health, and with 5 years of experience driving tractor-semitrailers or tandem-trailer trucks. Experience must include driving in all four seasons.

Vehicle: Lightest trailer to the rear. Distance between coupled trailers shall not exceed 9 feet. The combination vehicle, including coupling devices, shall be designed and constructed so as to ensure that while traveling on a level, smooth paved surface each trailing unit will follow in the path of the towing vehicle without shifting or swerving from side to side more than 3 inches. The combination vehicle must have at least five axles but not more than nine axles and except on ramps be able to achieve and maintain a speed of 45 miles per hour. Following distance is 500 feet, and passing maneuvers must be completed within 1 mile.

Permit: A free annual tandem-trailer permit must be obtained from the Indiana DOT for loads which exceed 90,000 pounds. A multiple-trip access permit, for which a fee is charged, must also be obtained for access to points of delivery or to breakdown locations. Permission to operate can be temporarily suspended by the Indiana DOT due to weather, road conditions, holiday traffic, or other emergency conditions.

Access: 15 miles from toll gates.

ROUTES

	From	To
I–80/90 (IN Toll Road).	Toll Road Gate 21.	OH State Line.
I–90 (IN Toll Road).	IL State Line	Toll Road Gate 21.

Legal Citations:

Indiana Code 9–8–1–16
Indiana Code 8–15–2
135 Indiana Administrative Code 2
Combination: Turnpike Double—LCV
Length of the Cargo-Carrying Units: 106 feet
Maximum Allowable Gross Weight: 127,400 pounds
Operational Conditions: Same as for Indiana "Rocky Mountain" doubles.
Routes: Same as for Indiana "Rocky Mountain" doubles.
Legal Citations: Same as for Indiana "Rocky Mountain" doubles.
Combination: Triple—LCV
Length of the Cargo-Carrying Units: 104.5 feet
Maximum Allowable Gross Weight: 127,400 pounds
Operational Conditions: *Weight, Driver, Permit, and Access:* Same as for Indiana "Rocky Mountain" doubles.
Vehicle: Semitrailers and trailers shall not be longer than 28.5 feet, and the minimum number of axles for the combination is seven.
Routes: Same as for Indiana "Rocky Mountain" doubles.
Legal Citations: Same as for Indiana "Rocky Mountain" doubles.
Combination: Combination of three or more vehicles coupled together
Length of the Cargo-Carrying Units: 58 feet
Operational Conditions: Weight: Single axle=22,400 pounds. Axles spaced less than 40 inches between centers are considered to be single axles.
Tandem axle=36,000 pounds. Axles spaced more than 40 inches but less than 9 feet between centers are considered to be tandem axles.
Gross vehicle weight=Determined by the bridge formula not to exceed 80,000 pounds.
Driver: Commercial driver's license.
Vehicle: Maximum width=102 inches. Maximum height=13 feet 6 inches.
Permit: None required.
Access: Unlimited.
Routes: All roads within the State.
Legal Citations: Indiana Code 9–8–1–2.

State: Kansas

Combination: Rocky Mountain Double—LCV
Length of the Cargo-Carrying Units: 92 feet

Maximum Allowable Gross Weight: 116,000 pounds

Operational Conditions: *Weight:* "Rocky Mountain" double combinations must comply with the Federal bridge formula with maximum axle weights of 20,000 pounds on a single axle and 34,000 pounds on a tandem axle with a maximum gross weight of 120,000 pounds.

Driver: Commercial driver's license with multiple-trailer endorsement.

Vehicle: "Rocky Mountain" double combinations must meet legal width and height with no time-of-day travel restrictions or other special requirements.

Permit: Permits are not required for operation on the Kansas Turnpike. A permit is required for access between the turnpike and motor freight terminals located within a 10-mile radius of each toll booth, except at the northeastern end of the turnpike where a 20-mile radius is allowed. Access permits are valid for 6 months.

Access: Turnpike access routes include all routes between the turnpike and a motor freight terminal located within a 10-mile radius of each toll booth, except at the northeastern end of the turnpike where a 20-mile radius is allowed.

ROUTES

	From	To
I–35 Kansas Turnpike Authority (KTA).	OK State Line ..	KTA Exit 127.
I–70 KTA	KTA Exit 182 ...	KTA Exit 223.
I–335 KTA	KTA Exit 127 ...	KTA Exit 177.
I–470 KTA	KTA Exit 177 ...	KTA Exit 182.

LEGAL CITATIONS

Kansas Statutes Annotated (KSA).		
KSA 8–1911	KSA 68–2003 ..	KSA 68–2019
KSA 8–1914	KSA 68–2004 ..	KSA 68–2048a
KSA 8–1915	KSA 68–2005 ..	

Combination: Turnpike Double—LCV

Length of the Cargo-Carrying Units: 109 feet

Maximum Allowable Gross Weight: 120,000 pounds

Operational Conditions: Same as for Kansas "Rocky Mountain" doubles.

Routes: Same as for Kansas "Rocky Mountain" doubles.

Legal Citations: Same as for Kansas "Rocky Mountain" doubles.

Combination: Triple—LCV

Length of the Cargo-Carrying Units: 109 feet

Maximum Allowable Gross Weight: 110,000 pounds

Operational Conditions: The operations of triple combinations, called special vehicle combinations (SVC's) in Kansas, are governed by two sets of criteria: (1) The turnpike and turnpike access rules, and (2) the SVC rules. The turnpike and turnpike access rules allow a maximum combination vehicle length of 119 feet overall. The SVC rules require triples to have trailers of no more than 28.5 feet maximum length or a cargo-carrying length of approximately 95 feet.

The turnpike and turnpike access rules have no time-of-day travel restrictions or other special requirements.

The SVC rules have several operational conditions. SVC's cannot operate on holidays or during holiday weekends. SVC's cannot be dispatched or operated during adverse weather conditions. SVC's must travel in the right lane, except for passing, and the following distance is 100 feet for every 10 miles per hour. SVC permits can include any restrictions deemed necessary, including specific routes and hours, days, and/or seasons of operation. Rules and regulations can be promulgated regarding driver qualifications, vehicle equipment, and operational standards.

Weight: All triple combinations must comply with the Federal bridge formula with maximum axle weights of 20,000 pounds on a single axle and 34,000 pounds on a tandem axle. The maximum gross weight is 120,000 pounds on the turnpike and turnpike access routes, but the SVC's have a maximum weight of 110,000 pounds.

Driver: Driver qualifications apply to the SVC program only. In addition to a commercial driver's license with multiple-trailer endorsement, drivers must have completed SVC driver training and a company road test. Drivers must also have 2 years of experience driving tractor-semitrailers and 1 year driving doubles.

Vehicle: Vehicle requirements apply to the SVC program only. All axles, except steering axles, must have dual wheels, and all vehicles must be able to achieve and maintain a speed of 40 miles per hour on all grades. Drop and lift axles are prohibited. Vehicles may have a minimum of six and a maximum of nine axles. All but the steering axle must be equipped with an antispray device. The heaviest trailers are to be placed forward. Hazardous cargo is prohibited. Convex mirrors are required on both sides of the cab. Equipment must comply with the requirements of 49 CFR 390–399.

Permit: Same as for Kansas "Rocky Mountain" doubles for the turnpike and turnpike access. SVC's are prohibited from carrying certain types and quantities of hazardous materials. A fee per company plus a permit fee for each power unit is required for the SVC program, and the SVC permits are valid for 1 year.

Access: Turnpike access routes include all routes between the turnpike and a motor freight terminal located within a 10-mile radius of each tool booth, except at the northeastern end of the turnpike where a 20-mile radius is allowed.

ROUTES

	From	To
I–35 Kansas Turnpike Authority (KTA).	OK State Line ..	KTA Exit 127
I–70 KTA	KTA Exit 182 ...	KTA Exit 223
I–335 KTA	KTA Exit 127 ...	KTA Exit 177
I–470 KTA	KTA Exit 177 ...	KTA Exit 182

Legal Citations: Same as for Kansas "Rocky Mountain" doubles plus KSA 8–1915.

State: Louisiana

Combination: Rocky Mountain Double—LCV

Length of the Cargo-Carrying Units: 75 feet

Operational Conditions: *Weight:* Maximum single axle—20,000 pounds, tandem axle—34,000 pounds, and gross vehicle weight—80,000 pounds. Axle-spacing requirements are governed by the Federal bridge formula. Weight limits can be reduced due to weather, other emergency conditions, or pavement deterioration.

Driver: Qualifications for drivers are covered by commercial driver's license requirements.

Vehicle: The drawbar between trailers shall not exceed 15 feet. Tire load on the pavement is limited to 650 pounds per inch of tire width.

Permit: Combination vehicles with two cargo-carrying units that meet the legal size and weight requirements are not required to obtain a special permit. Movement is allowed on the National Network (NN).

Access: Travel on highways other than the NN is limited to 10 miles, except travel to or from terminals may be prohibited on highways determined to be unsafe.

Routes: All National Network routes.

Legal Citations:

LA R.S. 32:382 (A) (1); (2) (b) (c) (d); (B); (C); (D)

LA R.S. 32:384 (A); (C)

LA R.S. 32:386 (A); (B); (C); (D); (H); (I)

State: Massachusetts

Combination: Turnpike Double—LCV
Length of Cargo-Carrying Units: 114 feet
Maximum Allowable Gross Weight: 127,400 pounds

Operational Conditions: *Weight:* Any combination of vehicles may not exceed a maximum gross weight of 127,400 pounds. The maximum gross weight of the tractor and first semitrailer shall not exceed 71,000 pounds. The maximum gross weight of each unit of dolly and semitrailer shall not exceed 56,400 pounds. The maximum gross weight for the tractor and first semitrailer is governed by the formula 35,000 pounds plus 1,000 pounds per foot between the center or the foremost axle and the center of the rearmost axle of the semitrailer. The maximum gross weight on any one axle is 22,400 pounds, and on any tandem axle is 36,000 pounds. Axles less than 46 inches between centers are considered as one axle.

Driver: Commercial driver's license with multiple-trailer endorsement. Drivers must be registered by the Massachusetts Turnpike Authority (MTA). Registration shall include all specified driving records, safety records, physical examinations, and minimum of 5 years of driving experience with tractor trailers.

Vehicle: (1) Brake Regulation. The brakes on any vehicle, dolly converter, or combination of vehicles used in tandem trailer operations as a minimum shall comply with Federal Motor Carrier Safety Regulations in 49 CFR part 393. In addition, any vehicle, dolly converter or combination of vehicles used in tandem trailer operations shall meet the requirements of the provisions of the Massachusetts Motor Vehicle Law. Tandem trailer combinations certified on or after June 1, 1968, shall be equipped with suitable devices to accelerate application and release of the brakes of the towed vehicle.

(2) Axles. A tractor used to haul a tandem trailer combination with a gross weight of more than 110,000 pounds shall be equipped with tandem rear axles, each of which shall be engaged to bear its full share of the load on the roadway surface.

(3) Tandem Assembly. When the gross weight of the trailers vary by more than 20 percent, they shall be coupled with the heaviest trailer attached to the tractor. Coupling devices and towing devices shall comply with the Federal regulations as stated in 49 CFR part 393. When the distance between the rear of the one semitrailer and the front of the following semitrailer is 10 feet or more, the dolly shall be equipped with a device, or the trailers shall be connected along the sides with suitable material, which will indicate to other Turnpike users that the trailers are connected and are in effect one unit. The MTA shall approve the devices or connections to be used on the semitrailers that would indicate it is one unit. Coupling devices shall be so designed, constructed, and installed, and the vehicles in a tandem trailer combination shall be so designed and constructed to ensure that when traveling on a level, smooth paved surface, they will follow in the path of the towing vehicle without shifting or swerving over 3 inches to each side of the path of the towing vehicle when it is moving in a straight line.

Permit: Both the tractor manufacturer and the permittee shall certify to the MTA, prior to the approval of a tractor, that it is capable of hauling the maximum permissible gross load to be transported by the permittee at a speed not less than 20 miles per hour on all portions of the turnpike system. The MTA may revoke or temporarily suspend any permit at will and the instructions of the MTA or Massachusetts State Police shall be complied with immediately.

Access: Makeup and breakup areas. Tandem trailer units shall not leave the turnpike right-of-way and shall be assembled and disassembled only in designated areas.

ROUTES

	From	To
I–90 Mass Turnpike.	New York State	Turnpike Exit 18

Legal Citations: Massachusetts Turnpike Authority, Massachusetts Rules and Regulations 730, and CMR 4.00.

State: Michigan

Combination: Rocky Mountain Double—LCV
Length of Cargo-Carrying Units: 58 feet
Maximum Allowable Gross Weight: 128,000 pounds

Operational Conditions: *Weight:* The single-axle weight limit for LCV's is 18,000 pounds for axles spaced 9 feet or more apart. For axles spaced more than 3.5 feet but less than 9 feet apart, the single-axle weight limit is 13,000 pounds. The tandem-axle weight limit is 16,000 pounds per axle for the first tandem and 13,000 pounds per axle for all other tandems. Axles spaced less than 3.5 feet apart are limited to 9,000 pounds per axle. Maximum load per inch width of tire is 700 pounds. Maximum gross weight is determined based on axle and axle group weight limits.

When restricted seasonal loadings are in effect, load per inch width of tire and maximum axle weights are reduced as follows: Rigid pavements—525 pounds per inch of tire width, 25 percent axle weight reduction; Flexible pavements—450 pounds per inch of tire width, 35 percent axle weight reduction.

Driver: Commercial driver's license with multiple-trailer endorsement.

Vehicle: Truck height may not exceed 13.5 feet. There is no overall length for LCV's operating on the Interstate System when semitrailer and trailer lengths do not exceed 28.5 feet. If either the trailer or semitrailer is longer than 28.5 feet, the distance from the front of the first box to the rear of the second box may not exceed 58 feet. A truck and semitrailer or trailer cannot exceed 65 feet in length when operating on the designated routes. A combination of vehicles shall not have more than 11 axles, and the ratio of gross weight to net horsepower delivered to the clutch shall not exceed 400 to 1. In counties with a population of 600,000 or more, LCV's can only be operated on designated routes from midnight to 6 a.m. or at other times set by the Department of State Police, and they cannot transport a flammable liquid in bulk which has a flash point at or below 70 degrees Fahrenheit except from midnight to 6 a.m. or at other times set by the State Fire Safety Board.

Permit: Permits for divisible loads of more than 80,000 pounds must conform to either Federal or grandfathered axle and bridge spacing requirements.

Access: All State highways. Vehicles equipped with 32,000-pound tandem axles are limited to highways designated by the State.

Routes: All Interstate routes.

Legal Citations:

Michigan Public Act 300, section 257.722
Michigan Public Act 300, section 257.719

State: Missouri

Combination: Rocky Mountain Double—LCV
Length of the Cargo-Carrying Units: 102 feet

Maximum Allowable Gross Weight: 120,000 pounds when entering Missouri from Kansas; 90,000 pounds when entering from Oklahoma.

Operational Units: Missouri allows vehicles from neighboring States access to terminals in Missouri which are within 20 miles of the Missouri State Line. These vehicles must be legal in the State from which they are entering Missouri.

Weight, Driver, Vehicle: Commercial driver's license with multiple-trailer endorsement. Same conditions which apply to a "Rocky Mountain" double legally operating in Kansas or Oklahoma with a cargo-carrying length of 102 feet or less.

Permit: Annual blanket overdimension permits are issued to allow a "Rocky Mountain" double legally operating in Kansas or Oklahoma with a cargo-carrying length of 102 feet or less, to move to and from terminals in Missouri which are located within a 20-mile band of the State line with those two states. There is a permit fee per power unit. The permits carry routine restrictions that are included in the rules and regulations for all permitted movement.

Access: Routes as necessary to reach terminals.

Routes: All National Network routes within a 20-mile band from the Oklahoma and Kansas borders.

Legal Citations: § 304.170 & § 304.200 Revised Statutes of Missouri 1990.

Combination: Turnpike Double—LCV
Length of the Cargo-Carrying Units: 109 feet

Maximum Allowable Gross Weight: Same as for Missouri "Rocky Mountain" doubles.

Operational Conditions: Same as for Missouri "Rocky Mountain" doubles, except the maximum allowable cargo-carrying length is 109 feet.

Routes: Same as for Missouri "Rocky Mountain" doubles.

Legal Citations: Same as for Missouri "Rocky Mountain" doubles.

Combination: Triple—LCV
Length of the Cargo-Carrying Units: 100 feet

Maximum Allowable Gross Weight: Same as for Missouri "Rocky Mountain" doubles.

Operational Conditions: Same as for Missouri "Rocky Mountain" doubles, except the maximum allowable cargo-carrying length is 100 feet.

Routes: Same as for Missouri "Rocky Mountain" doubles.

Legal Citations: Same as for Missouri "Rocky Mountain" doubles.

State: Montana

Combination: Rocky Mountain Double—LCV
Length of Cargo-Carrying Units: 85 feet
Maximum Allowable Gross Weight: 124,000 pounds

Operational Conditions:

Weight: Except for vehicles operating under the Montana/Alberta Memorandum of Understanding (MOU), any vehicle carrying a divisible load over 80,000 pounds must comply with the Federal bridge formula found in 23 U.S.C. 127.

Maximum single-axle limit: 20,000 pounds

Maximum tandem-axle limit: 34,000 pounds

Maximum gross weight is based upon application of the bridge formula.

Maximum weight allowed per inch of tire width is 600 pounds.

Weight, Montana/Alberta MOU:

Maximum single-axle limit: 20,000 pounds

Maximum tandem-axle limit: 37,500 pounds

Maximum tridem-axle limit:

Axles spaced from 94" to less than 118"—46,300 pounds

Axles spaced from 118" to less than 141"—50,700 pounds

Axles spaced from 141" to 146"—52,900 pounds

(axle-spacing limits apply to tridem-axle groups.)

Maximum gross weight:

A-Train: 118,000 pounds

B-Train (eight axle): 137,800 pounds

B-Train (seven axle): 124,600 pounds

Driver: Commercial driver's license with multiple-trailer endorsement.

Vehicle: No special requirements beyond compliance with Federal Motor Carrier Safety Regulations.

Permit: Special permit required for double trailer combinations if either trailer exceeds 28.5 feet. Permits are available on an annual or a trip basis and provide for continuous travel. Statutory reference: 61–10–124, MCA. For vehicles being operated under the Montana/Alberta MOU, operators must have paid gross vehicle weight fees for the total weight being carried. In addition, a term Restricted Route and Oversize Permit for which an annual fee is charged must be obtained. Finally, vehicle operators must secure a single-trip, overweight permit prior to each trip.

Access: Access must be authorized by the Montana DOT. For vehicles operated under the Montana/Alberta MOU, access routes from I–15 into Shelby are authorized when permits are issued.

Routes: Combinations with cargo length of 88 feet or less can use all National Network routes except U.S. 87 from milepost 79.3 to 82.5. For vehicles being operated under the Montana/Alberta MOU, the only route available is I–15 from the border with Canada to Shelby.

LEGAL CITATION

61–10–124 MCA.	61–10–104 MCA.	ARM 18.8.509(6)
61–10–107 (3) MCA.	61–10–121 MCA.	ARM 18.8.517, 518

Montana/Alberta Memorandum of Understanding. Administrative Rules of Montana (ARM).

Combination: Turnpike Double—LCV
Length of the Cargo-Carrying Units: 93 feet
Maximum Allowable Gross Weight: 124,000 pounds

Operational Conditions: *Weight, Driver, and Vehicle:* Same as for Montana "Rocky Mountain" doubles.

Permit: Special permits are required for operation on all highways. They are available on an annual or trip basis.

Access: A 2-mile access from the Interstate System is automatically granted to terminals and service areas. Access outside the 2-mile provision may be granted on a case-by-case basis by the Administrator of the Motor Carrier Services Division. Access from the National Network must be authorized by the State.

Routes: Combinations with a cargo-carrying length greater than 88 feet, but not more than 93 feet, are limited to the Interstate System. Combinations with cargo length of 88 feet or less can use all National Network routes except U.S. 87 from milepost 79.3 to 82.5.

Legal Citation: 61–10–124, MCA.

Combination: Triple—LCV
Length of the Cargo-Carrying Units: 100 feet
Maximum Allowable Gross Weight: 131,060 pounds

Operational Conditions: *Weight:* Same as for Montana "Rocky Mountain" doubles.

Driver: Drivers of triple vehicle combinations must be certified by the operating company. This certification includes an actual driving test and knowledge of Federal Motor Carrier Safety Regulations and State law pertaining to triple vehicle operations. Drivers are also required to have a CDL with the proper endorsements.

Vehicle: The 100-foot cargo-carrying length is only with a conventional tractor within a 110-foot overall length limit. If a cabover tractor is used, the cargo length is 95 feet within a 105-foot overall length limit. Vehicles involved in triples operations must comply with the following regulations:

1. Shall maintain a minimum speed of 20 miles per hour on any grade;
2. Kingpins must be solid and permanently affixed;
3. Hitch connections must be no-slack type;
4. Drawbars shall be of minimum practical length;

5. Permanently affixed axles must be designed for the width of the trailer;

6. Anti-sail mudflaps or splash and spray suppression devices are required;

7. The heavier trailers shall be in front of lighter trailers;

8. A minimum distance of 100 feet per 10 miles per hour is required between other vehicles except when passing;

9. Operating at speeds greater than 55 miles per hour is prohibited; and

10. Vehicle and driver are subject to Federal Motor Carrier Safety Regulations.

Reference: 18.8.517 Administrative Rules of Montana.

Permit: Special triple vehicle permits are required for the operation of these combinations. Permits are available on an annual or trip basis. Permits are good for travel on the Interstate System only and are subject to the following conditions:

1. Travel is prohibited during adverse weather conditions;

2. Transportation of Class A explosives is prohibited; and

3. Companies operating triple combinations must have an established safety program including driver certifications.

Access: Access is for 2 miles beyond the Interstate System, or further if granted by the Administrator of the Motor Carrier Services Division.

Routes: Interstate System routes in the State.

Legal Citation: 18.8.517 Administrative Rules of Montana.

State: Montana

Combination: Truck-Trailer
Length of Cargo-Carrying Units: 88 feet

Operational Conditions: *Weight, Driver, and Access:* Same as for Montana "Rocky Mountain" doubles.

Vehicle: Same as Montana "Rocky Mountain" doubles, except overall length limited to 95 feet.

Permit: Special permit required if overall length exceeds 75 feet. Special permits allow continuous travel and are available on an annual or trip basis.

Routes: Same as for Montana "Rocky Mountain" doubles.

Legal Citations: 61–10–121 and 61–10–124, MCA.

Combination: Truck-trailer-trailer
Length of the Cargo-carrying Units: 103 feet

Weight, Driver, and Vehicle: Same as for Montana "Rocky Mountain" doubles.

Permit: Permits are required if overall length exceeds 75 feet. The cargo-carrying unit length is 103 feet with a conventional truck within a 110-foot overall length limit, and 98 feet with a cab-over-engine truck within a 105-foot overall length limit. On two-lane highways the cargo-carrying unit length is 88 feet within a 95-foot overall length limit. Permits are available on an annual or trip basis.

Access: Must be authorized by the Montana DOT.

Routes: All National Network routes except U.S. 87 between mileposts 79.3 and 82.5.

Legal Citations: 61–10–124 MCA, 61–10–121 MCA, ARM 18–8–509.

State: Nebraska

Combination: Rocky Mountain Double—LCV
Length of the Cargo-Carrying Units: 85 feet
Maximum Allowable Gross Weight: 95,000 pounds

Operational Conditions: *Weight:* The following conditions are for "Rocky Mountain" doubles with a length of cargo-carrying units of 65 feet or less.

Maximum Weight:
Single axle = 20,000 pounds,
Tandem axle = 34,000 pounds,
Gross = Determined by Federal Bridge Formula B, but not to exceed 95,000 pounds.

"Rocky Mountain" doubles with a length of cargo-carrying units of over 65 feet are required to travel empty.

Driver: Commercial driver's license with multiple-trailer endorsement. There are no additional special qualifications where the cargo-carrying unit lengths are 65 feet or less. For cargo-carrying unit lengths over 65 feet, the driver must comply with all State and Federal requirements and must not have had any accidents while operating such vehicles.

Vehicle: The semitrailer cannot exceed 48 feet in length and the full trailer cannot be less than 26 feet or more than 28 feet long. The shorter trail must be placed to the rear. Lift axles which may be raised or lowered from within the vehicle are disregarded in determining lawful weight. The wheel path of the trailer(s) cannot vary more than 3 inches from that of the towing vehicle.

Permit: A weight permit in accordance with Chapter 12 of the Nebraska Department of Roads Rules and Regulations is required for operating on the Interstate System with weight in excess of 80,000 pounds. "Rocky Mountain" doubles with a length of cargo-carrying units over 65 feet are not eligible for the overweight permit. A length permit, in accordance with Chapter 11 of the Nebraska Department of Roads Rules and Regulations, is required for "Rocky Mountain" doubles with a length of cargo-carrying units over 65 feet in length. Conditions of the length permit prohibit movements on Saturdays, Sundays, and holidays when ground wind speed exceeds 25 miles per hour and when visibility is less than 800 feet. Movement is also prohibited during steady rain, snow, sleet, ice, or other conditions causing slippery pavement. Between November 15 and April 15 permission to move must be obtained from the Nebraska Department of Roads Permit Office within 3 hours of the movement. Between April 15 and November 15 permission to move must be obtained within 3 days of the movement. Fees are charged for the 10-day weight permit and the annual length permit. These permits can be revoked if the terms are violated.

Access: "Rocky Mountain" doubles with a length of cargo-carrying units of not more than 65 feet may operate on all State highways. For "Rocky Mountain" doubles with a length of cargo-carrying units over 65 feet, access to and from the Interstate is limited to designated staging areas within 6 miles of I–80 between the Wyoming State Line and Exit 440 (Nebraska Route 50). Except for weather, emergency, and repair "Rocky Mountain" doubles with a length of cargo-carrying units over 65 feet cannot reenter the Interstate after having left it.

Routes: Vehicles requiring length permits are restricted to I–80 from the Wyoming State Line to Exit 440 (Nebraska Highway 50). There are no route restrictions for other vehicles.

Legal Citations: Nebraska Revised Statutes Reissued 1988, § 39–6,179 (Double trailers under 65 feet) § 39–6,179.01 (Double trailers over 65 feet) § 39–6,180.01 (Authorized weight limits) § 39–6,181 (Vehicles; size; weight; load; overweight; special permits; etc.)

Nebraska Department of Roads Rules and Regulations, Title 408, Chapter 1 (Double trailers over 65 feet)

Combination: Turnpike Double
Length of the Cargo-Carrying Units: 95 feet

Operational Conditions: *Weight, Driver, Permit, and Access:* Same as for Nebraska "Rocky Mountain" doubles.

Vehicle: Same conditions as for Nebraska "Rocky Mountain" doubles with a length of cargo-carrying units over 65 feet except that the trailers must be of approximately equal length.

Routes: Same routes as for Nebraska "Rocky Mountain" doubles with a length of cargo-carrying units over 65 feet.

Legal Citations: Same as for Nebraska "Rocky Mountain" doubles.

Combination: Triple

Length of the Cargo-Carrying Units: 95 feet

Operational Conditions: *Weight, Driver, Permit, and Access:* Same as for Nebraska "Rocky Mountain" doubles.

Vehicle: Same conditions as for Nebraska "Rocky Mountain" doubles with a length of cargo-carrying units over 65 feet, except that the trailers must be of approximately equal length and the overall vehicle length cannot exceed 105 feet. Triples cannot be loaded.

Routes: Same routes as for Nebraska "Rocky Mountain" doubles with a length of cargo-carrying units over 65 feet.

Legal Citations: Neb. Rev. Stat. § 39–6.179,01 (Reissue 1988) Nebraska Department of Roads Rules and Regulations, Title 408, Chapter 1.

Combination: Truck and trailer

Length of the Cargo-Carrying Units: 68 feet

Operational Conditions: *Weight:* The following conditions apply to one truck and one trailer, loaded or unloaded, used in transporting a combine to be engaged in harvesting, while being transported into or through the State during daylight hours.

Maximum Weight: Single axle = 20,000 pounds, Tandem axle = 34,000 pounds, Gross = Determined by the Federal Bridge Formula B but not to exceed 80,000 pounds on the Interstate System and 95,000 pounds on non-Interstate System National Network routes.

Driver: No special qualifications.

Vehicle: The overall vehicle length, including load, cannot exceed 75 feet.

Permit: No permit is required unless gross vehicle weight exceeds 80,000 pounds on the Interstate System or 95,000 pounds on non-Interstate System National Network routes.

Access: Statewide during daylight hours only.

Routes: All National Network routes.

Legal Citations: Neb. Rev. Stat. § 39–6,179.

State: Nevada

Combination: Rocky Mountain Double—LCV

Length of the Cargo-Carrying Units: 85.5 feet

Maximum Allowable Gross Weight: 114,500 pounds

Operational Conditions: *Weight:* The single-axle weight limit is 20,000 pounds, the tandem-axle weight limit is 34,000 pounds, subject to the Federal bridge formula limits, provided that two consecutive tandems with a distance of 36 feet or more between the first and last axle may carry 34,000 pounds on each tandem. Total gross weight cannot exceed 114,500 pounds.

Driver: Commercial driver's license with multiple-trailer endorsement. Drivers must be at least 25 years old and must have had a medical exam within previous 24 months.

Vehicle: Combinations may consist of no more than one truck tractor and three trailers or one truck and two trailers. No trailer may be longer than 48 feet. If one trailer is 48 feet long, the other trailer cannot exceed 42 feet.

Towed vehicles must not shift or sway more than 3 inches to right or left and must track in a straight line on a level, smooth paved highway. Vehicles must be able to accelerate and operate on a level highway at speeds which are compatible with other traffic and with the speed limits and must be able to maintain a minimum of 20 miles per hour on any grade on which they may operate. All vehicles must have safety chains on converter dollies. Vehicles must carry snow chains for each drive wheel.

Vehicle operations may be suspended in adverse weather and high winds, as determined by police or the Nevada DOT.

The shortest trailer must be in the rear of a combination unless it is heavier than the longer trailer.

Brakes must comply with all State and Federal requirements for commercial vehicles including automatic braking for separation of vehicles, parking brakes, and working lights.

Vehicles must not exceed posted speed limits and cannot operate on any highway on which they cannot at all times stay on the right side of the center line. LCV's must keep a distance of at least 500 feet from each other.

Permit: Permits are required and a fee is charged. They may be revoked for violation of any of the provisions of the legal regulations. The State may suspend operation on roads deemed unsafe or impracticable. Permits must be carried in the vehicle along with identification devices issued by the Nevada Department of Motor Vehicles.

Access: As authorized by the Nevada DOT.

Routes: All National Network Routes.

Legal Citations: NRS 484.739, NRS 706.531, "Regulations for the Operation of 70 to 105 foot Combinations" (1990).

Combination: Turnpike Double—LCV

Length of the Cargo-Carrying Units: 95 feet

Maximum Allowable Gross Weight: 129,000 pounds

Operational Conditions: Same as for Nevada "Rocky Mountain" doubles.

Routes: Same as for Nevada "Rocky Mountain" doubles.

Legal Citations: Same as for Nevada "Rocky Mountain" doubles.

Combination: Triple—LCV

Length of the Cargo-Carrying Units: 95 feet

Maximum Allowable Gross Weight: 129,000 pounds

Operational Conditions: Same as for Nevada "Rocky Mountain" doubles.

Routes: Same as for Nevada "Rocky Mountain" doubles.

Legal Citations: Same as for Nevada "Rocky Mountain" doubles.

Combination: Truck-trailer

Length of the Cargo-Carrying Units: 98 feet

Operational Conditions: *Weight, Driver, Vehicle, and Access:* Same as for Nevada "Rocky Mountain" doubles.

Permits: Same as for Nevada "Rocky Mountain" doubles, except permits for Truck-trailer combinations are only required when the overall length is 70 feet or more.

Routes: Same as for Nevada "Rocky Mountain" doubles.

Legal Citations: Same as for Nevada "Rocky Mountain" doubles.

Combination: Truck-trailer-trailer

Length of the Cargo-Carrying Units: 98 feet

Operational Conditions: Same as for Nevada "Rocky Mountain" doubles.

Routes: Same as for Nevada "Rocky Mountain" doubles.

Legal Citations: Same as for Nevada "Rocky Mountain" doubles.

State: New Hampshire

Combination: Truck and Trailer

Length of the Cargo-Carrying Units: 85 feet

Operational Conditions: *Weight:* Single axle = 20,000 pounds, tandem axle = 34,000 pounds, Gross = 80,000 pounds on the Interstate System and 95,000 pounds on State roads.

Driver: Commercial driver's license.

Vehicle: Straight truck up to 40 feet in length with a tag trailer up to 48 feet in length.

Permits: None required.

Access: No restrictions.

Routes: All routes.

Legal Citations: RSA 265.108, RSA 266.11.

State: New Mexico

Combination: Rocky Mountain Double—LCV

Length of the Cargo-Carrying Units: 61 feet

Maximum Allowable Gross Weight: 86,400 pounds

Operational Conditions: *Weight:* Single axle = 21,600 pounds. Tandem

axle = 34,320 pounds. Load per inch of tire width = 600 pounds. The total gross weight with load imposed on the highway by any vehicle or combination of vehicles where the distance between the first and last axles is less than 19 feet shall not exceed that given for the respective distances in the following table:

Distance in feet between first and last axles of group	Allowed load in pounds on group of axles
4	34,320
5	35,100
6	35,880
7	36,660
8	37,440
9	38,220
10	39,000
11	39,780
12	40,560
13	41,340
14	42,120
15	42,900
16	43,680
17	44,460
18	45,240

The total gross weight with load imposed on the highway by any vehicle or combination of vehicles where the distance between the first and last axles is 19 feet or more shall not exceed that given for the respective distances in the following table:

Distance in feet between first and last axles of group	Allowed load in pounds on group of axles
19	53,100
20	54,000
21	54,900
22	55,800
23	56,700
24	57,600
25	58,500
26	59,400
27	60,300
28	61,200
29	62,100
30	63,000
31	63,900
32	64,800
33	65,700
34	66,600
35	67,500
36	68,400
37	69,300
38	70,200
39	71,100
40	72,000
41	72,900
42	73,800
43	74,700
44	75,600
45	76,500
46	77,400
47	78,300
48	79,200
49	80,100
50	81,000
51	81,900
52	82,800
53	83,700
54	84,600
55	85,500
56 and over	86,400

The distance between the centers of the axles shall be measured to the nearest foot. When a fraction is exactly one-half the next larger whole number shall be used.

Driver: Commercial driver's license with multiple-trailer endorsement.

Vehicle: No special requirements beyond normal Federal Motor Carrier or State regulations.

Permit: None Required.

Access: STAA vehicles must be allowed reasonable access in accordance with 23 CFR part 658.19. Access for non-STAA vehicles is at the State's discretion.

Routes: All Interstate highways.

Legal Citations: 66–7–409 NMSA 1978, 66–7–410 NMSA 1978.

State: New York

Combination: Rocky Mountain Double—LCV

Length of the Cargo-Carrying Units: 85.5 feet

Maximum Allowable Gross Weight: 114,500 pounds

Operational Conditions: Same as for New York "Turnpike" doubles.

Route: Same as for New York "Turnpike" doubles.

Legal Citations: Same as for New York "Turnpike" doubles.

Combination: Turnpike Double—LCV

Length of the Cargo-Carrying Units: 102 feet

Maximum Allowable Gross Weight: 143,000 pounds

Operational Conditions:

Weight: The following information pertains to tandem trailer combinations consisting of a tractor, first semitrailer, dolly, and second semitrailer with either trailer more than 28 feet long but not more than 48 feet long. A nine-axle combination vehicle may not exceed a total maximum gross weight of 143,000 pounds. An eight-axle combination vehicle may not exceed a total maximum gross weight of 138,400 pounds. The maximum gross weight that may be carried upon any combination of units is limited by the maximum gross weight that can be carried upon the axles as follows. For a nine-axle combination: drive axles—36,000 pounds, four/five axles—36,000 pounds, six/seven axles—27,000 pounds, and eight/nine axles—36,000 pounds. A minimum 12-foot axle spacing between the fifth and sixth axles is also required on the nine-axle LCV. For an eight-axle combination: drive axles—36,000 pounds, four/five axles—36,000 pounds, sixth axle—22,400 pounds, and seven/eight axles—36,000 pounds. The eight-axle LCV has no minimum axle-spacing requirements. For gross weights in excess of 138,400 pounds the combination must include a tandem-axle dolly to meet the nine-axle requirements. Maximum permissible gross weight for B-train combination is 127,000 pounds.

When the gross weight of the two trailers in a tandem combination vary more than 20 percent, the heaviest of the two must be placed in the lead position.

Driver: Driver must hold a Tandem Trailer Driver's Permit issued by the New York State Thruway Authority (NYSTA). In order to obtain an NYSTA driver's permit, an applicant must (1) hold a valid CDL with multiple-trailer endorsement; (2) be over 26 years old, in good health, and have at least 5 years of provable experience driving tractor-trailer combinations; and (3) meet all other application requirements with regard to driving history established by the Authority. Qualified drivers receive a Tandem Trailer Driver's Permit for Tandem Vehicle Operation which is valid only for the operation of the certified equipment owned by the company to which the permit is issued.

Vehicle: The tractor manufacturer and the permittee shall certify to the Authority prior to the approval of the tractor that it is capable of hauling the maximum permissible gross load at a speed of not less than 20 miles per hour on all portions of the thruway system.

The brakes on any vehicle, dolly converter, or combination of vehicles shall comply with 49 CFR part 393 and, in addition, any vehicle or dolly converter shall meet the provisions of the New York State Traffic Law.

Axle Type. Tractors to be used for hauling 110,000 pounds or more shall be equipped with tandem rear axles, both with driving power. Tractors to be used for hauling 110,000 pounds or less may have a single drive axle. Tandem combinations using single wheel tires commonly referred to as "Super Singles" are required to use triple-axle tractors, dual-axle trailers, and dual-axle dollies.

Dollies. Every converter dolly certified on and after June 1, 1968, used to convert a semitrailer to a full trailer may have either single or tandem axles at the option of the permittee. Single-axle dollies may not utilize low profile tires. Combination vehicles with a gross weight in excess of 138,400 pounds must have a tandem-axle dolly to meet the nine-axle requirement. If the distance between two semitrailers is 10 feet or more, the dolly shall be equipped with a device or the trailers connected along the sides with suitable material to indicate they are in effect one unit. The devices or connection shall be approved

by the Authority prior to use on a tandem trailer combination. Tandem combinations using a sliding fifth wheel attached to the lead trailer, known as a "B-Train" combination, will require a separate Thruway Engineer Service approval prior to the initial tandem run. Special provisions regarding B-Trains will be reviewed at the time of the application or request for use on the thruway.

Permit: Companies must file an application for a Tandem Trailer Permit with the Authority. Permits are issued to such companies upon meeting qualifications, including insurance, for tandem combinations over 65 feet in length. No permit fee is charged; however, thruway tolls are charged for each use of the thruway, and the equipment must be certified by the Authority annually. The annual recertification of equipment is handled by: New York State Thruway Authority, Manager of Traffic Safety Services, P.O. Box 189, Albany, New York 12201–0189.

Transportation of hazardous materials is subject to special restrictions plus 49 CFR part 397 of the Federal Motor Carrier Safety Regulations.

Access:

I–87 (New York Thruway) Access provided at thruway Exit 21B to or from a point 1,500 feet north of the thruway on US 9W.

I–90 (New York Thruway-Berkshire Section) access provided at:
(1) Thruway Exit B–1 to or from a point 0.8 mile north of the southern most access ramp on US 9.
(2) Thruway Exit B–3 within a 2,000-foot radius of the thruway ramps to NY 22.

I–90 (New York Thruway) access provided at:
(1) Thruway Exit 28 within a radius of 1,500 feet of the toll booth at Fultonville, New York.
(2) Thruway Exit 32 to or from a point 0.6 mile north of the thruway along NY 233.
(3) Thruway Exit 44 to or from a point 0.8 mile from the thruway along NY 332 and Collett Road.
(4) Thruway Exit 52 to or from:
(a) a point 1.7 miles west and south of the thruway via Walden Avenue and NY 240 (Harlem Road);
(b) a point 0.85 mile east and south of the thruway via Walden Avenue and a roadway purchased by the Town of Cheektowaga from Sorrento Cheese, Inc.
(5) Thruway Exit 54 to or from a point approximately 2.5 miles east and north of the thruway via routes NY 400 and NY 277.
(6) Thruway Exit 56 to or from a point approximately 2 miles west and south of the thruway via NY 179 and Old Mile Strip Road.

I–190 (New York Thruway—Niagara Section) access provided at:
(1) Thruway Exit N1 to or from:
(a) a point 0.8 mile west of the thruway exit along Dingens Street.
(b) a point 0.45 mile from the thruway exit via Dingens Street and James E. Casey Drive.
(2) Thruway Exit N5 to or from a point approximately 1.0 miles south of the thruway via Louisiana Street and South Street.
(3) Thruway Exit N15 to or from a point 0.5 mile southeast of the thruway via NY 325 (Sheridan Drive) and Kenmore Avenue.
(4) Thruway Exit N17 to or from:
(a) a point 1.5 miles north of the thruway on NY 266 (River Road).
(b) a point approximately 0.4 mile south of the thruway on NY 266 (River Road).

ROUTES

	From	To
I–81 (Thousand Islands Bridge).	I–81 Exit 50	Int'l Border with Canada.
I–87 (New York Thruway).	Bronx/Westchester County Line.	Thruway Exit 24.
I–90 (New York Thruway).	Pennsylvania	Thruway Exit 24.
I–90 (New York Thruway Berkshire Section).	Thruway Exit B–1.	Massachusetts.
I–190 (New York Thruway Niagara Section).	Thruway Exit 53	Int'l Border with Canada.
NY 912M (Berkshire Connection of the New York Thruway).	Thruway Exit 21A.	Thruway Exit B–1.

Legal Citations:

Public Authorities Law—Title 9, section 350, et. seq. (section 361 is most relevant)

New York State Thruway Authority Rules & Regulations, sections 100.6. 100.8, and 103.13

New York State Vehicle & Traffic Law, sections 385 and 1630

State: North Dakota

Combination: Rocky Mountain Double—LCV

Length of the Cargo-Carrying Units: 85.5 feet

Maximum Allowable Gross Weight: 105,500 pounds

Operational Conditions:

Weight: The Gross Vehicle Weight (GVW) of any vehicle or combination of vehicles is determined by the Federal bridge formula, including the exception for two sets of tandems spaced 36 feet apart.

No single axle shall carry a gross weight in excess of 20,000 pounds. Axles spaced 40 inches or less apart are considered one axle. Axles spaced 8 feet or more apart are considered as individual axles. The gross weight of two individual axles may be restricted by the weight formula. Spacing between axles shall be measured from axle center to axle center.

Axles spaced over 40 inches but less than 8 feet apart shall not carry a gross weight in excess of 17,000 pounds per axle. The gross weight of three or more axles in a grouping is determined by the measurement between the extreme axle centers. During the spring breakup season or on otherwise posted highways, reductions in the above axle weights may be specified.

The weight in pounds on any one wheel shall not exceed one-half the allowable axle weight. Dual tires are considered one wheel.

The weight per inch of tire width shall not exceed 550 pounds. The width of tire shall be the manufacturer's rating.

Driver: Commercial driver's license with multiple-trailer endorsement.

Vehicle: The cargo-carrying length of "Rocky Mountain" doubles may not exceed 85.5 feet (when the power unit is a truck tractor) or 88.5 feet (when the power unit is a truck) when traveling on the National Network or local highways designated by local authorities.

All hitches must be of a load-bearing capacity capable of bearing the weight of the towed vehicles. The towing vehicle must have a hitch commonly described as a fifth wheel or gooseneck design, or one that is attached to the frame.

The hitch on the rear of the vehicle connected to the towing vehicle must be attached to the frame of the towed vehicle. All hitches, other than a fifth wheel or gooseneck, must be of a ball and socket type with a locking device or a pintle hook.

The drawn vehicles shall be equipped with brakes and safety chains adequate to control the movement of, and to stop and hold, such vehicles. When the drawn vehicle is of a fifth wheel or gooseneck design, safety chains are not required.

In any truck or truck tractor and two trailer combination, the lighter trailer must always be operated as the rear trailer, except when the gross weight differential with the other trailer does not exceed 5,000 pounds.

In any truck or truck tractor and three trailer combination, the lightest trailer

must always be operated as the rear trailer. The other two trailers must be arranged as provided in the above paragraph.

The power unit shall have adequate power and traction to maintain a minimum speed of 15 miles per hour on all grades.

Permit: No permits are required for GVW of 80,000 pounds or less. Single-trip permits are required for GVW exceeding 80,000 pounds GVW. Weather restrictions (37–06–04–06, NDAC), weight distribution on trailers (37–06–04, NDAC), and signing requirements (37–06–04–05, NDAC) are applicable.

Movements of longer combination vehicles (LCV's) are prohibited when:

1. Road surfaces, due to ice, snow, slush, or frost present a slippery condition which may be hazardous to the operation of the unit or to other highway users;

2. Wind or other conditions may cause the unit or any part thereof to swerve, whip, sway, or fail to follow substantially in the path of the towing vehicle; or

3. Visibility is reduced due to snow, ice, sleet, fog, mist, rain, dust, or smoke.

The North Dakota Highway Patrol may restrict or prohibit operations during periods when in its judgement traffic, weather, or other safety conditions make travel unsafe.

The last trailer in any combination must have a "LONG LOAD" sign mounted on the rear. It must be a minimum of 12 inches in height and 60 inches in length. The lettering must be 8 inches in height with 1-inch brush strokes. The letters must be black on a yellow background.

Legal width—8 feet 6 inches on all highways.

Legal height—13 feet 6 inches.

Access: Access for vehicles with cargo-carrying length of 68 feet or more is 10 miles off the National Network. Vehicles with a cargo-carrying length less than 68 feet may travel on all highways in North Dakota.

Routes: All National Network routes.

Legal Citations: North Dakota Century Code, section 38–12–04; North Dakota Administrative Code, article 37–06.

Combination: Turnpike Double—LCV
Length of the Cargo-Carrying Units: 103 feet
Maximum Allowable Gross Weight: 105,500 pounds

Operational Conditions: Same as for North Dakota "Rocky Mountain" doubles.

Routes: Same as for North Dakota "Rocky Mountain" doubles.

Legal Citations: Same as for North Dakota "Rocky Mountain" doubles.

Combination: Triple-LCV
Length of the Cargo-Carrying Units: 100 feet
Maximum Allowable Gross Weight: 105,500 pounds

Operational Conditions: Same as for North Dakota "Rocky Mountain" doubles.

Routes: Same as for North Dakota "Rocky Mountain" doubles.

Legal Citations: Same as for North Dakota "Rocky Mountain" doubles.

Combination: Truck-trailer
Length of the Cargo-Carrying Units: 103 feet

Operational Conditions: Same as for North Dakota "Rocky Mountain" doubles.

Routes: Same as for North Dakota "Rocky Mountain" doubles.

Legal Citations: Same as for North Dakota "Rocky Mountain" doubles.

Combination: Truck-trailer-trailer
Length of the Cargo-Carrying Units: 103 feet

Operational Conditions: Same as for North Dakota "Rocky Mountain" doubles.

Routes: Same as for North Dakota "Rocky Mountain" doubles.

Legal Citations: Same as for North Dakota "Rocky Mountain" doubles.

State: Ohio

Combination: Rocky Mountain Double—LCV
Length of the Cargo-Carrying Units: 80 feet
Maximum Allowable Gross Weight: 90,000 pounds

Operational Conditions: Long double combination vehicles are only allowed on that portion of Ohio's Interstate System which is under the jurisdiction of the Ohio Turnpike Commission. These same vehicles are not allowed on any portion of the Interstate System under the jurisdiction of the Ohio Department of Transportation.

Weight: The Commission has established the following provisions for operation:

Maximum Weight: Single axle = 21,000 pounds; tandem axle spaced 4 feet or less apart = 24,000 pounds; tandem axle spaced more than 4 feet but less than 8 feet apart = 34,000 pounds; gross weight for doubles 90 feet or less in length = 90,000 pounds; gross weight for doubles over 90 feet but less than 112 feet in length = 127,400 pounds.

Driver: Commercial drivers license with multiple-trailer endorsement. Drivers must be over 26 years of age, in good health, and shall have not less than 5 years of experience driving tractor-trailer or tractor-short double trailer motor vehicles. Such driving experience shall include experience throughout the four seasons. Drivers must comply with the applicable current requirements of the Federal Motor Vehicle Safety Regulations, Federal Hazardous Materials Regulations, and the Economic and Safety regulations of the Ohio Public Utility Commission.

Vehicle: Vehicles being operated under permit at night must be equipped with all lights and reflectors required by the Ohio Public Utilities Commission and the Federal Motor Carrier Safety Regulations, except that the trailer shall be equipped with two red tail lights and two red or amber stop lights mounted with one set on each side. Trailer and semitrailer length for doubles cannot exceed 48 feet, and mixed trailer length combinations are not allowed for combination vehicles over 90 feet in length. Combined cargo-carrying length, including the trailer hitch, cannot be less than 80 feet or more than 102 feet. The number of axles on a double shall be a minimum of five and a maximum of nine. A tractor used in the operation of a double shall be capable of hauling the maximum weight at a speed of not less than 40 miles per hour on all portions of the turnpike.

Permit: A special permit is required if the vehicle is over 102 inches wide, 14 feet high, or 65 feet in length including overhang. Tractor-semitrailer combinations require a permit if over 75 feet in length, excluding an allowed 3-foot front overhang and a 4-foot rear overhang. For vehicles over 120 inches wide, 14 feet high, or 80 feet long or if any unit of the combination vehicle is over 60 feet in length, travel is restricted to daylight hours Monday through noon Saturday, except holidays and the day before and after holidays. Operators are restricted to daylight driving if the load overhang is more than 4 feet. A "Long Double Trailer Permit" issued by the Commission is required for operation of doubles in excess of 90 feet in length. Towing units and coupling devices shall have sufficient structural strength to ensure safe operation. Vehicles and coupling devices shall be so designed, constructed, and installed in a double as to ensure that any towed vehicles when traveling on a level, smooth paved surface will follow in the path of the towing vehicle without shifting or swerving more than 3 inches to either side of the path of the towing vehicle when the latter is moving in a straight line. Vehicle coupling devices and brakes shall meet the requirements of the Public Utility Commission and Federal Motor Carrier Safety Regulations. The distance between the rearmost axle of a semitrailer and the

front axle of the next semitrailer in a coupled double unit shall not exceed 12 feet 6 inches. In no event shall the distance between the semitrailers coupled in a double exceed 9 feet. Double and triple trailer combinations must be equipped with adequate, properly maintained spray-suppressant mud flaps on all axles except the steering axle. In the event that the gross weights of the trailers vary by more than 20 percent, they shall be coupled according to their gross weights with the heavier trailer forward. A minimum distance of 500 feet shall be maintained between double units and/or triple units except when overtaking and passing another vehicle. A double shall remain in the right-hand, outside lane except when passing or when emergency or work-zone conditions exist. When, in the opinion of the Commission, the weather conditions are such that operation of a double is inadvisable, the Commission will notify the permittee that travel is prohibited for a certain period of time.

Class A and B explosives; Class A poisons; and Class 1, 2, and 3 radioactive material cannot be transported in double trailer combinations. Other hazardous materials may be transported in one trailer of a double. The hazardous materials should be placed in the front trailer unless doing so will result in the second trailer weighing more than the first trailer.

Access: Tandem trailer units shall not leave the turnpike right-of-way and shall be assembled and disassembled only in designated areas located at Exits 4, 7, 10, 11, 13, 14, and 16.

ROUTES

	From	To
I–76 Ohio Turnpike.	Turnpike Exit 15	PA State Line.
I–80 Ohio Turnpike.	Turnpike Exit 8A	Turnpike Exit 15.
I–80/90 Ohio Turnpike.	IN State Line	Turnpike Exit 8A.

Legal Citations: Statutory authority, as contained in chapter 5537 of the Ohio Revised Code, to regulate the dimensions and weights of vehicles using the turnpike.

State: Ohio

Combination: Turnpike Double—LCV

Length of the Cargo-Carrying Units: 102 feet

Maximum Allowable Gross Weight: 127,400 pounds

Operational Conditions: Same as for Ohio "Rocky Mountain" doubles.

Routes: Same as for Ohio "Rocky Mountain" doubles.

Legal Citations: Same as for Ohio "Rocky Mountain" doubles.

Combination: Triple—LCV

Length of the Cargo-Carrying Units: 95 feet

Maximum Allowable Gross Weight: 127,400 pounds

Operational Conditions: Same as for Ohio "Rocky Mountain" doubles, except as follows:

Weight: The maximum gross weight for triples with an overall length greater than 90 feet but less than 105 feet is 115,000 pounds.

Driver: Commercial driver's license with multiple-trailer endorsement. Drivers must be over 26 years of age, in good health, and shall have not less than 5 years of experience driving double trailer combination units. Such driving experience shall include experience throughout the four seasons. Each driver must have special training on triple combinations to be provided by the Permittee.

Vehicle: Triple trailer combination vehicles are allowed to operate on the turnpike provided the combination vehicle is at least 90 feet long but less than 105 feet long and each trailer is not more than 28.5 feet in length. The minimum number of axles on the triple shall be seven and the maximum is nine.

Permit: A triple trailer permit to operate on the turnpike is required for triple trailer combinations in excess of 90 feet in length. There is an annual fee for the permit. Class A and B explosives; Class A poisons; and Class 1, 2, and 3 radioactive material cannot be transported in triple trailer combinations. Other hazardous materials may be transported in two trailers of a triple. The hazardous materials should be placed in the front two trailers unless doing so will result in the third trailer weighing more than either one of the lead trailers.

Access: With two exceptions, triple trailer units shall not leave the turnpike right-of-way and shall be assembled and disassembled only in designated areas located at Exits 4, 7, 10, 11, 13, 14, and 16. The first exception is that triple trailer combinations are allowed on State Route 21 from I–80 Exit 11 (Ohio Turnpike) to a terminal located approximately 500 feet to the north in the town of Richfield. The second exception is for a segment of State Route 7 from Ohio Turnpike Exit 16 to one mile south.

ROUTES:

	From	To
I–76 Ohio Turnpike.	Turnpike Exit 15	Turnpike Exit 17.
I–80 Ohio Turnpike.	Turnpike Exit 8A	Turnpike Exit 15.
I–80/90 Ohio Turnpike.	IN State Line	Turnpike Exit 8A.
OH–7	Turnpike Exit 16	Extending 1 mile south.

Legal Citations: Same as for Ohio "Rocky Mountain" doubles.

State: Oklahoma

Combination: Rocky Mountain Double—LCV

Length of the Cargo-Carrying Units: 92 feet

Maximum Allowable Gross Weight: 90,000 pounds

Operational Conditions:

Weight: Single axle = 20,000 pounds; tandem axle = 34,000 pounds; gross vehicle weight = 90,000 pounds. The total weight on any group of two or more consecutive axles shall not exceed the amounts shown in Table 1.

TABLE 1.—OKLAHOMA ALLOWABLE AXLE GROUP WEIGHT

Axle Spacing (ft)	2 Axles	3 Axles	4 Axles	5 Axles	6 Axles
	Maximum Load (Lbs) by Axle Group				
4	34,000	.....	.....	.....	.....
5	34,000	.....	.....	.....	.....
6	34,000	.....	.....	.....	.....
7	34,000	.....	.....	.....	.....
8	34,000	42,000	.....	.....	.....
9	39,000	42,500	.....	.....	.....
10	40,000	43,500	.....	.....	.....
11	.....	44,000	.....	.....	.....
12	.....	45,000	50,000	.....	.....

TABLE 1.—OKLAHOMA ALLOWABLE AXLE GROUP WEIGHT—Continued

Axle Spacing (ft)	2 Axles	3 Axles	4 Axles	5 Axles	6 Axles
13	.....	45,500	50,500	.....	.....
14	.....	46,500	51,500	.....	.....
15	.....	47,000	52,000	.....	.....
16	.....	48,000	52,500	58,000	.....
17	.....	48,500	53,500	58,500	.....
18	.....	49,500	54,000	59,000	.....
19	.....	50,000	54,500	60,000	.....
20	.....	51,000	55,500	60,500	66,000
21	.....	51,500	56,000	61,000	66,500
22	.....	52,500	56,500	61,500	67,000
23	.....	53,000	57,500	62,500	68,000
24	.....	54,000	58,000	63,000	68,500
25	.....	54,500	58,500	63,500	69,000
26	.....	56,000	59,500	64,000	69,500
27	.....	57,500	60,000	65,000	70,000
28	.....	59,000	60,500	65,500	71,000
29	.....	60,500	61,500	66,000	71,500
30	.....	62,000	62,000	66,500	72,000
31	.....	63,500	63,500	67,000	72,500
32	.....	64,000	64,000	68,000	73,500
33	.....	.....	64,500	68,500	74,000
34	.....	.....	65,000	69,000	74,500
35	.....	.....	66,000	70,000	75,000
36	.....	.....	68,000	70,500	75,500
37	.....	.....	68,000	71,000	76,000
38	.....	.....	69,000	72,000	77,000
39	.....	.....	70,000	72,500	77,500
40	.....	.....	71,000	73,000	78,000
41	.....	.....	72,000	73,500	78,500
42	.....	.....	73,000	74,000	79,000
43	.....	.....	73,280	75,000	80,000
44	.....	.....	73,280	75,500	80,500
45	.....	.....	73,280	76,000	81,000
46	.....	.....	73,280	76,500	81,500
47	.....	.....	73,500	77,500	82,000
48	.....	.....	74,000	78,000	82,000
49	.....	.....	74,500	78,500	83,500
50	.....	.....	75,500	79,000	84,000
51	.....	.....	76,000	80,000	84,500
52	.....	.....	76,500	80,500	85,000
53	.....	.....	77,500	81,000	86,000
54	.....	.....	78,000	81,500	86,500
55	.....	.....	78,500	82,500	87,000
56	.....	.....	79,500	83,000	87,500
57	.....	.....	80,000	83,500	88,000
58	.....	.....	.....	84,000	89,000
59	.....	.....	.....	85,000	89,500
60	.....	.....	.....	85,500	90,000

Driver: All drivers must have a commercial driver's license with multiple-trailer endorsement and must meet Federal Motor Carrier Safety Regulations (49 CFR parts 390–397) requirements. State requirements more stringent and not in conflict with Federal requirements take precedence.

Vehicle: All vehicles must meet the requirements of applicable Federal and State statutes, rules, and regulations. Vehicle and load shall not exceed 102 inches in width on the Interstate System and four-lane divided highways. Maximum semitrailer length is 59.5 feet.

Multiple trailer combinations must be stable at all times during braking and normal operation. A multiple trailer combination when traveling on a level, smooth paved surface must follow in the path of the towing vehicle without shifting or swerving more than 3 inches to either side when the towing vehicle is moving in a straight line. Heavier trailers are to be placed to the front in multiple trailer combinations.

Permit: An annual special authorization permit is required for tandem trailer vehicles operating on the Interstate System having a gross weight of more than 80,000 pounds. Gross weight cannot, however, exceed 90,000 pounds. A fee is charged for the special authorization permit.

Access: Access is allowed from legally available routes (listed below) to service facilities and terminals within a 5-mile radius.

	From	To
I–40 Bus.	I–40 Exit 119	US 81 El Reno.
US 60	I–35 Exit 214	US 177 Ponca City.
US 62	US 69 Muskogee	OK 80 Ft. Gibson.
US 62	I–44 Exit 39A Lawton.	OK 115 Cache.
US 64	I–35 Exit 186 Perry.	US 77 Perry.
US 64	I–40 Exit 325 Roland.	Arkansas State Line.
US 70	OK 76 Wilson	I–35 Exit 31A–B Ardmore.
US 77	I–35 Exit 141 Edmond.	3.5 mi. W of I–35.
US 81	OK 51 Hennessey.	11.5 mi. N of US 412.
US 169	OK 51 Tulsa	OK 20 Collinsville.
US 270	OK 9 Tecumseh	I–40 Exit 181.
US 412	OK 58 Ringwood	I–35 Exit 194A–B.
US 412	US 69 Chouteau	OK 412 B.
OK 3	I–44 Exit 123	Oklahoma/Canadian County Line.
OK 7	I–44 Exit 36A–B	OK 65 Pumpkin Center.
OK 7	I–35 Exit 55	US 177 Sulphur.
OK 7	South Intersection US 81 Duncan.	7.5 mi. E of US 81.

	From	To
OK 9	I–35 Exit 108A	US 77 Norman.
OK 11	I–35 Exit 222	US 177 Blackwell.
OK 33	US 77 Guthrie	I–35 Exit 157 Guthrie.
OK 51	I–35 Exit 174	US 177 Stillwater.
OK 165	US 64/Bus. US 64 Muskogee.	Muskogee Tpk.

Routes: Doubles with 29-foot trailers may use any route on the National Network. Doubles which include a grandfathered 59.5-foot semitrailer or trailer are limited to Interstate and four-lane divided highways as shown below:

	From	To
I–35	Texas State Line.	Kansas State Line.
I–40	Texas State Line.	Arkansas State Line.
I–44	Texas State Line.	Missouri State Line.
I–235	Entire length in Oklahoma City.	
I–240	Entire length in Oklahoma City.	
I–244	Entire length in Tulsa.	
I–444	Entire length in Tulsa.	
US 64	Cimarron Turnpike.	I–244/Tulsa.
US 69	Texas State Line.	I–44 (Will Rogers Tpk.) Exit 282.
US 75	I–40 Exist 240A–B Henryetta.	I–244 Exit 2 Tulsa.
US 75	I–44 Exit 6A–B Tulsa.	Dewey.
US 81	I–44 (Bailey Tpk.) Exit 80.	South Intersection OK 7 Duncan.
US 270	Indian Nation Tpk. Exit 4.	US 69 McAlester.
US 271	Texas State Line.	Indian Nation Tpk. Hugo.
US 412	I–44 Exit 241 Catoosa.	US 69.
OK 3A	OK 3 Oklahoma City.	I–44 Exit 125B Oklahoma City.
SH 11	US 75 Tulsa	I–244 Exit 12B Tulsa.
SH 51	I–44 Exit 231 Tulsa.	Muskogee Tpk. Broken Arrow.
SH 165	Connecting two sections of the Muskogee Turnpike at Muskogee.	
Cimarron Tpk.	I–35 Exit 194	US 64.
Cimarron Tpk. Conn.	US 177 Stillwater.	Cimarron Tpk.
Indian Nation Turnpike.	US 70/271 Hugo.	I–40 Exit 240A–B Henryetta.
Muskogee Tpk.	OK 51 Broken Arrow.	US 62/OK 165 Muskogee.
Muskogee Tpk.	OK 165 Muskogee.	I–40 Exit 286 Webber's Falls.

Legal Citations:

Title 49 1981 O.S. 14–101.

Title 49 1990 O.S. 14–103C(3).

State: Oklahoma

Combination: Turnpike Double—LCV

Length of the Cargo-Carrying Units: 123 feet

Maximum Allowable Gross Weight: 90,000 pounds

Operational Conditions: Same as for Oklahoma "Rocky Mountain" doubles.

Routes: Same as for Oklahoma "Rocky Mountain" doubles.

Legal Citations: Same as for Oklahoma "Rocky Mountain" doubles.

Combination: Triple—LCV

Length of the Cargo-Carrying Units: 95 feet

Maximum Allowable Gross Weight: 90,000 pounds

Operational Conditions:

Weight and Access: Same as for Oklahoma "Rocky Mountain" doubles.

Driver: Same as for Oklahoma "Rocky Mountain" doubles, except that a driver of a triple trailer combination must have had at least 2 years of experience driving tractor-trailer combinations.

Vehicle: All vehicles must meet the requirements of applicable Federal and State statutes, rules, and regulations. Vehicle and load shall not exceed 102 inches in width on the Interstate System and four-lane divided highways. Maximum unit length of triple trailers is 29 feet. Truck tractors pulling triple trailers must have sufficient horsepower to maintain a minimum speed of 40 miles per hour on the level and 20 miles per hour on grades under normal operation conditions. Heavy-duty fifth wheels, pick-up plates equal in strength to the fifth wheel, solid kingpins, no-slack hitch connections, mud flaps and splash guards, and full-width axles are required on triple trailer combinations. All braking systems must comply with State and Federal requirements.

Multiple trailer combinations must be stable at all times during braking and normal operation. A multiple trailer combination when traveling on a level, smooth paved surface must follow in the path of the towing vehicle without shifting or swerving more than 3 inches to either side when the towing vehicle is moving in a straight line. Heavier trailers are to be placed to the front in multiple trailer combinations.

Permit: An annual special authorization permit is required for triple trailer combination vehicles operating on the Interstate System having a gross weight of more than 80,000 pounds. Gross weight cannot, however, exceed 90,000 pounds. A special vehicle combination permit is required for the operation of triple trailers on the Interstate System and on four-lane divided primary highways. The permit holder must certify that the driver of triple trailer combinations is qualified. Operators of triples must maintain a 500-foot following distance and must drive in the right lane except when passing or in an emergency.

Speed shall be reduced and extreme caution exercised when operating triples under hazardous conditions such as those caused by snow, wind, ice, sleet, fog, mist, rain, dust, or smoke. When conditions become sufficiently dangerous as determined by the company or driver, operations shall be discontinued and shall not resume until the vehicle can be safely operated. The State may restrict or prohibit operations during periods when, in the State's judgment, traffic, weather, or other safety conditions make such operations unsafe or inadvisable.

Class A and B explosives; Class A poisons; and Class 1, 2, and 3 radioactive material or any other material deemed to be unduly hazardous by the U.S. DOT cannot be transported in triple trailer combinations.

Permit movements are limited to travel from one-half hour before sunrise to one-half hour after sunset, 7 days week except on specified holidays, beginning at noon the day preceding the holiday. Specified holidays are: New Year's Day, Memorial Day, Independence Day, Thanksgiving Day, and Christmas Day.

A fee is charged for both the special authorization and triple trailer combination permits.

Routes: Same as for Oklahoma "Rocky Mountain" doubles.

Legal Citations:

DPS Regulation 595:30–1–11 (f)(1).

DPS Regulation 595:30–3–1 through 595:30–5–1.

State: Oregon

Combination: Rocky Mountain Double—LCV

Length of the Cargo-Carrying Units: 68 feet

Maximum Allowable Gross Weight: 105,500 pounds

Operational Conditions:

Weight: Maximum allowable weights are as follows: single wheel—10,000 pounds, single axle—20,000 pounds, tandem axle—34,000 pounds, and gross weight as allowed by Oregon Permit Weight Tables, with a maximum of 105,500 pounds. Weight is also limited to 600 pounds per inch of tire width.

TABLE III.—OREGON PERMIT WEIGHT

Spacing (ft) between first and last axle	Maximum Weight (pounds) for the number of axles in the group				
	2 Axles	3 Axles	4 Axles	5 Axles	6 or more
4	34,000	.....	.....	.....	.....
5	34,000	.....	.....	.....	.....
6	34,000	.....	.....	.....	.....
7	34,000	.....	.....	.....	.....
8	34,000	.....	.....	.....	.....
More than 8 but less than 9	34,000	42,000	.....	.....	.....
9	39,000	42,000	.....	.....	.....
10	40,000	43,500	.....	.....	.....
11	40,000	44,000	.....	.....	.....
12	40,000	45,000	50,000	.....	.....
13	40,000	45,500	50,500	.....	.....
14	40,000	46,500	51,500	.....	.....
15	40,000	47,000	52,000	.....	.....
16	40,000	48,000	52,500	52,500	.....
17	40,000	48,500	53,500	53,500	.....
18	40,000	49,500	54,000	54,000	.....
19	40,000	50,000	54,500	54,500	.....
20	40,000	51,000	55,500	55,500	.....
21	40,000	51,500	56,000	56,000	56,000
22	40,000	52,500	56,500	56,500	56,500
23	40,000	53,000	57,500	57,500	57,500
24	40,000	54,000	58,000	58,000	58,000
25	40,000	54,500	58,500	58,500	58,500
26	40,000	55,500	59,500	59,500	59,500
27	40,000	56,000	60,000	60,000	60,000
28	40,000	57,000	60,500	61,000	61,000
29	40,000	57,500	61,500	62,000	62,000
30	40,000	58,500	62,000	63,000	63,000
31	40,000	59,000	62,500	64,000	64,000
32	40,000	60,000	63,500	65,000	65,000
33	40,000	60,000	64,000	66,000	66,000
34	40,000	60,000	64,500	67,000	67,000
35	40,000	60,000	65,500	68,000	68,000
36	40,000	60,000	66,000	69,000	69,000
37	40,000	60,000	66,500	70,000	70,000
38	40,000	60,000	67,500	71,000	71,000
39	40,000	60,000	68,000	72,000	72,000
40	40,000	60,000	68,500	73,000	73,000
41	40,000	60,000	69,500	73,500	73,500
42	40,000	60,000	70,000	74,000	74,000
43	40,000	60,000	70,500	75,000	75,000
44	40,000	60,000	71,500	75,500	75,500
45	40,000	60,000	72,000	76,000	76,000
46	40,000	60,000	72,500	76,500	80,000
47	40,000	60,000	73,500	77,000	80,000
48	40,000	60,000	74,000	78,000	80,000
49	40,000	60,000	74,500	78,500	80,000
50	40,000	60,000	75,500	79,000	80,000
51	40,000	60,000	76,000	80,000	80,000
52	40,000	60,000	76,500	80,000	80,000
53	40,000	60,000	77,500	80,000	80,000
54	40,000	60,000	78,000	80,000	80,000
55	40,000	60,000	78,500	80,000	80,000
56	40,000	60,000	79,500	80,000	80,000
57 or over	40,000	60,000	80,000	80,000	80,000

Extended Weight Table

Gross weights over 80,000 pounds are authorized only when operating under the authority of a Special Transportation Permit.

Maximum Allowable Weights

1. The maximum allowable weights for single axles and tandem axles shall not exceed those specified under ORS 818.010.

2. The maximum allowable weight for groups of axles spaced at 46 feet or less apart shall not exceed those specified under ORS 818.010.

3. The maximum weights for groups of axles spaced at 47 feet or more and the gross combined weight for any combination of vehicles shall not exceed those set forth in the following table:

Axle spacing in feet	Maximum Gross Weight in Pounds on			
	5 Axles	6 Axles	7 Axles	8 or more axles
47	77,500	81,000	81,000	81,000

Axle spacing in feet	Maximum Gross Weight in Pounds on			
	5 Axles	6 Axles	7 Axles	8 or more axles
48	78,000	82,000	82,000	82,000
49	78,500	83,000	83,000	83,000
50	79,000	84,000	84,000	84,000
51	80,000	84,500	85,000	85,000
52	80,500	85,000	86,000	86,000
53	81,000	86,000	87,000	87,000
54	81,500	86,500	88,000	91,000
55	82,500	87,000	89,000	92,000
56	83,000	87,500	90,000	93,000
57	83,500	88,000	91,000	94,000
58	84,000	89,000	92,000	95,000
59	85,000	89,500	93,000	96,000
60	85,500	90,000	94,000	97,000
61	86,000	90,500	95,000	98,000
62	87,000	91,000	96,000	99,000
63	87,500	92,000	97,000	100,000
64	88,000	92,500	97,500	101,000
65	88,500	93,000	98,000	102,000
66	89,000	93,500	98,500	103,000
67	90,000	94,000	99,000	104,000
68	90,000	95,000	99,500	105,000
69	90,000	95,500	100,000	105,500
70	90,000	96,000	101,000	105,500
71	90,000	96,500	101,500	105,000
72	90,000	96,500	102,000	105,500
73	90,000	96,500	102,500	105,500
74	90,000	96,500	103,000	105,500
75	90,000	96,500	104,000	105,500
76	90,000	96,500	104,500	105,500
77	90,000	96,500	105,000	105,500
78	90,000	96,500	105,500	105,500

Distance measured to nearest foot; when exactly one-half foot, take next larger number.

Driver: Commercial driver's license with multiple-trailer endorsement.

Vehicle: For a combination which includes a truck tractor and two trailing units, the lead trailing unit (semitrailer) may be up to 40 feet long. The second trailing unit may be up to 35 feet long. However, the primary control is the total cargo-carrying distance which has a maximum length of 68 feet.

Permit: A permit is required for operation if the gross combination weight exceeds 80,000 pounds. A fee is charged. Permitted movements must have the lighter trailing unit placed to the rear, and use splash and spray devices when operating in rainy weather. Movement is not allowed when road surfaces are hazardous due to ice or snow, or when other atmospheric conditions make travel unsafe.

Access: As allowed by the Oregon DOT.

Routes: All National Network routes.

Legal citations: ORS 810.010, ORS 810.030 through 810.060, and ORS 818.010 through 818.235

State: Oregon

Combination: Triple—LCV

Length of the Cargo-Carrying Units: 95 feet

Maximum Allowable Gross Weight: 105,500 pounds

Operational Conditions:

Weight, Driver, Permit, and Access: Same as for Oregon "Rocky Mountain" doubles.

Vehicle: Trailing units must be of equal length.

Routes: Oregon National Network routes also open to triples.

	From	To
I–5	Entire length	
I–105	Entire length	
I–205	Entire length	
I–405	Entire length	
I–82	Entire length	
I–84	Entire length	
US 20	Jct OR 22/OR 126 Santiam Junction	US 26 Vale.
US 20	East Jct OR 99E Albany	I–5 Exit 233.
US 26	US 101 Cannon Beach Junction	OR 126 Prineville.
US 20/26	Vale	Idaho State Line.
US 30	US 101 Astoria	I–405 Exit 3 Portland.
US 95	Nevada State Line	Idaho State Line.
SPUR US 95	OR 201	Idaho State Line.
US 97	California State Line	Washington State Line.
US 101	US 30 Astoria	US 26 Cannon Beach Jct.
US 101	OR 18 Otis	US 20 Newport.
US 101	Bandon	NCL Coos Bay.
US 197	I–84 Exit 87 The Dalles	Washington State Line.
US 395	I–82 Exit 1 Umatilla	I–84 Exit 188 Stanfield.
US 395	US 26 John Day	OR 140 Lakeview.
US 730	I–84 Exit 168	Washington State Line.

	From	To
OR 6	US 101 Tillamook	US 26 near Banks.
OR 8	OR 47 Forest Grove	OR 217 Beaverton.
OR 11	Washington State Line	Mission Cutoff near Pendleton.
OR 18	US 101 Otis	OR 99W Dayton.
OR 19	I–84 Exit 137	South 2.5 miles.
OR 22	OR 18 near Willamena	OR 99E Salem.
OR 22	I–5 Exit 253	Jct US 20/OR 126 Santiam Jct.
OR 31	US 97 La Pine	US 395 Valley Falls.
OR 34	Jct US 20/OR 99W Corvallis	I–5 Exit 228.
OR 35	I–84 Exit 64 Hood River	Mt. Hood.
OR 39	OR 140 East of Klamath Falls	California State Line.
OR 58	I–5 Exit 188 Goshen	US 97 near Chemult.
OR 62	OR 99 Medford	OR 140 White City.
OR 78	Jct US 20/US 395 Burns	US 95 Burns Junction.
OR 99	I–5 Exit 58 Grants Pass	I–5 Exit 48 Rogue River.
OR 99	I–5 Exit 192 Eugene	Jct OR 99E/OR 99W Junction City.
OR 99E	I–5 Exit 307 Portland	I–205 Exit 9 Oregon City.
OR 99E	I–5 Exit 233 Albany	Tangent.
OR 99E	OR 228 Halsey	Harrisburg.
OR 99W	Jct US 20/OR 34 Corvallis	I–5 Exit 294 Portland.
OR 126	US 20 Sisters	US 26 Prineville.
OR 138	I–5 Exit 136 Sutherlin	East 2 miles.
OR 140	OR 62 White City	Jct US 97/OR 66 Klamath Falls.
OR 201	Jct US 20/US 26 Cairo Junction	SPUR US 95.
OR 207	I–84 Exit 182	OR 74 Lexington.
OR 207/OR 74	Jct OR 207/OR 74 Lexington	Jct OR 207/OR 74/OR 206 Heppner.
OR 212	I–205 Exit 12	US 26 Boring.
OR 214	I–5 Exit 271 Woodburn	OR 99E Woodburn.
OR 217	I–5 Exit 292 Tigard	US 26 Beaverton.
OR 224	OR 99E Milwaukee	I–205 Exit 13.

Legal Citations: Same as for Oregon "Rocky Mountain" doubles.

State: Oregon

Combination: Canadian B-train Double
Length of the Cargo-Carrying Units: 68 feet
Maximum Allowable Gross Weight: 105,500 pounds
Operational Conditions: Same as for Oregon "Rocky Mountain" doubles.
Routes: All National Network routes.
Legal Citations: ORS 810.010, ORS 810.030 through 810.060, and ORS 818.010 through 818.235

State: South Dakota

Combination: Rocky Mountain Double—LCV
Length of Cargo-Carrying Units: 81.5 feet
Maximum Allowable Gross Weight: 129,000 pounds
Operational Conditions:

Weight: The maximum gross weight on two or more consecutive axles is limited by the Federal bridge formula but cannot exceed 129,000 pounds. The weight on the steering axle may not exceed 600 pounds per inch of tire width, and the weight on all other axles may not exceed 500 pounds per inch of tire width. The weight on single axles or tandem axles spaced 40 inches or less apart may not exceed 20,000 pounds. Tandem axles spaced more than 40 inches but 96 inches or less may not exceed 34,000 pounds. Two consecutive sets of tandem axles may carry a gross load of 34,000 pounds each, provided the overall distance between the first and last axles of the tandems is 36 feet or more. Lift axles and belly axles are not considered load-carrying axles and will not count when determining allowable vehicle weight.

Driver: Commercial driver's license with multiple-trailer endorsement.

Vehicle: Neither trailer may exceed 45 feet, including load overhang. A semitrailer or trailer may neither be longer than nor weigh 3,000 pounds more than the trailer located immediately in front of it. Loading the rear of the trailer heavier than the front is not allowed. All axles except the steering axle require dual tires. Axles spaced 8 feet or less apart must weigh within 500 pound of each other. The trailer hitch offset may not exceed 6 feet. The maximum effective rear trailer overhang may not exceed 35 percent of the trailer's wheelbase. Towbars longer than 19 feet must be flagged during daylight hours and lighted at night. The power unit must have sufficient power to maintain 40 miles per hour. Speed limit is 55 miles per hour. A "LONG LOAD" sign measuring 18 inches high by 7 feet long and is black on yellow with 10-inch lettering is required on the rear. Offtracting is limited to 8.75 feet for a turning radius of 161 feet.

$$\text{Offtracking Formula} = 61 - (161^2 - L_1^2 - L_2^2 + L_3^2 - L_4^2 - L_5^2 + L_6^2 - L_7^2 - L_8^2)^{1/2}.$$

Note: L_1 through L_8 are measurements between points of articulation or vehicle pivot points. Squared dimensions to stinger steer points of articulation are negative.

Permit: A single-trip permit is required if the gross vehicle weight exceeds 80,000 pounds. A permit fee is charged. Operations must be discontinued when roads are slippery due to moisture conditions. Visibility must be good. Wind or other weather conditions must not cause trailer whip or sway.

Access: Statewide off the National Network unless restricted by the South Dakota Department of Transportation.

Routes: All National Network routes.
Legal Citations: SDCL 32–22–8.1, 32–22–38, 32–22–39, 32–22–41, and 32–22–42; and Administrative Rules 70:03:01:37, 70:03:01:47 and 48, and 70:03:01:60 through 70

State: South Dakota

Combination: Turnpike Double—LCV
Length of Cargo-Carrying Units: 100 feet
Maximum Allowable Gross Weight: 129,000 pounds

Operational conditions:

Weight and Driver: Same as for South Dakota "Rocky Mountain" doubles.

Vehicle: Same as for South Dakota "Rocky Mountain" doubles except that the maximum trailer length is 48 feet, including load overhang.

Permit: Same as for South Dakota "Rocky Mountain" doubles.

Access: Access to operating routes must be approved by the South Dakota Department of Transportation.

Routes: All Interstate routes and:

	From	To
US 14	Jct US 14/Bypass US 14 W. of Brookings.	US 14 and US 281 S. of Woolsey.

	From	To
Bypass US 14.	I–29	Jct US 14 Bypass/US 14 W. of Brookings.
US 85	North Dakota	I–90 North of Spearfish.
US 281	I–90	US 14 and US 281 S. of Woolsey.
US 281	North Dakota	US 281 and 8th Ave. in Aberdeen.
SD 50	I–29	SD 50 and Burleigh St. in Yankton.

Legal Citation: SDCL 32–22–38, 32–22–39, 32–22–41, 32–22–42, and 32–22–42.14; and Administrative Rules 70:03:01:60 through 70.

State: South Dakota

Combination: Triple—LCV
Length of Cargo-Carrying Units: 100 feet
Maximum Allowable Gross Weight: 129,000 pounds

Operational Conditions

Weight, Driver, Permit, and Access: Same as for South Dakota "Rocky Mountain" doubles.

Vehicle: Same as for South Dakota "Turnpike" doubles, except trailer lengths are limited to 28.5 feet, including load overhang, and the overall length cannot exceed 110 feet, including load overhang.

Routes: Same as for South Dakota "Turnpike" doubles.

Legal Citations: SDCL 32–22–38, 32–22–39, 32–22–41, and 32–22–42; and Administrative Rules 70:03:01:60 through 70.

State: South Dakota

Combination: Truck-Trailer
Length of Cargo-Carrying Units: 78 feet

Operational Conditions

Weight, Driver, Permit, and Access: Same as for South Dakota "Rocky Mountain" doubles.

Vehicle: Same as for South Dakota "Turnpike" doubles, except overall length limited to 85 feet, including load overhang, and trailer length is limited to 48 feet, including load overhang.

Routes: Same as for South Dakota "Turnpike" doubles.

Legal Citations: Same as for South Dakota "Turnpike" doubles.

State: South Dakota

Combination: Truck-Trailer
Length of Cargo-Carrying Units: 73 feet

Operational Conditions

Weight, Driver, Permit, and Access: Same as for South Dakota "Rocky Mountain" doubles.

Vehicle: Overall length limited to 80 feet, including load overhang. The towbar needs to be flagged during daylight hours and lighted at night if it exceeds 19 feet. Vehicle may be 12 feet wide when hauling baled feed during daylight hours.

Routes: Same as for South Dakota "Rocky Mountain" doubles.

Legal Citations: Same as for South Dakota "Rocky Mountain" doubles.

State: South Dakota

Combination: Truck Tractor-Trailer-Trailer
Length of Cargo-Carrying Units: 80 feet

Operational Conditions

Weight, Driver, Permit, and Access: Same as for South Dakota "Rocky Mountain" doubles.

Vehicle: Tip to tail of trailer length is limited to 80 feet, including load overhang, including towbar length. No trailer may exceed 28.5 feet, including overhang. If the towbar exceeds 19 feet it must be flagged during daylight hours and lighted at night.

Routes: Same as for South Dakota "Rocky Mountain" doubles.

Legal Citations: Same as for South Dakota "Rocky Mountain" doubles.

State: South Dakota

Combination: Special vehicle
Length of Cargo-Carrying Units: 60 feet

Operational Conditions

Weight, Driver, Permit, and Access: Same as for South Dakota "Rocky Mountain" doubles.

Vehicle: Overall length limited to 70 feet, including load overhang. Rear trailer length limited to 24 feet, including load overhang. Rear trailer weighing more than 3,000 pounds must be equipped so that the vehicle braking system can effectively stop the towing unit if the trailer should breakaway.

Routes: Same as for South Dakota "Rocky Mountain" doubles.

Legal Citations: SDCL 32–22–12.1, 32–22–38, 32–22–39, and 32–22–41; and Administrative Rules 70:03:01:37 and 70:03:01:47 through 48.

State: Utah

Combination: Rocky Mountain Double—LCV
Length of the Cargo-Carrying Units: 88 feet
Maximum Allowable Gross Weight: 129,000 pounds

Operational Conditions

Weight: Weight limits are as follows: Single axle: 20,000 pounds, Tandem axle: 34,000 pounds, Gross weight: 129,000 pounds. Vehicles must comply with the Federal Bridge Formula.

Tire loading on vehicles requiring an overweight or oversize permit shall not exceed 500 pounds per inch of tire width for tires 11 inches wide and greater, and 450 pounds per inch of tire width for tires less than 11 inches wide as designated by the tire manufacturer on the side wall of the tire. Tire loading on vehicles not requiring an overweight or oversize permit shall not exceed 600 pounds per inch of tire width as designated by the tire manufacturer on the sidewall.

Driver: Commercial driver's license with multiple-trailer endorsement. Carriers must certify that their drivers have a safe driving record and have passed a road test administered by a qualified safety supervisor.

Vehicle: "Rocky Mountain" doubles may operate on the following highways, based on overall length, as follows:

Divided highway	Non-divided highway
Regular combination: 98 feet.	Maximum length. 92 feet. (For regular combinations between 92 and 96 feet in length, see "ROUTES" below).
Fuel Transporters: 95 feet.	Maximum length: 85 feet.
Auto Transporters: 105 feet.	Maximum length: 92 feet.

While in transit, no trailer shall be positioned ahead of another trailer which carries an appreciably heavier load. An empty trailer shall not precede a loaded trailer. Vehicles shall be powered to operate on level terrain at speeds compatible with other traffic. They must be able to maintain a minimum speed of 20 miles per hour under normal operating conditions on any grade of 5 percent or less over which the combination is operated and be able to resume a speed of 20 miles per hour after stopping on any such grade, except in extreme weather conditions.

Oversize signs are required on vehicles in excess of 75 feet in length on two-lane highways.

A heavy-duty fifth wheel is required. All fifth wheels must be clean and lubricated with a light-duty grease prior to each trip. The fifth wheel must be located in a position which provides adequate stability. Pick-up plates must be of equal strength to the fifth wheel.

The kingpin must be of a solid type and permanently fastened. Screw-out or folding-type kingpins are prohibited.

All hitch connections must be of a non-slack type, preferably a power-actuated ram. Air-actuated hitches which are isolated from the primary air transmission system are recommended.

The drawbar length should be the practical minimum consistent with the clearances required between trailers for turning and backing maneuvers.

Axles must be those designed for the width of the body.

All braking systems must comply with State and Federal requirements. In addition, fast air transmission and release valves must be provided on all semitrailer and converter-dolly axles. A brake force limiting valve, sometimes called a "slippery road" valve, may be provided on the steering axle. Anti-sail type mud flaps are recommended.

The use of single tires on any combination vehicle requiring an overweight or oversize permit shall not be allowed on single axles. A single axle is defined as one having more than 8 feet between it and the nearest axle or group of axles on the vehicle.

Loads shall be securely fastened to the transporter with material and devices of sufficient strength to prevent the load from becoming loose, detached, dangerously displaced, or in any manner a hazard to other highway users. The components of the load shall be reinforced or bound securely in advance of travel to prevent debris from being blown off the unit and endangering the safety of the traveling public. Any debris from the special permit vehicle deposited on the highway shall be removed by the permittee.

Bodily injury and property damage insurance is required before a special Transportation Permit will be issued.

In the event any claim arises against the State of Utah, Utah Department of Transportation, Utah Highway Patrol, or their employees from the operation granted under the permit, the permittee shall agree to indemnify and hold harmless each of them from such claim.

Permit: Permits must be purchased. The Utah DOT, the Motor Carrier Safety Division will, on submission of an LCV permit request, assign an investigator to perform an audit on the carrier, which must have an established safety program that is in compliance with the Federal Motor Carrier Safety Regulations (CFR 49 parts 387–399), the Federal Hazardous Materials Regulations (CFR 49 parts 171–178), and a "Satisfactory" safety rating. The request must show a travel plan for the operation of the vehicles. Permits are subject to Highway Patrol supervision and permitted vehicles may be subject to temporary delays or removed from the highways when necessary during hazardous road, weather, or traffic conditions. The permit will be cancelled without refund if violated. Expiration dates cannot be extended except for reasons beyond the control of the permittee, including adverse weather. Permits are void if defaced, modified, or obliterated. Lost or destroyed permits cannot be duplicated and are not transferable.

Access: Routes approved by the Utah DOT plus local delivery destination travel on two-lane roads. Routes: All National Network routes with restrictions as noted under "Operational Conditions." In addition, regular combinations with an overall length between 92 and 96 feet may operate only on the following National Network routes:

	From	To
UT 10	I–70 Exit 89	Jct. US 6/191 in Price.
UT 29	UT 57	UT 10.
UT 57	Entire length	

Legal Citations

Utah Code 27–12–154(a) and 27–12–155
Utah Regulations for Legal and Permitted Vehicles
Legal authority—Section 100
Size and Weight—Section 400
Single Tire Configurations—Section 909–76

State: Utah

Combination: Turnpike Double—LCV
Length of the Cargo-Carrying Units: 95 feet
Maximum Allowable Gross Weight: 129,000 pounds

Operational Conditions: Same as for Utah "Rocky Mountain" doubles.

Routes: Same as for Utah "Rocky Mountain" doubles.

Legal Citations: Same as for Utah "Rocky Mountain" doubles.

State: Utah

Combination: Triple—LCV
Length of the Cargo-Carrying Units: 95 feet
Maximum Allowable Gross Weight: 129,000 pounds

Operational Conditions: Same as for Utah "Rocky Mountain" doubles.

Routes: Divided highways only.

	From	To
I–15	Arizona	Idaho.
I–70	I–15	Colorado State Line.
I–80	Nevada	Wyoming.
I–84	Idaho	I–80.
I–215	Entire Route	
SR–201	I–80	300 West, SLC.

Legal Citations

Utah Code (Statutes) 27–12–148 and 27–12–149
Utah Regulations for Legal and Permitted Vehicles, sections 400 and 500

State: Utah

Combination: Truck-trailer-trailer
Length of the Cargo-Carrying Units: 88 feet

Operational Conditions: Same as for Utah "Rocky Mountain" doubles.

Routes: Same as for Utah triples.

Legal Citations: Same as for Utah triples.

State: Utah

Combination: Truck-trailer
Length of the Cargo-Carrying Units: 70 feet

Operational Conditions

Weight, Driver, Permit, and Access: Same as for Utah "Rocky Mountain" doubles.

Vehicle: Same as Utah "Rocky Mountain" doubles, except this vehicle may operate within an overall length limit of 77 feet on all National Network routes.

Routes: All National Network Routes

Legal Citations: Same as for Utah "Rocky Mountain" doubles.

State: Washington

Combination: Rocky Mountain Double—LCV
Length of the Cargo-Carrying Units: 68 feet
Maximum Allowable Gross Weight: 105,500 pounds

Operational Conditions

Weight: Single axle limit = 20,000 pounds; tandem axle limit = 34,000 pounds; must comply with the Federal bridge formula.

Driver: Commercial driver's license with multiple-trailer endorsement.

Vehicle: Operating conditions are the same for permitted doubles as for 60-foot or less doubles.

Permit: Combinations with cargo-carrying units over 60 feet in length but not exceeding 68 feet must obtain an annual overlength permit to operate. A fee is charged.

Access: All State routes except SR 410 and SR 123 in or adjacent to Mt. Rainier National Park. In addition, restrictions may be imposed by local governments having maintenance responsibilities for local highways.

Routes: All National Network routes except SR 410 and SR 123 in the vicinity of Mt. Rainer National Park.

Legal citations

RCW 46.44.030 (legal combination)
RCW 46.44.041 (weight limits)
RCW 46.44.0941 (permits)
RCW 46.37 (brakes)
RCW 46.44.037(3) (dromedary boxes)

State: Washington

Combination: Truck tractor with dromedary box-semitrailer-trailer
Length of the Cargo-Carrying Units: 68 feet

Operational Conditions: Same as for Washington "Rocky Mountain" doubles.

Routes: Same as for Washington "Rocky Mountain" doubles.

Legal Citations: Same as for Washington "Rocky Mountain" doubles.

State: Washington

Combination: Dump truck with pup trailers

Length of the Cargo-Carrying Units: 68 feet

Operational Conditions: Same as for Washington "Rocky Mountain" doubles.

Vehicle: Same as Washington "Rocky Mountain" doubles, except overall length shall not exceed 75 feet.

Routes: Same as for Washington "Rocky Mountain" doubles.

Legal Citations: Same as for Washington "Rocky Mountain" doubles.

State: Washington

Combination: Truck tractor-semitrailer-trailer (commonly known as a "Log Truck" Double)

Length of the Cargo-Carrying Units: 68 feet

Operational Conditions: Same as for Washington "Rocky Mountain" doubles.

Routes: Same as for Washington "Rocky Mountain" doubles.

Legal Citations: Same as for Washington "Rocky Mountain" doubles.

State: Wyoming

Combination: Rocky Mountain Double—LCV

Length of the Cargo-Carrying Units: 81 feet

Maximum Allowable Gross Weight: 101,000 pounds

Operational Conditions

Weight: A "Western" double or truck tractor-semitrailer-semitrailer (five axles) can be operated up to 85,000 pounds gross vehicle weight (GVW); a truck tractor with two or more trailing units (six axles) can be operated up to 90,000 pounds GVW; a "Rocky Mountain" double (seven axles) can be operated up to 101,000 pounds GVW; and a tractor-semitrailer-trailer (eight axles) can be operated up to 111,000 pounds GVW.

No wheel shall carry a load in excess of 10,000 pounds. No tire on a steering axle shall carry a load in excess of 750 pounds per inch of tire width and no other tire on a vehicle shall carry a load in excess of 600 pounds per inch of tire width. "Tire width" means the width stamped on the tire by the manufacturer

No single axle shall carry a load in excess of 20,000 pounds. No tandem axle shall carry a load in excess of 36,000 pounds. No triple axle, consisting of three consecutive load-bearing axles that articulate from an attachment to the vehicle including a connecting mechanism to equalize the load between axles having a spacing between the first and third axle of at least 96 inches and not more than 108 inches, shall carry a load in excess of 42,500 pounds. No vehicles operated on the Interstate System shall exceed the maximum weight allowed by application of Federal Bridge Weight Formula B. See the Wyoming statutory weight tables in W.S. 31–5–1002.

Driver: Commercial driver's license with multiple-trailer endorsement.

Vehicle: The lead semitrailer can be up to 48 feet long with the trailing unit up to 40 feet long. In a truck tractor-semitrailer-trailer combination, the heavier towed vehicle shall be directly behind the truck-tractor and the lighter towed vehicle shall be last if the weight difference between consecutive towed vehicles exceeds 5,000 pounds.

Permits: No permits required.

Access: Unlimited access off the National Network to terminals.

Routes: All National Network routes in the State.

Legal Citations

WS 31–5–1001
WS 31–5–1002
WS 31–5–1004
WS 31–5–1008
WS 31–17–101 through 31–17–117

State: Wyoming

Combination: Turnpike Double—LCV

Length of Cargo-Carrying Units: 81 feet

Operational Conditions: Same as for Wyoming "Rocky Mountain" doubles except the "Turnpike" double (nine axles) can be operated up to 117,000 pounds GVW.

Vehicle: Same as Wyoming "Rocky Mountain" doubles, except that the semitrailer and trailer are the same length but not over 40 feet each.

Routes: Same as for Wyoming "Rocky Mountain" doubles.

Legal Citations: Same as for Wyoming "Rocky Mountain" doubles.

State: Wyoming

Combination: Truck-trailer

Length of the Cargo-Carrying Units: 78 feet

Operational Conditions

Weight, Driver, Permit, and Access: Same as for Wyoming "Rocky Mountain" doubles.

Vehicle: No single vehicle shall exceed 60 feet in length within an overall limit of 85 feet.

Routes: Same as for Wyoming "Rocky Mountain" doubles.

Legal Citations

WS 31–5–1002

State: Wyoming

Combination: Truck tractor-semitrailer-semitrailer (B-Train)

Length of Cargo-Carrying Units: 75 feet

Operational Conditions: Same as for Wyoming "Rocky Mountain" doubles.

Routes: All National Network routes.

Legal Citations

WS 31–5–1002

State: Wyoming

Combination: Automobile/Boat Transporter

Length of Cargo-Carrying Units: 85 feet

Operational Conditions: Same as for Wyoming "Rocky Mountain" doubles.

Routes: Same as for Wyoming "Rocky Mountain" doubles.

Legal Citations: Same as for Wyoming "Rocky Mountain" doubles.

State: Wyoming

Combination: Saddlemount Combination

Length of Cargo-Carrying Units: 75 feet

Weight, Driver, Permits, and Access: Same as for Wyoming "Rocky Mountain" doubles.

Vehicle: No more than three saddlemounts may be used in any combination, except additional vehicles may be transported when safely loaded upon the frame of a vehicle in a properly assembled saddlemount combination.

Towed vehicles in a triple saddlemount combination shall have brakes acting on all wheels which are in contact with the roadway.

All applicable State and Federal rules on coupling devices shall be observed and complied with.

Routes: Same as for Wyoming "Rocky Mountain" doubles.

Legal Citations: Same as for Wyoming "Rocky Mountain" doubles.

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federal register

Thursday
February 25, 1993

Part III

Environmental Protection Agency

Integrated Risk Information System; Announcement of Availability of Background Paper; Notice

ENVIRONMENTAL PROTECTION

[FRL–4560–8]

Integrated Risk Information System (IRIS); Announcement of Availability of Background Paper

AGENCY: U.S. Environmental Protection Agency.

ACTION: Notice; announcement of availability of background paper on IRIS, request for comments on internal review, and announcement of substances scheduled for work group review.

SUMMARY: The Integrated Risk Information System (IRIS) is a data base of the United States Environmental Protection Agency (EPA) that contains EPA scientific consensus positions on potential human health effects from environmental contaminants. This notice provides information and requests information on IRIS for the purposes of improving the system and addressing questions regarding increased peer review and public participation.

This notice contains three components. First, it announces the availability of a background paper describing IRIS, its contents, and the current processes used by the two Agency work groups responsible for developing the IRIS information. Second, it discusses an Agency activity to review IRIS processes, solicits comments on this activity, and highlights points in the current process where public input is encouraged. Third, it announces a new process for publication of a list of the substances scheduled for IRIS work group review and the solicitation of pertinent data, studies, and comments on these substances. This list will appear in the **Federal Register** every six months for the next six-month period following its publication. The list for March 1 to December 31, 1993, is provided in this notice. Subsequent lists will cover a six-month period.

DATES: Please submit written comments by April 12, 1993.

ADDRESSES: Please send comments, an original and one unbound copy, to: Iris Quality Action Team, Attention: Linda C. Tuxen, Room 3809H, Waterside Mall (RD–689), USEPA, 401 M Street, SW., Washington, DC 20460.

For a copy of the IRIS Background Paper contact: IRIS User Support (Staffed by Computer Sciences Corporation), USEPA, Environmental Criteria and Assessment Office (MS–190), 26 W. Martin Luther King Drive, Cincinnati, OH 45268, Telephone: (513) 569–7254 Facsimile: (513) 569–7916.

FOR FURTHER INFORMATION CONTACT: Linda C. Tuxen, EPA IRIS Coordinator, Office of Health and Environmental Assessment (RD–689), USEPA, 401 M Street, SW., Washington, DC 20460, Telephone: (202) 260–5949 Facsimile: (202) 260–0393.

SUPPLEMENTARY INFORMATION:

Background

IRIS is an EPA data base, updated monthly, containing Agency consensus scientific positions on potential adverse human health effects that may result from exposure to environmental contaminants. Currently IRIS contains health effects information on approximately 500 specific substances.

Since IRIS was developed in 1986 and made available to the public in 1988, its use by EPA and by the environmental health community has grown substantially. EPA uses the data base to provide consistent risk information across EPA programs and the regions. States, national and international organizations, and other public and private organizations involved with assessing potential health hazards of exposure to a variety of environmental contaminants use IRIS as a source for EPA scientific opinion on the potential effects. EPA sees IRIS as a primary mechanism for communicating technical scientific information on potential chronic human health hazards to Agency risk assessors and to trained outside users. The Agency's goal is that IRIS contain high-quality human health information, based on credible science.

Availability of Background Paper

As one step in the ongoing development of this widely used data base, EPA is reevaluating several aspects of IRIS. This evaluation, described below (see Internal Review of IRIS and Request for Comment), is being conducted in a manner that reflects the history, purposes, and goals that led to the initial development of IRIS. This review takes into consideration the current processes used by the two Agency scientific work groups responsible for developing the health hazard information in IRIS.

Therefore, EPA has developed and is making available an IRIS Background Paper that contains the contextual information described above. For those generally unfamiliar with the intent and history of IRIS, this paper will serve as a primer for that information. For those who are regular IRIS users, the paper details the current processes used to develop the health hazard information on IRIS, especially regarding activities of the work groups responsible for developing IRIS information. Interested persons are strongly encouraged to obtain this paper as it provides background information for this **Federal Register** notice and helps to better understand the context of the Agency's internal review of IRIS.

Internal Review of IRIS and Request for Comment

As part of an Agency-wide effort to improve the quality of science used to evaluate and manage risks, and because of growing interest in IRIS and its role as a widely used resource throughout the risk assessment and risk management community, EPA has begun a review of processes by which the information in IRIS is developed and maintained. The purpose of this review is to seek ways to improve how IRIS information is developed and how it is being used by risk managers.

The Agency has convened a team to address issues involving the quality of information and service IRIS provides those who use the system, both inside and outside the Agency. The goal of the team is to study the entire IRIS process, from nomination of substances through delivery of information. The team has been asked to provide a series of recommendations to senior Agency managers to improve quality, including consideration of increased public involvement and additional peer review and more efficient and timely processes. To achieve this goal, the team may address concerns that could include: public involvement, peer review, limitations of IRIS information for risk management decisions, and balancing the addition of new substances with updates of existing information. Issues related to the adequacy of resources devoted to the system, improved efficiency and timeliness of the process for adding and updating files, effective mechanisms for issue resolution, the quality of and need for regulatory action information and supplemental data, outreach and training, and science and methodological issues may also be considered in the future.

As a first step in the team's effort, EPA is focusing on two issues, public involvement and external peer review. For the purposes of this effort, public involvement is defined as opportunities for affected or interested parties to have some level of input into IRIS health hazard information. These groups or individuals can involve a broader spectrum of participants than external peer review. External peer review is defined as critical appraisal of Agency products by independent experts who are peers of those who generate them.

Current practices for public involvement and peer review are described in detail later in this notice and in the IRIS Background Paper, respectively. Briefly, under current peer-review procedures, the technical bases for the oral reference dose, inhalation reference concentration, and cancer information on IRIS undergo various levels of internal peer review by EPA scientists familiar with the substance at issue. In addition, many undergo external peer review from groups ranging from the Agency's Science Advisory Board and the Office of Pesticide Programs's Science Advisory Panel to specially-convened peer-review panels and workshops. EPA is seeking ways to address concerns for increased and improved public involvement and external peer review.

The Agency wishes to identify mechanisms that can involve qualified outside scientists and members of the public in improving the quality of information in IRIS, while not unduly delaying the process of adding critical new information to the data base. Because EPA is bound by statutory and public mandates and schedules, the impact of increased public involvement and peer review on the ability of EPA work groups to develop the IRIS information and on the ability of the data base itself to deliver the information to EPA programs and regions in a timely manner will also be taken into consideration by the team.

In this notice, EPA requests comments from the public on these two issues. The Agency requests information from interested persons on how and how often they use IRIS information and how it affects their decision making. The Agency also requests comments on the following issues relating to peer review and public involvement:

Peer Review—

1. Should decisions made by the EPA work groups responsible for developing the health hazard information on IRIS have further peer-review by scientists outside the Agency?

2. What are the advantages and value (to EPA, the regulated community, and the public) of adopting an enhanced peer-review system for IRIS information? What are the disadvantages and problems?

3. What kind of peer-review system should the Agency consider in view of the significant statutory, public mandates, resource and time constraints related to IRIS and its users? What specific approach or mechanisms should the Agency explore?

Public Involvement—

1. As described later in this notice, EPA provides several current opportunities for public involvement and input into IRIS. What are the advantages and disadvantages of developing further avenues for public participation in the IRIS processes?

2. What are specific other opportunities for improving the science and value of IRIS by involving the public?

3. What should be the goals and objectives of further public involvement given the significant statutory, public mandates, resource and time constraints related to IRIS and its users? What specific approach or mechanisms should the Agency explore?

The Agency would especially welcome suggestions from members of the public experienced in various forms of peer review regarding how we can tailor any peer review to assure optimum use of scientific talent, both within and outside the Agency, and available resources in addressing the most important scientific issues raised. Since the team is in the process of gathering information that relates to public involvement and peer review issues, comments should be focused on those areas. If parties submit comments pertaining to issues other than those of public involvement and peer review, they will be catalogued and reviewed when that issue is taken up by the team. Other issues related to IRIS are expected to be considered at a later time in 1993.

While the Agency will continue to accept informal comments as it evaluates the IRIS processes, the most helpful comments will be those received within 45 days from date of this notice.

Please direct written comments, an original and one unbound copy, to the IRIS Quality Action Team at the address given in the beginning of this notice. Public comments will be considered in developing options for improved processes for IRIS. EPA will summarize and address the comments received in a subsequent **Federal Register** notice.

Materials submitted to the Agency in response to this request for comments on the Internal Review activity can be inspected in the following two ways:

1. In person at the Office of Research and Development (ORD), Public Information Shelf, EPA Headquarters Library, 401 M Street SW., Washington, DC 20460. The EPA Headquarters Library is open from 10 a.m. to 4 p.m., Monday through Friday except for Federal holidays. Requests for copies of these materials cannot be handled by phone. If you have any questions about the procedures for the EPA Library, call 202–260–5922.

2. By sending a written Freedom of Information request for the materials you need to: Jeralene Green, Freedom of Information Officer, A–101, USEPA, 401 M Street, SW., Washington, DC 20460.

Under EPA's Freedom of Information Act procedures, there is no charge for duplication of the first 166 pages requested. For detailed information on costs, call the Freedom of Information Office at 202–260–4048.

Current Opportunities for Public Involvement in the IRIS Process

As detailed in the companion piece to this notice, the IRIS Background Paper, there are several points in the current IRIS process where public input is encouraged. IRIS users are invited to participate in the IRIS information development process. Four current methods for public involvement and input are listed below in a suggested hierarchical order of use. They are:

1. IRIS Scientific Contacts

Since 1988, when IRIS was made available to the public, the names and telephone numbers of two EPA staff who are the scientific contacts for a specific assessment have been included on the data base. The Agency believes that the inclusion of Agency scientific contacts able to discuss the basis for the Agency's position is very important. These individuals play a major role in providing public access to IRIS and provide a conduit for valued public comment.

2. IRIS Public Reading Room

Another opportunity for information access is a newly created IRIS Public Reading Room located in the library facility in the Andrew W. Breidenbach Research Center, U.S. EPA, 26 West Martin Luther King Drive, Cincinnati, OH, which is scheduled to open in the Spring of 1993.

The IRIS Public Reading Room has information related to substances on IRIS. It does not have copies of correspondence submitted in response to the Agency's request for comments on the internal review of IRIS that was outlined above. To review those comments, follow the directions detailed in the **Internal Review of IRIS and Request for Comment** section of this notice.

Visitors will be able to review the documentation files for substances on IRIS. These files contain the background and supporting material, including a synopsis of the scientific discussion underlying the RfDs, RfCs, and carcinogenicity information that are on IRIS. The files also may include the following: CRAVE and RfD/RfC Work

Group meeting notes, IRIS printouts with bibliographies, public information submissions, correspondence, and annotated literature searches. Files for substance assessments not yet on the system will not be available for viewing.

Individuals wishing to review the documentation files for substances on IRIS should contact the Cincinnati office to schedule an appointment. The IRIS files can be viewed by appointment only. Appointments should be scheduled at least one week in advance and interested persons should identify the specific substances they wish to review at that time. For more information on the IRIS Public Reading Room or to make an appointment, contact IRIS User Support (operated by Computer Sciences Corporation) at (513) 569–7254.

The IRIS Public Reading Room is only a first step in providing increased access to IRIS processes. At this time, the Agency is unable to respond to informal requests for paper copies of the files. As part of the internal review of IRIS described previously, the Agency is evaluating other means of increased public access.

3. IRIS Information Submission Desk

The most important of the current opportunities is the IRIS Information Submission Desk that was set up in 1988 when the data base became publicly available. The Desk staff distribute submissions to the appropriate Agency offices for subsequent use in the IRIS information development processes.

The most useful submissions are those received on substances that are scheduled for initial work group review in the near future. This permits timely and thorough review and consideration of a submission as an integral part of the work groups' scientific deliberations. EPA hopes that the list of substances scheduled for work group review contained in this notice will prompt submission of scientific comments and analysis, studies, and identification of other pertinent scientific information from interested persons. New studies and other information on substances already on IRIS are also welcomed.

Submissions to the IRIS Information Submission Desk are handled in a three-step process:

First, interested persons should simply provide a list (submission inventory) and briefly identify all the information that they wish to submit to the IRIS Information Submission Desk. This submission inventory could include studies, statistical analyses, or comments on data interpretations. If appropriate, the materials should be listed using scientific citation format, that is, author(s), title, journal, and date. The submitter will receive an acknowledgement of receipt of the submission inventory.

It is important to note that interested persons should only include information that they believe the Agency would not otherwise have, such as unpublished studies or other studies not available through standard literature searches. Published scientific literature that is readily identifiable and obtainable should not be submitted to the Desk; this information is gathered during the standard work group review process. The use of the preliminary submission inventory will help prevent an influx of duplicative information.

The submission should include:

A. A cover letter that:

- States that the correspondence is an IRIS information submission;
- Describes in general terms the purpose of the submission; and
- Includes the names, addresses, and telephone numbers of persons to contact for additional information on the submission.

B. A submission inventory of all materials that persons wish to submit that:

- Identifies the substance(s) by name and Chemical Abstracts Service (CAS) number(s). If the submission is not related to a specific substance, but related to an issue(s) such as dose-response extrapolation methods, this should be clearly stated;
- States the section of IRIS (for example, oral reference dose, inhalation reference concentration, inhalation carcinogenicity assessment, etc.) that is being addressed; and
- Lists and describes briefly the information or supporting documents suggested for consideration.

In the second step, EPA will identify from the submission inventory the information that should be submitted. The submitter will receive notification requesting submission of the selected material. If certain pieces of information are not requested for submission, an explanation will be provided to the sender.

In the third step, the submitter should send in copies of the information requested by the Agency using the following format:

- Submitters should send three copies (at least one of which should be unbound);
- Submitters should identify the substance(s) by name and Chemical Abstracts Service (CAS) number(s);
- Persons submitting health effects data for substance files already on IRIS should include, for each study submitted, a specific explanation of how and why the study results could change a quantitative risk value or relevant IRIS narrative; and
- Persons submitting health effects data for those substances scheduled for consideration by the work groups should include, for each study submitted, an explanation of the significance of the study results to a potential RfD or RfC, carcinogen assessment value, etc.

Submitters are cautioned that:

- Health effects data on substances subject to the reporting rules under Section 8(d) of the Toxic Substances Control Act (TSCA) must be submitted to the address given in the rule. Submitting them to the IRIS Information Submission Desk does not relieve persons from an 8(d) reporting requirement,
- All submissions are public information,
- Confidential Business Information (CBI) should not be submitted to the IRIS Information Submission Desk. CBI must be submitted to the appropriate office via approved Agency procedures for submission of CBI as codified in the Code of Federal Regulations (40 CFR, Part 2, Subpart B),
- If a submitter believes that a CBI submission contains information with implications for IRIS, it should be noted in the cover letter accompanying the submission, and
- Any materials marked Confidential will be immediately returned to the submitter.

Once a submission has been evaluated and appropriate work group review and conclusions recorded, a letter will be sent to the submitter, briefly describing how the information was evaluated and used.

Comments on Drinking Water Health Advisories or regulatory summary information will not be considered by the IRIS Information Submission Desk unless the commenter identifies an inconsistency between the information summarized in IRIS and the actual USEPA Office of Drinking Water Health Advisory or EPA regulatory information. Questions about Drinking Water Health Advisories should be addressed to the Safe Drinking Water Hotline (1–800–426–4791) or the other EPA contact listed for that section on IRIS. Although EPA regulations are summarized in IRIS, letters on the content of regulations will not be considered by the IRIS Information Submission Desk; they should be addressed to the EPA program office responsible for the regulatory action.

Information submissions should be sent to: IRIS Information Submission

Desk, USEPA, Environmental Criteria and Assessment Office (MS–190), 26 Martin Luther King Drive, Cincinnati, OH 45268.

4. Scientific Seminars

A fourth avenue for public input into development of EPA risk information is to organize a scientific seminar with scientists from EPA. Requests for a seminar can be originated either by interested outside scientists or by EPA scientists.

This is an opportunity for exchange of ideas on either a general scientific issue or on a substance-specific topic. However, these scientific seminars may not include policy issues. Scientific seminars have been used in the past to examine new approaches to health assessment and differences in data interpretation of key studies. These scientific discussions are invaluable during review of a substance.

Scientific seminars should be coordinated with interested staff in all appropriate program and research offices.

Public Access to IRIS

There are currently two means of public access to the IRIS data base. These are supported as official versions of IRIS by the Agency. For further information on these access methods, please call IRIS User Support at (513) 569–7254.

1. TOXNET

The primary method of access for the private sector is the TOXicology Data NETwork (TOXNET), which is maintained by the National Library of Medicine (NLM), National Institutes of Health. IRIS has been a component of TOXNET since 1990.

TOXNET is an on-line integrated system that is flexible in search, print, and other commands. Users can easily and quickly extract data either on entire or selected portions of a specified data field. TOXNET provides sophisticated search and retrieval features for NLM users.

IRIS on TOXNET is updated at the beginning of each month with new information, modifications, deletions, revisions, and notification of pending actions, as needed. IRIS users can gain access to TOXNET by direct call or through several widely used telecommunications networks. IRIS on TOXNET is also available through NLM's International MEDLARS Centers. For further information on gaining access to IRIS via TOXNET, contact: IRIS Representative, Specialized Information Services Division, National Library of Medicine, 8600 Rockville Pike, Bethesda, MD 20894, Telephone: (301) 496–6531.

2. National Technical Information Service

IRIS is also available on high density 5¼" floppy diskettes that may be purchased from the National Technical Information Service (NTIS). The files are in ASCII format and are intended for use with a text editor. IRIS diskettes are updated quarterly, while the IRIS data base is updated monthly; therefore, NTIS diskettes will not always reflect the most current IRIS information. For information on ordering IRIS diskettes, contact: National Technical Information Service, US Department of Commerce, 5285 Port Royal Road, Springfield, VA 22161, Telephone: (703) 487–4650.

The order number for a single set of diskettes is PB91–591331: for a quarterly subscription, the number is PB91–591330. Call (800) 553–6847 for RUSH orders.

Work Group Substance Review Schedule and Data Solicitation

The following substances are tentatively scheduled for review by EPA work groups during the period from March 1, 1993 to December 31, 1993. The list of substances includes those that will be evaluated by the work groups for the first time and those that are being revisited. In the list below new substances are designated by N and revisits by R.

To submit information to the IRIS Information Submission Desk, follow the guidelines outlined previously. Also, this list of substances, with appropriate updates if necessary, is also expected to be available on IRIS itself in the near future. If you have questions, please call IRIS User Support at (513) 569–7254.

Name	CAS. No.	N/R
Carcinogen Risk Assessment Verification Endeavor (CRAVE)		
Acetylaminofluorine, 2-	53–96–3	N
Acifluorfen	62476–59–9	R
Beryllium	7440–41–7	R
Boron	7440–42–8	R
Bromoacetic acid	79–08–3	N
Bromacil	314–40–9	N
Carbofuran phenol	1563–38–8	N
Chloroacetic acid	79–11–8	N
Chloral hydrate	302–17–0	N
Chlorine dioxide	10049–04–4	N
Chlorite	14998–27–7	N
Chlorate	14866–68–3	N
Chloromethane	74–87–3	R
Cyanazine	21725–46–2	R
Dibromoacetic acid	631–64–1	N
Dibromo-3-chloropropane, 1,2-	96–12–8	R
Dicamba	1918–00–9	R
Dichloroacetic acid	79–43–6	N
Dichloropropane, 1,2-	78–87–5	N
Dichloropropene, 1,3-	542–75–6	R
Dimethyl aminoazobenzene	60–11–7	N
Dimethylcarbamoyl chloride	79–44–7	N
Dimethylhydrazine, 1,1-	57–14–7	N
Dinitrotoluene, 2,4-	121–14–2	R
Environmental tobacco smoke	—	N
Ethyl carbamate	51–79–6	N
Ethyleneimine	151–56–4	N
Ethylene oxide	75–21–8	N
Formaldehyde	50–00–0	R

Name	CAS. No.	N/R
Ethylene thiourea (ETU)	96-45-7	R
Methomyl	16752-77-5	R
Methylaziridine, 2-	75-55-8	N
Methylbenzenamine, 2-	95-53-4	N
Methylenebis (2-chloroaniline), 4,4'-	101-14-4	N
Methyl iodide	77-88-4	N
Methyl tert-butyl ether	1634-04-4	N
Metolachlor	51218-45-2	R
Molybdenum	7439-98-7	N
Nitropropane, 2-	79-46-9	N
N-Nitroso-N-methylurea	684-93-5	R
Pentachloronitrobenzene	82-68-8	N
o-Phenylenediamine	95-54-5	N
Prometon	1610-18-0	N
Propane sultone, 1,3-	1120-71-4	N
Quinoline	91-22-5	N
Tetrachloroethylene	127-18-4	R
Toluene-2,4-diamine	95-80-7	N
Trichloroacetic acid	76-03-9	N
Trichloroethylene	79-01-6	R
Trichloropropane, 1,2,3-	96-18-4	R
Vinyl chloride	75-01-4	R

Oral Reference Dose/Inhalation Reference Concentration Work Group (RfD/RfC Work Group)

RfD Verification

Acetone	67-64-1	R
Aroclor 1248	12672-29-6	R
Aroclor 1254	11096-82-5	N
Beryllium	7440-41-7	R
Boron	7440-42-8	R
Bromomethane	74-83-9	R
Cadmium	7440-43-9	R
Chromium (III)	16065-83-1	R
Chromium (VI)	18540-29-9	R
Cobalt	7440-48-4	R
Dichloropropene, 1,3-	542-75-6	R
Di-N-octyl phthalate	117-84-0	N
Hydrazine	301-01-2	N
Mercury (inorganic)	7439-97-6	R
Methyl ethyl ketone peroxide	1338-23-4	R
Methyl isobutyl ketone	108-10-1	R
Methyl mercury	22967-92-6	R
Methylphenol, 2-	95-48-7	R
Methylphenol, 3-	108-39-4	R
Methylphenol, 4-	106-44-4	R
Naphthalene	91-20-3	R
N-Nitrosodiphenylamine	86-30-6	N
Terphenyl	26140-60-3	N
Thiophenol	108-98-5	R
Trichloroethane, 1,1,1-	71-55-6	R

RfC Verification

Acetonitrile	75-05-8	R
2-Acetylaminofluorene	53-96-3	N
4-Aminobiphenyl	92-67-1	N
Anthracene	120-12-7	N
Arsenic, inorganic	7440-38-2	N
Benzene	71-43-2	R
Benz(a)anthracene	56-55-3	N
Beryllium and compounds	—	R
Butadiene, 1,3-	106-99-0	N
Cadmium and compounds	—	R
Calcium cyanamide	156-62-7	N
Carbon disulfide	75-15-0	R
Carbon tetrachloride	56-23-5	N
Chlordane	57-74-9	R
Chlorine	7782-50-5	R
Chloromethane	74-87-3	R
Chromium and compounds	—	R
Cobalt and compounds	—	N
Coke oven emissions	8007-45-2	N
Cumene	98-82-8	R
Dibromodifluoromethane	75-61-6	N
Dichloro-2,2,2- trifluoroethane, 1,1-	306-83-2	R
Dichloromethane	75-09-2	R
Dichloroethane, 1,1-	75-34-3	R
Dichloroethylene, 1,1-	75-35-4	R
Difluoromethane	75-10-5	N
Dioxane, 1,4-	123-91-1	N

Name	CAS. No.	N/R
Ethylene oxide	75–21–8	N
Ethyl acrylate	140–88–5	N
Fluoranthene	206–44–0	N
Hepatfluoropropane,1,1,1,2,3,3,3-	431–89–0	N
Hydrogen fluoride	7664–39–3	R
d-limonene	5989–27–5	N
Manganese	7439–96–5	R
Mercury and compounds	—	R
Methyl isobutyl ketone	108–10–1	R
Methyl methacrylate	80–62–6	N
Methyl tert-butyl ether	1634–04–4	R
Methylene dianiline, 4,4-	101–77–9	R
Naphthalene	91–20–3	N
Nickel and compounds	—	R
Nitrobenzene	98–95–3	R
N-Nitrosomorpholine	59–89–2	N
N-Nitroso-N-methylurea	684–93–5	N
Pentachlorobenzene	608–68–8	N
Pentafluoroethane, 1,1,2,2,2-	354–33–6	N
Decafluorobutane	355–35–9	N
Tetradecafluorohexane	355–42–0	N
Phenanthrene	85–01–8	N
Phosphorous	7723–14–0	N
α-Pinene	80–56–8	N
β-Pinene	127–91–3	N
Polychlorinated biphenyls	1336–36–3	N
Polycyclic organic matter	—	N
Pyrene	129–00–0	N
Selenium	7782–49–2	N
Silica compounds	—	N
Styrene oxide	96–09–3	N
Tetrachloroethane, 1,1,2,2-	79–34–5	N
Tetrachloroethylene	127–18–4	N
Tetrafluoroethane, 1,1,1,2-	811–97–2	R
Tetrahydrofuran	109–99–9	R
Trichloroethane, 1,1,1-	71–55–6	R
Trichloroethylene	79–01–6	R
Trifluoroethane	420–46–2	N
Trifluoromethane	75–46–7	N
Vinyl chloride	75–01–4	N

A list of the substances scheduled for work group review from January 1, 1994, to June 30, 1994, will be published in the **Federal Register** in June/July, 1993.

Dated: February 12, 1993.

Gary J. Foley,

Acting Assistant Administrator for Research and Development.

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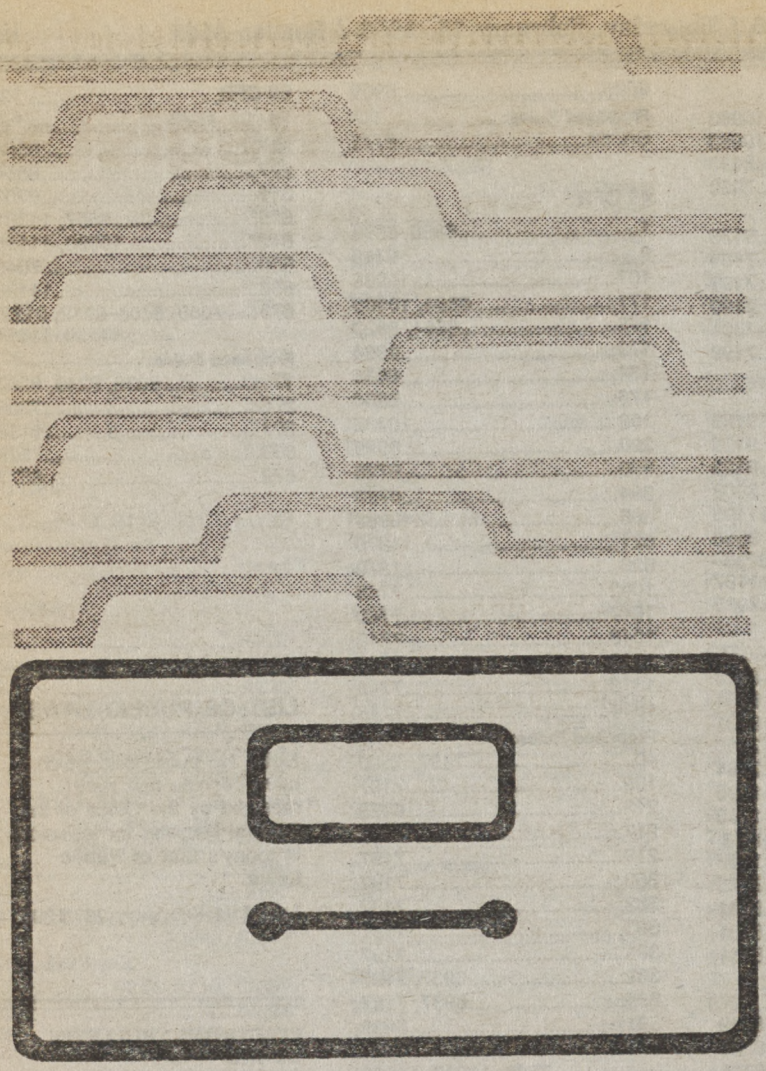
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in the Code of Federal Regulations (CFR

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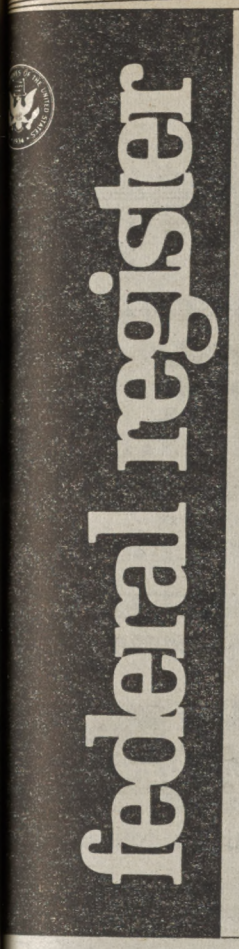
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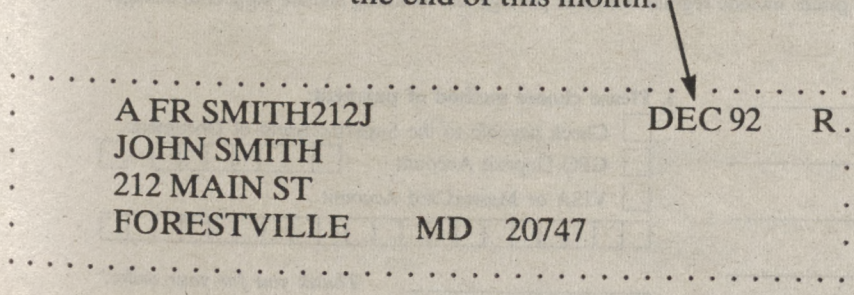
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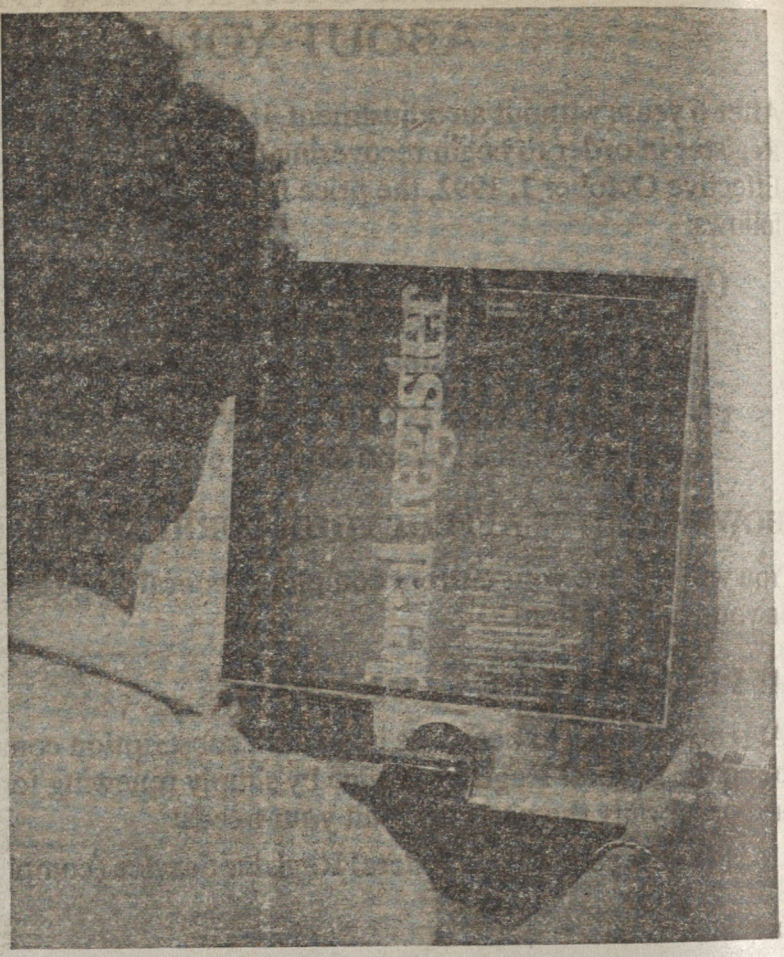
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