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WHO: The Office of the Federal Register.

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

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

LOS ANGELES, CA

WHEN: March 31, at 9:00 am
WHERE: 300 North Los Angeles Street
Conference Room 8041
Los Angeles, CA
RESERVATIONS: Federal Information Center
1–800–726–4995

INDEPENDENCE, MO

WHEN: April 27, at 9:30 am
WHERE: Harry S. Truman Library
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Independence, MO
RESERVATIONS: Federal Information Center
1–800–735–8004 or
1–800–366–2998 for the St. Louis area.

WASHINGTON, DC

WHEN: April 8 and May 12 at 9:00 am
WHERE: Office of the Federal Register, 7th Floor Conference Room, 800 North Capitol Street NW, Washington, DC (3 blocks north of Union Station Metro)
RESERVATIONS: 202–523–4538

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

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

CFR PARTS AFFECTED IN THIS ISSUE

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

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Presidential Documents

Title 3—

The President

Presidential Determination No. 93–16 of March 20, 1993

Delegation of Authority To Modify or Terminate Title VII Trade Action Taken Against the European Community

Memorandum for the United States Trade Representative

By the authority vested in me by the Constitution and laws of the United States, including 3 U.S.C. section 301, I hereby delegate to the United States Trade Representative the powers granted the President:

(1) in section 305(g)(2) of the Trade Agreements Act of 1979, as amended (19 U.S.C. 2515(g)(2)) (the Act), to modify or restrict the application of the sanctions which were imposed upon the European Community by Presidential Determination 92–22 of April 22, 1992; and

(2) in section 305(g)(3) of the Act to terminate such sanctions and remove the European Community from the report under section 305(d)(1) of the Act at such time as he determines that the European Community has eliminated the discrimination identified in Presidential Determination 92–22.

You are authorized and directed to publish this determination in the **Federal Register.**

William J. Clinton

THE WHITE HOUSE,
Washington, March 20, 1993.

[FR Doc. 93–7155
Filed 3–24–93; 2:39 pm]
Billing code 3190–01–M

Rules and Regulations

Federal Register
Vol. 58, No. 57
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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 92–ANE–17; Amendment 39–8463; AD 93–01–09]

Airworthiness Directives; Hartzell Model HC–B4TN–5( )L/LT10282( )( )–5.3R Propellers

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule; request for comments.

SUMMARY: This amendment adopts a new airworthiness directive (AD) that is applicable to Hartzell Model HC–B4TN–5( )L/LT10282( )( )–5.3R propellers installed on Mitsubishi MU–2 series aircraft. This action requires initial and repetitive inspections of propeller blades for fatigue cracks, and replacement of propeller blades, or rework of the radiused end of the blade bearing bore, as necessary. This action also requires installation of propeller blades modified to a new configuration as a terminating action to the inspection requirements. This amendment is prompted by reports of propeller blade separation that resulted from fatigue cracks. The actions specified in this AD are intended to prevent propeller blade fatigue cracks progressing to the point of propeller blade separation.

DATES: Effective on April 20, 1993.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of April 20, 1993.

Comments for inclusion in the Rules Docket must be received on or before May 25, 1993.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), New England Region, Office of the Assistant Chief Counsel, Attention: Rules Docket No. 92–ANE–17, 12 New England Executive Park, Burlington, Massachusetts 01803–5299.

The service information referenced in this AD may be obtained from Hartzell Propeller Inc., One Propeller Place, Piqua, Ohio 45356. This information may be examined at the FAA, New England Region, Office of the Assistant Chief Counsel, 12 New England Executive Park, Burlington, Massachusetts; or at the Office of the Federal Register, 800 North Capitol Street NW., suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Tim Smyth, Aerospace Engineer, Chicago Aircraft Certification Office, Propulsion Branch, ACE–140C, Small Airplane Certification Directorate, Aircraft Certification Service, FAA, 2300 East Devon Avenue, Des Plaines, Illinois 60018; telephone (312) 694–7130; fax (312) 694–7834.

SUPPLEMENTARY INFORMATION: The Federal Aviation Administration (FAA) has received three reports of propeller blades separating from Hartzell Model HC–B4TN–5( )L/LT10282( )( )–5.3R propellers installed on Mitsubishi MU–2 series aircraft. The manu§ facturer's investigation of the failed blades revealed fatigue cracks at the smaller internal bearing bore. Although the specific cause of crack initiation has not been identified, corrosion or other damage could create increased localized stresses in this critical area, which may result in fatigue cracks. This condition, if not corrected, can result in propeller blade fatigue cracks progressing to the point of propeller blade separation.

The FAA has reviewed and approved the technical contents of Hartzell Service Bulletin (SB) No. 136F, dated August 10, 1990; and Hartzell SB No. 136G, dated November 15, 1991. These SB's describe procedures for initial and repetitive inspections for propeller blade fatigue cracks, and replacement of blades or rework of the radiused end of the blade bearing bore, as necessary.

Since an unsafe condition has been identified that is likely to exist or develop on other propellers of the same type design, this AD is being issued to prevent propeller blade separation. This AD requires an initial and subsequent repetitive inspections for propeller blade fatigue cracks, and replacement of propeller blades or rework of the radiused end of the blade bearing bore, as necessary. All affected propeller blades showing evidence of cracks or propeller blades not meeting the rework criteria of the service bulletin must be replaced with serviceable blades prior to further flight. The actions are required to be accomplished in accordance with the service bulletin described previously.

Additionally, the AD requires installation of propeller blades modified to the "N" configuration into the propeller assembly within 15 months after the effective date of this AD, or the next overhaul, whichever occurs first. Propeller blades modified to the "N" configuration have design improvements in the internal bearing radius that reduce the susceptibility to corrosion and localized stresses. The modified blades also have additional thickness added to the blade inboard stations to reduce operating stresses. The FAA has determined that long term continued operational safety will be better assured by actual modification of the propeller to remove the source of the problem, rather than by repetitive inspections. Therefore, the installation of propeller blades modified to the "N" configuration constitutes a terminating action to the inspection requirements of this AD.

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

Comments Invited

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

evaluating the effectiveness of the AD action and determining whether additional rulemaking action would be needed.

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

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket Number 92–ANE–17." The postcard will be date stamped and returned to the commenter.

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

The FAA has determined that this regulation is an emergency regulation and that it is not considered to be major under Executive Order 12291. It is impracticable for the agency to follow the procedures of Order 12291 with respect to this rule since the rule must be issued immediately to correct an unsafe condition in aircraft. It has been determined further that this action involves an emergency regulation under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979). If it is determined that this emergency regulation otherwise would be significant under DOT Regulatory Policies and Procedures, a final regulatory evaluation will be prepared and placed in the Rules Docket. A copy of it, if filed, may be obtained from the Rules Docket at the location provided under the caption **ADDRESSES.**

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

93–01–09 Hartzell: Amendment 39–8463. Docket 92–ANE–17.

Applicability: Hartzell Model HC–B4TN–5( )L/LT10282( )( )–5.3R propellers installed on Mitsubishi MU–2 series aircraft.

Compliance: Required as indicated, unless accomplished previously.

To prevent propeller blade fatigue cracks from progressing to the point of propeller blade separation, accomplish the following:

(a) Initially inspect the propeller blade bearing bore area for cracks in accordance with the following:

Propeller blade time in service (TIS) on the effective date of this AD	Compliance time after the effective date of this AD
Greater than 400 hours TIS since the last inspection accomplished in accordance with Hartzell Service Bulletin (SB) No. 136F, dated August 10, 1990, or Hartzell SB No. 136G, dated November 15, 1991; or greater than 400 hours TIS since new, if never inspected.	Within 100 hours TIS or the next annual inspection, whichever occurs first.
Less than or equal to 400 hours TIS since the last inspection accomplished in accordance with Hartzell SB No. 136F, dated August 10, 1990, or Hartzell SB No. 136G; dated November 15, 1991; or less than or equal to 400 hours TIS since new.	Prior to the accumulation of 500 hours TIS since the last inspection accomplished in accordance with Hartzell SB No. 136F, dated August 10, 1990, or Hartzell SB No. 136G, dated November 15, 1991; or 500 hours TIS since new, if never inspected.

(b) Thereafter, inspect the propeller blade bearing bore area for cracks in accordance with Hartzell SB No. 136F, dated August 10, 1990, or Hartzell SB No. 136G, dated November 15, 1991, at intervals not to exceed 500 hours TIS since the last inspection accomplished in accordance with Hartzell SB No. 136F, dated August 10, 1990, or Hartzell SB No. 136G, dated November 15, 1991.

(c) Prior to further flight, rework or replace propeller blades in accordance with Hartzell SB No. 136F, dated August 10, 1990, or Hartzell SB No. 136G, dated November 15, 1991, based on the inspection results of paragraphs (a) or (b) of this AD, as follows:

(1) Replace with a serviceable propeller blade any cracked blades or blades not meeting the rework criteria of Hartzell SB No. 136F, dated August 10, 1990, or Hartzell SB No. 136G, dated November 15, 1991.

(2) Rework the radiused end of the blade bearing bore on propeller blades meeting the rework criteria in accordance with Hartzell SB No. 136F, dated August 10, 1990, or Hartzell SB No. 136G, dated November 15, 1991.

(d) Within 15 months after the effective date of this AD, or at the next overhaul, whichever occurs first, replace Hartzell HC–B4TN–5( )L/LTLT10282( )( )–5.3R propeller blades with new Hartzell HC–B4TN–5( )L/LT10282N( )( )–5.3R propeller blades. Installation of all "N" suffixed blades in a propeller assembly constitutes a terminating action to the inspection requirements of this AD.

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

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

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

(g) The inspections, replacement, and rework shall be done in accordance with:

Document No.	Page No.	Date
Hartzell SB No. 136F. Total pages: 18.	1–18	Aug. 19, 1990.
Hartzell SB No. 136G. Total pages: 18.	1–18	Nov. 15, 1991.

This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from Hartzell Propeller Inc., One Propeller Place, Piqua, Ohio 45356–2634. Copies may be inspected at the FAA, New England Region, Office of the Assistant Chief Counsel, 12 New England Executive Park, Burlington, Massachusetts; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

(h) This amendment becomes effective on April 20, 1993. Issued in Burlington, Massachusetts, on February 25, 1993.

Mark C. Fulmer,

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

[FR Doc. 93–6895 Filed 3–25–93; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF THE TREASURY

Customs Service

19 CFR Parts 141 and 178

[T.D. 93–21]

Elimination of Special Summary Steel Invoice

AGENCY: U.S. Customs Service, Department of the Treasury.

ACTION: Final rule.

SUMMARY: This document amends the Customs Regulations to eliminate the Special Summary Steel Invoice (SSSI). The SSSI was originally designed for use in administering the trigger price mechanism as an enforcement procedure under the Antidumping Act of 1921, as amended. This amendment is being made because the trigger price mechanism is no longer being used and the SSSI is not needed for any other purpose.

EFFECTIVE DATE: April 26, 1993.

FOR FURTHER INFORMATION CONTACT: Frank Crowe, Textiles & Metals Branch, Trade Programs Division, Office of Trade Operations (202) 927–0162.

SUPPLEMENTARY INFORMATION:

Background

Treasury Decision 78–53, published in the **Federal Register** on February 13, 1978 (43 FR 6065), amended § 141.89, Customs Regulations (19 CFR 141.89), by adding a new paragraph (b) to require that a special invoice be presented to Customs for each shipment of certain steel articles having an aggregate purchase price of a minimum dollar amount. The information provided by this special invoice, designated the Special Summary Steel Invoice (SSSI), Customs Form 5520, was originally used to implement the so-called trigger price mechanism. Under this procedure, trigger prices for certain steel mill products were established as the basis upon which imports of such products could be monitored for purposes of determining whether investigations under the Antidumping Act of 1921, as amended, were appropriate.

The value-based trigger price mechanism was replaced by a series of quantitative restrictions on steel imports, the last of which expired on March 31, 1992. Therefore, the SSSI no longer has any use. Elimination of the Special Summary Steel Invoice will provide monetary and manpower savings both for the Federal Government and for the trade community. Accordingly, § 141.89 is being amended by removing paragraph (b). In addition, a conforming change is being made to § 178.2, Customs Regulations (19 CFR 178.2), to reflect the removal of this information collection requirement.

Inapplicability of Public Notice and Comment Procedures

Because this amendment reduces the regulatory paperwork burden on the public, pursuant to 5 U.S.C. 553(b)(B), notice and public procedures are unnecessary and contrary to the public interest.

Regulatory Flexibility Act

Because no notice of proposed rulemaking is required by 5 U.S.C. 553(b) or any other law, the provisions of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) do not apply.

Executive Order 12291

Because this document does not meet the criteria for a "major rule" as specified in E.O. 12291, no regulatory impact analysis has been prepared.

Drafting Information

The principal author of this document was James A. Seal, Metals and Machinery Classification Branch, Office of Regulations and Rulings, U.S. Customs Service.

List of Subjects

19 CFR Part 141

Customs duties and inspection, Imports, Invoice requirements.

19 CFR Part 178

Reporting and recordkeeping requirements, Paperwork requirements, Collection of information.

Amendment to the Regulations

Parts 141 and 178, Customs Regulations (19 CFR parts 141 and 178), are amended as set forth below:

PART 141—ENTRY OF MERCHANDISE

1. The authority citation for part 141 continues to read in part as follows:

Authority: 19 U.S.C. 66, 1448, 1484, 1624.

* * * * *

Subpart F also issued under 19 U.S.C. 1481;

* * * * *

§ 141.89 [Amended]

2. Section 141.89 is amended by removing paragraph (b).

PART 178—APPROVAL OF INFORMATION COLLECTION REQUIREMENTS

1. The authority citation for Part 178 continues to read as follows:

Authority: 5 U.S.C. 301, 19 U.S.C. 1624, 44 U.S.C. 3501 *et seq.*

§ 178.2 [Amended]

2. Section 178.2 is amended by removing the listing for § 141.89(b).

Samuel H. Banks,

Acting Commissioner of Customs.

Approved: February 9, 1993

John P. Simpson,

Deputy Assistant Secretary of the Treasury.

[FR Doc. 93–6927 Filed 3–25–93; 8:45 am]

BILLING CODE 4820–02–M

Internal Revenue Service

26 CFR Part 1

[T.D. 8462]

RIN 1545–AH09

Definition of Affiliated Group; Correction

AGENCY: Internal Revenue Service, Treasury.

ACTION: Correction to final regulations.

SUMMARY: This document contains a correction to Treasury Decision 8462, which was published in the **Federal Register** for Tuesday, December 29, 1992 (57 FR 61797). The final regulations set forth circumstances under which warrants, options, obligations convertible into stock, and other similar interests are treated as exercised for purposes of determining whether a corporation is a member of an affiliated group.

FOR FURTHER INFORMATION CONTACT: Ken Cohen, (202) 622–7790 (not a toll-free number).

SUPPLEMENTARY INFORMATION:

Background

The final regulations that are the subject of this correction provide rules under section 1504(a) of the Internal Revenue Code.

Need for Correction

As published, T.D. 8462 contains an error which may prove to be misleading and is in need of clarification.

Correction of Publication

Accordingly, the publication of final regulations (T.D. 8462), which was the

subject of FR Doc. 92–31058, is corrected as follows:

On page 61800, column 2, in the preamble, the **Special Analyses** paragraph is corrected to read as follows:

Special Analyses

It has been determined that these rules are not major rules as defined in Executive Order 12291. Therefore, a Regulatory Impact Analysis is not required. I has also been determined that section 553(b) of the Administrative Procedure Act (5 U.S.C. chapter 5) and the Regulatory Flexibility Act (5 U.S.C. chapter 6) do not apply to these regulations, and, therefore, a final Regulatory Flexibility Analysis is not required. Pursuant to section 7805(f) of the Internal Revenue Code, the notice of proposed rulemaking for the regulations was submitted to the Chief Counsel for Advocacy of the Small Business Administration for comment on their impact on small business.

Dale D. Goode,

Federal Register Liaison Officer, Assistant Chief Counsel (Corporate).

[FR Doc. 93–6912 Filed 3–25–93; 8:45 am]

BILLING CODE 4830–01–M

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 917

Kentucky Permanent Regulatory Program; Kentucky Revised Statutes Passed by the 1992 Kentucky General Assembly

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

ACTION: Final rule; approval of amendment.

SUMMARY: OSM is announcing the approval, with one exception, of a proposed program amendment to the Kentucky permanent regulatory program (hereinafter referred to as the Kentucky program) under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). The amendment filed by Kentucky on July 30, 1992, (Administrative Record No. KY–1171) consists of seven bills affecting Kentucky Revised Statutes (KRS) chapter 350 that were enacted by the 1992 Regular Session of the Kentucky General Assembly and signed into law by the Governor.

EFFECTIVE DATE: March 26, 1993.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION:

I. Background on the Kentucky Program

On May 18, 1982, the Secretary of the Interior conditionally approved the Kentucky program. Information pertinent to the general background, revisions, modifications, and amendments to the proposed permanent program submission, as well as the Secretary's findings, the disposition of comments and a detailed explanation of the conditions of approval can be found in the May 18, 1982, **Federal Register** (47 FR 21404–21435). Subsequent actions concerning the conditions of approval and program amendments are identified at 30 CFR 917.11, 917.13, 917.15, 917.16, and 917.17.

II. Submission of Amendment

By letter of July 30, 1992, (Administrative Record No. KY–1171) Kentucky submitted a proposed program amendment containing seven bills affecting Kentucky Revised Statutes (KRS) Chapter 350 which were enacted by the 1992 Regular Session of the Kentucky General Assembly and signed into law by the Governor. The proposed amendment consists of House Bill 844, and Senate Bills 189, 190, 191, 298, 318 and 381. As submitted on July 30, 1992, the amendment included Senate Joint Resolution (S.J.R.) 108 which covers the same general subject area as Senate Bill 381. Since the resolution does not have any direct effect on Kentucky's program, no further action will be taken on S.J.R. 108 in this rulemaking.

OSM announced receipt of the proposed amendment in the September 23, 1992, **Federal Register** (57 FR 43952), and in the same notice opened the public comment period and provided opportunity for a public hearing on the adequacy of the proposed amendment. The comment period closed on October 23, 1992.

Two of the bills included in the proposed amendment filed on July 30, 1992, refer to areas of Kentucky's program which are the subject of separate program amendments filed recently by Kentucky, and which are currently under review by OSM. Therefore, these two bills are being separated from this final rulemaking and will be considered separately. Senate Bill 191, which makes several amendments to KRS Chapter 350 for consistency with SMCRA as amended by Public Law 101–508, the "Abandoned Mine Reclamation Act of 1990", will be consolidated with the proposed amendment filed by Kentucky on June 24, 1992, (Administrative Records Number K–63) which involves modifications to Kentucky's Abandoned Mine Reclamation Plan. Senate Bill 318, which relates to conferences, hearings, civil penalties, and appeals, will be consolidated with the proposed amendment filed by Kentucky on July 28, 1992 (Administrative Record Number KY–1170) which involves revisions to Kentucky's Administrative Regulations at 405 KAR 7:001, 7:091, 7:092, 8:001, 10:001, 12:001, 12:020, 16:001, 18:001, 20:001, and 24:001.

III. Director's Findings

Set forth below, pursuant to SMCRA and the Federal regulations at 30 CFR 732.15 and 732.17 are the Director's findings concerning the proposed amendment to the Kentucky program.

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

A. House Bill (H.B.) 844

Section 1 of H.B. 844 creates a new section in KRS Chapter 350 which requires that, prior to the issuance of a permit, if the operation will disturb any roads used as access to an oil or gas well or other oil and gas facility, the permit applicant shall certify that he has met and conferred with, or offered to meet and confer with, the well operator as to the disturbance. While there is no corresponding Federal rule, the Director finds that the proposal is not inconsistent with the requirements of SMCRA and the Federal regulations.

B. Senate Bill (S.B.) 189

S.B. 189 raises the annual production limit for a "small coal operator" from 200,000 tons per year to 300,000 tons per year. This limit is revised at KRS 350.260 where it determines eligibility for several members of the Small Coal Operators Advisory Council; at KRS 350.450(4)(c) where it sets aside 20 percent of abandoned mine land reclamation work for small operators; and at KRS 350.705(1) (b) and (c) where it determines eligibility for several

members of the Kentucky Bond Pool Commission.

This limit is applicable only for these specific purposes under Kentucky law, and is not related to Kentucky's implementation under KRS 350.465(f) and 405 Kentucky Administrative Regulations (KAR) 7:080 of the Federal Small Operator Assistance Program at Section 507(c) of SMCRA. While there are no corresponding Federal rules, the Director finds that the proposals contained in S.B. 189 are not inconsistent with the requirements of SMCRA and the Federal regulations.

C. Senate Bill (S.B.) 190

1. Section 1 of S.B. 190 amends KRS 350.010 to exclude from the definition of "surface coal mining operations" the extraction of 25 to 250 tons of coal as an incidental part of privately financed construction where the coal is donated to a charitable or educational organization for noncommercial use or noncommercial distribution. Since 701(13) of SMCRA effectively provides that SMCRA applies only to those persons who remove or intend to remove more than 250 tons of coal and, the Federal regulations at 30 CFR 700.11 provide that the regulations promulgated under SMCRA do not apply to the extraction of 250 tons of coal or less by a person conducting a surface coal mining and reclamation operation, the Director finds that the revised State definition remains no less stringent than SMCRA and no less effective than the Federal regulations.

2. Section 1 of S.B. 190 amends KRS 350.010 by deleting the definition of "fill bench". The term is not used anywhere in KRS Chapter 350 or the regulations issued pursuant thereto. Therefore, the Director finds that the deletion of the definition will not render Kentucky's rules inconsistent with the requirements of SMCRA and the Federal regulations.

3. Section 2 of S.B. 190 amends KRS 350.130(1) by deleting a cross-reference to KRS 350.130(2) which is no longer relevant as a result of a revision to the payment provisions of subsection (2) which was made in 1988. Since the reference which is being deleted is meaningless, the Director finds that the deletion will not render Kentucky's rules inconsistent with SMCRA and the Federal regulations.

4. Section 3 of S.B. 190 contains a verbatim listing of KRS 350.990 as currently contained in the Kentucky Surface Mining Law. As submitted, KRS 350.990(8) provides that "except as permitted by law, any person who willfully and knowingly resists, prevents, impedes or interferes with the secretary or other personnel of the cabinet in the performance of duties pursuant to this chapter shall, upon conviction, be fined not more than $5,000 or imprisoned for not more than 1 year, or both." This rule was previously considered by OSM in a program amendment filed by Kentucky on May 8, 1990. At that time, the Director stated, in Findings 12 (d) and (e), 56 FR 4726 (February 6, 1991), "[I]n addressing the protection of government employees at section 704, SMCRA contains only the element of 'willfully'. The addition by Kentucky of a second element, 'knowingly,' requires an additional element of proof, rendering the statute more difficult to use successfully against persons so interfering. Therefore, as the Director finds the amendment to SB–141 section 1(8) that modifies KRS 350.990 to be less stringent than section 704 of SMCRA, he is not approving the amendment of the word 'knowingly'." Inasmuch as the rule, as set forth in S.B. 190 continues to include the term "knowingly", the Director restates his position that the inclusion of this element is not in accordance with section 704 of SMCRA and cannot be approved.

5. Section 4 of S.B. 190 repeals KRS 350.0281, Moratorium on regulations—Exceptions. This moratorium, under its own terms, was effective for only a two year period which ended on July 15, 1988. Therefore, the Director finds that the repeal of KRS 350.0281 will not render Kentucky's rules inconsistent with the requirements of SMCRA and the Federal regulations.

D. Senate Bill (S.B.) 298

1. Section 1 of S.B. 298 revises KRS 350.010 by amending the definition of "operator", and adding definitions for "permit applicant" or "applicant", and "permittee".

—Kentucky is revising its statutory definition of "operator" by limiting its application to those instances where more than 25 tons of coal are removed or are intended to be removed from the earth by coal mining within twelve (12) consecutive calendar months in any one (1) location. While the Federal definition at section 701(13) of SMCRA refers to removal of more than 250 tons of coal, the 25 ton limitation used by Kentucky is consistent with the limitation contained in the previously approved definition of "surface coal mining operations" (56 FR 4722, February 6, 1991). Therefore, the Director finds the proposed statutory definition of "operator" is no less stringent than its Federal counterpart.

By letter dated November 13, 1992 (Administrative Record Number KY–1198), OSM pointed out to Kentucky that its program did not include the "removal of coal from coal refuse piles" in its definition of operator, as contained in the Federal regulatory definition of operator at 30 CFR 701.5. OSM asked Kentucky for clarification as to whether the State interpreted the term "surface coal mining operations", as contained in the proposed definition of operator, to include removal of coal from coal refuse piles. In its response dated February 8, 1993 (Administrative Record Number KY–1209), Kentucky stated that it believes the definition of "surface coal mining operations" at KRS 350.010 was broad enough to permit the interpretation that it includes removal of coal from coal refuse piles. Kentucky also stated that it was preferable to expressly state this in the statute in order to insure consistency with federal requirements, and it intends to support 1994 legislation to revise the definition of "surface mining operations" accordingly.

—"Permit applicant" or "applicant" is defined to mean a person applying for a permit. "Permittee" is defined as a person holding a permit to conduct surface coal mining and reclamation operations. These definitions are substantively identical to the Federal definitions at sections 701 (16) and (18) of SMCRA. Therefore, the Director finds Kentucky's definitions are no less stringent than the Federal counterparts.

2. Section 17 of S.B. 298 revises KRS 350.130(1) by adding a provision whereby the bonding company, or financial institution providing the bond, may, at any stage of the reclamation process, pay the remaining encumbered balance of the bond and thereby discharge its obligation under the bond. Although there is no direct Federal counterpart to this provision, it is not in conflict with any Federal requirement. As provided by 30 CFR 800.50(d)(1), only the operator or permittee is liable for reclamation costs in excess of the amount of the bond. Therefore, the Director finds that the addition of this provision does not render the Kentucky program less stringent than SMCRA or less effective than the Federal regulations.

3. In numerous sections of S.B. 298, the use of the terms "applicant", "permit applicant", "permittee", "person", and "operator" is revised in order to achieve consistency in use of the terms and to more clearly identify

the entities that are intended to be subject to the particular statutory requirements involved. The Director finds that the revisions add clarity to Kentucky's rules and do not render those rules inconsistent with the requirements of SMCRA. The sections of S.B. 298, and the specific sections of KRS Chapter 350 which are revised, are listed below.

S.B. 298

Section	KRS chapter 350 section
2	350.028(3).
3	350.050(4).
4	350.055(4) and (5).
5	350.060(1)(a), (3), (5) (11), (14)(c) and 14(d).
6	350.062(5) and (6).
7	350.064(1).
8	350.070(2) and (3).
9	350.080.
10	350.090(1), (2) and (3).
11	350.093(2)(a), (3), (4)(a), (4)(b) and (4)(c).
12	350.095.
13	350.100(1) and (2).
14	350.113(1) and (2).
15	350.117.
16	350.120.
17	350.130(1) and (3).
18	350.135(3).
19	350.150(3).
20	350.151(2).
21	350.230.
22	350.255(2).
23	350.405.
24	350.410.
25	350.415.
26	350.420.
27	350.421(2).
28	350.425.
29	350.430.
30	350.435.
31	350.440.
32	350.445.
33	350.455.
34	350.465(3)(d), (e) and (f).
35	350.990(1), (2), (3), (4), (5), (7), (8) and (11).

E. Senate Bill (S.B.) 381

1. Section 1 of S.B. 381 adds a new section to KRS Chapter 350 that requires the Cabinet to allow the use of a soil test or other simplified procedures to determine if soil productivity on mined prime farmlands has been restored to levels that would allow average crop yields to equal or exceed the average yield of the reference crops, provided the methods are approved by OSM. The Federal regulations at 30 CFR 823.15 require, as the measure of soil productivity, and prior to the release of the operator's performance bond, the actual growth of crops for at least a three-year period. In adopting these regulations, the Secretary pointed out that "OSM has determined that cropping is the only method currently available to test the restoration of the productivity of prime farmland soils because insufficient research has been published that demonstrates the reliability of any other method" (48 FR 21458, May 12, 1983). OSM's position has been supported by the courts in *NWF* v. *Hodel*, U.S. Court of Appeals for the District of Columbia Circuit. Inasmuch as Kentucky's proposal is contingent upon OSM approval and OSM, to date, has only approved actual crop yields, the Director finds that the proposal will not render Kentucky's rules inconsistent with the requirements of SMCRA and the Federal regulations.

2. Section 2 of S.B. 381 adds a new section to KRS Chapter 350 that requires the Cabinet to encourage research and data collection to determine the validity of using a soil test or other simplified procedure to determine if mined prime farmland soils will meet yield requirements. As stated in (a) above, currently the only method accepted by OSM to prove restoration of soil productivity of prime farmland is the actual growing of crops for a minimum of three years. However, the Director finds that Kentucky's proposal to encourage research into the validity of other methods that might ultimately be acceptable to OSM will not render Kentucky's rules inconsistent with the requirement of SMCRA and the Federal regulations.

IV. Summary and Disposition of Comments

Public Comments

The public comment period and opportunity to request a public hearing was announced in the September 23, 1992, **Federal Register** (57 FR 43952). The public comment period closed on October 23, 1992. No one requested an opportunity to testify at the scheduled public hearing so no hearing was held. On October 26, 1992, the Kentucky Resources Council (KRC) filed comments in response to the proposed rule. Those comments are discussed below.

House Bill 844: KRC stated that it was unclear what effect the amendment to KRS 353.200(1) would have on Kentucky's permanent regulatory program. That provision states, "[t]he department shall exercise supervision over all mining operations in close proximity to any well". The Director has determined that only Section 1 of H.B. 844 pertains to the State surface mining law. The other sections of this legislation apply only to oil and gas drilling operations, which are not regulated under SMCRA. Therefore, they should not be considered part of this amendment, and no OSM review or approval is required.

However, in a letter to OSM dated February 8, 1993 (Administrative Record Number KY–1209), Kentucky pointed out that while it couldn't be guaranteed that the responsibilities of the two departments would never conflict, such conflicts should be resolved consistent with the requirements of SMCRA.

Senate Bill 190: Revised KRS 350.010 Section 1(1) provides an exclusion from the definition of "surface coal mining operations" for the extraction of 25 to 250 tons of coal incidental to privately financed construction where the coal is donated to charitable or educational organizations. KRS requested clarification by Kentucky that the applicant has the burden of demonstrating exemption under the Act. The Director, in approving the revision made by S.B. 190, determined that Kentucky's statutory provisions are no less effective than the Federal requirements set forth at 30 CFR 700.11. The Director does not believe any further clarification by Kentucky is required.

Senate Bill 298: KRC requested clarification of the provisions of Section 17 of the Bill regarding discharging of the obligation of a surety who pays the remaining encumbered balanced of the bond. KRC was concerned about the surety being relieved or responsibility arising from violations created by the surety during reclamation. In response to a request for clarification from OSM (Administrative Record Number KY–1198), Kentucky stated "if the surety itself creates additional violations while working on the site, the surety cannot escape its responsibility for those additional violations by then paying over the bond." The Director believes this response answers KRC's concerns, and, as set forth in Finding D.2. herein, he finds that this provision will not render Kentucky's program less stringent than SMCRA or less effective than the Federal regulations.

Senate Bill 381: KRC indicated its lack of any objections to this bill, while reserving technical concerns until Kentucky actually proposes a specific soil test as a program amendment. No action is required regarding this comment.

Agency Comments

Pursuant to section 503(b) of SMCRA and the implementing regulations of 30 CFR 732.17(h)(11)(i), comments were solicited from various government agencies with an actual or potential interest in the Kentucky program. The Mine Safety and Health Administration,

the U.S. Forest Service, the Bureau of Land Management, and the Bureau of Mines all generally supported the amendment or had no substantive comments.

V. Director's Decision

Based on the above findings, the Director is approving, with the exception of the issue discussed in Finding C.4, the program amendment as submitted by Kentucky on July 30, 1992, excluding Senate Bills 191 and 318 which have been separated in order to be considered separately by OSM.

The Federal regulations at 30 CFR part 917 codifying decisions concerning the Kentucky program are being amended to implement this decision. This final rule is being made effective immediately to expedite the State program amendment process and to encourage the State to conform its program with the Federal standards without delay. Consistency of State and Federal standards is required by SMCRA.

Environmental Protection Agency (EPA) Concurrence

Under 30 CFR 732.17(h)(11)(ii), the Director is required to obtain the written concurrence of the Administrator of the Environmental Protection Agency (EPA) with respect to any provisions of a State program amendment that relate to air or water quality standards promulgated under the authority of the Clean Water Act (33 U.S.C. 1251 *et seq.*) or the Clean Air Act (42 U.S.C. 7401 *et seq.*). The Director has determined that this amendment contains no provisions in these categories and that EPA's concurrence is not required.

VI. Procedural Determination

Executive Order 12291

On July 12, 1984, the Office of Management and Budget (OMB) granted OSM an exemption from sections 3, 4, 7 and 8 of Executive Order 12291 for actions related to approval or conditional approval of State regulatory programs, actions and program amendments. Therefore, preparation of a regulatory review is not required.

Executive Order 12778

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

National Environmental Policy Act

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

Paperwork Reduction Act

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

Regulatory Flexibility Act

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

List of Subjects in 30 CFR Part 917

Intergovernmental relations, Surface mining, Underground mining.

Dated: March 5, 1993.

Carl C. Close,

Assistant Director, Eastern Support Center.

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

PART 917—KENTUCKY

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

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

2. 30 CFR 917.15, is amended by adding a new paragraph (qq) to read as follows:

§ 917.15 Approval of regulatory program amendments.

* * * * *

(qq) The following amendments to the Kentucky Revised Statutes (KRS) submitted to OSM on July 30, 1992, are approved, with the exception noted herein, effective March 26, 1993. Amendments to KRS Chapter 350 as contained in House Bill 844; amendments to KRS Chapter 350 §§ 350.260, 350.450(4)(c), and 350.705(1) (b) and (c) as contained in Senate Bill 189; amendments to KRS Chapter 350 §§ 350.010, 350.130(1), and 350.0281, as contained in Senate Bill 190; amendments to KRS Chapter 350 §§ 350.010, 350.130(1), and numerous other sections revised to achieve consistency in the use of the terms "applicant", "permit applicant", "permittee", "person", and "operator", as contained in Senate Bill 298; and amendments to KRS Chapter 350 as contained in Senate Bill 381.

[FR Doc. 93–6979 Filed 3–25–93; 8:45 am]

BILLING CODE 4310–05–M

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30 CFR Part 948

West Virginia Abandoned Mine Land Program; Expanded Eligibility Criteria, Acid Mine Drainage Treatment and Abatement Program

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

ACTION: Final rule; approval of amendments.

SUMMARY: OSM is announcing the approval, with exceptions, of proposed program amendments to the West Virginia Abandoned Mine Land Reclamation Plan (hereinafter referred to as the West Virginia AMLR Plan), and the West Virginia Abandoned Mine Lands and Reclamation Act (AMLRA), under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). The amendments were filed in response to changes to SMCRA made by the Abandoned Mine Land (AML) Reclamation Act of 1990 (Pub. L. 101–508) which was enacted on November 5,

1990, and became effective October 1, 1991. The amendments are intended to revise West Virginia's AMLR Plan and Sections 2 and 4 of the AMLRA to be consistent with the changes to SMCRA.

EFFECTIVE DATE: March 26, 1993.

FOR FURTHER INFORMATION CONTACT: James C. Blankenship, Jr., Director, Charleston Field Office, Office of Surface Mining Reclamation and Enforcement, 603 Morris Street, Charleston, West Virginia 25301, Telephone (304) 347–7158.

SUPPLEMENTARY INFORMATION:

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

I. Background on the West Virginia Program.

The Secretary of the Interior approved the West Virginia AMLR plan on February 23, 1981. Information pertinent to the general background, revisions, and amendments to the initial submission, as well as the Secretary's findings and the disposition of comments can be found in the January 23, 1981, **Federal Register** (46 FR 7324–7327). Subsequent actions taken with regard to the West Virginia AMLR plan can be found in 30 CFR 948.20 and 948.25.

II. Submission of Amendment.

By letter dated October 25, 1991 (Administrative Record Number WVAML–146), West Virginia submitted a proposed amendment to its AMLR plan. The amendment consists of new narratives to be added to the approved West Virginia AMLR plan as provided for by 30 CFR 884.13.

OSM announced receipt of the proposed amendment in the April 13, 1992, **Federal Register** (57 FR 12790), and in the same notice, opened the public comment period and provided opportunity for a public hearing on the adequacy of the proposed amendment. The comment period closed on May 13, 1992.

By letter dated September 17, 1991 (Administrative Record Number WVAML–145), West Virginia submitted an amendment to the AMLRA, consisting of House Bill (H.B.) 2492 which was passed by the West Virginia Legislature and became effective on March 9, 1991. The receipt of this amendment was not announced in the April 13, 1992, **Federal Register** notice (57 FR 12790).

OSM announced receipt of the proposed amendment to the AMLR plan and the proposed amendment to the AMLRA in the October 29, 1992, **Federal Register** (57 FR 49052), and in the same notice, reopened the public comment period and provided opportunity for a public hearing on the adequacy of the proposed amendments. The comment period closed on November 30, 1992.

III. Director's Findings

Set forth below, pursuant to SMCRA and the Federal regulations at 30 CFR Part 884, and 30 CFR 732.15 and 732.17 are the Director's findings concerning the proposed amendment to the West Virginia AMLR Plan and AMLRA. Any minor revisions not specifically discussed below are found to be no less stringent than SMCRA and no less effective than the Federal regulations. Revisions not specifically discussed below contain language similar to the corresponding Federal rules, concern nonsubstantive wording changes, or revise cross-references and paragraph notations to reflect organizational changes resulting from this amendment.

A. Revisions to West Virginia's AMLR Plan

On October 25, 1991, West Virginia submitted proposed revisions to its AMLR Plan consisting of two new sections (Expanded Eligibility Criteria and Acid Mine Drainage Treatment and Abatement Program). The State subsequently submitted minor changes to the proposed revisions on June 18, 1992, July 21, 1992, and December 15, 1992 (Administrative Record Numbers WVAML–164, WVAML–167, and WVAML–171, respectively), in response to requests for clarification from OSM. The proposed revisions, as adjusted, consist of the following provisions:

1. Expanded Eligibility Criteria

West Virginia is proposing, in this section, to expand eligibility for AML funding to include Priority One or Two sites (as defined in Sections 403 (a)(1) and (a)(2) of SMCRA) abandoned between (a) August 4, 1977 and January 21, 1981 (known as interim program sites), where bonds, other forms of financial guarantees, or any other sources of funding are not sufficient to provide for adequate reclamation or abatement; or (b) August 4, 1977 and November 5, 1990, (known as "surety failure sites") where the surety of the mining operator became insolvent during such period, and funds immediately available from proceedings relating to such insolvency, or from any financial guarantee or other source, are not sufficient to provide for adequate reclamation or abatement. On July 21, 1992 (Administrative Record Number WVAML–167), West Virginia responded to a request for clarification from OSM dated July 9, 1992 (Administrative Record Number WVAL–166), as to whether or not the State's Special Reclamation Fund would be considered an "other source" of funding and would, therefore, be used to reclaim sites covered by the new revisions prior to the expenditure of any AML money. The State responded that "(I)n the case of reclamation of priority one or two surety failures, AML money will be used. In the case of lower priority surety failures, Special Reclamation money will be used to reclaim the site equal to the original bond."

Section 402(g)(4)(B)(i) of SMCRA provides for the use of AML funds in connection with "interim sites" where funds available pursuant to a bond or other form of financial guarantee or from any other source are not sufficient to provide for adequate reclamation or abatement at the site. Section 402(g)(4)(B)(ii) provides for the use of AML funds in connection with "surety failure sites" where funds immediately available from proceedings relating to the insolvency of the surety, or from any financial guarantee or other sources are not sufficient to provide for adequate reclamation or abatement at the site. Pursuant to chapter 22A, article 3, section 11, subsection (g) of the West Virginia Code, West Virginia's regulatory authority is authorized to expend moneys from the special reclamation fund "for the reclamation and rehabilitation of lands which were subjected to permitted surface mining operations and abandoned after the third day of August, one thousand nine hundred seventy-seven * * *." Because moneys from the fund are, by law, available for sites described in section 402(g)(4)(B) of SMCRA, AML money may not be used to reclaim these sites until and unless Special Reclamation Fund moneys are not actually available. Therefore, the Director has determined that SMCRA requires the use of funds from West Virginia's Special Reclamation Fund to reclaim "interim" or "surety failure" sites to the extent that such funds are available. Since an actuarial study is currently being conducted to determine the question of the solvency of the Special Reclamation Fund, the Director is deferring further action on that portion of the proposed revision to West Virginia's AMLR Plan which is entitled "Expanded Eligibility Criteria" pending the results of that study.

2. Acid Mine Drainage Treatment and Abatement Program

This proposed new section of West Virginia's AMLR Plan allows for the Expenditure of up to 10% of all AML money received annually, as part of the State share pursuant to section 402(g)(1) of SMCRA and historic coal distribution under section 402(g)(5) of SMCRA, to address acid mine drainage problems on a hydrologic unit basis. The hydrologic units must be significantly affected by acid mine drainage from coal mining practices which adversely impact biological resources. It further provides that the impacts must be created by acid mine drainage from mines eligible for reclamation with AML money (sites must be priority one, two or three, as defined in sections 403 (a)(1), (a)(2) and (a)(3) of SMCRA), and bond forfeiture money or other state funding sources. The State may reclaim certain areas that are severely impacted by acid mine drainage after consultation with the Soil Conservation Service. The proposal points out that the Secretary of the Interior will ask the Director of the Bureau of Mines to comment on each proposed hydrologic unit reclamation plan. Finally, the proposal sets forth a minimum requirement consisting of seven items of information to be included in each hydrologic unit reclamation plan, which are identical to the items identified in section 402(g)(7)(B) of SMCRA. The Director finds that the proposed addition to West Virginia's AMLR Plan identified as "Acid Mine Drainage Treatment and Abatement Program", is consistent with the requirements of the Federal program as set forth at section 402(g) (6) and (7).

B. House Bill (H.B.) 2492 Revisions to the Code of West Virginia

1. H.B. 2492 revises chapter 22, article 3, section 2 of the West Virginia Code by extending the period for collection of the fees on coal produced from surface and underground mine operations until September 30, 1995. This revision is substantively identical to its Federal counterpart at section 402(b) of SMCRA and, therefore, the Director finds it to be no less stringent than its Federal counterpart.

2. H.B. 2492 revises chapter 22, article 3, section 4, subsection (b), by adding paragraphs (2) and (3) which provide as follows:

(a) Paragraph (2) allows the State to expend up to 15% of annual grants made under section 402(g)(1) and (5) of Public Law 95–87 for water supply projects if the State finds that the adverse effects on water supplies are due predominantly to effects of mining processes undertaken prior to August 3, 1977. The Director finds that these provisions are substantively identical to the Federal provisions found in section 403(b)(1) and (2) of SMCRA (which authorize expenditure of up to 30% of 402(g)(1) and (5) grants), except for the state's reference to Public Law (P.L.) 95–87. The changes to the Federal rules, which the State is incorporating in its rules by these revisions, result from revisions to SMCRA contained in Public Law 101–508. Therefore, the Director is approving the addition of paragraph (2) except for the erroneous reference and is requiring the State to amend its rules by referring to the Surface Mining Control and Reclamation Act, rather than a specific public law.

In addition, the reference to "subdivision (3) of this subsection", found in paragraph (2)(B), should read "subsection (c)", and the Director is requiring the State to amend its rules to correct this reference.

(b) Paragraph (3) provides for the State to receive and retain up to 10% of the annual grants made under section 404(g)(1) and (5) of Public Law 95–87, to be expended for administrative and personnel expenses and to achieve the priorities in Chapter 22, Article 3, Section 4(b)(1) of the Code of West Virginia, after September 30, 1995; or, for administrative and personnel expenses and to implement acid mine drainage (AMD) abatement and treatment plans which provide for abatement of the causes and treatment of the effects of AMD within qualified hydrologic units affected by coal mining practices.

The Director finds that these provisions are similar to the Federal rules found in section 402(g)(6) of SMCRA except for the reference to Public Law 95–87 (see discussion in (a) above), and the reference to section 404(g)(1) and (5), which should be 402(g)(1) and (5). Therefore, the Director is approving the addition of paragraph (3) except for the erroneous references and is requiring West Virginia to amend its rules to reflect the correct references. In addition, the Director is requiring the State to amend its rules to clarify references to "administrative and personnel expenses" by restricting these expenses to costs associated with the respective accounts.

3. H.B. 2492 revises section 4(c) to provide for the use of funds allocated under sections 402(g)(1) and (5) of Public Law 95–87 for the reclamation or drainage abatement of a site where (1) the surface mining operation occurred between August 4, 1977 and January 21, 1981 and funds available pursuant to bond or other financial guarantee, or from any other source, are not sufficient to provide adequate reclamation or abatement; or (2) the operations occurred between August 4, 1977 and October 1, 1991, and the surety of such operations became insolvent during that period and as of October 1, 1991, funds immediately available from proceedings relating to such insolvency or from any financial guarantees or other sources are not sufficient to provide for adequate reclamation. For the reasons set forth in Finding A.1. herein, the Director is deferring action of this portion of H.B. 2492 pending completion of an actuarial study of West Virginia's Special Reclamation Fund.

Although the Director is deferring action at this time on this portion of H.B. 2492, the following items will have to be corrected before any final action is ultimately taken on this proposal.

—The correct time frame for "surety failure sites" is August 4, 1977 to November 5, 1990, rather than August 4, 1977 to October 1, 1991 as used in H.B. 2492.

—For the same reasons set forth in Finding B.2.(a) above, the reference to P.L. 95.87 must be revised.

—The reference, in West Virginia's proposal, to "paragraphs (A) and (B), subdivision (1), subsection (a) of this section", should read "paragraphs (A) and (B), subdivision (1), subsection (b) of this section."

—The reference to concurrence of the "secretary" should be clarified to show that this is the secretary of the U.S. Department of the Interior.

IV. Summary and Disposition of Comments

Public Comments

The public comment periods and opportunities to request a public hearing were announced as follows: (1) For the submission dated October 25, 1991 (Administrative Record Number WVAML–146), in the April 13, 1992, **Federal Register** (57 FR 12790); and (2) For the submission dated September 17, 1991 (Administrative Record Number WVAML–145), in the October 29, 1992, **Federal Register** (57 FR 49052). The comment periods closed on May 13, 1992, and November 30, 1992, respectively. No comments were received and no one requested an opportunity to testify at the scheduled public hearings so no hearings were held.

Agency Comments

Pursuant to section 503(b) of SMCRA and the implementing regulations of 30 CFR 732.17(h)(11)(i), comments were solicited from various government

agencies with an actual or potential interest in the West Virginia program. The Mine Safety and Health Administration, Bureau of Mines, Soil Conservation Service, and the Army Corps of Engineers acknowledged receipt of the proposed amendment and offered no comments. The Fish and Wildlife Service recommended (1) stronger language to insure that funds are expended to address acid mine drainage problems, and (2) a requirement that the Fish and Wildlife Service and the appropriate state resource agency be solicited for comments for each hydrologic unit reclamation plan. As discussed in Findings A.2. and B.2.(b), the Director finds that the proposed amendment, in the areas discussed by the Fish and Wildlife Service, is consistent with Federal requirements and that no changes are required unless, and until, either SMCRA or the Federal rules are revised in a manner consistent with the recommendations.

V. Director's Decision

Based on the above findings, the Director is approving, with the exception discussed in Finding A.1., the amendments to the West Virginia Abandoned Mine Land Reclamation Plan, as submitted on October 25, 1991 and revised on June 18, July 21 and December 15, 1992; and, with the exceptions discussed in Findings B.2. and B.3., the revisions to the AMLRA, as submitted on September 17, 1991.

The Federal rules at 30 CFR part 948 codifying decisions concerning the West Virginia program are being amended to implement this decision. This final rule is being made effective immediately to expedite the State program amendment process and to encourage the State to conform its program with the Federal standards without delay. Consistency of State and Federal standards is required by SMCRA.

EPA Concurrence

Under 30 CFR 731.17(h)(11)(ii), the Director is required to obtain the written concurrence of the Administrator of the Environmental Protection Agency (EPA) with respect to any provisions of a State program amendment which relate to air or water quality standards promulgated under the authority of the Clean Air Act (42 U.S.C. 7401 *et seq.*) or the Clean Water Act (33 U.S.C. 1251 *et seq.*). The Director has determined that this amendment contains no provisions in these categories and that EPA's concurrence is not required.

Effect of Director's Decision

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

VI. Procedural Determinations

Executive Order 12291

On March 30, 1992, the Office of Management and Budget (OMB) granted the Office of Surface Mining Reclamation and Enforcement (OSM) an exemption from sections 3, 4, 7, and 8 of Executive Order 12291 for actions related to approval and disapproval of State and Tribal abandoned mine land reclamation plans and revisions thereof. Therefore, preparation of a regulatory impact analysis is not necessary and OMB regulatory review is not required.

Executive Order 12778

The Department of the Interior has conducted the reviews required by section 2 of Executive Order 12778 and has determined that, to the extent allowed by law, this rule meets the applicable standards of subsections (a) and (b) of that section. However, these standards are not applicable to the actual language of State and Tribal abandoned mine land reclamation plans and revisions thereof since each such plan is drafted and adopted by a specific State or Tribe, not by OSM. Decisions on proposed State and Tribal abandoned mine land reclamation plans and revisions thereof submitted by a State or Tribe are based on a determination of whether the submittal meets the requirements of Title IV of the Surface Mining Control and Reclamation Act (SMCRA) (30 U.S.C. 1231–1243) and the applicable Federal regulations at 30 CFR parts 884 and 888.

National Environmental Policy Act

No environmental impact statement is required for this rule since agency decisions on proposed State and Tribal abandoned mine land reclamation plans and revisions thereof are categorically excluded from compliance with the National Environmental Policy Act (42 U.S.C. 4332) by the Manual of the Department of the Interior [516 DM 6, appendix 8, paragraph 8.4B(29)].

Paperwork Reduction Act

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

Regulatory Flexibility Act

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

List of Subjects in 30 CFR Part 948

Intergovernmental relations, Surface mining, Underground mining, Abandoned mine land reclamation.

Dated: February 4, 1993.

Carl C. Close,

Assistant Director, Eastern Support Center.

For the reasons set forth in the preamble, Title 30, Chapter VII, Subchapter T of the Code of Federal Regulations is amended as set forth below:

PART 948—WEST VIRGINIA

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

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

2. 30 CFR 948.25, is amended by adding new paragraphs (c) and (d) to read as follows:

§ 948.25 Approval of abandoned mine land reclamation plan amendments.

* * * * *

(c) The amendments to the West Virginia Abandoned Mine Lands and Reclamation Act contained in House Bill 2492, submitted to OSM on

September 17, 1991, are approved effective March 26, 1993, except for certain erroneous cross-references in section 4(b) and except for section 4(c), which is being deferred pending completion of an ongoing actuarial study of West Virginia's Special Reclamation Fund.

(d) The revisions to West Virginia's Abandoned Mine Land Reclamation Plan submitted to OSM on October 25, 1991, and revised on June 18, 1992, July 19, 1992, and December 15, 1992, are approved effective March 26, 1993, except for the section entitled "Expanded Eligibility Criteria", which is being deferred pending completion of an ongoing actuarial study of West Virginia's Special Reclamation Fund.

(3) Section 948.26 is being added to read as follows:

§ 948.26 Required abandoned mine land reclamation program/plan amendments.

(a) By March 15, 1994, West Virginia shall submit proposed revisions to its Abandoned Mine Lands and Reclamation Act to effect the following changes:

1. In section 4(b)(2)(A), change reference to "Public Law 95–87" to read "Surface Mining Control and Reclamation Act".
2. In section 4(b)(2)(B), change reference to "subdivision (3) of this subsection" to read "subsection (c)".
3. In section 4(b)(3), change reference to "section 404 of Public Law 95–87" to read "section 402 of the Surface Mining Control and Reclamation Act".
4. In section 4(b)(3)(A) and (B), clarify the references to "administrative and personnel expenses" by restricting those expenses to costs associated with the respective accounts.

[FR Doc. 93–6980 Filed 3–25–93; 8:45 am]
BILLING CODE 4310–05–M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 100

[CGD 05–92–81]

Special Local Regulations for Marine Events; Pony Penning Swim, Assateague Channel, Chincoteague, VA

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: Special local regulations are being adopted for the annual Pony Penning Swim held at Chincoteague, Virginia. These special local regulations are necessary to control vessel traffic in the immediate vicinity of this event. The effect will be to restrict general navigation in the regulated area for the safety of spectators and participants.

EFFECTIVE DATE: This regulation becomes effective 30 days from the date of publication in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT: Stephen L. Phillips, Chief, Boating Affairs Branch, Fifth Coast Guard District, 431 Crawford Street, Portsmouth, Virginia 23704–5004, (804) 398–6204, or Commander, Coast Guard Group Eastern Shore, (804) 336–2891.

SUPPLEMENTARY INFORMATION: The Coast Guard published a notice of proposed rulemaking concerning this regulation in the **Federal Register** on November 25, 1992 (57 FR 55492). Interested persons were requested to submit comments and none were received.

Drafting Information

The drafters of this notice are QM1 Kevin R. Connors, project officer, Boating Affairs Branch, Fifth Coast Guard District, and LT John B. Gately, project attorney, Fifth Coast Guard District Legal Staff.

Background and Purpose

The Pony Penning Swim across Assateague Channel is an annual event sponsored by the Chincoteague Volunteer Fire Company. As part of the application, the Chincoteague Volunteer Fire Company requested that the Coast Guard provide control of the large spectator fleet in the area of the swim.

Discussion of Regulations

This regulation will regulate the area surrounding the Pony Penning Swim. The swim is an annual event held the last Wednesday in July. Ponies swim across Assateague Channel to Chincoteague, Virginia, and the next Friday swim back across the channel to Assateague Island. To provide for the safety of participants, spectators, and vessels transiting the area, the Coast Guard will restrict vessel movement in the regulated area during the times the ponies are in the water. Temporary buoys will mark the regulated area.

Regulatory Evaluation

This regulation is not considered major under Executive Order 12291 and not significant under Department of Transportation regulatory policies and procedures (44 FR 11034; February 26, 1979). The economic impact of this proposal is expected to be so minimal that a full regulatory evaluation is unnecessary. This regulation will only be in effect for several hours each day of the event, and the impacts on routine navigation are expected to be minimal.

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), the Coast Guard must consider whether this regulation will have a significant economic impact on a substantial number of small entities. "Small Entities" include independently owned and operated small businesses that are not dominant in their field and that otherwise qualify as "small business concerns" under section 3 of the Small Business Act (15 U.S.C. 632). Since the impact of this regulation on non-participating small entities is expected to be minimal, the Coast Guard will certify under 5 U.S.C. 605(b), that this regulation will not have a significant economic impact on a substantial number of small entities.

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 regulation does not raise sufficient federalism implications to warrant the preparation of a Federalism Assessment.

Environmental Assessment

This regulation has been thoroughly reviewed by the Coast Guard and determined to be categorically excluded from further environmental documentation in accordance with section 2.B.2.c of Commandant Instruction M16475.1B. A Categorical Exclusion Determination statement has been prepared and been placed in the rulemaking docket, and is available for inspection or copying where indicated under **FOR FURTHER INFORMATION CONTACT.**

List of Subjects in 33 CFR Part 100

Marine safety, Navigation (water).

Final Regulations

In consideration of the foregoing, part 100 of title 33, Code of Federal Regulations is amended as follows:

PART 100—[AMENDED]

1. The authority citation for part 100 continues to read as follows:

Authority: 33 U.S.C. 1233; 49 CFR 1.46 and 33 CFR 100.35.

2. A new § 100.519 is added to read as follows:

§ 100.519 Assateague Channel, Chincoteague, Virginia.

(a) Definitions: (1) *Regulated area.* The waters of Assateague Channel from shoreline to shoreline, bounded to the east by a line drawn from latitude 37°55′01″ North, longitude 75°22′40″ West, to latitude 37°54′50″ North,

longitude 75°22'46" West, and to the west by a line drawn from latitude 37°54'54.0" North, longitude 75°23'00" West, to latitude 37°54'49" North, longitude 75°22'49" West.

(2) *Coast Guard Patrol Commander.* The Coast Guard Patrol Commander is a commissioned, warrant, or petty officer of the Coast Guard who has been designated by the Commander, Coast Guard Group Eastern Shore.

(b) *Special local regulations.* (1) Except for participants in the Pony Penning Swim and vessels authorized by the Coast Guard Patrol Commander, no person or vessel may enter or remain in the regulated area without the permission of the Patrol Commander.

(2) The operator of any vessel in the immediate vicinity of this area shall:

(i) Stop the vessel immediately when directed to do so by any commissioned, warrant, or petty officer on board a vessel displaying a Coast Guard ensign.

(ii) Proceed as directed by any commissioned, warrant or petty officer on board a vessel displaying a Coast Guard ensign.

(3) The Coast Guard Patrol Commander may allow vessels to transit the regulated area up until the ponies are ready to enter the water.

(4) Vessel operators are advised to remain clear of the advisory area during the effective periods of this regulation.

(c) *Effective periods:* This regulation will be effective from 7 a.m. to 2 p.m. on the last Wednesday of July and from 7 a.m. to 2 p.m. the following Friday, unless otherwise specified in the Coast Guard Local Notice to Mariners and a Federal Register Notice.

Dated: March 3, 1993.

W.T. Leland,

Rear Admiral, U.S. Coast Guard, Commander, Fifth Coast Guard District.

[FR Doc. 93-7017 Filed 3-25-93; 8:45 am]

BILLING CODE 4910-14-M

DEPARTMENT OF VETERANS AFFAIRS

38 CFR Part 3

RIN 2900-AF80

Claims Based on Exposure to Ionizing Radiation

AGENCY: Department of Veterans Affairs.

ACTION: Final rule.

SUMMARY: The Department of Veterans Affairs (VA) has amended its adjudication regulations concerning diseases claimed to be the result of exposure to ionizing radiation. This amendment is necessary to implement a recommendation by the Veterans Advisory Committee on Environmental Hazards (VACEH) that ovarian cancer and parathyroid adenoma be considered "radiogenic", and to clarify the other provisions under which service connection may be established for injury or disease claimed to be the result of exposure to ionizing radiation. The intended effect of this amendment is to add ovarian cancer and parathyroid adenoma to the list of radiogenic diseases, and to clarify the other provisions under which service connection may be established for injury or disease claimed to be the result of exposure to ionizing radiation.

EFFECTIVE DATE: This amendment is effective March 26, 1993.

FOR FURTHER INFORMATION CONTACT: John Bisset, Jr., Consultant, Regulations Staff, Compensation and Pension Service, Veterans Benefits Administration, Department of Veterans Affairs, 810 Vermont Avenue, NW., Washington, DC 20420, (202) 233-3005.

SUPPLEMENTARY INFORMATION: VA published a proposal to amend 38 CFR 3.311b(h) to clarify when service connection can be established based upon exposure to ionizing radiation, and to amend § 3.311b(b)(2) to include ovarian cancer as a radiogenic disease, in the Federal Register of March 26, 1992 (57 FR 10449-50). Interested persons were invited to submit written comments, suggestions or objections on or before April 27, 1992. We received one comment from the Disabled American Veterans. VA also published a proposal to amend § 3.311b(b)(2) to include parathyroid adenoma as a radiogenic disease in the Federal Register of March 31, 1992 (57 FR 10853) under RIN 2900-AF73. Interested persons were invited to submit written comments, suggestions or objections on or before April 30, 1992. Since we received no comments concerning this proposal, and since we find no good cause to make recognition of these two additional radiogenic diseases effective on separate dates, we have combined publication of the final rule proposed under RIN 2900-AF73 with the final rule under RIN 2900-AF80.

The commenter objected to the proposed amendment to § 3.311b(h) contending that the proposed regulatory language would restrict application of the basic principles of service connection in a manner which Congress did not intend when it enacted the Veterans' Dioxin and Radiation Exposure Compensation Standards Act (Pub. L. 98-542, 98 STAT. 2735 (1984)) by eliminating the possibility of direct service connection under the provisions of 38 CFR 3.303 (a) and (d), as well as precluding application of the reasonable doubt provisions of § 3.102 when VA adjudicates claims based upon exposure to ionizing radiation. The commenter believes that the proposed amendment to § 3.311b(h) exceeds the Secretary's authority to adopt regulations under 38 U.S.C. 501(a), since, in his opinion, it violates the intent of Public Law 98-542.

VA does not concur. 38 CFR 3.311b(b)(2) is meant to be an exclusive list of radiogenic conditions for which service connection may be granted under the provisions of Public Law 98-542. The previous wording of § 3.311b(h) might have been misinterpreted to mean that a veteran, rather than VA, may establish that a disease not included in § 3.311b(b)(2) resulted from exposure to ionizing radiation and should therefore be service-connected based on "sound scientific or medical evidence." Such an interpretation of § 3.311b(h) would be contrary to section 5(b)(2) of Public Law 98-542 which clearly stipulates that VA, after receiving the advice and recommendation of the VACEH, will publish regulations which list each disease for which it finds sound scientific or medical evidence of a connection to ionizing radiation.

Service connection may be established for any condition, regardless of cause, shown to have been incurred or aggravated during active service by applying the provisions of 38 CFR 3.303, 3.304, or 3.306. For certain conditions which manifest themselves within specified periods following a veteran's discharge from active military service, service connection may be established under the provisions of 38 CFR 3.307. Under each of these regulations, service connection is established not by what caused the condition, but by when it becomes manifest, i.e., service connection is established by the appearance of a combination of signs and symptoms sufficient to identify the condition during, or within a specified period following, the veteran's active military service. Service connection for disabilities or deaths alleged to be the result of exposure to ionizing radiation which first manifest themselves after the periods specified in § 3.307, however, must be established under the provisions of 38 CFR 3.311b unless service connection may be established either by applying the presumptions established by Congress in Public Law 100-321 (38 CFR 3.309(d)), or because the condition is proximately due to or

the result of a service-connected disease or injury (38 CFR 3.310(a)).

By enacting Public Law 98–542, Congress clearly intended to establish an avenue for VA to compensate veterans for disabilities or deaths caused by ionizing radiation exposure, since existing statutes and regulations had proven inadequate for that purpose. Just as clearly, 38 CFR 3.311b(h), which implements the radiation provisions of Public Law 98–542, does not preclude awards of service connection under §§ 3.303, 3.304, 3.306, or 3.307, since it is applied only after service connection under those regulations has already been precluded because a condition manifested itself beyond the time frames they impose.

As to the commenter's concern that this amendment would preclude application of the reasonable doubt provisions of § 3.102, we believe those concerns are unfounded because the reasonable doubt provisions are applied at several stages throughout the adjudication of ionizing radiation claims. The initial application of the provisions of § 3.102 occurs when the Secretary, after receiving the advice of the VACEH, determines whether it is at least as likely as not that a significant statistical association exists between a specific condition and exposure to ionizing radiation (38 CFR 1.17 (d) and (f)). When the ionizing radiation dose estimates provided by the Department of Defense are reported as a range of doses to which the veteran may have been exposed, VA applies the provisions of § 3.102 again by using the highest estimated level as the basis for subsequent determinations. VA applies the benefit of doubt provisions of § 3.102 yet again when the Under Secretary for Health renders an opinion as to whether it is as likely as not that a veteran's radiogenic disease resulted from the level of ionizing radiation to which he or she was exposed during military service.

For the reasons set forth above, VA believes that the proposed amendment to § 3.311b(h) is not only consistent with the Secretary's authority under 38 U.S.C. 501(a), but also with the provisions of Public Law 98–542.

VA appreciates the comment submitted in response to both proposed rules, which are now combined and adopted with minor technical amendments.

The Secretary hereby certifies that this regulatory amendment will not have a significant economic impact on a substantial number of small entities as they are defined in the Regulatory Flexibility Act (RFA), 5 U.S.C. 601–612. The reason for this certification is that this amendment would not directly affect any small entities. Only VA beneficiaries could be directly affected. Therefore, pursuant to 5 U.S.C. 605(b), this amendment is exempt from the initial and final regulatory flexibility analysis requirements of sections 603 and 604.

In accordance with Executive Order 12291, Federal Regulation, the Secretary has determined that this regulatory amendment is non-major for the following reasons:

(1) It will not have an annual effect on the economy of $100 million or more.

(2) It will not cause a major increase in costs or prices.

(3) It will not have significant adverse effects 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 Catalog of Federal Domestic Assistance program numbers are 64.109 and 64.110.

List of Subjects in 38 CFR Part 3

Administrative practice and procedure, Claims, Handicapped, Health care, Pensions, Veterans.

Approved: March 3, 1993.

Jesse Brown,

Secretary of Veterans Affairs.

For the reasons set out in the preamble, 38 CFR part 3 is amended as set forth below:

PART 3—ADJUDICATION

Subpart A—Pension, Compensation, and Dependency and Indemnity Compensation

1. The authority citation for part 3, subpart A, continues to read as follows:

Authority: 105 Stat. 386; 38 U.S.C. 501(a), unless otherwise noted.

2. In § 3.311b(b)(2)(xvi), remove the word "and"; in § 3.311b(b)(2)(xvii), remove the mark ".", and add, in its place, the mark ";".

3. In § 3.311b, add paragraphs (b)(2)(xviii) and (b)(2)(xix), and revise paragraph (h) to read as follows:

§ 3.311b Claims based on exposure to ionizing radiation.

* * * * *

(b) * * *

(2) * * *

(xviii) Ovarian cancer; and

(xix) Parathyroid adenoma.

* * * * *

(h) *Service connection under other provisions.*

Nothing in this section will be construed to prevent the establishment of service connection for any disease or injury shown to have been incurred or aggravated during active service in accordance with §§ 3.304, 3.306, 3.307, or 3.309. However, service connection will not be established under this section, or any other section except for §§ 3.309(d) or 3.310(a), on the basis of exposure to ionizing radiation and the subsequent development of any disease not specified in paragraph (b)(2) of this section.

[FR Doc. 93–6928 Filed 3–25–93; 8:45 am]

BILLING CODE 8320–01–U

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38 CFR Part 3

RIN 2900–AF81

Procedural Due Process and Appellate Rights

AGENCY: Department of Veterans Affairs.

ACTION: Final rule.

SUMMARY: The Department of Veterans Affairs (VA) has amended its adjudication regulations concerning procedural due process and appellate rights. This amendment is necessary because the previous regulations limit locations at which VA may hold claimant hearings. The intended effect of this amendment is to allow the Veterans Benefits Administration (VBA) greater flexibility in providing hearing locations for claimants desiring a hearing.

EFFECTIVE DATE: This amendment is effective March 26, 1993.

FOR FURTHER INFORMATION CONTACT: John Bisset, Jr., Consultant, Regulations Staff, Compensation and Pension Service, Veterans Benefits Administration, Department of Veterans Affairs, 810 Vermont Avenue, NW., DC 20420, (202) 233–3005.

SUPPLEMENTARY INFORMATION: VA published a proposal to amend 38 CFR 3.103(c)(1) to allow VBA greater flexibility in providing hearing locations for claimants desiring a hearing in the **Federal Register** of June 30, 1992 (57 FR 29052–53). Interested persons were invited to submit written comments, suggestions or objections on or before July 30, 1992. We received one comment from the Paralyzed Veterans of America.

The commenter, while agreeing that the proposed amendment to hold hearings at additional sites would be a convenience to certain claimants, suggested that the practice could be detrimental to the claimant's interest if the services of his or her representative or veterans service organization would be unavailable. For this reason, the

commenter recommended that VA's notice of the place of the hearing include notice as to the availability of the appointed representative and of an alternate site that may be more agreeable to both the claimant and his or her representative.

This amendment to § 3.103(c)(1) allows VA the flexibility to provide hearings at any VA facility or other federal building at which suitable hearing facilities are available, at the option of VA and subject to available resources. The claimant would always have the option to request that the hearing be conducted at the VA regional office having jurisdiction over the claim or at the VA regional office nearest the claimant's home.

VA will exercise its option to offer a hearing at a site other than a VA regional office only after assessing the circumstances and the availability of resources, which may vary significantly from office to office. Hearings will most likely be offered at locations where concentrations of claimants have requested hearings, and service organizations may elect to send a representative to those sites. VA policy is to notify the claimant and his or her representative (38 CFR 1.525(d)) of the date, time and location of the hearing, and whether the claimant's representative will be available is best determined by the claimant and his or her representative after they have been notified of a hearing at an alternate site. While we do not object to notifying claimants that the hearing may be held at the regional office, we believe it is more appropriate to handle this matter procedurally rather than by regulation.

In order to more clearly emphasize that hearings at remote sites will be offered solely at VA's option, we have slightly modified the regulatory language. VA appreciates the comment submitted in response to the proposed rule, which is now adopted with the described amendment.

The Secretary hereby certifies that this regulatory amendment will not have a significant economic impact on a substantial number of small entities as they are defined in the Regulatory Flexibility Act (RFA), 5 U.S.C. 601–612. The reason for this certification is that this amendment would not directly affect any small entities. Only VA beneficiaries could be directly affected. Therefore, pursuant to 5 U.S.C. 605(b), this amendment is exempt from the initial and final regulatory flexibility analysis requirements of sections 603 and 604.

In accordance with Executive Order 12291, Federal Regulation, the Secretary has determined that this regulatory amendment is non-major for the following reasons:

(1) It will not have an annual effect on the economy of $100 million or more.

(2) It will not cause a major increase in costs or prices.

(3) It will not have significant adverse effects 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 Catalog of Federal Domestic Assistance program numbers are 64.100, 64.101, 64.104, 64.105, 64.106, 64.109 and 64.110.

List of Subjects in 38 CFR Part 3

Administrative practice and procedure, Claims, Handicapped, Health care, Pensions, Veterans.

Approved: March 3, 1993.

Jesse Brown,

Secretary of Veterans Affairs.

For the reasons set out in the preamble, 38 CFR part 3 is amended as set forth below:

PART 3—ADJUDICATION

Subpart A—Pension, Compensation, and Dependency and Indemnity Compensation

1. The authority citation for part 3, subpart A, continues to read as follows:

Authority: 105 Stat. 386; 38 U.S.C. 501(a), unless otherwise noted.

§ 3.103 [Amended]

2. In § 3.103(c)(1), the first sentence, remove the numbers "19.174", and add, in their place, the numbers "20.1304".

3. In § 3.103(c)(1), the second sentence, after the words "claimant's home having adjudicative functions," add the words "or, subject to available resources and solely at the option of VA, at any other VA facility or federal building at which suitable hearing facilities are available." Remove the words "and will provide VA personnel" and add, in their place, the words "VA will provide personnel".

[FR Doc. 93–6929 Filed 3–25–93; 8:45 am]

BILLING CODE 8320–01–U

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 2

[ET Docket No. 91–280; FCC 93–29]

Low-Earth Orbit Satellites Below 1 GHz

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This Report and Order allocates VHF and UHF radio spectrum for mobile-satellite services (MSS) using low-Earth satellites (LEOs). This action responds to decisions made at the 1992 World Administrative Radio Conference (WARC–92) and to petitions for Rule Making filed by Orbital Communications Corporation (ORBCOMM), STARSYS Inc. (STARSYS), and Volunteers in Technical Assistance (VITA). This allocation will be used to provide data messaging and position determination services using non-voice non-geostationary satellites. Provision of such services using LEOs is expected to be cost effective compared to providing comparable services using geostationary satellites.

DATES: April 26, 1993.

FOR FURTHER INFORMATION CONTACT: Ray LaForge, Office of Engineering and Technology, telephone (202) 653–8117.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Report and Order in ET Docket No. 91–280 adopted on January 14, 1993, and released on February 5, 1993. The complete text of this Report and Order is available for inspection and copying during normal business hours in the FCC Public Reference Center (room 239), 1919 M Street, NW., Washington, DC. The complete text of this Report and Order also may be purchased from the Commission's duplication contractor, International Transcription Service, Inc., 2100 M Street, NW., suite 140, Washington DC 20036, (202) 857–3800.

Summary of Report and Order

1. The Commission concludes that demand warrants allocation of spectrum in the VHF/UHF bands for provision of data messaging and position determination services using LEOs. For these purposes the Commission allocates for LEP–MSS the 137–137.025, 137.175–137.825, and 400.15–401 MHz bands (space-to-Earth) on a primary basis; the 137.025–137.175 and 137.825–138 MHz bands (space-to-Earth) on a secondary basis; and the 148–150.05 and 399.9–400.05 MHz bands (Earth-to-space) on a primary basis. Allocation of these bands is consistent with international frequency allocations made at the World Administrative Radio Conference in March, 1992 (WARC–92). The Commission also adopts specific conditions governing use of these bands for LEO–MSS to avoid interference to existing users. Further, the Commission awards a pioneer's preference to VITA.

2. Parties to this proceeding argue that there is significant demand for data messaging and position determination services and that demand can be met using small portable transceivers at substantial cost savings using LEOs than using existing geostationary satellite. The projected savings are attributed to the low power requirements of LEO space stations and their associated portable transceivers and to advances in launch vehicle technology. In considering the relative advantages and disadvantages of allocating spectrum for LEO satellite systems, we conclude that the possible cost savings using LEOs may be significant.

3. The bands allocated are suitable for LEO–MSS and should lead to LEO services that are both economical and reliable. Although these bands currently are used by government operations, after consultations with government users through the Inter-Departmental Radio Advisory Committee (IRAC), we are convinced that sharing is possible and that no displacement of existing users will be required.

4. The Commission grants a pioneer's preference to VITA based on pioneering work it performed to develop and demonstrate the utility of a small LEO satellite system using VHF frequencies for civilian communications purposes. The requests for pioneer's preference submitted by ORBCOMM and STARSYS are denied because their requests do not demonstrate innovation beyond existing communications technology and VITA's work demonstrating the ability to use these frequencies for data communications purposes significantly predated the work of ORBCOMM and STARSYS.

5. Finally, in accordance with the Regulatory Flexibility Act of 1980, in the Notice we invited comment on the impact of the proposed rule change on small entities. No comments were received that specifically responded to our analysis of this allocation.

6. *Accordingly, it is ordered,* That part 2 of the Commission's Rules and Regulations is amended as specified in the attached Final Rules, effective 30 days after publication in the **Federal Register**. This action is taken pursuant to sections 4(i), 303 (c), (f), (g), and (r), and 309(a) of the Communications Act of 1934, as amended, 47 U.S.C. sections 154(i), 303 (c), (f), (g), and (r).

Further, it is ordered, That a pioneer's preference is awarded VITA for a license to construct a LEO-MSS satellite system in the bands allocated in this proceeding.

List of Subjects in 47 CFR Part 2

Frequency allocation, General rules and regulations, Radio.

Federal Communications Commission.

Donna R. Searcy,

Secretary.

Rule Changes

I. Part 2 of chapter I of title 47 of the Code of Federal Regulations is amended as follows:

PART 2—FREQUENCY ALLOCATIONS AND RADIO TREATY MATTERS; GENERAL RULES AND REGULATIONS

1. The authority citation in part 2 continues to read:

Authority: Secs. 4, 302, 303, and 307 of the Communications Act of 1934, as amended, 47 U.S.C. 154, 154(i), 302, 303, 303(r), and 307, unless otherwise noted.

2. Section 2.106, the Table of Frequency Allocations, is amended as follows:

§2.106 Table of Frequency Allocations.

a. In the band 137–138 MHz add new footnote 599A; in the bands 137–138, 148–149.9, 149.9–150.05, and 400.15–401 MHz add the footnote 599B; in the band 148–149.9 add the footnotes 608A and 608C; in band 149.9–150.05 MHz add the footnote 608B; and in the 400.15–401 MHz band, add the footnotes 647A and 647B (for columns 1, 2, 3, 4, and 5). Also, in the band 149.9–150.05 MHz add the footnote 609B (columns 1, 2, and 3).

b. In the band 137–138 MHz add a new footnote US318 to columns 4 and 5.

c. In the bands 137–138, 148–149.9, 399.9–400.05, and 400.15–401 MHz add a new footnote US319 to columns 4 and 5.

d. In the bands 137–138, 148–149.9, and 400.15–401 MHz add a new footnote US320 to columns 4 and 5.

e. In the bands 137–138, 148–149.9, 149.9–150.05, 399.9–400.05, and 400.15–401 MHz bands, add a reference to mobile-satellite to columns 4 and 5 as shown in the attached tables.

f. In the 149.9–150.05 MHz band add a new footnote US322 to columns 4 and 5.

g. In the band 148–149.9 MHz add a new footnote US323 to columns 4 and 5.

h. In the band 400.15–401 MHz add a new footnote US324 to columns 4 and 5.

i. In the band 148–149.9 MHz add a new footnote US325 to columns 4 and 5.

j. In the band 399.9–400.05 MHz add a new footnote US326 to columns 4 and 5.

BILLING CODE 6712-01-M

§ 2.106 Table of Frequency Allocations.

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International Table			United States Table		FCC use designators	
Region 1 Allocation MHz	Region 2 Allocation MHz	Region 3 Allocation MHz	Government Allocation MHz	Non-Government Allocation MHz	Rule Part(s)	Special-Use Frequencies
(1)	(2)	(3)	(4)	(5)	(6)	(7)
*	*	*	*	*		*
137.0-137.025 SPACE OPERATION (space-to-Earth). METEOROLOGICAL-SATELLITE (space-to-Earth). SPACE RESEARCH (space-to-Earth). MOBILE-SATELLITE (space-to-Earth) 599B. Fixed. Mobile except aeronautical mobile(R). 596 597 598 599 599A			137.0-137.025 SPACE OPERATION (space-to-Earth). METEOROLOGICAL-SATELLITE (space-to-Earth). SPACE RESEARCH (space-to-Earth). MOBILE-SATELLITE (space-to-Earth) 599B US318 US319 US320. 599A	137.0-137.025 SPACE OPERATION (space-to-Earth). METEOROLOGICAL-SATELLITE (space-to-Earth). SPACE RESEARCH (space-to-Earth). MOBILE-SATELLITE (space-to-Earth) 599B US318 US319 US320. 599A	SATELLITE COMMUNICATION (25).	
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§ 2.106 Table of Frequency Allocations.

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International Table			United States Table		FCC use designators	
			Government	Non-Government		
Region 1 Allocation MHz	Region 2 Allocation MHz	Region 3 Allocation MHz	Allocation MHz	Allocation MHz	Rule Part(s)	Special-Use Frequencies
(1)	(2)	(3)	(4)	(5)	(6)	(7)
*	*	*	*	*	*	*
137.025-137.175 SPACE OPERATION (space-to-Earth). METEOROLOGICAL-SATELLITE (space-to-Earth). SPACE RESEARCH (space-to-Earth). Mobile-Satellite (space-to-Earth) 599B. Fixed. Mobile except aeronautical mobile (R). 596 597 598 599 599A			137.025-137.175 SPACE OPERATION (space-to-Earth). METEOROLOGICAL-SATELLITE (space-to-Earth). SPACE RESEARCH (space-to-Earth). Mobile-Satellite (space-to-Earth) 599B US318 US319 US320. 599A	137.025-137.175 SPACE OPERATION (space-to-Earth). METEOROLOGICAL-SATELLITE (space-to-Earth). SPACE RESEARCH (space-to-Earth). Mobile-Satellite (space-to-Earth) 599B US318 US319 US320. 599A	SATELLITE COMMUNICATION (25).	
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§ 2.106 Table of Frequency Allocations.

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International Table			United States Table		FCC use designators	
Region 1 Allocation MHz	Region 2 Allocation MHz	Region 3 Allocation MHz	Government Allocation MHz	Non-Government Allocation MHz	Rule Part(s)	Special-Use Frequencies
(1)	(2)	(3)	(4)	(5)	(6)	(7)
*	*	*	*	*		*
137.175-137.825			137.175-137.825	137.175-137.825		
SPACE OPERATION (space-to-Earth). METEOROLOGICAL-SATELLITE (space-to-Earth). SPACE RESEARCH (space-to-Earth). MOBILE-SATELLITE (space-to-Earth) 599B. Fixed. Mobile except aeronautical mobile(R).			SPACE OPERATION (space-to-Earth). METEOROLOGICAL-SATELLITE (space-to-Earth). SPACE RESEARCH (space-to-Earth). MOBILE-SATELLITE (space-to-Earth) 599B US318 US319 US320.	SPACE OPERATION (space-to-Earth). METEOROLOGICAL-SATELLITE (space-to-Earth). SPACE RESEARCH (space-to-Earth). MOBILE-SATELLITE (space-to-Earth) 599B US318 US319 US320.	SATELLITE COMMUNICATION (25).	
596 597 598 599 599A			599A	599A		
*	*	*	*	*		*

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International Table			United States Table		FCC use designators	
			Government	Non-Government		
Region 1 Allocation MHz	Region 2 Allocation MHz	Region 3 Allocation MHz	Allocation MHz	Allocation MHz	Rule Part(s)	Special-Use Frequencies
(1)	(2)	(3)	(4)	(5)	(6)	(7)
*	*	*	*	*		*
137.825-138			137.825-138	137.825-138		
SPACE OPERATION (space-to-Earth).			SPACE OPERATION (space-to-Earth).	SPACE OPERATION (space-to-Earth).	SATELLITE COMMUNICATION (25).	
METEOROLOGICAL-SATELLITE (space-to-Earth).			METEOROLOGICAL-SATELLITE (space-to-Earth).	METEOROLOGICAL-SATELLITE (space-to-Earth).		
SPACE RESEARCH (space-to-Earth).			SPACE RESEARCH (space-to-Earth).	SPACE RESEARCH (space-to-Earth).		
Mobile-Satellite (space-to-Earth) 599B.			Mobile-Satellite (space-to-Earth) 599B US318 US319 US320.	Mobile-Satellite (space-to-Earth) 599B US318 US319 US320.		
Fixed.						
Mobile except aeronautical mobile (R).						
596 597 598 599 599A			599A	599A		
*	*	*	*	*		*

§ 2.106 Table of Frequency Allocations.

International Table			United States Table		FCC use designators	
Region 1 Allocation MHz	Region 2 Allocation MHz	Region 3 Allocation MHz	Government Allocation MHz	Non-Government Allocation MHz	Rule Part(s)	Special-Use Frequencies
(1)	(2)	(3)	(4)	(5)	(6)	(7)
*	*	*	*	*		*
148-149.9 FIXED. MOBILE except aeronautical mobile (R). MOBILE-SATELLITE (Earth-to-space) 599B. 608 608A 608C	148-149.9 FIXED. MOBILE. MOBILE-SATELLITE (Earth-to-space) 599B. 608 608A 608C		148-149.9 FIXED. MOBILE. MOBILE-SATELLITE (Earth-to-space) 599B US319 US320 US323 US325. 608 608A US10 G30	148-149.9 MOBILE-SATELLITE (Earth-to-space) 599B US319 US320 US323 US325. 608 608A US10	SATELLITE COMMUNICATION (25).	
149.9-150.05 RADIONAVIGATION-SATELLITE. LAND MOBILE-SATELLITE (Earth-to-space) 599B 609B. 608B 609 609A			149.9-150.05 RADIONAVIGATION-SATELLITE MOBILE-SATELLITE (Earth-to-space) 599B US319 US322. 608B 609A	RADIONAVIGATION-SATELLITE MOBILE-SATELLITE (Earth-to-space) 599B US319 US322. 608B 609A		
*	*	*	*	*		*

§ 2.106 Table of Frequency Allocations.

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International Table			United States Table		FCC use designators	
Region 1 Allocation MHz	Region 2 Allocation MHz	Region 3 Allocation MHz	Government Allocation MHz	Non-Government Allocation MHz	Rule Part(s)	Special-Use Frequencies
(1)	(2)	(3)	(4)	(5)	(6)	(7)
* * * * * * *						
399.9-400.05 RADIONAVIGATION-SATELLITE. 609 645B			399.9-400.05 RADIONAVIGATION-SATELLITE. MOBILE-SATELLITE (Earth-to-space) US319 US326. 645B	399.9-400.05 RADIONAVIGATION-SATELLITE. MOBILE-SATELLITE (Earth-to-space) US319 US326. 645B		

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§ 2.106 Table of Frequency Allocations.

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International Table			United States Table		FCC use designators	
			Government	Non-Government		
Region 1 Allocation MHz	Region 2 Allocation MHz	Region 3 Allocation MHz	Allocation MHz	Allocation MHz	Rule Part(s)	Special-Use Frequencies
(1)	(2)	(3)	(4)	(5)	(6)	(7)
*	*	*	*	*	*	
400.15-401 METEOROLOGICAL AIDS METEOROLOGICAL-SATELLITE (space-to-Earth). SPACE RESEARCH (space-to-Earth) 647A. MOBILE-SATELLITE (space-to-Earth) 599B. Space Operation (space-to-Earth). 647 647B			400.15-401 METEOROLOGICAL AIDS (radiosonde). METEOROLOGICAL-SATELLITE (space-to-Earth). SPACE RESEARCH (space-to-Earth) 647A. MOBILE-SATELLITE (space-to-Earth) 599B US319 US320 US324. Space Operation (space-to-Earth). 647 647B US70	400.15-401 METEOROLOGICAL AIDS (radiosonde). SPACE RESEARCH (space-to-Earth). 647A. MOBILE-SATELLITE (space-to-Earth). 599B US319 US320 US324. Space Operation (space-to-Earth). 647 647B US70	SATELLITE COMMUNICATION (25).	

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International Footnotes

599A The use of the band 137–138 MHz by the mobile-satellite service is subject to the application of the coordination and notification procedures set forth in RES46 (WARC–92). However, coordination of a space station of the mobile-satellite service with respect to terrestrial services is required only if the power flux-density produced by the station exceeds −125 dB(W/m²/4 kHz) at the Earth's surface. The above power flux-density limit shall apply until such time as a competent world administrative radio conference revises it. In making assignments to the space stations in the mobile-satellite service in the above band, administrations shall take all practicable steps to protect the radio astronomy service in the 150.05–153 MHz band from harmful interference from unwanted emissions.

599B The use of the bands 137–138 MHz, 148–149.9 MHz and 400.15–401 MHz by the mobile-satellite service and the band 149.9–150.05 MHz by the land mobile-satellite service is limited to non-geostationary-satellite systems.

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608A The use of the band 148–149.9 MHz by the mobile-satellite service is subject to the application of the coordination and notification procedures set forth in RES46 (WARC–92). The mobile-satellite service shall not constrain the development and use of fixed, mobile and space operation services in the band 148–149.9 MHz. Mobile earth stations in the mobile-satellite service shall not produce a power flux-density in excess of −150 dB(W/m²/4 kHz) outside national boundaries.

608B The use of the band 149.9–150.05 MHz by the land mobile-satellite service is subject to the application of the coordination and notification procedures set forth in RES46 (WARC–92). The land mobile-satellite service shall not constrain the development and use of the radionavigation-satellite service in the band 149.9–150.05 MHz. Mobile earth stations of the mobile-satellite service shall not produce a power flux-density in excess of −150 dB(W/m²/4 kHz) outside a national boundaries.

608C Stations of the mobile-satellite service in the band 148–149.9 MHz shall not cause harmful interference to, or claim protection from stations of the fixed or mobile services in the following countries: Algeria, the Federal Republic of Germany, Saudi Arabia, Australia, Austria, Bangladesh, Belarus, Belgium, Brunei Darussalam, Bulgaria, Cameroon, Canada, Cyprus, Colombia, Congo, Cuba, Denmark, Egypt, the United Arab Emirates, Ecuador, Spain, Ethiopia, the Russian Federation, Finland, France, Ghana, Greece, Honduras, Hungary, Iran, Ireland, Iceland, Israel, Italy, Japan, Jordan, Kenya, Libya, Liechtensteinn, Luxembourg, Malaysia, Mali, Malta, Mauritania, Mozambique, Namibia, New Zealand, Norway, Oman, Pakistan, Panama, Papua New Guinea, the Netherlands, Philippines, Poland, Portugal, Qatar, Syria, Romania, the United Kingdom, Singapore, Sri Lanka, Sweden, Switzerland, Suriname, Swaziland, Tanzania, Chad, the Czech and Slovak Federal Republic, Thailand, Tunisia, Turkey, Ukraine, Yemen and Yugoslavia that operate in accordance with the Table of Frequency Allocations.

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609B In the band 149.9–150.05 MHz, the allocation to the land mobile-satellite service shall be on a secondary basis until 1 January 1997.

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647A The band 400.15–401 MHz is also allocated to the space research service in the space-to-space direction for communications with manned space vehicles. In this application, the space research service will not be regarded as a safety service.

647B The use of the band 400.15–401 MHz by the mobile-satellite service is subject to the application of the coordination and notification procedures set forth in Resolution 46 (WARC–92). However, coordination of a space station of the mobile-satellite service with respect to terrestrial services is required only if the power flux-density produced by the station exceeds −125 dB(W/m²/4kHz) at the Earth's surface. The above power flux-density limit shall apply until such time as a competent world administrative radio conference revises it. In making assignments to the space stations in the mobile-satellite service in the above band, administrations shall take all practicable steps to protect the radio astronomy service in the band 406.1–410 MHz from harmful interference from unwanted emissions.

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United States (US) Footnotes

US318 Until January 1, 2000, the use of the 137–138 MHz band by the mobile-satellite service will be secondary to Government satellite operations in the subbands: 137.333–137.367, 137.485–137.515, 137.605–137.635 and 137.753–137.787 MHz.

US319 In the 137–138, 148–149.9, 149.9–150.05, 399.9–400.05, and 400.15–401 MHz bands, Government stations in the mobile-satellite service shall be limited to earth stations operating with non-Government satellites.

US320 Use of the 137–138, 148–149.9, and 400.15–401 MHz bands by the mobile-satellite service is limited to non-voice, non-geostationary satellite systems and may include satellite links between land earth stations at fixed locations.

US322 The 149.9–150.05 MHz band is allocated to the mobile-satellite service (Earth-to-space) on a primary basis after 1 January 1997 and shall be limited to non-voice, non-geostationary satellite systems, including satellite links between land earth stations. Before 1 January 1997 use of this band on a secondary basis for the mobile satellite service is allowed for land earth stations at fixed locations.

US323 In the 148–149.9 MHz band, no individual mobile earth station shall transmit, on the same frequency being actively used by fixed and mobile stations and shall transmit no more than 1% of the time during any 15 minute period; except, individual mobile earth stations in this band that do not avoid frequencies actively being used by the fixed and mobile services shall not exceed a power density of −16 dBW/4kHz and shall transmit no more than 0.25% of the time during any 15 minute period. Any single transmission from any individual mobile earth station operating in this band shall not exceed 450 ms in duration and consecutive transmissions from a single mobile earth station on the same frequency shall be separated by at least 15 seconds. Land earth stations in this band shall be subject to electromagnetic compatibility analysis and coordination with terrestrial fixed and mobile stations.

US324 Government and non-Government satellite systems in the 400.15–401 MHz band shall be subject to electromagnetic compatibility analysis and coordination.

US325 In the band 148–149.9 MHz fixed and mobile stations shall not claim protection from land earth stations in the mobile-satellite service that have been previously coordinated; Government fixed and mobile stations exceeding 27 dBW EIRP, or an emission bandwidth greater than 38 kHz, will be coordinated with existing mobile-satellite service space stations.

US326 The 399.9–400.05 MHz band is allocated to the mobile-satellite service (Earth-to-space) on a primary basis after January 1, 1997 and shall be limited to non-voice, non-geostationary satellite systems, including satellite links between land earth stations.

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[FR Doc. 93–6765 Filed 3–25–93; 8:45 am]
BILLING CODE 6712–01–M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 227

[Docket No. 920937–3028]

Threatened Fish and Wildlife; Steller Sea Lions

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

ACTION: Final rule.

SUMMARY: With few exceptions, vessel entry within 3 nautical mile (nm) of listed Steller sea lion rookery sites in the Bering Sea, Aleutian islands, and Gulf of Alaska is currently prohibited. This prohibition was established concurrent with the listing of the Steller sea lion (*Eumetopias jubatus*) as a threatened species under the Endangered Species Act to aid the species' recovery. NMFS is amending existing regulations to authorize vessel transit through the Steller sea lion rookery buffer zones at Cape Morgan, Akutan Island, Clubbing Rocks, and Outer Island. NMFS has determined that: (1) these navigational routes have

been used traditionally by vessels; (2) vessels transiting these routes that maintain a minimum distance of 1 nm from sea lion rockery boundaries and remain in continuous transit, are not likely to have a significant adverse affect on Steller sea lions; and (3) there are no reasonable and acceptable alternatives for navigation in the vicinity of these locations.

EFFECTIVE DATE: This rule is effective on April 3, 1993.

ADDRESSES: A copy of the Environmental Assessment is available from Protected Resources Management Division, National Marine Fisheries Service, P.O. Box 21668, Juneau, AK 99802.

FOR FURTHER INFORMATION CONTACT: Colleen Coogan, NMFS Alaska Region, Protected Resources management Division, (907) 586–7235.

SUPPLEMENTARY INFORMATION:

Background

By emergency interim rule (55 FR 12645, April 5, 1990), NMFS listed the Steller (northern) sea lion as a threatened species under the Endangered Species Act (ESA) (16 U.S.C. 1531–1543). Coincident with the listing, NMFS, to aid the species' recovery, established the following protective regulations:

(1) Prohibited, with limited exceptions, vessel entry within 3 nm of listed Steller sea lion rookeries;

(2) prohibited shooting at or near Steller sea lions; and

(3) reduced the allowable level of take incidental to commercial fisheries in Alaskan waters (50 CFR 227.12).

The emergency rule included an exception for transit through rookery buffer zones at 12 listed straits, passes, and narrows. During the comment period on the interim rule, one commenter objected to this navigational transit exception and recommended that advanced approval and a showing of necessity should be required. NMFS responded to the comment in the proposed rule (55 FR 29792, July 20, 1990), and proposed to exclude the navigational transit exception from the final rule. This decision was based on the presumed availability of alternative routes and the buffer zone exception for emergency situations. No comments were received on this portion of the proposed rule, and the final rule did not include an exception for navigational routes (55 FR 49204, November 26, 1990).

Subsequent to these actions, NMFS promulgated additional protection measures for Steller sea lions. Under the Magnuson Fishery Conservation and Management Act, NMFS has prohibited groundfish trawling within 10 nm of listed Steller sea lion rookeries during the Bering Sea and Aleutian Islands winter pollock roe fishery (57 FR 2683, January 23, 1992).

During the North Pacific Fishery Management Council's January 1992 meeting, a representative of the fishing industry testified that the 3-nm no-entry zone around the Akutan/Cape Morgan sea lion rookery created a significant safety hazard to fishing vessels. In a subsequent letter to the Alaska Regional Director, the same representative requested that NMFS reevaluate the specific navigational routes contained in the emergency interim rule.

In response to this request, NMFS evaluated the need for, and the likely effects of, reestablishing navigational routes. Based on a review of the available information, NMFS preliminarily determined that exceptions for the purposes of navigational transit were warranted at Akutan Pass and in the vicinity of Clubbing Rocks. For this reason, as authorized under 50 CFR 227.12(b)(5), the Director, Alaska Region, NMFS, granted an immediate temporary exemption for navigational transit at these two locations on October 15, 1992 (57 FR 47276). In addition, NMFS proposed to permanently amend existing regulations to reflect this exception to the buffer zones (57 FR 53312, November 9, 1992). To provide adequate protection to Steller sea lions, under the temporary exemption, transitting vessels are required to maintain a minimum of 1 nm from the rookery boundaries and are prohibited from all other non-passage activities within the buffer zones, e.g., fishing or anchorage.

Comments on the Proposed Rule

NMFS received four comments in response to the November 9, 1992, notice of proposed rulemaking. Two comments were from private individuals and two comments were from fishing industry representatives. Two commenters expressed support for the proposed transit zones at Akutan Pass and Clubbing Rocks. Three commenters requested additional transit zones; one of these requests was for transit through a buffer zone not created under the ESA for Steller sea lions. These comments are discussed below:

One of the commenters requested permission to operate a vessel within the Sugarloaf Island buffer zone to conduct birding tours and supply a research camp at East Amatuli Island. NMFS' purpose in amending the existing regulations is to allow for safe passage through buffer zones where other routes are not available or are more hazardous. Under the proposed exception, vessels are allowed to transit continuously through the buffer zone, but all other activities, such as anchorage and fishing, are prohibited. The commenter's request is not for transit through a buffer zone for navigational purposes, but to pursue tour activities within a buffer zone. NMFS has previously denied this request (57 FR 26649, June 15, 1992), and maintains that seabird viewing can be accomplished at other locations outside of the sea lion protection areas. Since NMFS has granted an individual exemption for the seabird research being conducted at East Amatuli Island (58 FR 4156, January 13, 1993), an additional exception for this activity is not necessary. Therefore, NMFS has determined that creation of a transit zone within the Sugarloaf Island buffer zone is not warranted.

Another commenter requested a transit zone be established through Wildcat Pass, which runs between Rabbit Island and Ragged Island about 1.5 statute miles north of the Outer Island Steller sea lion rookery. This proposed route would provide a shorter and more protected passage for vessels travelling to and from Seward and points west during severe weather conditions. Since there is an island between Outer Island and this proposed passageway and the route is greater than 1 nm from the rookery, it is unlikely that Steller sea lions would be adversely affected by allowing vessels to transit through this pass. A transit zone through Wildcat Pass is therefore included in this final rule.

Two other commenters both wrote in support of a permanent exception for navigational transit through Akutan Pass and in the vicinity of Clubbing Rocks as proposed in the November 9, 1992, notice of proposed rulemaking. One of these commenters requested that a transit zone be established through the 12-nm buffer zone around the Round Island walrus haulout. This protection area was established under the Magnuson Fishery Conservation and Management Act for walruses, and therefore, is beyond the scope of the action being considered under this rulemaking.

Determination

NMFS has determined that allowing navigational transit through buffer zones around the Cape Morgan-Akutan Island, Clubbing Rocks, and Outer Island Steller sea lion rookeries is warranted, and that existing regulations at 50 CFR 227.12 should be amended to reflect this

exception to the buffer zone restrictions. Vessel traffic has occurred traditionally through waters encompassed by these three buffer zones, particularly by vessels operating out of Dutch Harbor, Sand Point, King Cove, and Seward. Vessels will be required to maintain a minimum distance of 1 nm from the rookery boundaries, and may only engage in continuous navigational transit through the buffer zones. A limited exception to allow transit through these three areas under these conditions is not anticipated to cause significant disruption to sea lion behavior. Alternative routes entail significantly increased safety hazards for vessel operators and crew, and are viewed by NMFS as not being acceptable alternatives. Therefore, NMFS amends the existing regulations at 50 CFR 227.12(b) to provide navigational transit routes through the buffer zones at Cape Morgan-Akutan Island, Clubbing Rocks, and Outer Island.

Classification

Based on an environmental assessment (EA) prepared by NMFS, the Assistant Administrator for Fisheries, NOAA (Assistant Administrator) has determined that implementation of this final rule will not have a significant impact on the environment. As a result of this determination, an environmental impact statement was not prepared. A copy of the EA is available (see **ADDRESSES**).

NMFS has determined that the final rule is likely to cause only minimal disruption in normal sea lion behavior and is not likely to imperil the survival or impede the recovery of Steller sea lions. NMFS has conducted a consultation under section 7 of the ESA that concluded that implementation of this exemption for navigation through the buffer zones in these locations is not likely to jeopardize the continued existence of Steller sea lions. The maintenance of a 1-nm minimum approach within the navigational routes, in conjunction with other existing regulations, is expected to provide adequate protection for Steller sea lions.

The Assistant Administrator has determined that this final rule is not a "major rule" that requires a regulatory impact analysis under E.O. 12291. The final rule is expected to reduce economic costs to a sector of the public.

The General Counsel for the Department of Commerce certified to the Small Business Administration that this final rule will not have a significant impact on a substantial number of small entities since the rule will result in reduced economic costs for vessel operators. As a result, a regulatory flexibility analysis was not prepared.

This final rule does not contain a collection-of-information requirement for purposes of the Paperwork Reduction Act.

This final rule does not contain policies with federalism implications sufficient to warrant preparation of a federalism assessment under E.O. 12612.

List of Subjects in 50 CFR Part 227

Endangered and threatened species, Exports, Imports, Marine mammals, Transportation.

Dated: March 22, 1993.

Nancy Foster,

Acting Assistant Administrator for Fisheries.

For the reasons set out in the preamble, 50 CFR part 227 is amended as follows:

PART 227—THREATENED FISH AND WILDLIFE

1. The authority citation for part 227 continues to read as follows:

Authority: 16 U.S.C. 1531 *et seq.*

2. In § 227.12, a new paragraph (b)(6) is added to read as follows:

§ 227.12 Steller sea lion.

* * * * *

(b) * * *

(6) *Navigational transit.* Paragraph (a)(2) of this section does not prohibit a vessel in transit from passing through a strait, narrows, or passageway listed in this paragraph if the vessel proceeds in continuous transit and maintains a minimum of 1 nautical mile from the rookery site. The listing of a strait, narrows, or passageway does not indicate that the area is safe for navigation. The listed straits, narrows, or passageways include the following:

Rookery	Straits, narrows, or pass
Akutan Island.	Akutan Pass between Cape Morgan and Unaiga Island.
Clubbing Rocks.	Between Clubbing Rocks and Cherni Island.
Outer Island	Wildcat Pass between Rabbit and Ragged Islands.

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[FR Doc. 93-6959 Filed 3-25-93; 8:45 am]

BILLING CODE 3510-22-M

50 CFR Part 641

[Docket No. 921192-2352]

RIN 0648-AE91

Reef Fish Fishery of the Gulf of Mexico

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

ACTION: Final rule.

SUMMARY: NMFS increases the annual commercial quota for red snapper in the Gulf of Mexico reef fish fishery from 2.04 to 3.06 million pounds (0.93 to 1.39 million kg) in accordance with the framework procedure of the Fishery Management Plan for the Reef Fish Resources of the Gulf of Mexico (FMP). The intended effect is to protect the red snapper resource from overfishing and continue the stock rebuilding program while still allowing catches in the commercial and recreational fisheries for red snapper.

EFFECTIVE DATE: March 23, 1993.

FOR FURTHER INFORMATION CONTACT: Robert A. Sadler, 813-893-3161.

SUPPLEMENTARY INFORMATION: The background and rationale for the changes were contained in the proposed rule (57 FR 57129, December 3, 1992) and are not repeated here. The reef fish fishery of the Gulf of Mexico is managed under the FMP, which is prepared and amended by the Gulf of Mexico Fishery Management Council (Council). The FMP is under authority of the Magnuson Fishery Conservation and Management Act; its implementing regulations are at 50 CFR part 641.

In accordance with the FMP's framework procedure for adjustment of management measures, the Council proposed for red snapper an increase in the total allowable catch (TAC) from 4.0 to 6.0 million pounds (1.8 to 2.7 million kg) and a change in the target date for achieving a 20 percent spawning potential ratio from January 1, 2007, to January 1, 2009. Under the established commercial/recreational allocation ratio of 51/49, a TAC of 6.0 million pounds (2.7 million kg) would provide a commercial quota of 3.06 million pounds (1.39 milion kg), upon attainment of which the commercial fishery would be closed. A recreational allocation of 2.94 million pounds (1.33 million kg) is proposed, which would equate to a daily recreational bag limit of 7 fish, the current bag limit.

Comments and Responses

One individual provided remarks on various topics, including the 1993 TAC proposed by the Council. A marine conservation organization objected to

both the proposed TAC and extension of the red snapper rebuilding schedule.

Comment: The individual questioned why the Council recommended an increase in TAC from 4.0 to 6.0 million pounds (1.8 to 2.7 million kg) when red snapper are overfished. The marine conservation organization stated that, since red snapper are severely overfished and a 50 percent reduction in shrimp trawl bycatch may not be achieved in 1994, the Council's proposal to increase TAC and extend the recovery period poses inappropriate risk to the resource.

Response: While red snapper are overfished, a stock assessment completed in September 1992 indicated that relatively strong year classes were produced in 1989 and 1990. Based on data in the 1992 assessment, the Council's Reef Fish Stock Assessment Panel calculated a range of acceptable biological catch (ABC) for red snapper, the upper limit being 6.0 million pounds with a target date for recovery of the stock of January 1, 2009.

Although a harvest above ABC range is allowed during the FMP's three-year transition window, which started in 1991, the Council recommended a 1993 TAC at the upper end of the range, 6.0 million pounds, which approximates the 1992 harvest level. Extending the red snapper rebuilding target date from January 1, 2007, to January 1, 2009, is at the upper end of the framework procedure's time limit for rebuilding the resource, which may not exceed 1½ times the biological generation time of red snapper. The proposed 1993 TAC (coupled with the extension of the stock recovery period) is within the range of ABC specified by the Council's Stock Assessment Panel. Moreover, the FMP requires compensatory adjustment of allowable catch in subsequent years should excessive harvest prevent attainment of the recovery schedule. Accordingly, the proposed 1993 TAC and extended target date for stock recovery are consistent with the current rebuilding program.

Although red snapper stock assessments indicate that recovery of the overfished resource is dependent on reducing shrimp trawl bycatch of juvenile red snapper, an amendment to the Magnuson Act in 1990 specified 1994 as the earliest year possible for mandatory reductions of shrimp trawl bycatch. In the interim, NMFS, the Council, the shrimp industry, and Gulf of Mexico state agencies are cooperating to determine the most feasible means of accomplishing the necessary reduction in shrimp trawl bycatch of red snapper. Should a 50 percent reduction in shrimp trawl bycatch prove unattainable in (or shortly after) 1994, the Council recognizes that reductions in directed red snapper harvest may be necessary to comply with the rebuilding program.

Classification

The Assistant Administrator for Fisheries, NOAA (Assistant Administrator), determined that this final rule is not a "major rule" requiring a regulatory impact analysis under E.O. 12291 because the total impact is well under the threshold level of $100 million used as a guideline for a "major rule."

The Council prepared a regulatory impact review (RIR) on this action, the conclusions of which were summarized in the proposed rule and are not repeated here.

The General Counsel of the Department of Commerce certified to the Small Business Administration that this final rule will not have a significant economic impact on a substantial number of small entities because the 1993 red snapper harvest is not expected to differ substantially from the 1992 harvest. Accordingly, a regulatory flexibility analysis was not prepared.

Because this final rule establishes the annual commercial quota for red snapper that commenced on February 16, 1993, the Assistant Administrator, under the provisions of section 553(d)(3) of the Administrative Procedures Act, finds, for good cause, namely to provide continuing conservation and management of the red snapper resource, that it is impracticable and contrary to the public interest to delay for 30 days the effective date of this rule. The commercial red snapper fishery is operating under the 1992 allocation and without this rule in place, the fishery would be closed at an earlier date, creating an economic hardship for the commercial fishermen.

List of Subjects in 50 CFR Part 641

Fisheries, Fishing, Reporting and recordkeeping requirements.

Dated: March 22, 1993.

Samuel W. McKeen,

Acting Assistant Administrator for Fisheries, National Marine Fisheries Service.

For the reasons set forth in the preamble, 50 CFR part 641 is amended as follows:

PART 641—REEF FISH FISHERY OF THE GULF OF MEXICO

1. The authority citation for part 641 continues to read as follows:

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

2. In § 641.25, paragraph (a) is revised to read as follows:

§ 641.25 Commercial quotas.

* * * * *

(a) Red snapper—3.06 million pounds (1.39 million kg).

* * * * *

[FR Doc. 93–6999 Filed 3–23–93; 1:37 pm]

BILLING CODE 3510–22–M

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50 CFR Part 672

[Docket No. 921107–2307]

Groundfish of the Gulf of Alaska

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

ACTION: Closure.

SUMMARY: NMFS is prohibiting directed fishing for groundfish by vessels using trawl gear in the Gulf of Alaska (GOA), except for directed fishing for pollock by vessels using pelagic trawl gear in those portions of the GOA that remain open to directed fishing for pollock. This action is necessary because the interim specification of prohibited species catch (PSC) of Pacific halibut to trawl gear in the GOA has been caught.

EFFECTIVE DATES: 12 noon, Alaska local time (A.l.t.), March 24, 1993, through 12 midnight, A.l.t., December 31, 1993.

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

SUPPLEMENTARY INFORMATION: The groundfish fishery in the GOA exclusive economic zone is managed by the Secretary of Commerce according to the Fishery Management Plan for Groundfish of the Gulf of Alaska (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 672.

In accordance with § 672.20(c)(1)(ii)(A), the notice of proposed specifications (57 FR 57982, December 8, 1992) established the interim 1993 Pacific halibut PSC limit for trawl gear in the GOA at 500 metric tons.

The Director of the Alaska Region, NMFS, has determined, in accordance with § 672.20(f)(1)(i), that vessels engaged in directed fishing for groundfish with trawl gear in the GOA have caught the interim 1993 Pacific halibut PSC limit of Pacific halibut. Therefore, NMFS is prohibiting directed fishing for groundfish by vessels using trawl gear in the GOA, except for directed fishing for pollock by vessels using pelagic trawl gear in those

portions of the GOA that remain open to directed fishing for pollock. The closure is effective from 12 noon, A.l.t., March 24, 1993, through 12 midnight, December 31, 1993.

Classification

This action is taken under 50 CFR 672.20, and is in compliance with Executive Order 12291.

List of Subjects in 50 CFR Part 672

Fisheries, Reporting and recordkeeping requirements.

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

Dated: March 23, 1993.

David S. Crestin,

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

[FR Doc. 93–7049 Filed 3–23–93; 4:18 pm]

BILLING CODE 3510–22–M

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50 CFR Part 672

[Docket No. 921107–2307]

Groundfish of the Gulf of Alaska

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

ACTION: Closure.

SUMMARY: NMFS is closing the directed fishery for Pacific cod by the inshore component in the Central Regulatory area (CG) (statistical areas 62 and 63) in the Gulf of Alaska (GOA). This action is necessary to prevent exceeding the allowance of the interim specification of Pacific cod total allowable catch (TAC) for the inshore component in this area.

EFFECTIVE DATES: 12 noon, Alaska local time (A.l.t.), March 24, 1993, through 12 midnight, A.l.t., December 31, 1993.

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

SUPPLEMENTARY INFORMATION: The groundfish fishery in the GOA exclusive economic zone is managed by the Secretary of Commerce according to the Fishery Management Plan for Groundfish of the Gulf of Alaska (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 672.

In accordance with § 672.20(c)(1)(ii)(A), the allowance of the interim specification of Pacific cod TAC for the inshore component in the CG was established by the notice of proposed specifications (57 FR 57982, December 8, 1992) as 7,920 metric tons (mt).

The Director of the Alaska Region, NMFS (Regional Director), has determined, in accordance with § 672.20(c)(2)(ii), that the allowance of the 1993 interim specification of Pacific cod TAC for the inshore component in the CG will be reached soon. Therefore, in accordance with § 672.20(a)(2)(v)(B), the Regional Director has established a directed fishing allowance for vessels catching Pacific cod for processing by the inshore component of 7,420 mt, with consideration that 500 mt will be taken as incidental catch in directed fishing for other species in the CG. The Regional Director has determined that the directed fishing allowance has been reached. Consequently, NMFS is prohibiting directed fishing for Pacific cod by vessels catching Pacific cod for processing by the inshore component in the CG, effective from 12 noon, A.l.t., March 24, 1993, through 12 midnight, A.l.t., December 31, 1993.

Directed fishing standards for applicable gear types may be found in the regulations at § 672.20(g).

Classification

This action is taken under 50 CFR 672.20, and is in compliance with Executive Order 12291.

List of Subjects in 50 CFR Part 672

Fisheries, Reporting and recordkeeping requirements.

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

Dated: March 23, 1993.

David S. Crestin,

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

[FR Doc. 93–7050 Filed 3–23–93; 4:16 am]

BILLING CODE 3510–22–M

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50 CFR Part 672

[Docket No. 921107–2307]

Groundfish of the Gulf of Alaska

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

ACTION: Closure.

SUMMARY: NMFS is closing the directed fishery for pollock in statistical area 61 in the Gulf of Alaska (GOA). This action is necessary to prevent exceeding the interim specification of pollock total allowable catch (TAC) in this area. The intent of this action is to promote optimum use of groundfish while conserving pollock stocks.

EFFECTIVE DATE: 12 noon, Alaska local time (A.l.t.), March 24, 1993, through 12 noon, A.l.t., March 29, 1993.

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

SUPPLEMENTARY INFORMATION: The groundfish fishery in the GOA exclusive economic zone is managed by the Secretary of Commerce according to the Fishery Management Plan for Groundfish of the Gulf of Alaska (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 672.

In accordance with § 672.20(c)(1)(ii)(A), the interim specification of pollock TAC in statistical area 61 was established by the proposed specifications (57 FR 57982, December 8, 1992) as 6,022 metric tons (mt).

In accordance with § 672.20(c)(2)(ii), the Director of the Alaska Region, NMFS (Regional Director), has determined that the 1993 interim specification of pollock TAC for statistical area 61 will soon be reached. Therefore, the Regional Director has established a directed fishing allowance of 5,420 mt, and has set aside the remaining 602 mt as bycatch to support other anticipated groundfisheries. The Regional Director has determined that the directed fishing allowance has been reached. Consequently, NMFS is prohibiting directed fishing for pollock in statistical area 61, effective from 12 noon A.l.t., March 24, 1993, through 12 noon, A.l.t., March 29, 1993.

Directed fishing standards for applicable gear types may be found in the regulations at § 672.20(g).

Classification

This action is taken under 50 CFR 672.20, and is in compliance with Equal Opportunity 12291.

List of Subjects in 50 CFR Part 672

Fisheries, Reporting and recordkeeping requirements.

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

Dated: March 23, 1993.

David S. Crestin,

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

[FR Doc. 93–7051 Filed 3–23–93; 4:17 pm]

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 inshore 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 inshore component in the BS.

EFFECTIVE DATES: Effective 12 noon, Alaska local time (A.l.t.), March 24, 1993, until the second seasonal allowance of pollock TAC 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 seasonal allowance of pollock TAC for the inshore component in the BS was established by the final notice of groundfish specifications (58 FR 8703, February 17, 1993) as 174,038 metric tons (mt).

The Director of the Alaska Region, NMFS (Regional Director), has determined, in accordance with § 675.20(a)(8), that the first seasonal allowance of pollock TAC for the inshore component in the BS soon will be reached. Therefore, the Regional Director has established a directed fishing allowance of 170,038 mt, with consideration that 4,000 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 inshore component in the BS, effective from 12 noon, A.l.t., March 24, 1993, until the second seasonal allowance of pollock TAC 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 § 675.20 and complies with Executive Order 12291.

List of Subjects in 50 CFR Part 675

Fisheries, Reporting and recordkeeping requirements.

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

Dated: March 23, 1993.

David S. Crestin,

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

[FR Doc. 93–7052 Filed 3–23–93; 4:19 pm]

BILLING CODE 3510–22–M

Proposed Rules

Federal Register
Vol. 58, No. 57
Friday, March 26, 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.

ADMINISTRATIVE CONFERENCE OF THE UNITED STATES

1 CFR Part 305

Peer Review in the Award of Discretionary Grants

AGENCY: Administrative Conference of the United States.

ACTION: Request for public comments.

SUMMARY: The Administrative Conference's Committee on Administration has under consideration a draft recommendation on peer review procedures in the award of discretionary grants in the arts and sciences. Interested persons are invited to comment on the draft recommendation.

DATES: Please submit comments by April 21, 1993.

ADDRESSES: Send comments to Charles Pou, Jr., Administrative Conference of the United States, 2120 L Street, NW., suite 500, Washington, DC 20037.

FOR FURTHER INFORMATION CONTACT: Charles Pou, Jr., 202–254–7020.

SUPPLEMENTARY INFORMATION: The Administrative Conference's Committee on Administration has under consideration a draft recommendation concerning procedures that federal agencies employ in peer review processes evaluating proposals for grants in the arts and sciences. The proposed recommendation is based in part on a draft report written by Professor Thomas O. McGarity of the University of Texas. The draft recommendation is set forth in this notice. Copies of the draft report are available from the Office of the Chairman of the Administrative Conference. (Please call Karyn Zaayenga, 202–254–7020.)

The Conference's Committee on Administration will meet in early May for further consideration of the draft recommendation in the light of any comments that may be received. At that time, the committee will decide whether to approve a draft recommendation for consideration by the Administrative Conference at its plenary session scheduled for June 10 and 11, 1993. Comments should be sent to the address given above, not later than April 21, 1993.

List of Subjects in 1 CFR Part 305

Administrative practice and procedure.

For the reasons set out in the preamble, 1 CFR part 305 is proposed to be amended as follows:

PART 305—RECOMMENDATIONS OF THE ADMINISTRATIVE CONFERENCE OF THE UNITED STATES

1. The authority citation for part 305 continues to read as follows:

Authority: 5 U.S.C. 591–598.

2. New Recommendation to be added to part 305 to read as follows:

§ 305.93–____ Peer review in awarding discretionary grants (Recommendation 93–____).

Governments in most industrialized nations now play a prominent role in assembling and sustaining a sound scientific and engineering infrastructure and in providing financial support for artistic and other endeavors. Although many procedural vehicles exist for making the difficult scientific and artistic judgments that necessarily arise in apportioning limited resources, the United States government has depended to a large degree upon "peer review" systems in which the agency decisionmaker assembles a group of experts for advice.

Under this peer review model, the government does not attempt to persuade researchers to undertake particular research or artists to create particular kinds of art. Instead, a grantmaking agency allocates sums of money to entire fields and invites the researchers, artists, or performers to develop creative proposals for projects. A group of "peers" with expertise in the relevant area then evaluates and ranks proposals, leaving the ultimate funding decisions up to the governmental program officials. Peer review is intended to ensure that public funds are awarded objectively to meritorious scientists, artists, eleemosynary institutions, and, increasingly, for-profit entities in a way that renders the system accountable to the public and its elected representatives.

While peer review has proved remarkably durable in the 30 to 40 years during which federal agencies have employed it, the process has not been without controversy. Some critics suggest that peer review is an expensive waste of time; that it diverts creative minds from productive research to writing, reviewing, and discussing proposals; that it rewards huckstering skills at the expense of solid research; that it is sometimes abused by panelists who breach confidentiality; and that it can be counterproductive in programs designed to explore fresh ideas and innovative approaches. In particular, some peer review systems have been criticized for permitting ad hoc and systematic bias for and against individuals, groups, or new ideas. Decisionmaking bias in the award of discretionary grants can result from favoritism, animus, or conflict of interest. It can stem from the identity of the potential grantee, as, for instance, where an "old boy" network exists or a "halo effect" causes poorly conceived proposals from well-known scientists to be funded, or from conflicts of interest that have to do with the affiliation or position of the decisionmaker. Bias can include personal or professional animus, a lack of regard for mavericks who challenge conventional views, or a systematic refusal to give sufficient weight to particular criteria relevant to the decision. Finally, ex parte lobbying or even political pressure may occasionally cause an otherwise objective process to become biased for or against particular persons or approaches.

To the extent that bias infects it, the decisionmaking process loses objectivity and, consequently, legitimacy. While the incidence and impact of bias are not susceptible to empirical measurement, the Conference believes that, on balance, the peer review model has worked well and is highly appropriate for awarding most discretionary grants in the arts and sciences.[1] The Conference's recommendation is based largely on an examination of programs in the National Institutes of Health, the National Science Foundation, the Environmental Protection Agency, and the National Endowment for the Arts. Although all rely heavily upon the principle of peer review in awarding discretionary grants, these agencies manage the peer review process in diverse ways. None has completely eliminated the potential for bias, though some have made great strides in that direction. Each can learn

[1] Especially in the scientific agencies, a recent trend toward greater openness has been noted. This has been prompted in part through enactment of the Freedom of Information Act (FOIA), the Federal Advisory Committee Act (FACA), and the Privacy Act. FOIA requires every federal agency to make available to any person any record in the agency's possession (subject to several exceptions potentially relevant to the peer review process) upon a request by that person that reasonably describes the record. FACA requires federal agencies that rely on recommendations of advisory committees to charter these committees and to run them according to statutory standards of openness. The Privacy Act requires agencies to protect personal information in agency files from unauthorized disclosure and to give individuals access to review information about themselves and demand that the agency correct inaccuracies. While peer review committees clearly come within FACA's definitions, there have been significant litigation and uncertainty over the effect of these laws.

lessons from the others, and any grantmaking agency not mentioned here can learn a great deal from them. These recommendations draw on their experience to suggest reforms that should further reduce the potential for bias at a relatively low cost.

Recommendation

A. Use of Peer Review

1. In general, peer review mechanisms are appropriate and should be used by agencies that award discretionary grants in the arts and sciences and in other fields where peers are available to evaluate applications.

2. To encourage flexibility, innovation, and a rapid response where warranted, agencies that rely upon peer review to evaluate grant proposals should consider setting aside a small portion of the available funds for awards to innovative proposals based upon recommendations of the staff or decisions of management without peer review. Such awards should be publicly disclosed and subject to appropriate agency oversight, of relatively brief duration, and subject to renewal only through the regular peer review process.

B. Promoting Openness and Accountability

1. Reviewer Meetings

Agencies that rely upon peer review to evaluate grant proposals should generally assemble the reviewers for a meeting in which each reviewer has an opportunity to comment upon the evaluations made by other members in the presence of the other members. Such meetings may be in person or by telephone conference call.

2. Feedback and Rebuttal

(a) Agencies that rely on peer review should prepare and routinely transmit to all applicants brief summaries of the reasons for evaluation results.

(b) If peer reviewers or peer review committees prepare written evaluations of individual applications, agencies should retain these documents for a full funding cycle, and should make available copies of such written evaluations to applicants upon request in a redacted form so that particular evaluations may not be attributed to particular reviewers.

(c) Where practicable, statements and summaries of reasons should be made available to applicants sufficiently far in advance of the agency's final decision so that applicants may review the documents, submit comments and have those comments considered by the peer reviewers or agency staff. Where this is not practicable, agencies should maintain an appropriate reconsideration system.

(d) Agencies that rely on peer review should develop guidelines identifying information that will normally be made available to grant applicants and the public and specifying the procedures under which particular kinds of information will be available to different classes of requesters.

3. Applicant Anonymity

Where feasible and consistent with effective application of merit review criteria, agencies should not reveal the identities of applicants for discretionary grants to peer reviewers. Agencies should consider allowing reviewers to conduct discrete portions of peer reviews under conditions of applicant anonymity in cases in which complete applicant anonymity is not feasible or consistent with effective application of merit review criteria.

4. Reviewer Anonymity

(a) The agency should provide that, although the identities of all members of any peer review panels should be made available to applicants and the public, granting agencies may refuse to disclose information that would allow an applicant to identify the names of the persons who conducted detailed reviews of individual applications.

(b) Agencies that rely on peer review should send all peer review panelists a letter informing them of their Privacy Act obligations and of the penalties that may flow from a breach of confidence. Agencies should consider sanctions, including instituting debarment or suspension procedures, against any panel reviewer who knowingly and willfully breaches confidentiality for personal gain or because of a direct conflict of interest.

5. Contacts With Peer Reviewers, Staff, and Decisionmakers

(a) Agencies that rely on peer review should, for the purpose of conveying information and providing advice, encourage informal contacts between applicants and agency staff.

(b) Agencies should adopt appropriate statements of policy discouraging all ex parte contacts regarding particular grant proposals with peer reviewers and agency decisionmakers which attempt to influence grantmaking decisions outside the normal decisionmaking process.

C. Participants in the Review Process

1. Composition and Structure of Review Committees

(a) Agencies that rely on peer review should not limit the pool of available peers to narrow professional fields, but should instead attempt to appoint some reviewers from related professional fields to peer review panels. Agencies should also consider including on the panels less experienced professionals who have not previously received grants and lay persons without professional training.

(b) To the extent consistent with agency resources and depending on the size and number of the grants awarded in a program, agencies should provide that the membership of peer review panels change on a regular basis, ensure that the number of persons serving on an individual peer review committee is sufficiently large to dilute the impact of any bias, permit duplicate reviews in two or more subcommittees, or allow multiple committees to perform a tiered review.

2. Conflicts of Interest

(a) Agencies that rely on peer review should promulgate guidelines that preclude any person from reviewing or sitting on a panel that reviews his or her own grant application or the application of a close collaborator, a recently graduated former student, or an affiliated institution.

(b) To the extent feasible, agencies should avoid asking a reviewer to evaluate the application of a close competitor or competing institution.

(c) Agencies should provide that when the agency asks a reviewer to review an application where there is a conflict of interest or appearance thereof, that fact must be disclosed to the agency, to other members of any peer review committee and to the applicant before the time to ask for reconsideration or appeal has expired.

(d) If necessary, agencies may provide for specific waivers of the conflict of interest recommendations on a case-by-case basis where there is no other practical means for securing appropriate expert advice on a particular grant application.

3. Opportunity To Challenge Reviewers

Agencies that rely on peer review should provide that any applicant may submit a confidential list containing a small number of potential reviewers that the applicant deems objectionable together with a statement of the reasons for the challenges. Agencies should seriously consider such challenges, unless the agency determines that a qualified group of peers cannot be assembled if all such challenges are honored.

4. Dealing With High and Low Scores

Peer review committees that rely upon scoring systems for evaluating and ranking discretionary grant proposals

should consider developing vehicles for either eliminating or further discussing individual scores that vary widely from the average.

5. Agency Staff

(a) Agencies that rely on peer review should encourage their staff members to play a significant role in ensuring that reviewers are well-informed about, and strictly observe, applicable rules or guidelines on bias and conflict of interest.

(b) Agencies that administer multiple programs for awarding discretionary grants by peer review should consider rotating staff periodically among the programs. Especially in programs in which peer reviewers do not meet to reach collective judgments, agencies should rotate the staff responsible for making initial funding recommendations.

D. Audits for Potential Bias

Agencies that rely on peer review should experiment with random audits of the review process for bias and conflict of interest.

Dated: March 22, 1993.

Jeffrey S. Lubbers,

Research Director.

[FR Doc. 93–6924 Filed 3–25–93; 8:45 am]

BILLING CODE 6110–01–W

NUCLEAR REGULATORY COMMISSION

10 CFR Parts 50, 52, and 100

RIN 3150–AD93

Reactor Site Criteria Including Seismic and Earthquake Engineering Criteria for Nuclear Power Plants and Proposed Denial of Petition From Free Environment, Inc. et al.

AGENCY: Nuclear Regulatory Commission.

ACTION: Proposed rule: Extension of comment period.

SUMMARY: On October 20, 1992, (57 FR 47802) the NRC published for public comment a proposed rule to update the criteria used in decisions regarding power reactor siting, including geologic, seismic, and earthquake engineering considerations for future nuclear power plants. The comment period for this proposed rule was to have expired on February 17, 1993.

On January 5, 1993 the public comment period was extended to March 24, 1993 (58 FR 271). The Commission has received a request to once again extend the public comment period based on the fact that the proposed rule presents difficult issues requiring thoughtful and careful analysis if the comments are to be of maximum value to the Commission. In particular, preparation of such comments involves careful consideration of the interplay between the proposed demographic and seismic criteria and the relationship of the proposed criteria to the Commission's Safety Goals, severe accident requirements, and 10 CFR part 52, as well as preparation of supporting analyses.

The Commission therefore finds that it is reasonable to extend the public comment period to June 1, 1993, in order to allow all interested persons adequate time for such consideration.

DATES: The comment period has been extended and now expires June 1, 1993. Comments received after this date will be considered if it is practical to do so, but the Commission is able to assure consideration only for comments received on or before this date.

ADDRESSES: Mail written comments to: Secretary, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: Docketing and Service Branch. Deliver comments to 11555 Rockville Pike, Rockville, Maryland, between 7:45 a.m. and 4:15 p.m., Federal workdays.

Copies of the regulatory analysis, the environmental assessment and finding of no significant impact, and comments received may be examined at the NRC Public Document Room at 2120 L Street NW. (Lower Level), Washington, DC.

FOR FURTHER INFORMATION CONTACT:

Dr. Andrew J. Murphy, Office of Nuclear Regulatory Research, U.S. Nuclear Regulatory Commission, Washington, DC 20555, telephone (301) 492–3860, concerning the seismic and earthquake engineering aspects and Mr. Michael T. Jamgochian, Office of Nuclear Regulatory Research, U.S. Nuclear Regulatory Commission, Washington, DC 20555, telephone (301) 492–3918, concerning other siting aspects.

Dated at Rockville, Maryland this 22d day of March, 1993.

For the Nuclear Regulatory Commission.

Samuel J. Chilk,

Secretary of the Commission.

[FR Doc. 93–6969 Filed 3–25–93; 8:45 am]

BILLING CODE 7590–01–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 93–NM–14–AD]

Airworthiness Directives; Precise Flight, Inc., Pulselite Units, Model 1210–2405–2; as Installed in Various Small Airplanes; Installed in Accordance With Supplemental Type Certificate (STC) SA4005NM

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This document proposes the adoption of a new airworthiness directive (AD) that is applicable to certain Precise Flight, Inc., pulselite units. This proposal would require removal of certain pulselite units, or replacement of those units with improved units. This proposal is prompted by reports that pulselite units have overheated and failed due to the installation of underrated transistors and the location of these transistors in relation to the heat sink fins. The actions specified by the proposed AD are intended to prevent the presence of smoke in the cockpit, which could prompt the pilot to initiate an emergency landing.

DATES: Comments must be received by May 21, 1993.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM–103, Attention: Rules Docket No. 93–NM–14–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056. Comments may be inspected at this location between 9 a.m. and 3 p.m., Monday through Friday, except Federal holidays.

The service information referenced in the proposed rule may be obtained from Precise Flight, Inc., 63120 Powell Butte Road, Bend, Oregon 97701. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington.

FOR FURTHER INFORMATION CONTACT: Ms. Sheila I. Mariano, Aerospace Engineer, Seattle Aircraft Certification Office, Special Certification Branch, ANM–190S, FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington 98055–4056; telephone (206) 227–2599; fax (206) 227–1181.

SUPPLEMENTARY INFORMATION:

Comments Invited

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

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

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket Number 93–NM–14–AD." The postcard will be date stamped and returned to the commenter.

Availability of NPRMs

Any person may obtain a copy of this NPRM by submitting a request to the FAA, Transport Airplane Directorate, ANM–103, Attention: Rules Docket No. 93–NM–14–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056.

Discussion

The FAA has received numerous reports that certain Precise Flight, Inc., pulselite units, which flash the landing lights, have overheated and failed. Investigation has revealed that the pulselite units failed because the transistors in the units that were installed during production are not rated for the normal operation mode of the airplane. In addition, these transistors are located near the heat sink wall, where heat dissipation is limited. The transistors can overheat due to an influx of current and become heat sources for the surrounding material, which can generate enough heat to burn the material inside the unit and damage nearby wire and components outside the unit. Nylon screws inside the pulselite units can melt onto the circuit board, causing a short circuit, while the coating on the wires inside the units can melt and char. The wires inside the units are coated with poly vinyl chloride (PVC), which tends to burn, smoke, and char at low temperatures, producing a corrosive environment and generating toxic gases. If the pulselite units fail, a burning odor and smoke may be emitted into the cockpit. This condition, if not corrected, could prompt the pilot to initiate an emergency landing.

The FAA has determined that these pulselite units are installed in various small airplanes in accordance with Supplemental Type Certificate (STC) SA4005NM, including (but not limited to) certain airplanes manufactured by: Beech Aircraft Corporation, British Aerospace, Cessna Aircraft Corporation, de Havilland, Inc., Gates Learjet, Gulfstream Aerospace Corporation, Israel Aircraft Industries, Lockheed Aircraft Corporation, Mooney, and Piper Aircraft Corporation.

The FAA has reviewed and approved Precise Flight, Inc., Service Bulletin No. PL9303001, dated March 10, 1993, that describes procedures for removal of certain pulselite units (Model 1210–2405–2), or replacement of those units with improved units (Model 1210–2405–2A). The improved units consist of wiring, heat sink, and transistors that have been upgraded to higher quality material to eliminate the overheating condition. Additionally, the heat sink fins in the improved version of the unit are configured so that heat sufficiently dissipates away from the unit.

Since an unsafe condition has been identified that is likely to exist or develop on other products of this same type design, the proposed AD would require removal of certain pulselite units, or replacement of those units with improved units. The actions would be required to be accomplished in accordance with the service bulletin described previously.

There are approximately 1,200 various small airplanes in the worldwide fleet on which the affected pulselite unit is installed. The FAA estimates that 1,000 airplanes of U.S. registry would be affected by this proposed AD, that it would take approximately 1.5 work hours per airplane to accomplish the proposed actions, and that the average labor rate is $55 per work hour. Required parts would cost approximately $52.95 per airplane. Based on these figures, the total cost impact of the proposed AD on U.S. operators is estimated to be $135,450, or $135.45 per airplane. This total cost figure assumes that no operator has yet accomplished the proposed requirements of this AD action.

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

For the reasons discussed above, I certify that this proposed regulation (1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under the DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) if promulgated, will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A copy of the draft regulatory evaluation prepared for this action is contained in the Rules Docket. A copy of it may be obtained by contacting the Rules Docket at the location provided under the caption "**ADDRESSES.**"

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

Precise Flight, Inc.: Docket 93–NM–14–AD.

Applicability: Precise Flight, Inc., pulselite units, Model 1210–2405–2; serial numbers X00150 through X01371, inclusive; as installed in various small airplanes in accordance with Supplemental Type Certificate (STC) SA4005NM; certificated in any category.

Compliance: Required as indicated, unless accomplished previously.

To prevent the presence of smoke in the cockpit, which could prompt the pilot to initiate an emergency landing, accomplish the following:

(a) Within 12 months after the effective date of this AD, accomplish paragraph (a)(1) or (a)(2) of this AD in accordance with Precise Flight, Inc., Service Bulletin No. PL9303001, dated March 10, 1993.

(1) Remove Precise Flight, Inc., pulselite units, Model 1210–2405–2, from the airplane. Or

(2) Replace Precise Flight, Inc., pulselite units, Model 1210–2405–2, with improved pulselite units, Model 1210–2405–2A.

(b) As of the effective date of this AD, no person shall install a Precise Flight, Inc., pulselite unit, Model 1210–2405–2, on any airplane.

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

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

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

Issued in Renton, Washington, on March 22, 1993.

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 93–6960 Filed 3–25–93; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 914

Indiana Abandoned Mine Land Reclamation Program

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

ACTION: Proposed rule; correction.

SUMMARY: OSM is correcting an error on the proposed rule announcing the Indiana Abandoned Mine Land Reclamation Program (AMLR) amendment, which was published on January 14, 1993 (58 FR 4374). The correction will change the address at which copies of the Indiana program, the proposed amendment, a listing of any scheduled public meetings, and all written comments received in response to the proposed rule announcement will be available for public review at an Indiana State office.

FOR FURTHER INFORMATION CONTACT: Mr. Roger W. Calhoun, Director, Office of Surface Mining Reclamation and Enforcement, Indianapolis Field Office, Minton-Capehart Federal Building, 575 N. Pennsylvania Street, room 301, Indianapolis, Indiana 46204; Telephone (317) 226–6700.

SUPPLEMENTARY INFORMATION: The following correction is made to the Indiana AMLR proposed rule document which was published on Thursday, January 14, 1993 (58 FR 4374–4376): On page 4374, second column, lines 50 through 53 and under **ADDRESSES**, the address of the Indiana Department of Natural Resources is changed to read as follows: Indiana Department of Natural Resources, Division of Reclamation, P.O. Box 147, Jasonville, Indiana 47438; Telephone: (812) 665–2207.

List of Subjects in 30 CFR Part 914

Intergovernmental relations, Surface mining, Underground mining.

Dated: January 26, 1993.

Carl C. Close,

Assistant Director, Eastern Support Center.

[FR Doc. 93–6972 Filed 3–25–93; 8:45 am]

BILLING CODE 4310–05–M

30 CFR Part 914

Indiana Regulatory Program Amendment

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

ACTION: Proposed rule.

SUMMARY: OSM is announcing receipt of a proposed amendment submitted by Indiana as a modification to the State's regulatory program (hereinafter referred to as the Indiana program) under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). The amendment (Program Amendment 93–1) submitted consists of proposed changes to the Indiana Surface Mining Rules concerning performance standards for restoring soil productivity for surface coal mining and reclamation operations under IC 13–4.1. The amendment is submitted in response to required program amendments, and is intended to revise the Indiana program to be consistent with the corresponding Federal regulations.

This document sets forth the times and locations that the Indiana program and the proposed amendment to that program will be available for public inspection, the comment period during which interested persons may submit written comments on the proposed amendment, and the procedures that will be followed for a public hearing, if one is requested.

DATES: Written comments must be received on or before 4 p.m. on April 26, 1993; if requested, a public hearing on the proposed amendment is scheduled for 1 p.m. on April 20, 1993; and, requests to present oral testimony at the hearing must be received on or before 4 p.m. on April 12, 1993.

ADDRESSES: Written comments and requests to testify at the hearing should be directed to Mr. Roger W. Calhoun, Director, Indianapolis Field Office, at the address listed below. If a hearing is requested, it will be held at the same address.

Copies of the Indiana program, the amendment, a listing of any scheduled public meetings, and all written comments received in response to this document will be available for public review at the following locations, during normal business hours, Monday through Friday, excluding holidays.

Office of Surface Mining Reclamation and Enforcement, Indianapolis Field Office, Minton-Capehart Federal Building, 575 North Pennsylvania Street, room 301, Indianapolis, IN 46204. Telephone: (317) 226–6166.

Indiana Department of Natural Resources, 402 West Washington Street, room 295, Indianapolis, IN 46204. Telephone: (317) 232–1547.

Each requester may receive, free of charge, one copy of the proposed amendment by contacting the OSM Indianapolis Field Office.

FOR FURTHER INFORMATION CONTACT: Mr. Roger W. Calhoun, Director, Telephone (317) 226–6166.

SUPPLEMENTARY INFORMATION:

I. Background on the Indiana Program

On July 29, 1982, the Indiana program was made effective by the conditional approval of the Secretary of the Interior. Information pertinent to the general background on the Indiana program, including the Secretary's findings, the disposition of comments, and a detailed explanation of the conditions of approval of the Indiana program can be found in the July 26, 1982, Federal Register (47 FR 32107). Subsequent actions concerning the conditions of approval and program amendments are identified at 30 CFR 914.10, 914.15, and 914.16.

II. Discussion of the Proposed Amendment

By letter dated May 22, 1991 (Administrative Record Number IND–0872), the Indiana Department of Natural Resources (IDNR) submitted a

proposed amendment (#91–4) to the Indiana program at Indiana Administrative Code (IAC) 310 IAC 12–5. The amendment repealed 310 IAC 12–5–64 and added sections 310 IAC 12–5–64.1, 64.2, and 64.3. The added sections concern surface mining operations and established standards for: Revegetation success for nonprime farmlands; revegetation sampling techniques for nonprime farmland, and statistical methodology to evaluate the success of revegetation. By letter dated May 23, 1991 (Administrative Record Number IND–0874), the IDNR submitted similar amendments (#91–6) to the Indiana rules which govern the surface impacts of underground mining operations. Specifically, Indiana repealed 310 IAC 12–5–65, 12–5–128 and 12–5–129, and added sections 310 IAC 12–5–128.1, 128.2 and 128.3. The program amendments submitted under amendments 91–4 and 91–6 were reviewed and approved, in part, by the Director on May 29, 1992 (57 FR 22653). In addition, in the same **Federal Register** notice, certain required program amendments were codified at 30 CFR 914.16 (i), (j), and (k) and which are intended to require Indiana to revise the Indiana program to be no less effective than the corresponding Federal regulations.

By letter dated May 23, 1991 (Administrative Record Number IND–0873), the IDNR submitted program amendment number 91–5 to the Indiana program. The amendment revised 310 IAC 12–5–145, 146, and 148, repealed 310 IAC 12–5–147, and added new 310 IAC 12–5–148.5. The amendments revised the performance standards for restoring soil productivity on prime farmland. The amendments were reviewed and approved, in part, by the Director on September 14, 1992 (57 FR 41869). In the same **Federal Register** notice, the Director codified required amendments at 30 CFR 914.16 (l) and (m) which are intended to require revision of the Indiana program to be no less effective than the corresponding Federal regulations.

By letter dated January 4, 1993 (Administrative Record Number IND–1193), Indiana submitted proposed amendments intended to address the required program amendments codified at 30 CFR 914.16 (i), (j), (k), (l), and (m).

The proposed amendment includes changes to the following Indiana rules:

1. 310 IAC 12–5–64.1 Standards for Success for Nonprime Farmland

a. Subsection 64.1(c)(3)(C) and 64.1(c)(6)(C) are amended by deleting the words "alone or."

b. The last sentence in subsection 64.1(g) is being deleted in its entirety. The sentence reads "Small areas which are repaired under this section may be exempted from the success standards if the grading and vegetation blends with the contiguous area which meets the success standards."

2. 310 IAC 12–5–64.2 Sampling Techniques for Nonprime Farmland

In subsection 64.2(a), the words "approved by the director" are added and subsections 64.2(a) (1) and (2) are deleted. In effect, the amendment provides that sampling techniques for measuring success of revegetation must be approved by the director of IDNR.

3. 310 IAC 12–5–64.3 Statistical Methodology

At subsection 64.3(c)(4), Indian is correcting the sample standard deviation formula to read

$$s=\sqrt{M+N.}$$

4. 310 IAC 12–5–128.1 Underground Mining; Standards for Success

a. Subsections 128.1(c)(3)(C) and 128.1(c)(6)(C) are amended by deleting the words "alone or."

b. In subsection 128.1(g), the last sentence is being deleted in its entirety. The sentence reads, "Small areas which are repaired under this section may be exempted from the success standards if the grading and vegetation blends with the contiguous area which meets the success standards."

5. 310 IAC 12–5–128.3 Underground Mining; Statistical Methodology

At subsection 128.3(c)(4), Indiana is correcting the sample standard deviation formula to read

$$s=\sqrt{M+N.}$$

6. 310 IAC 12–5–145 Prime Farmland; Scope, Purpose, and Applicability

New subsection 145(c) is added to read as follows: "Soil reconstruction shall be carried out in accordance with the specification of the Soil Conservation Service of the United States Department of Agriculture establishing prime farmland soil reconstruction specifications for Indiana.

7. 310 IAC 12/5–148.5 Prime Farmland; Revegatation and Restoration of Soil Productivity

New subsection 148.5(b)(11) is added to read as follows: "The selection of reference areas shall be guided by section 64.1 of this rule. The selection of an approved reference area must be accomplished with concurrence by the Soil Conservation Service of the United States Department of Agriculture.

The full text of the proposed program amendment submitted by Indiana is available for public inspection at the addresses listed above. The Director now seeks public comment on whether the proposed amendment is no less effective than the Federal regulations. If approved, the amendment will become part of the Indiana program.

III. Public Comment Procedures

In accordance with provisions of 30 CFR 732.17(h), OSM is now seeking comment on whether the amendment proposed by Indiana satisfies the requirements of 30 CFR 732.15 for the approval of State program amendments. If the amendments is deemed adequate, it will become part of the Indiana program.

Written Comments

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

Public Hearing

Persons wishing to comment at the public hearing should contact the person listed under **FOR FURTHER INFORMATION CONTACT** by the close of business on April 12, 1993. If no one requests an opportunity to comment at a public hearing, the hearing will not be held.

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

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

Public Meeting

If only one person requests an opportunity to comment at a hearing, a public meeting, rather than a public hearing, may be held. Persons wishing to meet with OSM representatives to discuss the proposed amendment may request a meeting at the Indianapolis

Field Office by contacting the person listed under **FOR FURTHER INFORMATION CONTACT.** All such meetings will be open to the public and, if possible, notices of meetings will be posted in advance at the locations listed above under **ADDRESSES.** A summary of the meeting will be included in the Administrative Record.

IV. Procedural Determinations

Executive Order 12291

On July 12, 1984, the Office of Management and Budget (OMB) granted the Office of Surface Mining Reclamation and Enforcement (OSM) an exemption from sections 3, 4, 7, and 8 of Executive Order 12291 for actions related to approval or conditional approval of State regulatory programs, actions and program amendments. Therefore, preparation of a regulatory impact analysis is not necessary and OMB regulatory review is not required.

Executive Order 12778

The Department of the Interior has conducted the reviews required by section 2 of Executive Order 12778 and has determined that, to the extent allowed by law, this rule meets the applicable standards of subsections (a) and (b) of that section. However, these standards are not applicable to the actual language of State regulatory programs and program amendments since each such program is drafted and promulgated by a specific State, not by OSM. Under sections 503 and 505 of the Surface Mining Control and Reclamation Act (SMCRA) (30 U.S.C. 1253 and 1255) and 30 CFR 730.11, 732.13 and 732.17(h)(10), decisions on proposed State regulatory programs and program amendments submitted by the States must be based solely on a determination of whether the submittal is consistent with SMCRA and its implementing Federal regulations and whether the other requirements of 30 CFR parts 730, 731, and 732 have been met.

National Environmental Policy Act

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

Paperwork Reduction Act

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

Regulatory Flexibility Act

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

List of Subjects in 30 CFR Part 914

Intergovernmental relations, Surface mining, Underground mining.

Dated: January 28, 1993.

Carl C. Close

Assistant Director, Eastern Support Center.

[FR Doc. 93–6973 Filed 3–25–93; 8:45 am]

BILLING CODE 4310–05–M

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30 CFR Part 914

Indiana Regulatory Program Amendment; Show Cause Orders

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

ACTION: Proposed rule.

SUMMARY: OSM is announcing receipt of a proposed amendment submitted by Indiana as a modification to the State's regulatory program (hereinafter referred to as the Indiana program) under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). The amendment (Program Amendment 93–2) submitted consists of proposed changes to the Indiana Surface Mining Rules concerning show cause orders and adjudicative proceedings for the suspension or revocation of permits for surface coal mining and reclamation operations under IC 13–4.1. The amendment is submitted in response to required program amendments, and is intended to revise the Indiana program to be consistent with corresponding Federal regulations.

This document sets forth the times and locations that the Indiana program and the proposed amendment to that program will be available for public inspection, the comment period during which interested persons may submit written comments on the proposed amendment, and the procedures that will be followed for a public hearing, if one is requested.

DATES: Written comments must be received on or before 4 p.m. on April 26, 1993; if requested, a public hearing on the proposed amendment is scheduled for 1 p.m. on April 20, 1993 and, requests to present oral testimony at the hearing must be received on or before 4 p.m. on April 12, 1993.

ADDRESSES: Written comments and requests to testify at the hearing should be directed to Mr. Roger W. Calhoun, Director, Indianapolis Field Office, at the address listed below. If a hearing is requested, it will be held at the same address.

Copies of the Indiana program, the amendment, a listing of any scheduled public meetings, and all written comments received in response to this document will be available for public review at the following locations, during normal business hours, Monday through Friday, excluding holidays:

Office of Surface Mining Reclamation and Enforcement, Indianapolis Field Office, Minton-Capehart Federal Building, 575 North Pennsylvania Street, room 301, Indianapolis, IN 46204. Telephone: (317) 226–6166.

Indiana Department of Natural Resources, 402 West Washington Street, room 295, Indianapolis, IN 46204. Telephone: (317) 232–1547.

Each requester may receive, free of charge, one copy of the proposed amendment by contacting the OSM Indianapolis Field Office.

FOR FURTHER INFORMATION CONTACT: Mr. Roger W. Calhoun, Director, Telephone (317) 226–6166.

SUPPLEMENTARY INFORMATION:

I. Background on the Indiana Program

On July 29, 1992, the Indiana program was made effective by the conditional approval of the Secretary of the Interior.

Information pertinent to the general background on the Indiana program, including the Secretary's findings, the disposition of comments, and a detailed explanation of the conditions of approval of the Indiana program can be found in the July 26, 1982, **Federal Register** (47 FR 32107). Subsequent actions concerning the conditions of approval and program amendments are identified at 30 CFR 914.10, 914.15, and 914.16.

II. Discussion of the Proposed Amendment

By letters dated August 15, 1989, and December 5, 1989 (Administrative Record Numbers IND–0674 and 0723), the Indiana Department of Natural Resources (IDNR) submitted a proposed amendment to the Indiana program at Indiana Administrative Code (IAC) 310 IAC 06 and 310 IAC 12–6–6.5. The amendment proposed changes to the Indiana program concerning suspension or revocation of permits and adjudicative proceedings. The program amendment was reviewed and approved, in part, by the Director on January 18, 1992 (56 FR 1915). In the same Federal Register notice, certain required program amendments were codified at 30 CFR 914.16 (d) and (e) which are intended to require Indiana to revise the Indiana program to be no less effective than the corresponding Federal regulations.

By letter dated February 24, 1993 (Administrative Record Number IND–1214), the IDNR submitted program amendment number 93–2 in response to the required program amendments. The proposed amendment includes, but is not limited to, the following changes in 310 IAC 0.6–1–5, 310 IAC 0.6–1–13, 310 IAC 0.7–3–5, and 310 IAC 12–6–6.5:

a. The terms "complaint" and "complaint and proposed" are deleted throughout certain sections of the proposed rules to avoid the creation of a "two-tiered" hearing procedure.

b. 310 IAC 0.6–1–5(d) is revised to require an order to show cause to be served by certified mail or by personal delivery.

c. 310 IAC 0.6–1–5(e) is revised to require a permittee's answer to a show cause order to set forth detailed reasons for contesting the order.

d. 310 IAC 0.6–1–5(f) is revised to require the Director to submit a written recommendation to the commission within 45 days of the receipt of a show cause order. In addition, provisions are added to require a minimum permit suspension period of three working days and a 60-day period upon which the administrative law judge shall issue findings and a non-final order after the conclusion of a hearing.

e. 310 IAC 0.6–1–13 is revised to change the award of costs and attorney's fees.

The full text of the proposed program amendment submitted by Indiana is available for public inspection at the addresses listed above. The Director now seeks public comment on whether the proposed amendment is no less effective than the Federal regulations. If approved, the amendment will become part of the Indiana program.

III. Public Comment Procedures

In accordance with provisions of 30 CFR 732.17(h), OSM is now seeking comment on whether the amendment proposed by Indiana satisfies the requirements of 30 CFR 732.15 for the approval of State program amendments. If the amendment is deemed adequate, it will become part of the Indiana program.

Written Comments

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

Public Hearing

Persons wishing to comment at the public hearing should contact the person listed under **FOR FURTHER INFORMATION CONTACT** by the close of business on April 12, 1993. If no one requests an opportunity to comment at a public hearing, the hearing will not be held.

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

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

Public Meeting

If only one person requests an opportunity to comment at a hearing, a public meeting, rather than a public hearing, may be held. Persons wishing to meet with OSM representatives to discuss the proposed amendment may request a meeting at the Indianapolis Field Office by contacting the person listed under **FOR FURTHER INFORMATION CONTACT**. All such meetings will be open to the public and, if possible, notices of meetings will be posted in advance at the locations listed above under **ADDRESSES**. A summary of the meeting will be included in the Administrative Record.

IV. Procedural Determinations

Executive Order 12291

On July 12, 1984, the Office of Management and Budget (OMB) granted the Office of Surface Mining Reclamation and Enforcement (OSM) an exemption from sections 3, 4, 7 and 8 of Executive Order 12291 for actions related to approval or conditional approval of State regulatory programs, actions and program amendments. Therefore, preparation of a regulatory impact analysis is not necessary and OMB regulatory review is not required.

Executive Order 12778

The Department of the Interior has conducted the reviews required by section 2 of Executive Order 12778 and has determined that, to the extent allowed by law, this rule meets the applicable standards of subsections (a) and (b) of that section. However, these standards are not applicable to the actual language of State regulatory programs and program amendments since each such program is drafted and promulgated by a specific State, not by OSM. Under sections 503 and 505 of the Surface Mining Control and Reclamation Act (SMCRA) (30 U.S.C. 1253 and 1255) and 30 CFR 730.11, 732.13 and 732.17(h)(10), decisions on proposed State regulatory programs and program amendments submitted by the States must be based solely on a determination of whether the submittal is consistent with SMCRA and its implementing Federal regulations and whether the other requirements of 30 CFR parts 730, 731, and 732 have been met.

National Environmental Policy Act

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

Paperwork Reduction Act

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

Regulatory Flexibility Act

The Department of the Interior has determined that this rule will not have a significant economic impact on a substantial number of entities under the

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

List of Subjects in 30 CFR Part 914

Intergovernmental relations, Surface mining, Underground mining.

Dated: March 12, 1993.

Carl C. Close,

Assistant Director, Eastern Support Center.

[FR Doc. 93–6974 Filed 3–25–93; 8:45 am]

BILLING CODE 4310–05–M

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30 CFR Part 920

Maryland Permanent Regulatory Program; Air Resources; Permitting

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

ACTION: Proposed rule.

SUMMARY: OSM is announcing receipt and requesting comments on a proposed amendment to the Maryland permanent regulatory program (hereinafter referred to as the Maryland program) under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). The amendment limits the air protection standards to air pollution attendant to erosion. The amendment also deletes a number of provisions that either are not covered by Federal rules or will make the regulations consistent with statutory provisions recently approved by OSM.

This notice sets forth the times and locations that the Maryland program and the proposed amendment to that program are available for public inspection, the comment period during which interested persons may submit written comments on the amendment and the procedures that will be followed regarding the public hearing, if one is requested.

DATES: Written comments must be received on or before 4 p.m. on April 26, 1993 to ensure consideration in the rulemaking process. If requested, a public hearing on the amendment will be held at 9 a.m. on April 20, 1993. Requests to present oral testimony at the hearing must be received on or before 4 p.m. on April 12, 1993.

ADDRESSES: Written comments and requests to testify at the hearing should be mailed or hand delivered to Robert J. Biggi, Director, Harrisburg Field Office, at the address listed below. Copies of the Maryland program, the proposed amendment, and all written comments received in response to this notice will be available for public review at the addresses listed below during normal business hours, Monday through Friday, excluding holidays.

Each requestor may receive, free of charge, one copy of the proposed amendment by contacting OSM's Harrisburg Field Office.

Office of Surface Mining Reclamation and Enforcement, Harrisburg Field Office, Harrisburg Transportation Center, Third Floor, suite 3C, 4th and Market Streets, Harrisburg, Pennsylvania 17101, Telephone (717) 782–4036.

Maryland Bureau of Mines, 160 South Water Street, Frostburg, Maryland 21532, Telephone (301) 689–4136.

A public hearing, if held, will be at the Penn Harris Motor Inn and Convention Center at the Camp Hill Bypass and U.S. Routes 11 and 15, Camp Hill, Pennsylvania, or at some other location in the area of interested parties.

FOR FURTHER INFORMATION CONTACT: Robert J. Biggi, Director, Harrisburg Field Office, (717) 782–4036.

SUPPLEMENTARY INFORMATION:

I. Background on the Maryland Program

The Secretary of the Interior approved the Maryland program on February 18, 1982. Information on the background of the Maryland program including the Secretary's findings, the disposition of comments and a detailed explanation of the conditions of approval of the Maryland program can be found in the February 18, 1982, **Federal Register** (47 FR 7214–7217). Subsequent actions concerning amendments to the Maryland Program are in 30 CFR 920.15 and 30 CFR 920.16.

II. Discussion of Amendment

The Maryland Bureau of Mines (Bureau) submitted a program amendment to OSM on February 5, 1993. The amendment (Administrative Record Number MD–562.00) limits the air protection standards to air pollution attendant to erosion. The amendment also deletes a number of provisions that either are not covered by Federal rules or will make the regulations consistent with statutory provisions recently approved by OSM.

The Code of Maryland Regulations (COMAR), 08.13.09.27A (Air Resources Protection), is changed to read, "All exposed surface areas shall be protected and stabilized to effectively control erosion and air pollution attendant to erosion." The provision is identical to the Federal rule at 30 CFR 816.95(a). COMAR 08.13.09.27B, is changed to make specified fugitive dust control measures optional as determined by the Bureau. Certain other provisions not required by the Federal regulations have been deleted.

COMAR 08.13.09.04B(3)(c) (Permit Applications: Review Procedures) is amended to require the Bureau to publish notification of a complete permit application in the Maryland Register, including the deadline for submitting comments, objections or requests for a public hearing.

COMAR 08.13.09.04H(1) (Public Hearing) is amended to require the Bureau to hold a public hearing, if requested, in the locality of the proposed operation.

The current regulations require a joint hearing with the Land Reclamation Committee (LRC).

The provisions of COMAR 08.13.09.04I pertaining to decisions by the LRC have been deleted.

New COMAR 08.13.09.04J(3) requires the Bureau to issue an approved permit within fifteen days of receipt of all bonds and fees.

COMAR 08.13.09.04J(4)(c), as amended, requires the Bureau to notify OSM, persons who filed comments or objections and each party to a hearing after the Bureau issues the permit.

III. Public Comment Procedures

In accordance with the provisions of 30 CFR 732.17(h), OSM is now seeking comments on whether the amendments proposed by Maryland satisfy the applicable program approval criteria of 30 CFR 732.15. If the amendments are deemed adequate, they will become part of the Maryland program.

Written Comments

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

Public Hearing

Persons wishing to comment at the public hearing should contact the person listed under **FOR FURTHER INFORMATION CONTACT** by 4 p.m. on April 12, 1993. If no one requests an opportunity to comment at a public hearing, the hearing will not be held.

Filing of a written statement at the time of the hearing is requested as it will greatly assist the transcriber. Submission of written statements in advance of the hearing will allow OSM officials to prepare adequate responses and appropriate questions. The public hearing will continue on the specified date until all persons scheduled to comment have been heard. Persons in the audience who have not been scheduled to comment, and who wish to do so, will be heard following those scheduled. The hearing will end after all persons scheduled to comment and persons present in the audience who wish to comment have been heard.

Public Meeting

If only one person requests an opportunity to comment at a hearing, a public meeting, rather than a public hearing, may be held. Persons wishing to meet with OSM representatives to discuss the proposed amendments may request a meeting at the Harrisburg Field Office by contacting the person listed under **FOR FURTHER INFORMATION CONTACT**. All such meetings will be open to the public and, if possible, notices of meetings will be posted at the locations listed under **ADDRESSES**. A written summary of each meeting will be made part of the Administrative Record.

IV. Procedural Determinations

Executive Order 12291

On July 12, 1984, the Office of Management and Budget (OMB) granted the Office of Surface Mining Reclamation and Enforcement (OSM) an exemption from sections 3, 4, 7 and 8 of Executive Order 12291 for actions related to approval or conditional approval of State regulatory programs, actions and program amendments. Therefore, preparation of a regulatory impact analysis is not necessary and OMB regulatory review is not required.

Executive Order 12778

The Department of the Interior has conducted the reviews required by section 2 of Executive Order 12778 and has determined that, to the extent allowed by law, this rule meets the applicable standards of subsections (a) and (b) of that section. However, these standards are not applicable to the actual language of State regulatory programs and program amendments since each such program is drafted and promulgated by a specific State, not by OSM. Under sections 503 and 505 of the Surface Mining Control and Reclamation Act (SMCRA) (30 U.S.C. 1253 and 1255) and 30 CFR 730.11, 732.13 and 732.17(h)(10), decisions on proposed State regulatory programs and program amendments submitted by the States must be based solely on a determination of whether the submittal is consistent with SMCRA and its implementing Federal regulations and whether the other requirements of 30 CFR Parts 730, 731, and 732 have been met.

National Environmental Policy Act

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

Paperwork Reduction Act

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

Regulatory Flexibility Act

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

List of Subjects in 30 CFR Part 920

Intergovernmental relations, Surface mining, Underground mining.

Dated: February 22, 1993.

Carl Close,

Assistant Director, Eastern Support Center.

[FR Doc. 93–6976 Filed 3–25–93; 8:45 am]

BILLING CODE 4310–05–M

30 CFR Part 920

Maryland Permanent Regulatory Program; Deep Mining; Permit Application; Permit Review

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

ACTION: Proposed rule.

SUMMARY: OSM is announcing receipt and requesting comments on a proposed amendment to the Maryland permanent regulatory program (hereinafter referred to as the Maryland program) under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). The amendment concerns changes to Subtitle 13, Chapter 02, Deep Mining of Coal, in the Code of Maryland Regulations (COMAR). The amendment requires that the surface element of the deep mining plan in the permit application be prepared and reviewed in accordance with COMAR 08.13.09 (Surface Coal Mining and Reclamation under Federally Approved Program). The amendment also requires that the surface activities of deep mining operations comply with the performance standards of COMAR 08.13.09. The amendment is intended to make the Maryland regulations consistent with the corresponding Federal regulations.

This notice sets forth the times and locations that the Maryland program and the proposed amendment to that program are available for public inspection, the comment period during which interested persons may submit written comments on the amendment and the procedures that will be followed regarding the public hearing, if one is requested.

DATES: Written comments must be received on or before 4 p.m. on April 26, 1993, to ensure consideration in the rulemaking process. If requested, a public hearing on the amendment will be held at 9 a.m. on April 20, 1993. Requests to present oral testimony at the hearing must be received on or before 4 p.m. on April 12, 1993.

ADDRESSES: Written comments and requests to testify at the hearing should be mailed or hand delivered to Robert J. Biggi, Director, Harrisburg Field Office, at the address listed below. Copies of the Maryland program, the proposed amendment, and all written

comments received in response to this notice will be available for public review at the addresses listed below during normal business hours, Monday through Friday, excluding holidays.

Each requestor may receive, free of charge, one copy of the proposed amendment by contacting OSM's Harrisburg Field Office.

Office of Surface Mining Reclamation and Enforcement, Harrisburg Field Office, Harrisburg Transportation Center, Third Floor, suite 3C, 4th and Market Streets, Harrisburg, Pennsylvania 17101, Telephone: (717) 782–4036.

Maryland Bureau of Mines, 160 South Water Street, Frostburg, Maryland 21532, Telephone (301) 689–4136.

A public hearing, if held, will be at the Penn Harris Motor Inn and Convention Center at the Camp Hill Bypass and U.S. Routes 11 and 15, Camp Hill, Pennsylvania, or at some other location in the area of interested parties.

FOR FURTHER INFORMATION CONTACT: Robert J. Biggi, Director, Harrisburg Field Office, (717) 782–4036.

SUPPLEMENTARY INFORMATION:

I. Background on the Maryland Program

The Secretary of the Interior approved the Maryland program on February 18, 1982. Information on the background of the Maryland program including the Secretary's findings, the disposition of comments and a detailed explanation of the conditions of approval of the Maryland program can be found in the February 18, 1982, **Federal Register** (47 FR 7214–7217). Subsequent actions concerning amendments to the Maryland Program are in 30 CFR 920.15 and 30 CFR 920.16.

II. Discussion of Amendment

The Maryland Bureau of Mines (Bureau) submitted a program amendment to OSM on February 23, 1993. The amendment (Administrative Record Number MD–563.00) requires that the surface element of the permit application for a deep mine contain the applicable provisions of COMAR 08.13.09.02 (Permit Applications: General Requirements) and requires that the application be reviewed by the Bureau in accordance with COMAR 08.13.09.04 (Permit Applications: Review Procedures).

The amendment removes obsolete or unnecessary provisions in COMAR 08.13.02. The amended provisions, except for minor language changes, are listed below.

COMAR 08.13.02.01 (Definitions) is amended by deleting the definition for "abandoned," "disposal area" and "operator."

COMAR 08.13.02.02 (Application Requirements) is amended by deleting the provisions that a permit applicant register with the Bureau of Mines and provide copies of applications for other permits.

COMAR 08.13.09.03 (Quadrangle Maps) is amended by deleting certain identification requirements for topographic maps including names and depths of bodies of water, conditions of adjacent deep mines, and locations of reference monuments.

COMAR 08.13.02.04 (Mining and Reclamation Plan) is amended by replacing section B (including the title, "Provisions of Surface Element of Plan) with the statement: "The surface element of the plan shall be prepared in accordance with the applicable provisions of COMAR 08.13.09."

COMAR 08.13.02.06 (Application Review Procedures) is deleted.

COMAR 08.13.02.07 (Deep-Mining Bonds) section B is replaced by: "Form of Performance Bonds. In accordance with Natural Resources Article § 7–5A–09, the Bureau may accept either: * * *." Subsections (1) and (2) are modified and a new subsection (3) is added. The subsection adds a surety bond as an acceptable financial instrument for the performance bond.

COMAR 08.13.02.08 (Interim Permits) and COMAR 08.13.02.09 (Flagging or Marking Affected Areas) are deleted.

COMAR 08.13.02.10 (Standards Governing Surface Operations and Activities Related to Deep Mining Operations) is amended by referencing COMAR 08.23.09 (Surface Coal Mining and Reclamation under Federally Approved Programs) as the applicable performance standards and Section A (Face-up area) and Section B (Disposal area) were removed. The standards for these two sections are found in COMAR 08.13.09.13 and COMAR 08.13.09.33.

III. Public Comment Procedures

In accordance with the provisions of 30 CFR 732.17(h), OSM is now seeking comments on whether the amendments proposed by Maryland satisfy the applicable program approval criteria of 30 CFR 732.15. If the amendments are deemed adequate, they will become part of the Maryland program.

Written Comments

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

Public Hearing

Persons wishing to comment at the public hearing should contact the person listed under **FOR FURTHER INFORMATION CONTACT** by 4 p.m. on April 12, 1993. If no one requests an opportunity to comment at a public hearing, the hearing will not be held.

Filing of a written statement at the time of the hearing is requested as it will greatly assist the transcriber. Submission of written statements in advance of the hearing will allow OSM officials to prepare adequate responses and appropriate questions. The public hearing will continue on the specified date until all persons scheduled to comment have been heard. Persons in the audience who have not been scheduled to comment, and who wish to do so, will be heard following those scheduled. The hearing will end after all persons scheduled to comment and persons present in the audience who wish to comment have been heard.

Public Meeting

If only one person requests an opportunity to comment at a hearing, a public meeting, rather than a public hearing, may be held. Persons wishing to meet with OSM representatives to discuss the proposed amendments may request a meeting at the Harrisburg Field Office by contacting the person listed under **FOR FURTHER INFORMATION CONTACT.** All such meetings will be open to the public and, if possible, notices of meetings will be posted at the locations listed under **ADDRESSES.** A written summary of each meeting will be made part of the Administrative Record.

IV. Procedural Determinations

Executive Order 12291

On July 12, 1984, the Office of Management and Budget (OMB) granted the Office of Surface Mining Reclamation and Enforcement (OSM) an exemption from sections 3, 4, 7 and 8 of Executive Order 12291 for actions related to approval or conditional approval of State regulatory programs, actions and program amendments. Therefore, preparation of a regulatory impact analysis is not necessary and OMB regulatory review is not required.

Executive Order 12778

The Department of the Interior has conducted the reviews required by

section 2 of Executive Order 12778 and has determined that, to the extent allowed by law, this rule meets the applicable standards of subsections (a) and (b) of that section. However, these standards are not applicable to the actual language of State regulatory programs and program amendments since each such program is drafted and promulgated by a specific State, not by OSM. Under sections 503 and 505 of the Surface Mining Control and Reclamation Act (SMCRA) (30 U.S.C. 1253 and 1255) and 30 CFR 730.11, 732.13 and 732.17(h)(10), decisions on proposed State regulatory programs and program amendments submitted by the States must be based solely on a determination of whether the submittal is consistent with SMCRA and its implementing Federal regulations and whether the other requirements of 30 CFR parts 730, 731, and 732 have been met.

National Environmental Policy Act

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

Paperwork Reduction Act

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

Regulatory Flexibility Act

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

List of Subjects in 30 CFR Part 920

Intergovernmental relations, Surface mining, Underground mining.

Dated: March 12, 1993.

Carl C. Close,

Assistant Director, Eastern Support Center.

[FR Doc. 93–6977 File 3–25–93; 8:45 am]

BILLING CODE 4310–05–M

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30 CFR Part 920

Maryland Permanent Regulatory Program; Hydrologic Balance; Impoundments

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

ACTION: Proposed rule; reopening and extension of comment period on proposed amendment.

SUMMARY: OSM is announcing the receipt of revisions to a previously prepared amendment to the Maryland permanent regulatory program (hereinafter referred to as the Maryland program) under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). In accordance with 30 CFR 732.17(h), OSM is reopening the comment period to allow the public sufficient time to consider and comment on modifications submitted by Maryland on February 19, 1993 (Administration Record Number MD–549.16), to an amendment which was initially submitted by the State on February 7, 1992 (Administrative Record Number MD–549.00). The modifications are in response to an Issue Letter from OSM dated June 24, 1992 (Administrative Record Number MD–549.08). The amendment consists of proposed modifications to surface water monitoring, inspection of impoundments, and stability analysis.

This document sets forth the times and locations that the program and the proposed amendment are available for public inspection, the comment period during which interested persons may submit written comments on the proposed amendment, and the procedures that will be followed regarding a public hearing, if one is requested.

DATES: Written comments must be received on or before 4 p.m. on April 12, 1993. If requested, a public hearing on the proposed amendment will be held at 10 a.m. on April 5, 1993. Requests to present oral testimony at the hearing must be received on or before 4 p.m. on March 31, 1993.

ADDRESSES: Written comments and requests for a hearing should be mailed or hand delivery to: Mr. Robert Biggi, Director, Harrisburg Field Office, at the address listed below. Copies of the proposed amendment, and all written comments received in response to this document will be available for review at the addresses listed below, Monday through Friday, 9 a.m. to 4 p.m., excluding holidays. Each requestor may receive, free of charge, one copy of the proposed amendment by contacting OSM's Harrisburg Field Office.

Office of Surface Mining Reclamation and Enforcement, Harrisburg Field Office, Harrisburg Transportation Center, Third Floor, suite 3C, 4th and Market Street, Harrisburg, Pennsylvania 17101, Telephone: (717) 782–4036.

Maryland Bureau of Mines, 69 Hill Street, Frostburg, Maryland 21532, Telephone: (301) 689–4136.

A public hearing, if held, will be at the Penn Harris Motor Inn and Convention Center at the Camp Hill Bypass and U.S. Routes 11 and 15, Camp Hill, Pennsylvania, or at some other location in the area of interested parties.

FOR FURTHER INFORMATION CONTACT: Mr. Robert Biggi, Director, Harrisburg Field Office, Telephone: (717) 782–4036.

SUPPLEMENTARY INFORMATION:

I. Background on the Maryland Program

The Secretary of the Interior approved the Maryland program on February 18, 1982. Information on the background of the Maryland program including the Secretary's findings, the disposition of comments and a detailed explanation of the conditions of approval of the Maryland program can be found in the February 18, 1982, **Federal Register** (47 FR 7214–7217). Subsequent actions concerning amendments to the Maryland program are in 30 CFR 920.15 and 920.16.

II. Discussion of Amendment

By letter dated February 19, 1993 (Administrative Record Number MD–549.16) Maryland submitted modifications to a proposed program amendment which was originally submitted on February 7, 1992 (Administrative Record Number MD–549.00). The resubmission is in response to an Issue Letter from OSM dated June 24, 1992 (Administrative Record Number MD–549.08).

This resubmission contains the following changes to the February 7, 1992, submission:

1. Regulations COMAR 08.13.09.23E(5)(a) is revised to provide for modification of surface water

monitoring requirements if the operator demonstrates that postmining water quantity and quality is not, and is not expected to, adversely impact identified water users, and the water supply of any adversely impacted water users has been replaced.

2. Regulations COMAR 08.13.09.24H(3)(c) is revised to give consideration to the results of a supplemental stability analysis conducted by Maryland. The revision identifies those factors that must be present in order for impoundments meeting the criteria of COMAR 08.13.09.24(H)(1) and H(3)(b) to be deemed to meet a minimum static safety factor of 1.3 for a normal pool with steady state seepage conditions.

3. Regulations COMAR 08.13.09.24H(4) is revised to authorize the Bureau of Mines to require a foundation investigation for impoundments not meeting the size criteria of 30 CFR 77.216(a), if the Bureau determines that an investigation is necessary.

4. Regulations COMAR 08.13.09.24H(10) is revised to correct an erroneous cross-reference.

III. Public Comment Procedures

In accordance with the provisions of 30 CFR 732.17(h), OSM is reopening the comment period on Maryland's revised program amendment to provide the public an opportunity to reconsider the adequacy of the revisions.

Specifically, OSM is seeking comments on Maryland's revised surface mine reclamation regulations submitted on February 19, 1993 (Administrative Record Number MD–549.16). OSM is seeking comments on whether the revised program amendment satisfies the applicable program approval criteria of 30 CFR 732.15. If approved, the amendment will become part of the Maryland permanent regulatory program.

Written Comments

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

Public Hearing

Persons wishing to comment at the public hearing should contact the person listed under **FOR FURTHER INFORMATION CONTACT** by 4 p.m. on April 5, 1993. If no one requests an opportunity to comment at a public hearing, the hearing will not be held. Filing of a written statement at the time of the hearing is requested as it will greatly assist the transcriber. Submission of written statements in advance of the hearing will allow OSM officials to prepare adequate responses and appropriate questions.

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

Public Meeting

If only one person requests an opportunity to comment at a hearing, a public meeting, rather than a public hearing, may be held. persons wishing to meet with OSM representatives to discuss the proposed amendments may request a meeting at the OSM Harrisburg Field Office listed under **ADDRESSES** by contacting the person listed under **FOR FURTHER INFORMATION CONTACT**. All such meetings will be open to the public and, if possible, notices of meetings will be posted in advance at the locations listed under **ADDRESSES**. A written summary of each meeting will be made a part of the Administrative Record.

Executive Order No. 12291

On July 12, 1984, the Office of Management and Budget (OMB) granted OSM an exemption from sections 3, 4, 7, and 8 of Executive Order 12291 for actions related to approval or conditional approval of State regulatory programs, actions and program amendments. Therefore, preparation of a regulatory impact analysis is not necessary and OMB regulatory review is not required.

Executive Order 12778

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

National Environmental Policy Act

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

Paperwork Reduction Act

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

Regulatory Flexibility Act

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

List of Subjects in 30 CFR Part 920

Intergovernmental regulations, Surface mining, Underground mining.

Dated: March 12, 1993.

Carl C. Close,

Assistant Director, Eastern Support Center.

[FR Doc. 93–6975 Filed 3–25–93; 8:45 am]

BILLING CODE 4310–05–M

30 CFR Part 935

Ohio Permanent Regulatory Program; Revision of Administrative Rule

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

ACTION: Proposed rule.

SUMMARY: OSM is announcing the receipt of proposed Program Amendment Number 60 to the Ohio permanent regulatory program (hereinafter referred to as the Ohio program) under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). The amendment was initiated by Ohio and is intended to make the Ohio program no less effective than the corresponding Federal regulations. The amendment concerns the extraction of more than 250 tons of coal under an exploration permit and the commercial use or sale of coal extracted during exploration.

This document sets forth the times and locations that the Ohio program and proposed amendments to that program will be available for public inspection, the comment period during which interested persons may submit written comments on the proposed amendments, and the procedures that will be followed regarding the public hearing, if one is requested.

DATES: Written comments must be received on or before 4 p.m. on April 26, 1993. If requested, a public hearing on the proposed amendments will be held at 1 p.m. on April 20, 1993. Requests to present oral testimony at the hearing must be received on or before 4 p.m. on April 12, 1993.

ADDRESSES: Written comments and requests to testify at the hearing should be mailed or hand-delivered to Mr. Richard J. Seibel, Director, Columbus Field Office, at the address listed below. Copies of the Ohio program, the proposed amendments, and all written comments received in response to this document will be available for public review at the addresses listed below during normal business hours, Monday through Friday, excluding holidays. Each requester may receive, free of charge, one copy of the proposed amendments by contacting OSM's Columbus Field Office.

Office of Surface Mining Reclamation and Enforcement, Columbus Field Office, 2242 South Hamilton Road, room 202, Columbus, Ohio 43232, Telephone: (614) 866–0578.

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

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

SUPPLEMENTARY INFORMATION:

I. Background

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

II. Discussion of the Proposed Amendments

By letter dated January 15, 1993 (Administrative Record No. OH–1826), the Ohio Department of Natural Resources, Division of Reclamation (Ohio), submitted proposed Program Amendment Number 60. In this amendment, Ohio proposes to revise Ohio Administrative Code (OAC) rule 1501:13–4–02 to make that rule no less effective than the corresponding Federal rules in 30 CFR Part 772 concerning coal exploration. Ohio is making numerous minor revisions to clarify and reorganize the rule and to renumber and reletter rule paragraphs. The substantive changes to the rule proposed by Ohio are discussed briefly below:

(1) *OAC 1501:13–4–02 paragraph (D):* Ohio is deleting the existing provision that persons who intend to extract more than 250 tons of coal during an exploration operation must obtain a coal mining and reclamation permit as required under Ohio Revised Code § 1513.07. Ohio is adding a new requirement that those persons who intend to extract more than 250 tons of coal during an exploration operation must first submit an application for and obtain an exploration permit. New paragraphs (D)(1) through (D)(13) specify the minimum required information which those persons must include in applications for exploration permits.

(2) *OAC 1501:13–4–02 paragraph (E):* Ohio is adding a new paragraph (E) which establishes requirements for public notice and opportunity to comment on exploration permit applications. Applicants shall publish a newspaper notice in the county of the proposed exploration area and affected persons may file written comments with Ohio within ten days after that notice.

(3) *OAC 1501:13–4–02 paragraph (F):* Ohio is adding a new paragraph (F) which establishes the review procedures and approval criteria which Ohio will use in processing exploration applications.

(4) *OAC 1501:13–4–02 paragraph (G):* Ohio is adding a new paragraph (G) which establishes the procedures by which Ohio will notify applicants and publicly display its decisions on exploration applications.

(5) *OAC 1501:13–4–02 paragraph (K):* Ohio is revising the existing provision that persons who intend to extract coal during an exploration operation for commercial sale or use must obtain a coal mining and reclamation permit as required under Ohio Revised Code § 1513.07. Ohio is adding the provision in new paragraph (K)(2) that, if such commercial sale or use is for coal testing purposes only, those persons need not obtain a coal mining and reclamation permit. Rather, those persons must apply for and receive an exploration permit. New paragraphs (K)(2)(a) through (K)(2)(d) specify the required information on the coal testing, remaining coal reserves, and method of exploration which those persons must provide in the exploration application to justify the commercial sale or use of the extracted coal.

III. Public Comment Procedures

In accordance with the provisions of 30 CFR 732.17(h), OSM is now seeking comment on whether the amendments proposed by Ohio satisfy the applicable program approval criteria of 30 CFR 732.15. If the amendments are deemed adequate, they will become part of the Ohio program.

Written Comments

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

Public Hearing

Persons wishing to comment at the public hearing should contact the person listed under **FOR FURTHER INFORMATION CONTACT** by 4 p.m. on April 12, 1993. If no one requests an opportunity to comment at a public hearing, the hearing will not be held.

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

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

Public Meeting

If only one person requests an opportunity to comment at a hearing, a public meeting, rather than a public hearing, may be held. Persons wishing to meet the OSM representatives to discuss the proposed amendments may request a meeting at the Columbus Field Office by contacting the person listed under **FOR FURTHER INFORMATION CONTACT**. All such meetings shall be open to the public and, if possible, notices of the meetings will be posted at the locations listed under **ADDRESSES**. A written summary of each public meeting will be made a part of the Administrative Record.

IV. Procedural Determinations

Executive Order No. 12291

On July 12, 1984, the Office of Management and Budget (OMB) granted OSM an exemption from sections 3, 4, 7, and 8 of Executive Order 12291 for actions directly related to approval or conditional approval of State regulatory programs, actions, and program amendments. Therefore, preparation of a Regulatory Impact Analysis is not necessary and OMB regulatory review is not required.

Executive Order 12778

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

National Environmental Policy Act

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

Paperwork Reduction Act

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

Regulatory Flexibility Act

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

List of Subjects in 30 CFR Part 935

Intergovernmental relations, Surface mining, Underground mining.

Dated: January 28, 1993.

Carl C. Close,

Assistant Director, Eastern Support Center.

[FR Doc. 93–6978 Filed 3–25–93; 8:45 am]

BILLING CODE 4310–05–M1

30 CFR Part 938

Pennsylvania Regulatory Program; Regulatory Reform

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

ACTION: Proposed rule.

SUMMARY: OSM is announcing receipt and requesting comments on a proposed amendment to the Pennsylvania permanent regulatory program (hereinafter referred to as the Pennsylvania program) under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). The proposed amendment (Administrative Record Number PA 818.00) would increase the surface mine permit reclamation fee from $50 per acre to $100 per acre to provide additional revenue for the Surface Mining Conservation and Reclamation Fund (Fund).

This notice sets forth the times and locations that the Pennsylvania program and the proposed amendment to that program are available for public inspection, the comment period during which interested persons may submit written comments on the amendment and the procedures that will be followed regarding, if one is requested.

DATES: written comments must be received on or before 4 p.m. on April 26, 1993 to ensure consideration in the rulemaking process. If requested, a public hearing on the amendment will be held at 9 a.m. on April 20, 1993. Requests to present testimony at the hearing must be received on or before 4 p.m. on April 12, 1993.

ADDRESSES: Written comments and requests to testify at the hearing should be mailed or hand delivered to Robert J. Biggi, Director, Harrisburg Field Office at the address listed below. Copies of the Pennsylvania program, the proposed amendment, and all written comments received in response to this document will be available for public review at the addresses listed below during normal business hours, Monday through Friday, excluding holidays. Each requestor may receive, free of charge, one copy of the proposed amendment by contacting OSM's Harrisburg Field Office.

Office of Surface Mining Reclamation and Enforcement, Harrisburg Field Office, Harrisburg Transportation Center, Third Floor, suite 3C, 4th and Market Streets, Harrisburg, Pennsylvania 17101, Telephone (717) 782–4036.

Pennsylvania Department of Environmental Resources, Bureau of

Mining and Reclamation, room 209 Executive House, 2nd and Chestnut Streets, P.O. 8461, Harrisburg, Pennsylvania 17105–8461, Telephone: (717) 787–5103.

A public hearing, if held, will be at the Penn Harris Motor Inn and Convention Center at the Camp Hill Bypass and U.S. Routes 11 and 15, Camp Hill, Pennsylvania.

FOR FURTHER INFORMATION CONTACT: Robert J. Biggi, Director, Harrisburg Field Office, (717) 782–4036.

SUPPLEMENTARY INFORMATION:

I. Background on the Pennsylvania Program

The Secretary of the Interior conditionally approved the Pennsylvania program on July 31, 1982. Information on the background of the Pennsylvania program including the Secretary's findings, the disposition of comments, and a detailed explanation of the conditions of approval of the Pennsylvania program can be found in the July 30, 1982, **Federal Register** (47 FR 33050). Subsequent actions concerning the conditions of approval and program amendments are identified at 30 CFR 938.11, 938.12, 938.15 and 938.16.

II. Discussion of Proposed Amendment

Section 18(a) of Pennsylvania's Surface Mining Conservation and Reclamation Act provides for the Fund. Moneys derived from bond forfeitures, civil penalties, license fees, permit fees and miscellaneous revenue are deposited into the Fund. The Fund is used to supplement reclamation costs on those sites where the forfeited bonds are inadequate. The Pennsylvania Department of Environmental Resources (PADER) determined that current Fund revenues are insufficient to cover short and projected long-term reclamation obligations of the Fund. Consequently, PADER decided to increase the permit reclamation fee. PADER's rules at 25 PA. CODE 86.17 (e) currently require a $50 per acre fee as permit acreage is authorized for mining. The fee is not assessed on surface acreage of underground mines. The amendment would increase the per acre permit reclamation fee from $50 to $100.

III. Public Comment Procedures

In accordance with the provisions of 30 CFR 732.17(h), OSM is now seeking comments on whether the amendments proposed by Pennsylvania satisfy the applicable program approval criteria of 30 CFR 732.15. If the amendments are deemed adequate, they will become part of the Pennsylvania program.

Written Comments

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

Public Hearing

Persons wishing to comment at the public hearing should contact the person listed under **FOR FURTHER INFORMATION CONTACT** by 4 p.m. on April 12, 1993. If no one requests an opportunity to comment at a public hearing, the hearing will not be held.

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

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

Public Meeting

If only one person requests an opportunity to comment at a hearing, a public meeting, rather than a public hearing, may be held.

Persons wishing to meet with OSM representatives to discuss the proposed amendments may request a meeting at the Harrisburg Field Office by contacting the person listed under **FOR FURTHER INFORMATION CONTACT**. All such meetings will be open to the public and, if possible, notices of meetings will be posted at the locations listed under **ADDRESSES**. A written summary of each meeting will be made part of the Administrative Record.

IV. Procedural Determinations

Executive Order 12291

On July 12, 1984, the Office of Management and Budget (OMB) granted the Office of Surface Mining Reclamation and Enforcement (OSM) an exemption from sections 3, 4, 7 and 8 of Executive Order 12291 for actions related to approval or conditional approval of State regulatory programs, actions and program amendments. Therefore, preparation of a regulatory impact analysis is not necessary and OMB regulatory review is not required.

Executive Order 12778

The Department of the Interior has conducted the reviews required by section 2 of Executive Order 12778 and has determined that, to the extent allowed by law, this rule meets the applicable standards of subsections (a) and (b) of that section. However, these standards are not applicable to the actual language of State regulatory programs and program amendments since each program is drafted and promulgated by a specific State, not by OSM. Under sections 503 and 505 of the Surface Mining Control and Reclamation Act (SMCRA) (30 U.S.C. 1253 and 1255) and 30 CFR 730.11, 732.13 and 732.17(h)(10), decisions on proposed State regulatory programs and program amendments submitted by the States must be based solely on a determination of whether the submittal is consistent with SMCRA and its implementing Federal regulations and whether the other requirements of 30 CFR parts 730, 731, and 732 have been met.

National Environmental Policy Act

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

Paperwork Reduction Act

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

Regulatory Flexibility Act

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

State. In making the determination as to whether this rule would have a significant economic impact, the Department relied upon the data and assumptions for the counterpart Federal regulations.

List of Subjects in 30 CFR Part 938

Intergovernmental relations, Surface mining, Underground mining.

Dated: March 4, 1993.

Carl C. Close,

Assistant Director, Eastern Support Center.

[FR Doc. 93–6971 Filed 3–25–93; 8:45 am]

BILLING CODE 4310–05–M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 168

[CGD 91–202]

RIN 2115–AE10

Escort Vessels for Certain Oil Tankers

AGENCY: Coast Guard, DOT.

ACTION: Notice of proposed rulemaking; reopening comment period.

SUMMARY: On July 7, 1992, the Coast Guard published a notice of proposed rulemaking (NPRM) to define areas including Prince William Sound, Alaska, and Puget Sound, Washington, where at least two escort vessels will be required for certain tankers. The comment period, which closed on September 8, 1992, is being reopened. The Coast Guard is taking this action to obtain additional information which will be helpful in establishing standards for escort vessels and to determine what other requirements may be appropriate for tanker escort operations.

DATES: Comments must be received by June 24, 1993.

ADDRESSES: Comments may be mailed to the Executive Secretary, Marine Safety Council (G–LRA/3406) (CGD 91–202), U.S. Coast Guard Headquarters, 2100 Second Street SW., Washington, DC 20593–0001 or may be delivered to room 3406 at the above address between 8 a.m. and 3 p.m., Monday through Friday, except Federal holidays. The telephone number is (202) 267–1477. Comments on collection of information requirements must be mailed also to the Office of Information and Regulatory Affairs, Office of Management and Budget, 725 17th Street NW., Washington, DC 20503, Attn: Desk Officer, U.S. Coast Guard.

The Executive Secretary maintains the public docket for this rulemaking. Comments will become part of this docket and will be available for inspection or copying at room 3406, U.S. Coast Guard Headquarters.

FOR FURTHER INFORMATION CONTACT: Captain G. T. Willis, Project Manager, (202) 267–6732.

SUPPLEMENTARY INFORMATION:

Request for Comments

The Coast Guard encourages interested persons to submit written data, views, or arguments. Persons submitting comments should include their names and addresses, identify this rulemaking (CGD 91–202) and the specific section of this proposal to which each comment applies, and give the reason for each comment. The Coast Guard requests that all comments and attachments be submitted in an unbound format suitable for copying and electronic filing. If not practical, a second copy of any bound materials is requested. Persons wanting acknowledgment of receipt of comments should enclose a stamped, self-addressed postcard or envelope.

The Coast Guard will consider all comments received during the comment period.

Drafting Information

The principal persons involved in drafting this document are Captain G. T. Willis, Project Manager, and Ms. Joan Tilghman, Project Counsel, OPA 90 Staff.

Background and Purposes

Section 4116(c) of the Oil Pollution Act of 1990 (OPA 90) (Pub. L. 101–380) requires the Secretary of Transportation to initiate rulemaking to define areas where single hulled tankers over 5,000 gross tons (GT) transporting oil in bulk must be escorted by at least two "towing vessels" as defined in 46 U.S.C. 2101 or by some other vessels which the Secretary considers appropriate. This authority has been delegated to the Coast Guard. These defined areas must include Prince William Sound, Alaska, and Rosario Strait and Puget Sound, Washington (including those portions of the Strait of Juan de Fuca east of Port Angeles, Haro Strait, and the Strait of Georgia subject to United States jurisdiction). On July 7, 1992, the Coast Guard published an NPRM (57 30058) to implement section 4116(c) in Prince William Sound and Puget Sound.

The Coast Guard received comments to the NPRM which were not as extensive as expected. It appears that the public may not appreciate the scope of the July 7, 1992 NPRM. The Coast Guard is inviting further public review of those portions of the NPRM (noted below) where additional comments are needed.

(a) Definition of escort vessel. The comments received indicate that the definition of "escort vessel" proposed in the NPRM was not uniformly agreed upon or understood. The Coast Guard invites further comment on whether to redefine the term "escort vessel" by differentiating between the traditional service of berthing and unberthing assistance at extremely slow speeds, and controlling the movement of a large, loaded tanker which may lose power or steering while underway in open waters.

The definition developed will apply in Prince William Sound and Puget Sound and may be used in other areas where escort vessels may be required by the Coast Guard. The Coast Guard solicits comment on an appropriate national definition.

(b) Escort vessel criteria. Congress intended to require maximum safety margins for tankers transiting environmentally sensitive areas, and the Coast Guard solicits additional information on what constitutes an appropriate escort vessel for a tanker.

The most important factor to be considered is the escort vessel's ability to influence a stricken tanker's movement at any given time. That is, the escort vessel must be able to respond to a disabled tanker and apply sufficient maneuvering forces to control the tanker, thereby reducing the risk of grounding or collision. Additional considerations include the different functions that the escort vessel may be required to perform (which as towing, maneuvering assistance, spill response, firefighting), the weather and sea conditions, and the distances that the escort vessel must travel.

Therefore, the Coast Guard is seeking comment on whether the criteria for escort vessels should be performance-based or design-based. Information is also needed on what services an escort vessel should be expected to perform in order to develop our requirements for escort vessels and whether a design-based standard will account for the full spectrum of tanker sizes and other conditions under which the escort vessel actually may operate. Public comment is also needed on the value of a performance-based standard coupled with operating parameters that account for a tanker's motion, weather and sea conditions, as well as geographical peculiarities.

More specific comments are invited on performance standards, especially on how to demonstrate that an escort vessel can meet the performance criteria for

various tanker sizes under a range of weather conditions. Additionally, comments are sought on the use of computer technology which simulates all environmental conditions of concern and matches those conditions with both tanker and escort vessel characteristics. Comment is also sought on whether the results of the computer simulation should be verified with full-scale sea trials.

The Coast Guard has received comments suggesting that the results of escort vessel studies be obtained before issuing a final rule. A Disabled Tanker Towing Study is being conducted in Prince William Sound to evaluate the capability of existing emergency towing equipment and examine the alternatives that could enhance the escort and assist capabilities for disabled tankers. This study is funded by the Regional Citizens' Advisory Council for Prince William Sound (RCAC) and the Prince William Sound Tanker Association. It is being conducted by: Prince William Sound RCAC, Aleyska Pipeline Services Company, the Prince William Sound Tanker Association, the Alaska Department of Environmental Conservation, and the U.S. Coast Guard. The Coast Guard seeks further comments on whether the results of the study should be obtained before completing the rulemaking.

(c) Pre-escort conference. In the NPRM, the Coast Guard proposed that a tanker master use the pre-escort conference, in part, to determine the suitability of escort vessels. Many of the comments received on this section expressed the opinion that the tanker master should not be responsible for making a suitability decision based on the information previously proposed, especially if the tanker is already in the area where the escort is to begin.

The Coast Guard seeks additional, specific comment on the need for and content of the pre-escort conference. Should the principal focus of any conference be to evaluate weather, sea, and other conditions that may affect the safe conduct of the tanker transit? Should it ensure that personnel on each vessel understand and agree as to how the operation will be conducted? Comments are solicited as well on current practice between pilots, masters, and towing vessel operators, regarding pre-escort discussions.

(d) Public hearing. Some responses requested a public hearing. Public hearings are planned for Seattle, Washington, and Valdez, Alaska. Dates, times and locations of the hearings will be published in the Federal Register.

The Coast Guard invites specific comment on each issue presented in this document. Previous comments in this docket will be considered in continuing deliberations and need not be resubmitted. However, the Coast Guard is interested in new data or information. The Prince William Sound and Puget Sound escort vessel final rule may, depending on comments received, be proposed to apply, at least in part, to other areas, as selected by the Coast Guard.

Dated: March 17, 1993.

W.J. Ecker,

Chief, Office of Navigation Safety and Waterway Services.

[FR Doc. 93-6907 Filed 3-25-93; 8:45 am]

BILLING CODE 4910-14-M

POSTAL RATE COMMISSION

39 CFR Part 3001

[Docket No. RM91-1; Order No. 968]

Rules of Practice and Procedure

AGENCY: Postal Rate Commission.

ACTION: Proposed Rulemaking; Withdrawing Proposed Rule and Establishing Date for Additional Comments.

SUMMARY: The Postal Rate Commission proposed a new subpart I of its rules of practice in a Notice of Proposed Rulemaking published on August 28, 1992. After receiving the comments of the United States Postal Service on the proposed rules, the Commission has determined to withdraw the proposal from consideration. The Commission is also soliciting additional comments regarding potential improvements in its current rules of practice.

DATES: Comments responding to this document must be submitted on or before May 10, 1993.

ADDRESSES: Comments and correspondence should be sent to Charles L. Clapp, Secretary of the Commission, Suite 300, 1333 H Street NW., Washington, DC 20268-0001 (telephone: 202/789-6840).

FOR FURTHER INFORMATION CONTACT: Stephen Sharfman, Acting Legal Advisor, Postal Rate Commission, suite 300, 1333 H Street NW., Washington, DC 20268-0001 (telephone: 202/789-6820).

SUPPLEMENTARY INFORMATION: On August 28, 1992, the Commission published a notice in this proceeding proposing a new subpart I of its rules of practice. The components of the new subpart were crafted primarily in response to the recommendations of the Joint Task Force on Postal Ratemaking, in its report entitled Postal Ratemaking in a Time of Change, and included rules:

(1) Implementing a four-year strategic rate cycle approach to recommending changes in postal rates and fees under 39 U.S.C. ch. 36; (2) providing for a presentation by a Postal Service general policy witness in omnibus rate cases and midcycle rate cases to illuminate the record in such cases; (3) adopting a general policy statement regarding "band rates" for competitive categories of service and implementing the processes by which rate bands could be recommended; and (4) adopting enhancements in periodic data reporting by the Postal Service to provide easy, unambiguous comparisons between estimates made in rate decisions and actual operating results subsequently observed by the Service. See 57 FR 39160-73 (Aug. 28, 1992). In light of the comments made by interested parties, most notably the United States Postal Service, the Commission has decided to withdraw the proposed new subpart I from consideration, and to solicit further comments from interested parties on other possible changes to the Commission's current rules of practice.

The Commission's notice set October 13, 1992, as the deadline for substantive comments upon the proposed rule. 57 FR 39160. Prior to that date, the Commission received several letters sent on behalf of mail users or mailers' groups [1] requesting that the Commission suspend this proceeding, with resumption conditioned on the Postal Service's submission of its views on reforming the ratemaking process prior to a general round of comments from other parties. Reasons advanced for the requested suspension included (i) a concern that leadership and management changes at the Postal Service leave the mailing community without a clear sense of the Service's position; (ii) the onset of the Postal Service's high-volume season; (iii) the apparent postponement of the omnibus rate filing anticipated at earlier stages of this rulemaking; and (iv) lack of ensuing prejudice to any party.

The Commission granted these requests in Order No. 936, issued October 7, 1992. In that order, the Commission suspended the proceeding until December 16, 1992, and stated its expectation that the Postal Service would file comments responsive to the

[1] The Commission received letters requesting a suspension from representatives of the Mailers Council and the Direct Marketing Association, and letters in support of a suspension from counsel or representatives of Time Warner Inc., Magazine Publishers of America, Newspaper Association of America, and the Association of American Publishers.

movants' concerns and addressing the substance of the proposed rule, insofar as possible, by that date. The Commission also invited the Governors of the Postal Service to share their perspective on the Commission's proposal on, or soon after, the December 16 date for Postal Service comments. Finally, the Commission stated its intention to provide other parties an ample amount of time to review submissions by the Postal Service and the Governors and to formulate their positions prior to setting a specific deadline for their comments.

The United States Postal Service filed comments in response to the Notice of Proposed Rulemaking on October 13, 1992. The Service stated that it "does not support the two-phase four-year rate cycle" proposed by the Task Force, and substantively presented in the Notice. According to the Service's comments, "[t]he proposed rules are not consistent with the directions in which postal management is currently moving." Comments at 4 and 6. The Service expressed a preference for a "much more flexible approach" that would involve the selection by the Postal Service's Board of Governors of a multi-year test period, the length of which would be determined on a case-by-case basis. The Postal Service did state its view that the Commission should proceed to consider the various other procedures recommended by the Joint Task Force on Postal Ratemaking. It also stated an expectation that it would be able to furnish suggested rules covering those areas to the Commission and the parties in the near future.

The Governors of the Postal Service have not chosen to submit separate comments on these matters to date.

With considerable reluctance, the Commission has decided to withdraw the proposed new subpart I of its rules from consideration. We are doing so in light of the inescapable conclusion that the Postal Service is fundamentally opposed to the initiative which the Commission's subpart I represents.

In its comments of October 13 on the proposed rules, the Postal Service took pains to identify six ratemaking principles which it believes are implicit in those rules. Postal Service Comments of October 13, 1992, at 2–3. The Service then states that it "is not prepared to commit itself" to those principles, and presented six detailed statements in opposition. Id. at 3–4.

These comments strike at the very heart of the proposed rules. As our commentary accompanying the proposed rules reflects, the four-year strategic rate cycle—and the commitment on the part of the Postal Service's Board of Governors that the approach requires—are the indispensable foundations of the Task Force recommendations, and the new subpart I. As we stated in the Notice of August 28, 1992:

> The indeterminate nature of the present rate cycle, and the tenuity of the connections between the Service's actual plans and results and the test year data we analyze in a rate case, can be corrected by an explicitly plan-linked rate change request tied to an equally explicit cycle of years. If it is clear to all concerned—postal managers and employees, mailers, and outside observers—that by filing a rate case the Service has committed itself to achieving certain planned results and has suggested specific future rate levels tied to that plan, there will be an incentive to achieve the plan which is largely lacking in today's ratemaking practice.

57 FR 39161. If the specified regular rate cycle is removed, the linchpin of the intended improvements in the ratemaking process is missing, and our proposed rules will not function. For this reason, the Postal Service counter-proposal of a multi-year test period of indefinite length, to be determined by the Board of Governors on a case-by-case basis, is not an acceptable revision of our proposed rules. Similarly, without the regular scrutiny of the institutional cost contributions made by competitive categories of service which the regular cycle of omnibus and midcycle rate cases provides, the implementation of band rates would revive concerns expressed by other commenters regarding the risk of predation, exploitation of monopoly customers, and evasion of statutory requirements.[2]

[2] In the Notice of August 28, we made the following observation concerning the proposed rules' provision for band rates:

> This new authority is permissible since the fact that rates in these areas will be reviewed at regular intervals in formal public rate proceedings provides adequate safeguards to both mailers and competitors.

57 FR at 39161.

In summary, without the Postal Service's institutional commitment to the proposed regular cycle of rate cases, the proposed new subpart I lacks a critical form of support, and in our view cannot be recommended. Accordingly, the Commission will withdraw the proposed rules from consideration.

Future Course of This Proceeding

Having withdrawn our proposed rules from consideration, the Commission is mindful that interested parties other than the Postal Service have filed earlier comments in this docket suggesting improvements in the Commission's current rules of practice. Some of the comments concerned potential improvements in the conduct of rate proceedings; others addressed more general or different matters. We appreciate the thought and effort devoted to these comments, and will consider them in the balance of this rulemaking. Also, in view of our withdrawal of the proposed new subchapter I, we will confine our deliberations concerning ratemaking matters in the remainder of this proceeding to potential improvements in the Commission's current rules and procedures generally. Accordingly, we are providing all interested parties an additional opportunity to submit comments on such potential improvements within 45 days of the publication of this notice. We will then evaluate all suggestions and comments received in this docket, and publish proposed changes for further comment.

In addition, while the tenor of the Postal Service's response to the first proposed rules stemming from the Task Force report was not positive, we intend to proceed to explore whether other Task Force proposals can be developed and implemented. Consequently, in a companion to this order we will shortly initiate a new rulemaking proceeding to consider the adoption of rules responsive to other Task Force recommendations.

Issued by the Commission on March 19, 1993.

Charles L. Clapp,

Secretary.

[FR Doc. 93–6962 Filed 3–25–93; 8:45 am]

BILLING CODE 7710–FW–P

Notices

Federal Register
Vol. 58, No. 57
Friday, March 26, 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

Special Provisions for Fresh Fruit and Vegetable Imports Under the U.S.-Canada Free-Trade Agreement

AGENCY: Office of the Secretary, USDA.

ACTION: Notice of determination of existence of conditions necessary for imposition of temporary duty on potatoes from Canada.

SUMMARY: As required by section 301(a) of the United States-Canada Free-Trade agreement Implementation Act of 1988 ("FTA Implementation Act"), this is a notification that the necessary conditions exist with respect to United States acreage and import price criteria for potatoes classifiable to subheadings 0701.10.00, 0701.90.10, and 0701.90.50 of the Harmonized Tariff Schedule of the United States (HTS) imported from Canada to permit the Secretary of Agriculture to consider recommending to the President the imposition of a temporary duty ("snapback duty") by the United States pursuant to section 301(a) of the FTA Implementation Act, implementing Article 702 of the United States-Canada Free-Trade Agreement (FTA), Special Provisions for Fresh Fruits and Vegetables.

FOR FURTHER INFORMATION CONTACT: Howard Wetzel, Horticultural & Tropical Products Division, Foreign Agricultural Service, U.S. Department of Agriculture, Washington, DC 20250–1000 or telephone at (202) 720–3423.

SUPPLEMENTARY INFORMATION: The FTA Implementation Act, in accordance with the FTA, authorizes the imposition of a temporary duty (snapback) for a limited group of fresh fruits and vegetables when certain conditions exist. Potatoes, fresh or chilled, classified under subheadings 0701.10.00, 0701.90.10, and 0701.90.50 of the HTS are goods subject to the snapback duty provision.

Under section 301(a) of the FTA Implementation Act, two conditions must exist before imposition by the United States of a snapback duty can be considered. First, the import price of a covered Canadian fruit or vegetable, for each of five consecutive working days, must be less than ninety percent of the corresponding five-year average monthly import price. This price for a particular day is the average import price of a Canadian fresh fruit or vegetable imported into the United States from Canada, for the calendar month in which that day occurs, in each of the 5 preceding years, excluding the years with the highest and lowest monthly averages.

Second, the planted acreage in the United States for the like fruit or vegetable must be no higher than the average planted acreage over the preceding five years, excluding the years with the highest and lowest acreage.

On February 9, 10, 11, 12, and 16, 1993, the price conditions with respect to potatoes were met.

The most recent revision of planted acreage for potatoes shows that this year's planted acreage is below the planted acreage over the preceding five years, excluding the years with the highest and lowest planted acreages.

Issued at Washington, DC the 18th day of March, 1993.

Charles J. O'Mara,

Acting Under Secretary, International Affairs and Commodity Programs.

[FR Doc. 93–7009 Filed 3–25–93; 8:45 am]

BILLING CODE 3410–10–M

Forest Service

Proposed Fourmile Timber Sale Within the French Creek/Patrick Butte Roadless Area, Payette National Forest, Adams County, ID

AGENCY: Forest Service, USDA.

ACTION: Revised notice of intent to prepare an environmental impact statement.

SUMMARY: The USDA Forest Service published a notice of intent to prepare an environmental impact statement (EIS) for proposed timber sales in the French Creek roadless area in the **Federal Register** on June 9, 1989 (Vol. 54, No. 110, pp. 24725–24726). That notice is hereby revised to show these changes: (1) prepare separate EIS's for each proposed timber sale, (2) name of the EIS's, and (3) the scheduled of the EIS's.

1. This Notice of Intent is for the proposed Fourmile timber sale which is one of six proposed timber sales within the French Creek/Patrick Butte Roadless Area. All six proposed sales are being analyzed together by one Interdisciplinary Team.

2. This Notice of Intent covers the proposed Fourmile timber sale. Separate NOI revisions have been prepared covering the other 5 proposed sales. They include the following proposed timber sales: Hazard Helicopter, Freight Landing, Jenkins, French Creek, and Lower Elkhorn.

3. Public scoping has included several meetings and written comments. The DEIS is scheduled to be released for public comments in April or May of 1993 and an FEIS released in July or August of 1993.

ADDRESSES: Send written comments to David Alexander, Forest Supervisor, Payette National Forest, P.O. Box 1026, McCall, Idaho 83638.

FOR FURTHER INFORMATION CONTACT: Questions about the proposed action should be directed to Mike Balboni, Team Leader, phone 208–634–0629 or David Spann, District Ranger, phone 208–634–0300.

SUPPLEMENTARY INFORMATION: The USDA Forest Service is proposing to construct roads, harvest and regenerate timber in the Fourmile timber sale area. This sale lies partially within the French Creek/Patrick Butte Roadless Area, Adams County, Idaho. Within the proposed sale area, drainages include: Threemile, Fourmile, and Sixmile creeks which are tributaries to the Little Salmon River.

Preliminary issues include: roadless characteristics, water quality, fisheries, biological diversity, and economics.

Preliminary alternatives being considered include: no action, uneven-age management, intermediate harvest prescriptions, clearcutting, road construction, and no new road construction.

The Responsible Official is David F. Alexander, Forest Supervisor, Payette National Forest.

The comment period on the draft environmental impact statement will be 45 days from the date the Environmental Protection Agency's notice of availability appears in the **Federal Register**. It is very important that those interested in this proposed action participate at that time. To

be the most helpful, comments on the draft environmental impact statement should be as specific as possible and may address the adequacy of the statement or the merits of the alternatives discussed (see The Council on Environmental Quality Regulations for implementing the procedural provisions of the National Environmental Policy Act at 40 CFR 1503.3).

In addition, Federal court decisions have established that 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 reviewers' position and contentions. *Vermont Yankee Nuclear Power Corp.* v. *NRDC*, 435 U.S. 519, 553 (1978). Environmental objections that could have been raised at the draft stage may be waived if not raised until after completion of the final environmental impact statement, *City of Angoon* v. *Hodel*, (9th Circuit, 1986) and *Wisconsin Heritages, Inc.*, v. *Harris*, 490 F. Supp. 1334, 1338 (E.D. Wis. 1980). The reason for this is to ensure 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.

Dated: March 18, 1993.

Gary Allen,

Acting Forest Supervisor.

[FR Doc. 93–6921 Filed 3–25–93; 8:45 am]

BILLING CODE 3410–11–M

Soil Conservation Service

Lolo/Ford Creeks; Agricultural Pollution Abatement Plan Clearwater and Idaho Counties

AGENCY: Soil Conservation Service, Department of Agriculture.

ACTION: Notice of a finding of no significant impact.

FOR FURTHER INFORMATION CONTACT: Paul H. Calverley, State Conservationist, Soil Conservation Service, 3244 Elder Street, room 124, Boise, Idaho, 83705, telephone (208) 334–1601.

NOTICE: Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR part 1500); and 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 Lolo/Ford's Creek Agricultural Pollution Abatement Plan, Clearwater and Idaho Counties, Idaho.

The Plan/Environmental Assessment of this federally assisted action indicates that the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Paul H. Calverley, State Conservationist, has determined that the preparation and review of an environmental impact statement was not needed for this project.

The Lolo/Ford's Creek Agricultural Pollution Abatement Plan consists of a system of land treatment measures designed to protect the resource base, reduce off-site sediment, and improve the quality of waters entering Lolo/Ford's Creeks and the Clearwater River. Planned land treatment practices include pasture and hayland planting, critical area planting, filter strips, grassed waterways, terraces, sediment basins, nutrient and pesticide management, streambank protection, conservation tillage, spring developments, proper woodland grazing and woodland erosion control systems.

The Notice of a Finding of No Significant Impact (FONSI) has been forwarded to the Environmental Protection Agency. The basis data developed during the plan/environmental assessment are on file and may be reviewed by contacting Mr. Paul H. Calverley. The FONSI has been sent 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 address stated on the previous page.

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

Dated: March 12, 1993.

Paul H. Calverley,

State Conservationist.

[FR Doc. 93–6919 Filed 3–25–93; 8:45 am]

BILLING CODE 3410–16–M

Lower Payette River Water Quality Planning Project; Payette County, ID

AGENCY: Soil Conservation Service, Department of Agriculture.

ACTION: Notice of a finding of no significant impact.

FOR FURTHER INFORMATION CONTACT: Paul H. Calverley, State Conservationist, Soil Conservation Service, 3244 Elder Street, room 124, Boise, Idaho 83705, telephone (208) 334–1601.

NOTICE: Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR part 1500); and 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 Lower Payette River Water Quality Planning Project, Payette County, Idaho.

The Plan/Environmental Assessment of this federally assisted action indicates that the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Paul H. Calverley, State Conservationist, has determined that the preparation and review of an environmental impact statement was not needed for this project.

The Lower Payette River Water Quality Planning Project consists of a system of land treatment measures designed to protect the resource base, reduce off-site sediment, and improve the quality of waters entering the Payette River Planned land treatment practices include pasture and hayland planting, critical area planting, sediment basins, nutrient and pesticide management, streambank protection, conservation tillage, fencing, waste management system, land leveling, sprinkler systems and channel vegetation.

The Notice of a Finding of No Significant Impact (FONSI) has been forwarded to the Environmental Protection Agency. The basic data developed during the plan/environmental assessment are on file and may be reviewed by contacting Mr. Paul. H. Calverley. The FONSI has been sent 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 address stated on the previous page.

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

Dated: March 12, 1993.

Paul H. Calverley,

State Conservationist.

[FR Doc. 93–6920 Filed 3–25–93; 8:45 am]

BILLING CODE 3410–16–M

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[Docket 9–93]

Proposed Foreign-Trade Subzone; GE Aerospace Simulation/Testing/Control Systems Plant; Daytona Beach, FL

An application has been submitted to the Foreign-Trade Zones Board (the Board) by the County of Volusia, Florida, requesting special-purpose subzone status for the aerospace simulation/ testing/control systems manufacturing plant of GE Aerospace Daytona (a department of the Aerospace Group, General Electric Company)

located in Daytona Beach, Florida. The County of Volusia has an application pending with the Board for a general-purpose foreign-trade zone at sites in Volusia and Flagler Counties, Florida (FTZ Doc. 4–93, 58 FR 8930, filed 2–12–93). The subzone application was submitted pursuant to the provisions of the Foreign-Trade Zones Act, as amended (19 U.S.C. 81a–81u), and the regulations of the Board (15 CFR part 400). It was formally filed on March 18, 1993.

The GE plant (24 acres) is located at 1800 Volusia Avenue (U.S. 92) in Daytona Beach, Florida. The facility employs 1,086 employees and is used to produce automated testing equipment, visual simulation products, and automated digital control systems. The plant's primary products currently include avionics testing modules, flight simulators, ship and tank trainers, and vessel system controls. While these products have been developed primarily for defense applications, the company plans to produce similar items suitable for industrial and commercial uses. Some 10 percent of the components and material inputs are sourced from abroad, including fabricated structures, electric motors, generators, generating sets and parts, automated data processing machines, magnets and batteries, electrical apparatus for line telephony, headphones and parts, recording media, transmission apparatus, electrical capacitors and resistors, printed circuits, cathode ray tubes, diodes and transistors, insulators and fittings, lenses and mirrors, lenses for projection, test instruments, oscilloscopes, analyzers, and measuring and checking instruments. Currently, over 40 percent of the finished equipment is exported.

Zone procedures would exempt GE Aerospace Daytona from Customs duty payments on the foreign components used in its exports. On domestic sales, the company would be able to choose the duty rates that apply to the finished equipment (duty-free to 4.9%). Equipment sold to the U.S. Department of Defense (DOD), would be eligible for duty-free treatment under the provisions of Harmonized Tariff System Chapter 98, Subchapter VIII. The duty rates on most components range from duty-free to 10%. The application indicates that the savings from zone procedures would help improve the company's international competitiveness.

In accordance with the Board's regulations (as revised, 56 FR 50790–50808, 10–8–91), a member of the FTZ Staff has been designated examiner to investigate the application and report to the Board.

Public comment is invited from interested parties. Submissions (original and 3 copies) shall be addressed to the Board's Executive Secretary at the address below. The closing period for their receipt is May 25, 1993. Rebuttal comments in response to material submitted during the foregoing period may be submitted during the subsequent 15-day period to June 9, 1993.

A copy of the application and accompanying exhibits will be available for public inspection at each of the following locations:

County of Volusia, Growth Management Department, 123 West Indiana Avenue, DeLand, Florida 32720–4604.

Office of the Executive Secretary, Foreign-Trade Zones Board, room 3716, U.S. Department of Commerce, 14th & Pennsylvania Avenue, NW., Washington, DC 20230.

Dated: March 19, 1993.

John J. Da Ponte, Jr.,

Executive Secretary.

[FR Doc. 93–6932 Filed 3–25–93; 8:45 am]

BILLING CODE 3510–DS–P

[Docket 8–93]

Proposed Foreign-Trade Subzone; Amoco Oil Company; Refinery/Petrochemical/MTBE Complex, Texas City, TX

An application has been submitted to the Foreign-Trade Zones Board (the Board) by the Foreign Trade Zone of Texas City-Gulf Coast, Inc., (FTZTC) requesting special-purpose subzone status for the Texas City oil refinery/petrochemical/MTBE complex of Amoco Oil Company, located in Texas City, Texas. FTZTC has an application pending with the Board for a general-purpose foreign-trade zone in Texas City (FTZ Doc. 7–93, filed 3–2–93). The subzone application was submitted pursuant to the provisions of the Foreign-Trade Zones Act, as amended (19 U.S.C. 81a-81u), and the regulations of the Board (15 CFR part 400). It was formally filed on March 10, 1993.

The refinery complex consists of 5 sites located in Texas City, on Texas City Harbor: *Site 1* (997 acres)—500,000 barrels per day refinery and petrochemical manufacturing complex; *Site 2* (39 acres)—dock facility, leased from the Texas City Terminal Railway Company, adjacent to the refinery complex on the industrial ship canal and Texas City Harbor; *Site 3* (114 acres)—Borden Property, a Superfund site owned by Amoco Oil Company to be developed for storage facilities, located adjacent to the refinery complex and north of State Highway F.M. 519; *Site 4* (61 acres)—Amoco Chemical Company Site C (undeveloped), owned by Amoco Chemical Company, located south of State Highway F.M. 519; *Site 5* (215 acres)—Landfarm, a waste management site for non-hazardous materials, located west of State Highway Loop 197. The terminals, storage facilities and pipelines operate as an integral part of the refinery. The refinery (2,300 employees) is used to produce gasoline, chemical plant feedstocks, gas oils, fuel oil, jet fuels, distillates, lube oil, and naphtha. The company indicates that MTBE may also be produced at the facility. Chemical products produced include refinery gases such as ethane, propane, butane, butylene, and carbon dioxide; petrochemical feedstocks such as toluene, mixed xylene, ethylene, propylene, and benzene; and refinery byproducts, including sulfur and petroleum coke. All of the petroleum coke is exported, and certain petrochemical feedstocks are transferred to affiliated chemical plants for processing and export. Approximately one-third of the refinery inputs (crude oil, feedstocks, and blendstocks, including methanol and MTBE) are sourced abroad.

Zone procedures would exempt the refinery from Customs duty payments on the foreign products used in its exports. On domestic sales, the company is seeking to avoid duties on fuel used in the refinery and to choose the finished product duty rate in certain circumstances. For example, the company proposes to choose the zero duty rate that applies to certain petrochemical products, such as ethylene, propylene, butylene, butadiene, benzene, propane, asphalt, sulfur, and petroleum coke. (The duty on crude oil ranges from 5.25 to 10.5 cents/barrel.)

MTBE (methyl tertiary butyl ether) is one of the blendstocks sourced from abroad. On MTBE which is blended with gasoline at the refinery and then sold in the U.S., Amoco proposes to choose the finished gasoline duty rate (1.25 cents/gallon). The duty rate on MTBE would otherwise be 5.6%. The application indicates that the savings from zone procedures would help improve the refinery's international competitiveness.

In accordance with the Board's regulations (as revised, 56 FR 50790–50808, 10–8–91), a member of the FTZ Staff has been designated examiner to investigate the application and report to the Board.

Public comment is invited from interested parties. Submissions (original and 3 copies) shall be addressed to the Board's Executive Secretary at the

address below. The closing period for their receipt is May 25, 1993. Rebuttal comments in response to material submitted during the foregoing period may be submitted during the subsequent 15-day period (to June 9, 1993).

A copy of the application and accompanying exhibits will be available for public inspection at each of the following locations:

U.S. Customs Service, Operations Branch, 1927 Post Office Street, Galveston, Texas 77550.

Office of the Executive Secretary, Foreign-Trade Zones Board, room 3716, U.S. Department of Commerce, 14th & Pennsylvania Avenue, NW., Washington, DC 20230.

Dated: March 17, 1993.

John J. Da Ponte, Jr.,

Executive Secretary.

[FR Doc. 93–6931 Filed 3–25–93; 8:45 am]

BILLING CODE 3510–DS–P

International Trade Administration

Initiation of Antidumping and Countervailing Duty Administrative Reviews

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

ACTION: Notice of initiation of antidumping and countervailing duty administrative reviews.

SUMMARY: The Department of Commerce has received requests to conduct administrative reviews of various antidumping and countervailing duty orders, findings and suspension agreements with February anniversary dates. In accordance with the Commerce Regulations, we are initiating those administrative reviews.

EFFECTIVE DATE: March 26, 1993.

FOR FURTHER INFORMATION CONTACT: Holly A. Kuga, Office of Antidumping Compliance, International Trade Administration, U.S. Department of Commerce, Washington, DC 20230, telephone (202) 482–2104.

SUPPLEMENTARY INFORMATION:

Background

The Department of Commerce ("the Department") has received timely requests, in accordance with §§ 353.22(a) and 355.22(a) of the Department's regulations, from interested parties as defined in §§ 353.2(k) and 355.2(i) of the Department's regulations, for administrative reviews of various antidumping and countervailing duty orders, findings, and suspension agreements, with February anniversary dates.

Initiation of Reviews

In accordance with §§ 353.22(c) and 355.22(c) of the Department's regulations, we are initiating administrative reviews of the following antidumping and countervailing duty orders, findings, and suspension agreements. We intend to issue the final results of these reviews not later than February 28, 1994.

Antidumping duty proceedings and firms	Period to be reviewed
Canada:	
Racing Plates (Aluminum Horseshoes) A–122–050	
Equine Forgings Ltd	2/1/92–1/31/93
Japan:	
Mechanical Transfer Presses A–588–810	
Aida Engineering, Ltd. Hitachi Zosen Corporation, Ishikawajima-Harima Heavy Industries Co., Ltd., Komatsu Ltd.	2/1/92–1/31/93
The People's Republic of China:	
Forged Hand Tools A–570–803	
Fujian Machinery & Equipment Corporation, Shangdong Machinery Import & Export Corporation	2/1/92–1/31/93
Potassium Permanganate A–570–001	
China National Chemicals Import and Export Corporation, Shenzhan Metals Materials Co., Tongji Chemical Plant, Jinan Huaiyin Chemical General Factory, Beijing Dayu Chemical Plant, Zunyi Chemical Plant, Chongqing Jialing Chemical Plant, Guangdong Foreign Trading Development, Guangdong Foreign Economics Development Co., Ltd., Guangdong Foreign Economic Relations & Trade Consultancy Corporation; Guangzi Import & Export Trading Corp., Guilin Native Produce & Animal, China Native Produce and Animal By-Products I/E Corporation, Helm Products, China National Chemicals, Calberson Intl, Guilin Prefecture Foreign Economic, China Conic, Gui Da Company Ltd., Yue Pak Co., Ltd., Devoted Cargo Services (HK) Ltd., He-Ro Chemicals Ltd., ICD Group (HK) Ltd., J. A. Moeller (HK) Ltd., Kenwa Shipping Co. Ltd., Vincent Shipping Co., LP & Assoc Intl Freight Service, Pacific Champion Express, Ava International, M & R Forwarding (HK) Ltd., Ceylong Shpg, Helmag Nordkanal Strasse	1/1/92–12/31/92
Countervailing Duty Proceedings	
Saudi Arabia:	
Carbon Steel Wire Rod C–517–501	1/1/92–12/31/92
Suspended Investigations	
Colombia:	
Roses and Other Cut Flowers C–301–003	1/1/92–12/31/92
Miniature Carnations C–301–601	1/1/92–12/31/92
Costa Rica:	
Certain Fresh Cut Flowers C–223–601	1/1/92–12/31/92

Interested parties must submit applications for administrative protective orders in accordance with §§ 353.34(b) and 355.34(b) of the Department's regulations.

These initiations and this notice are in accordance with section 751(a) of the Tariff Act of 1930, as amended (19 U.S.C. 1675(a)), and 19 CFR 353.22(c)(1) and 355.22(c)(1) (1992).

Dated: March 17, 1993.

Joseph A. Spetrini,

Deputy Assistant Secretary for Compliance.

[FR Doc. 93–7016 Filed 3–25–93; 8:45 am]

BILLING CODE 3510–DS–M

[A–580–811]

Antidumping Duty Order: Steel Wire Rope From Korea

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

EFFECTIVE DATE: March 26, 1993.

FOR FURTHER INFORMATION CONTACT: Amy Beargie, Anna Snider or Richard Rimlinger, Office of Antidumping Compliance, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230; telephone: (202) 482–4733.

Scope of Order

The product covered by this order is steel wire rope. Steel wire rope encompasses ropes, cables, and cordage of iron or carbon steel, other than stranded wire, not fitted with fittings or made up into articles, and not made up of brass plated wire. Imports of these products are currently classifiable under the following Harmonized Tariff Schedule (HTS) subheadings: 7312.10.9030, 7312.10.9060 and 7312.10.9090.

Excluded from this investigation is stainless steel wire rope, which is classifiable under the HTS subheading 7312.10.6000, and all forms of stranded wire. Although HTS subheadings are provided for convenience and customs purposes, our own written description of the scope is dispositive.

Antidumping Duty Order

In accordance with section 735(a) of the Tariff Act of 1930, as amended (the Act), on February 12, 1993, the Department of Commerce (the Department) made its final determination that steel wire rope from Korea is being sold at less than fair value. 58 FR 11029 (February 23, 1993). On March 15, 1993, in accordance with section 735(d) of the Act, the U.S. International Trade Commission (ITC) notified the Department that imports of steel wire rope from Korea materially injure a U.S. industry.

Therefore, in accordance with section 736(a) of the Act, the Department will direct the U.S. Customs Service (Customs) to assess, upon further advice of the administering authority, antidumping duties equal to the amount by which the foreign market value of the merchandise exceeds the United States price for all entries of steel wire rope from Korea. These antidumping duties will be assessed on all unliquidated entries of steel wire rope from Korea entered, or withdrawn from warehouse, for consumption on or after September 30, 1992, the date on which the Department published its preliminary determination notice in the Federal Register (57 FR 45035), except entries of steel wire rope produced and sold by Korea Iron & Steel Wire, Ltd. (now KISWIRE, Ltd.) (KIS), and entries of steel wire rope produced by either Young Heung Iron & Steel Co., Ltd. (YHC) or Dae Heung Industrial Co., Ltd. and sold by YHC. Such entries are excluded from the application of this order pursuant to section 353.21(c) of the Department's regulations. 19 CFR 353.21(c). However, the Department is currently drafting proposed regulations which would eliminate such exclusions. In this case, the Department is concerned about the possibility that numerous small producers of Korean steel wire rope could start to funnel sales of their merchandise through KIS or YHC, thereby evading this antidumping duty order. The Department's proposed regulations will address this problem and the practice of excluding firms from an order that receive a final zero or de minimis rate.

In the interim, the Department wants to make clear that this exclusion will only apply to steel wire rope which is, in the case of KIS, both produced and sold by KIS to the United States, or in the case of YHC, is produced by either YHC or Dae Heung Industrial Co., Ltd. (DHC) and sold by YHC to the United States. We will review import statistics and work closely with Customs to ensure that other producers are not making sales through KIS or YHC to evade this order and to ensure that entry documentation identifies the producer of the steel wire rope.

The Department has the authority to conduct a changed circumstances review to determine whether KIS or YHC is reselling steel wire rope produced by other companies in Korea. We will immediately initiate a review if we have reason to believe that the integrity of the order on Korean steel wire rope is threatened as a result of such evasion. A preliminary or final affirmative finding could result in the suspension of liquidation of all entries of KIS or YHC, as appropriate.

On or after the date of publication of this notice in the Federal Register, Customs officers must require, at the same time as importers would normally deposit estimated duties, the following cash deposits for the subject merchandise:

Manufacturer/producer/exporter	Margin percentage
Man Ho Rope Manufacturing Co., Ltd.	1.51
All Others	1.51

This notice constitutes the antidumping duty order with respect to steel wire rope from Korea pursuant to section 736(a) of the Act. Interested parties may contact the Central Records Unit, room B–099 of the Main Commerce Building, for copies of an updated list of antidumping duty orders currently in effect.

This order is published in accordance with section 736(a) of the Act and 19 CFR 353.21.

Dated: March 19, 1993.

Joseph A. Spetrini,

Acting Assistant Secretary for Import Administration.

[FR Doc. 93–6930 Filed 3–25–93; 8:45 am]

BILLING CODE 3510–DS–P

[C–351–062]

Pig Iron From Brazil; Final Results of Countervailing Duty Administrative Review

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

ACTION: Notice of final results of countervailing duty administrative review.

SUMMARY: On January 27, 1993, the Department of Commerce published the preliminary results of its administrative review of the countervailing duty order on pig iron from Brazil. We have now completed this review and determine the net subsidy to be zero for all firms for the period January 1, 1991 through December 31, 1991.

EFFECTIVE DATE: March 26, 1993.

FOR FURTHER INFORMATION CONTACT: Anne D'Alauro or Maria MacKay, Office of Countervailing Compliance, International Trade Administration, U.S. Department of Commerce, Washington, DC 20230; telephone: (202) 482–2786.

SUPPLEMENTARY INFORMATION:

Background

On January 27, 1993, the Department of Commerce (the Department) published in the Federal Register (58 FR 6246) the preliminary results of its administrative review of the countervailing duty order on pig iron from Brazil (45 FR 23045; April 4, 1980). The Department has now completed this administrative review in accordance with section 751 of the Tariff Act of 1930, as amended (the Act).

Scope of Review

Imports covered by this review are shipments from Brazil of pig iron of basic, foundry, malleable, and low phosphorous grades. During the review period, such merchandise was classifiable under item numbers 7201.10.00, 7201.30.00, and 7306.10.00 of the Harmonized Tariff Schedule

(HTS). The HTS item numbers are provided for convenience and Customs purposes. The written description remains dispositive. The review covers the period January 1, 1991 through December 31, 1991 and seven programs: (1) Income Tax Reduction for Export Earnings; (2) CACEX Preferential Working Capital Financing for Exports; (3) FINEX preferential financing; (4) SUDENE Corporate Income Tax Reduction for companies located in the northeast of Brazil; (5) BEFIEX Reduction of Taxes and Import Duties; (6) Accelerated Depreciation on Brazilian-made Capital Equipment program; and (7) FINEP Preferential financing. Twenty-two companies produced and exported the subject merchandise to the United States during the review period.

Analysis of Comments Received

We gave interested parties an opportunity to comment on the preliminary results. We received no comments.

Final Results of Review

As a result of our review, we determine the net subsidy to be zero for all firms for the period January 1, 1991 through December 31, 1991.

Therefore, the Department will instruct the Customs Service to liquidate, without regard to countervailing duties, shipments of this merchandise from Brazil exported on or after January 1, 1991 and on or before December 31, 1991. The Department will also instruct the Customs Service to collect a cash deposit of zero percent of estimated countervailing duties on all shipments of the subject merchandise from Brazil entered, or withdrawn from warehouse, for consumption on or after the date of publication of the final results of this administrative review.

This administrative review and notice are in accordance with section 751(a)(1) of the Act (19 U.S.C. 1675(a)(1)) and 19 CFR 355.22.

Dated: March 22, 1993.

Joseph A. Spetrini,

Acting Assistant Secretary for Import Administration.

[FR Doc. 93-7015 Filed 3-25-93; 8:45 am]

BILLING CODE 3510-DS-M

National Oceanic and Atmospheric Administration

[Docket No. 930114-3014]

Inspection and Certification Fees and Charges

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

ACTION: Notice of 1993 inspection fees.

SUMMARY: NMFS announces a change in the established rates for voluntary Department of Commerce fishery product grading and certification services consistent with its intent to provide inspection services at the lowest appropriate cost. The change represents an increase of 5.9 percent in the basic hourly rates and results from a pay raise of 3.7 percent for Federal employees effective January 1, 1993, as well as higher operating costs resulting from opening additional lot inspection facilities to service program users and increased training of Federal and state inspectors, conversion of inspection staff to a new job series reflecting their duties, an increase in overhead charges assessed by NMFS, and a reduction in overhead waivers.

EFFECTIVE DATE: January 1, 1993.

FOR FURTHER INFORMATION CONTACT:

Richard V. Cano, Chief, Inspection Services Division, National Marine Fisheries Service, Silver Spring, MD 20910, Phone 301/713-2355.

SUPPLEMENTARY INFORMATION:

Regulations at 50 CFR 260.70 authorize the Secretary of Commerce to review and revise annually the rates for voluntary fishery products inspection, grading, and certification services by publishing a notice of fee changes in the **Federal Register**. The revised hourly rates reflect a 3.7-percent salary raise for Federal employees, higher operating costs resulting from opening additional lot inspection facilities to service program users and increased training of Federal and state inspectors, conversion of inspection staff to a new job series reflecting their duties, an increase in overhead charges assessed by NMFS, and a reduction in overhead waivers. Below is the schedule of fees effective January 1, 1993. The fees outlined for the State of Alaska are for services provided by cross-licensed State of Alaska inspectors. Charges for services provided in Alaska by NMFS inspectors will be at the rates specified, plus cost of living allowances. The rates outlined below for the State of Minnesota are for services provided by cross-licensed State of Minnesota inspectors. Charges for services provided in Minnesota by NMFS inspectors will be at the rates specified previously. The rates charged in the State of Minnesota are subject to change based on information supplied by the Minnesota Department of Agriculture.

(a) Type I—Official establishment and product inspection—contract basis:

	Per hour
Regular (except Alaska and Minnesota)	$34.35
Overtime (except Alaska and Minnesota)	51.55
Sunday and legal holidays (2 hrs. minimum) (except Alaska and Minnesota)	68.70

(1) The contracting party will be charged at an hourly rate of $34.35 per hour for regular time;

(2) $51.55 per hour for overtime in excess of 8 hours per shift per day; and

(3) $68.70 per hour for Sunday and national legal holidays for services performed by inspectors at official establishment(s) operating under Federal inspection.

In addition to an hourly services charge, a night differential fee equal to 10 percent of the employee's hourly salary will be charged for each hour of service provided after 6 p.m. and before 6 a.m. The contracting party will be billed monthly for services rendered in accordance with contractual provisions at the rates prescribed in this section. Products designated in a contract will be inspected during processing at the hourly rate for regular time, plus overtime, when appropriate.

(b) Type II—Lot inspection—Official and unofficially drawn samples:

	Per hour
Regular (except Alaska and Minnesota)	$48.10
Overtime (except Alaska and Minnesota)	72.15
Sunday and legal holidays (2 hrs. minimum) (except Alaska and Minnesota)	96.20
Minimum fee (except Alaska and Minnesota)	36.10

(1) For lot inspection services performed between the hours of 7 a.m. and 5 p.m., Monday through Friday—$48.10 per hour.

(2) For lot inspection services performed at times Monday through Friday other than between 7 a.m. and 5 p.m., and on Saturdays (2 hrs. minimum)—$72.15 per hour.

(3) Sunday and national legal holidays (2 hrs. minimum)—$96.20 per hour.

(4) The minimum service fee to be charged and collected for inspection of any lot or lots of products requiring less than 1 hour will be $36.10.

(c) Type III—Miscellaneous inspection and consultative services.

When any inspection or related service such as, but not limited to, initial and final establishment surveys, appeal inspections, contract lot

inspections, sanitation evaluations, Sanitary Inspected Fish Establishment (SIFE) inspections, sampling, product evaluations, and label and product specification reviews, requires charges to which the foregoing sections are clearly inapplicable, charges will be based on the rates set forth below:

	Per hour
Regular (except Alaska and Minnesota)	$42.95
Overtime (except Alaska and Minnesota)	64.45
Sunday and legal holidays (2 hrs. minimum) (except Alaska and Minnesota)	85.90
Minimum fee (except Alaska and Minnesota)	32.20

In keeping with the intent of the authorizing legislation and the policies of the Inspection Program to charge fees to recover, as nearly as possible, the costs of providing inspection services, the hourly rates charged to contract lot inspection users who provide complete and acceptable facilities that are used by U.S. Department of Commerce (USDC) inspectors to conduct the necessary official contract functions will be those delineated under Type I. In all other cases, contract lot inspection users will be charged Type III rates.

(1) For miscellaneous inspection and consultative services performed between the hours of 7 a.m. and 5 p.m., Monday through Friday—$42.95 per hour.

(2) For miscellaneous inspection and consultative services performed Monday through Friday, other than between 7 a.m. and 5 p.m., and on Saturdays (2 hrs. minimum)—$64.45 per hour.

(3) For miscellaneous inspection and consultative services performed on Sunday and national legal holidays (2 hrs. minimum)—$85.90 per hour.

(4) The minimum service fee to be charged and collected for miscellaneous inspection and consultative services requiring less than 1 hour will be $32.20.

(d) The hourly rates for the State of Alaska as performed by cross-licensed State of Alaska inspectors are as follows:

Charges for services provided in Alaska by NMFS inspectors will be at the rate stated previously, plus cost of living allowances. For Type I inspection, in addition to any hourly service charge, a night differential fee equal to 10 percent of the employee's hourly salary will be charged for each hour of service provided after 6 p.m. and before 6 a.m.

STATE OF ALASKA—AREA [PER HOUR]

	Aleutian Chain, Bristol Bay, Dillingham	South East & South Central Anchorage, Kenai, Juneau, Ketchikan	Remainder of Alaska, Kodiak
Type I:			
Regular time	$49.45	$40.80	$43.70
Overtime	68.30	56.35	60.35
Sunday and legal holidays	85.15	70.20	75.20
Type II:			
Regular time	62.90	52.65	55.55
Overtime	86.75	74.85	78.90
Sunday and legal holidays	113.75	96.40	102.15
Minimum fee	51.60	43.20	45.55
Type III:			
Regular time	54.90	45.65	48.55
Overtime	73.05	61.25	65.60
Sunday and legal holidays	93.95	78.65	85.00
Minimum fee	48.90	40.65	43.70

(e) The hourly rates for the State of Minnesota as performed by cross-licensed State of Minnesota inspectors are as follows:

The rates outlined below for the State of Minnesota are for services provided by cross-licensed State of Minnesota inspectors. Charges for services provided in Minnesota by NMFS inspectors will be at the rates specified previously. The rates charged in the State of Minnesota are subject to change based on information supplied by the Minnesota Department of Agriculture.

State of Minnesota

Type I—Official establishment and product inspection services:
Regular time.....$36.25
Overtime.....54.40
Sunday and Legal Holidays.....72.50

Type II—Lot Inspection—Officially and Unofficially drawn samples:
Regular time.....$50.75
Overtime.....76.15
Sunday and Legal Holidays.....$101.50
Minimum fee.....38.05

Type III—Miscellaneous Inspection and Consultative Services:
Regular time.....$45.35
Overtime.....67.95
Sunday and Legal Holidays.....90.65
Minimum fee.....33.95

(f) Analytical services: Applicants requesting specific analyses to be performed in a NMFS laboratory will be charged at the rates identified below.

Analyses performed in a private laboratory will be charged at the current rate of that laboratory. Charges based on these fees will be in addition to any hourly rates charged for lot, miscellaneous, and consultative inspection service, as well as to any hourly rates charged for inspection services provided under a contract at official establishments.

Microbiology:	
Total aerobic plate count	$16.00
Total coliform	12.00
Fecal coliform	$12.00
E. coli	$12.00
Staph. aureus	23.00
Salmonella BAM Method.	
Step 1	23.00
Step 2	$15.00
Step 3	$22.00
Listeria	
Presumptive	23.00
Confirmed	$35.00
Chemistry:	
Histamine	90.00
Indole	75.00
Ammonia	55.00
Sodium bisulfite	90.00

Isoelectric focusing (species identification)	75.00
Methylmercury	90.00
Chlorinated pesticides	175.00
Domoic acid	75.00
Bioassay:	
Paralytic shellfish poison	[2]85.00

[1] Additional. Per sample (minimum of 3 samples).

Notes: The above costs are for analyses only. Sampling and travel time will be assessed using the Type II rates. Mileage costs will be assessed at the current rate. For other analyses not shown or not frequently requested, the charge will be assessed at the Type III hourly rate of $42.95.

All charges are per sample. A surcharge of 20 percent of the total charge will be charged for administrative purposes.

Classification

This action is taken under the authority of 50 CFR 260.70 and complies with E.O. 12291. It is not subject to the requirements of the Regulatory Flexibility Act. It does not contain a collection-of-information requirement for purposes of the Paperwork Reduction Act.

(16 U.S.C. 742e and 7 U.S.C. 1622, 1624)

Dated: March 18, 1993.

Samuel W. McKeen,

Program Management Officer, National Marine Fisheries Service.

[FR Doc. 93–6783 Filed 3–25–93; 8:45 am]

BILLING CODE 3510–22–M

New England Fishery Management Council; Public Meeting

AGENCY: National Marine Fisheries Service, NOAA, Commerce.

The New England Fishery Management Council will hold a public meeting on April 7–8, 1993, at the King's Grant Inn, Route 128 at Trask Lane, Danvers, MA, telephone: 508–774–6800. The meeting will begin at 10 a.m. on April 7 and at 8:30 a.m. on April 8.

On the first day the Council meeting will begin with reports from: the Council Chairman, the Executive Director, the National Marine Fisheries Service Regional Director, the Northeast Fisheries Science Center liaison, the Mid-Atlantic Council liaison, and representatives from the Department of State, the Coast Guard, the Fish and Wildlife Service, and the Atlantic States Marine Fisheries Commission. During the early afternoon session, the Monkfish Committee will report on comments from the February 11 and March 2 scoping hearings and on possible management options. A discussion of the Atlantic Sea Scallop public hearings will follow. Finally, the State Department representative will report on U.S. participation in the North Atlantic Organization (NAFO).

On the second day, the Groundfish Committee will review the timetable for completion of Amendment #5. The Lobster Committee will review the progress on stock assessments, the overfishing definition and the Amendment #4 timetable. The afternoon session will include a report from the Habitat Committee and a review of the recent U.S./Canada Herring discussions.

For more information contact Douglas G. Marshall, Executive Director, New England Fishery Management Council, 5 Broadway, Saugus, MA 01906; telephone: (617) 231–0422.

Dated: March 23, 1993.

David S. Crestin,

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

[FR Doc. 93–6997 Filed 3–25–93; 8:45 am]

BILLING CODE 3510–22–M

North Pacific Fishery Management Council; Public Meeting

AGENCY: National Marine Fisheries Services, NOAA, Commerce.

The North Pacific Fishery Management Council's Pacific Northwest Crab Industry Advisory Committee (Committee) will meet on April 2, 1993, at the Alaska Fisheries Science Center, 7600 Sand Point Way, NE., room 2079, Building 4, Seattle, WA. The Committee will begin its meeting at 8:30 a.m.

The Committee will receive a report on recent Alaska Board of Fisheries actions on crab and review recent Tanner crab fisheries.

For more information contact Arni Thomson, Alaska Crab Coalition, 3901 Leary Way NW., suite 6, Seattle, Washington, 98107; telephone: (206) 547–7560.

Dated: March 23, 1993.

David S. Crestin,

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

[FR Doc. 93–6996 Filed 3–25–93; 8:45 am]

BILLING CODE 3510–22–M

North Pacific Fishery Management Council; Public Meeting

AGENCY: National Marine Fisheries Service, NOAA, Commerce.

The North Pacific Fishery Management Council's Rockfish Committee (Committee) will meet on April 12, 1993, at the Alaska Fisheries Science Center, 7600 Sand Point Way, NE., room 2039, Building 4, Seattle, WA. The meeting will begin at 1 p.m. on April 12, and may continue into the morning of April 13.

The Committee will review draft analyses for rockfish rebuilding plans and also discuss the 1993 total allowable catch for Pacific ocean perch.

For more information contact Chris Oliver, North Pacific Fishery Management Council, P.O. Box 103136, Anchorage, AK 99510; telephone: (907) 271–2809.

Dated: March 23, 1993.

David S. Crestin,

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

[FR Doc. 93–6998 Filed 3–25–93; 8:45 am]

BILLING CODE 3510–22–M

COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

Procurement List Proposed Additions

AGENCY: Committee for Purchase From People Who Are Blind or Severely Disabled.

ACTION: Proposed Additions to Procurement List.

SUMMARY: The Committee has received proposals to add to the Procurement List a commodity and services to be furnished by nonprofit agencies employing persons who are blind or have other severe disabilities.

COMMENTS MUST BE RECEIVED ON OR BEFORE: April 26, 1993.

ADDRESSES: Committee for Purchase From People Who Are Blind or Severely Disabled, Crystal Square 3, suite 403, 1735 Jefferson Davis Highway, Arlington, Virginia 22202–3461.

FOR FURTHER INFORMATION CONTACT: Beverly Milkman (703) 603–7740.

SUPPLEMENTARY INFORMATION: This notice is published pursuant to 41 U.S.C. 47(a)(2) and 41 CFR 51–2.3. Its purpose is to provide interested persons an opportunity to submit comments on the possible impact of the proposed actions.

If the Committee approves the proposed additions, all entities of the Federal Government (except as otherwise indicated) will be required to procure the commodity and services listed below from nonprofit agencies employing persons who are blind or have other severe disabilities.

I certify that the following action will not have a significant impact on a substantial number of small entities. The major factors considered for this certification were:

1. The action will not result in any additional reporting, recordkeeping or other compliance requirements for small entities other than the small organizations that will furnish the commodity and services to the Government.

2. The action does not appear to have a severe adverse impact on the current contractors for the commodity and services.

3. The action will result in authorizing small entities to furnish the commodity and services to the Government.

4. There are no known regulatory alternatives which would accomplish the objectives of the Javits-Wagner-O'Day Act (41 U.S.C. 46–48c) in connection with the commodity and services proposed for addition to the Procurement List.

Comments on this certification are invited. Commenters should identify the statement(s) underlying the certification on which they are providing additional information.

It is proposed to add the following commodity and services to the Procurement List for production by the nonprofit agency listed:

Commodity

Belt, Military Police, 8465–00–543–3378.

Nonprofit Agency: Travis Association for the Blind, Austin, Texas.

Services

Janitorial/Custodial, Federal Building, 200 E. Liberty, Ann Arbor, Michigan.

Nonprofit Agency: Washtenaw County Community Mental Health Board, Ypsilanti, Michigan.

Janitorial/Custodial, Blue Mountain, Crazy Canyon, Patee Canyon, and Howard Creek Trailheads, Missoula Ranger District, Missoula, Montana.

Nonprofit Agency: Missoula Developmental Service Corp., Missoula, Montana.

Janitorial/Custodial, U.S. Army Cold Regions Research and Engineering Laboratory, 72 Lyme Road, Hanover, New Hampshire.

Nonprofit Agency: West Central Services, Lebanon, New Hampshire.

Operation of Self Service Retail Store, Naval Supply Center, Puget Sound, Building 467, Bremerton, Washington.

Nonprofit Agency: Peninsula Services, Bremerton, Washington.

E. R. Alley, Jr.,

Deputy Executive Director.

[FR Doc. 93–6985 Filed 3–25–93; 8:45 am]

BILLING CODE 6820–33–P

Procurement List Addition

AGENCY: Committee for Purchase from People who are Blind or Severely Disabled.

ACTION: Addition to Procurement List.

SUMMARY: This action adds to the Procurement List a service to be furnished by a nonprofit agency employing persons who are blind or have other severe disabilities.

EFFECTIVE DATE: April 26, 1993.

ADDRESSES: Committee for Purchase from People who are Blind or Severely Disabled, Crystal Square 3, suite 403, 1735 Jefferson Davis Highway, Arlington, Virginia 22202–3461.

FOR FURTHER INFORMATION CONTACT: Beverly Milkman (703) 603–7740.

SUPPLEMENTARY INFORMATION: On June 12, 1992, the Committee for Purchase from People who are Blind or Severely Disabled published notice (57 FR 25023) of the proposed addition to the Procurement List.

After consideration of the material presented to it concerning the capability of a qualified nonprofit agency to provide the service, fair market price, and the impact of the addition on the current or most recent contractor, the Committee has determined that the service listed below is suitable for procurement by the Federal Government under 41 U.S.C. 46–48c and 41 CFR 51–2.6.

I certify that the following action will not have a significant impact on a substantial number of small entities. The major factors considered for this certification were:

1. The action will not result in any additional reporting, recordkeeping or other compliance requirements for small entities other than the small organizations that will furnish the service to the Government.

2. The action will not have a severe economic impact on current contractors for the service.

3. The action will result in authorizing small entities to furnish the service to the Government.

4. There are no known regulatory alternatives which would accomplish the objectives of the Javits-Wagner-O'Day Act (41 U.S.C. 46–48c) in connection with the service proposed for addition to the Procurement List.

Accordingly, the following service is hereby added to the Procurement List:

Janitorial/Custodial, Camp Pendleton and San Onofre Commissaries, Camp Pendleton, California

This action does not affect contracts awarded prior to the effective date of this addition or options exercised under those contracts.

E.R. Alley, Jr.,

Deputy Executive Director.

[FR Doc. 93–7118 Filed 3–25–93; 8:45 am]

BILLING CODE 6820–33–P

DEPARTMENT OF DEFENSE

Corps of Engineers, Department of the Army

Intent to Prepare a Draft Joint Environmental Impact Statement/ Environmental Impact Report (DEIS/ EIR) for the Magpie Creek Diversion Improvement Project

AGENCY: U.S. Army Corps of Engineers, DOD.

ACTION: Notice of intent to prepare a DEIS/EIR.

SUMMARY: The action being taken is a feasibility investigation to identify and assess the significance of potential measures to provide additional flood protection for McClellan Air Force Base (AFB) and the City of Sacramento west of the AFB. The feasibility investigation area includes lands located within the AFB and the City of Sacramento's North Sacramento Community Plan Area. Measures to be investigated include providing adequate channel and detention capacity to Magpie Creek.

FOR FURTHER INFORMATION CONTACT: Questions regarding this DEIS/EIR should be addressed to Mr. Michael Wolford, Planning Division, Corps of Engineers, 1325 J Street, Sacramento, California 95814–2922, telephone (916) 557–6702.

SUPPLEMENTARY INFORMATION:

1. Proposed Action

The Corps of Engineers, together with the non-Federal sponsor, the City of Sacramento, is conducting a feasibility investigation to identify and assess alternative measures of providing additional flood protection along portions of Magpie Creek. Urban development in the approximately 10-square-mile watershed including development and channelization within the AFB has increased peak runoff and flood volume to Magpie Creek increasing the area's flood potential. Increases in runoff are due to the decrease in the amount of land available to store floodwater and to absorb rainfall and runoff resulting from urbanization. The study of Magpie Creek is authorized under the Continuing Authorities Program for Flood Control, Section 205 of the 1948 Flood Control Act, as amended (33 U.S.C. 701S). The study

requires that the portion of Magpie Creek that runs through McClellan AFB be studied for its contribution to area flooding concurrently with the creek's flood potential within the City of Sacramento. This DEIS/EIR discusses alternatives and plan features and impacts both on City of Sacramento and AFB administered lands. The results of the investigation will be presented in a feasibility report submitted to Corps headquarters for approval of a project.

2. Alternatives

The Feasibility Report's DEIS/EIR will address the full range of alternatives discussed in the Reconnaissance Report including further channelization of Magpie Creek, use of concrete-lined channels, expanded use of earthen channels, detention basin construction, and a no project alternative. The Feasibility Report will identify a flood control plan that considers improvements both on and off the AFB in order to effectively control flooding in the study area. Fish and Wildlife mitigation, including possible wetland (vernal pool) mitigation, will be studied and incorporated in to the project in compliance with various Federal and state statutes.

3. Scoping Process

a. A notice of initiation outlining the Magpie Creek investigation and proposed alternatives was sent to public agencies, organization, and individuals in the study area in July of 1990. The notice was an opportunity for the public to identity information on area flooding and significant natural resources in the area. Responses to the notice were used in the preparation of the Reconnaissance Report and Environmental Inventory.

b. The Reconnaissance Report and Environmental Inventory were circulated for public comment in July 1991. Comments were received from the public concerning the flood control alternatives and environmental impacts of those alternatives. Public workshops and coordinating meetings will be held as needed. Additionally, coordination is being maintained with Federal, state and local agencies, concerned individuals and groups. Through this Notice of Intent, all segments of the affected public and agencies are invited to participate in the feasibility investigation process. A DEIS/EIR scoping meeting will be held during March 1993.

c. Significant issues that will be discussed in the DEIS/EIR include the degree of protection offered by the alternatives, hydrology of the area, planning objectives, alternatives analysis, impacts on fish and wildlife resources, recreation, endangered species, vegetation, esthetics, cumulative impacts, cultural resources and, hazardous and toxic waste.

d. The U.S. Fish and Wildlife Service will provide a Fish and Wildlife Coordination Act Report to accompany the DEIS/EIR.

e. A 45-day review period will be allowed for all interested agencies and individuals to review and comments on the DEIS/EIR. All interested persons are encouraged to respond to this notice and provide a current address if you wish to be contacted about the DEIS/EIR.

4. Availability

The DEIS/EIR is scheduled to be available for public review and comment in October 1993.

Kenneth L. Denton,

Army Federal Register, Liaison Officer.

[FR Doc. 93–6967 Filed 3–25–93; 8:45 am]

BILLING CODE 3710–08–M

Procedures for Filing and Processing Claims Resulting from the March 1992 Drawdown of Little Goose and Lower Granite Projects, Washington

AGENCY: U.S. Army Corps of Engineers, DOD.

ACTION: Public notice.

SUMMARY: This public notice provides for the administration and payment of claims for the costs of repair, relocation, restoration, or protection of public and private property and facilities in Washington and Idaho damaged by reservoir drawdowns undertaken in March 1992. Payment of damage claims is authorized by the Energy and Water Development Appropriations Act, 1993, Public Law 102–377, (1D6 Stat 1315, 1321), dated October 2, 1992. This notice prescribes the procedure to be used by the Corps of Engineers for processing and payment of such claims.

SUPPLEMENTARY INFORMATION:

Background

During March 1992, the Corps of Engineers, Walla Walla District conducted a test drawdown of the reservoirs behind Lower Granite and Little goose Dams on the Snake river in Washington. The purpose of the test was to determine physical ability to operate at low reservoir levels to benefit salmon species listed as threatened or endangered under the Endangered Species Act. During the test, water levels in both reservoirs were lowered substantially below established minimum operating pool levels. Certain structures in and adjacent to the river were damaged.

On October 2, 1992, the Energy and Water Development Appropriations Act, 1993, Public Law 102–377, (106 Stat 1315, 1321) was enacted authorizing the Chief of Engineers to pay claims for costs of repair, relocation, restoration, or protection of public and private property and facilities in Washington and Idaho damaged by the drawdown undertaken in March 1992. This Public Notice sets forth procedures for payment of claims authorized by the energy and Water Development Appropriations Act.

DATE: This Public Notice is effective upon publications in the **Federal Register.**

FOR FURTHER INFORMATION CONTACT: Janet S. Smith, Assistant District Counsel, Walla Walla District, Corps of Engineers, Walla Walla, Washington 99363–9255, telephone (509) 522–6080.

Regulations and Authority

These procedures cover submission, processing and payment of claims for damages to public and private property resulting from reservoir drawdown operations at Little Goose and Lower Granite Reservoirs, Washington, Commencing March 1, 1992 and ending March 31, 1992. Authority for such payment is provided for under the Energy and Water Development Appropriations Act, 1993, Public Law 102–377 (106 Stat 1315, 1321), October 2, 1992, which states the following

"* * * That using $2,000,000 of the funds appropriated herein to remain available until expended, the Secretary of the Army, acting through the Chief of Engineers, is authorized and directed to pay such sums or under take such measures as are necessary to compensate for costs of repair, relocation, restoration, or protection of public and private property and facilities in Washington and Idaho damaged by the drawdown undertaken in March 1992 by the United States Army Corps of Engineers at the Little Goose and Lower Granite Projects in Washington * * *."

Claims Payable

Claims payable pursuant to Public Law 102–377 are limited to compensation for the costs of repair, relocation, restoration, or protection of public and private property and facilities in the states of Washington and Idaho directly caused by the March 1992 drawdown operation of Little Goose and Lower Granite Reservoirs. Compensation for damages paid pursuant to this authority may not exceed the difference between the value of the property immediately before the damage occurred and the value of the

property immediately after the damage occurred. Compensation for relocation or protection costs may not exceed the value of the property prior to execution of relocation or protection measures.

Claims not Payable

Claims for "loss of business", "loss of use", "mental anguish" and other such non-physical damages to property are not payable pursuant to Public Law 102–377. Costs associated with damages other than those specifically authorized are not payable.

Limitation of Funds

The sum of $2,000,000 has been authorized and appropriated for payment of claims made pursuant to Public Law 102–377.

Priority of Claims

Due to the limit on authorized and appropriated funds available for payment of claims under Public Law 102–377, all claims will be considered in the order in which they are received until such funds as have been made available are expended. Claims which were received by the Walla Walla District prior to the effective date of Public Law 102–377 and which meet requirements identified below will be given a priority date of October 2, 1992.

Drawdown Claims; Where To Submit, What To Submit, Sum Certain, Who May Submit, Time To Submit

For the purposes of the provisions of Public Law 102–377, a claim shall be deemed to have been presented when the U.S. Army Corps of Engineers, Walla Walla District in Walla Walla, Washington receives from a claimant, his/her duly authorized agent, legal representative, or subrogee, written notification of a claim for compensation for the "cost of repair, relocation, restoration, or protection" of property resulting from the March 1992 drawdown operation of Little Goose and Lower Granite Dams, Washington. Claims must conform to the following requirements:

(a) *Where to Submit Claims:* Claims must be submitted in writing to the U.S. Army Corps of Engineers, Walla Walla District, Walla Walla, WA 99362, ATTN: Drawdown Claims Office.

(b) *What to Submit:* Each claim must identify with particularity the damage and/or property for which compensation or protective measures costs are sought.

(c) *Sum Certain:* Each claim must set forth the specific monetary amount of the claim.

(d) *Who May Submit Claims:* Claims must be signed by the owner of the property for which the damage or protective measure claim is submitted, or his or her agent, or legal representative, or subrogee. The title or legal capacity the person signing must be indicated below the signature block on the claim. Evidence of authority to present a claim on behalf of the claimant as agent, executor, administrator, parent, guardian, insurer, or other representative must accompany such claim.

(e) *Time to Submit Claims:* All claims must be received by the Drawdown Claims Office in the Walla Walla District on or before December 31, 1993.

Evidence and Information To Be Submitted

In support of a claim for compensation for cost repair, relocation, restoration, or protection of real or personal property, the claimant must submit the following evidence or information:

(a) Proof of ownership.

(b) A detailed statement of the amount claimed with respect to each item of property.

(c) An itemized receipt of payment for necessary repairs or itemized written estimates of the cost of each such repair.

(d) A statement listing date of purchase, purchase price and salvage value, where repair is not economical.

(e) Any other evidence or information which may have a bearing on either the responsibility of the United States for the injury to or loss of property for which compensation is claimed, including appraisal of property, if requested.

Investigation and Claims Processing Procedures

All claims will be investigated, including conducting site visits, reviewing photographic evidence, reviewing all estimates, statements, expert opinions, and all other available evidence of causation and "cost of repair, relocation, restoration, or protection" to ensure that all amounts paid under this authority are proper. The Claims Investigating Official will prepare a report of investigation summarizing all relevant facts, including specific findings as to the amount of damages compensable under this authority, and make recommendation to the Approving Authority. Copies of all documentary evidence relied upon by the Claims Investigation Official will be attached to the report and forwarded to the Approving Authority.

Delegated Approving Authority

The District Engineer of the Corps of Engineers, Walla Walla District is authorized to approve for payment, in full or in part, to disapprove, and to make final offers of settlement for damages, relocation and property protection claims.

Action of Approved Claims

Any award, compromise, or settlement in any amount shall be paid out of the appropriation available for the Drawdown claims. Before paying a claim, the claimant shall be required to execute an appropriate release or settlement agreement.

Reconsideration of Denial or Final Offer

All requests for reconsideration of a denial or final offer by the District Engineer in which full relief is not granted will be forwarded to the Commander, North Pacific Division. The request must be submitted within 30 days of the final decision of the District Engineer.

Kenneth L. Denton,

Army Federal Register Liaison Officer.

[FR Doc. 93–6965 Filed 3–25–93; 8:45 am]

BILLING CODE 3710–08–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. QF85–110–003]

Thermo Power and Electric, Inc.;

March 22, 1993.

On March 12, 1993, Thermo Power and Electric, Inc. (Applicant), c/o Energy Factors, Incorporated, 401 B. Street, suite 1000, San Diego, California 92101–4219, submitted for filing an application for recertification of a facility as a qualifying cogeneration facility pursuant to § 292.207(b) of the Commission's Regulations. No determination has been made that the submittal constitutes a complete filing.

According to the applicant, the topping-cycle cogeneration facility is located at the University of North Colorado in Greeley, Colorado. The facility consists of two combustion turbine generators, two heat recovery boilers, and an extraction/condensing steam turbine generator. Steam generated by the facility is used for hot water, space heating and cooling, laboratory and other process use. The primary energy source is natural gas. The net electric power production

capacity of the facility is approximately 63.3 MW.

The certification of the facility was originally issued to the Applicant on March 19, 1985 (30 FERC ¶ 62,316 (1985)). The instant recertification is requested by the Applicant to reflect the addition of a combustion turbine generator, a heat recovery boiler and an induction/extraction steam turbine generator to the facility, an increase of the net electric power production capacity to approximately 120 MW, and the addition of a new upstream owner. All other facility characteristics remain unchanged as described in the previous certification.

Any person desiring to be heard or objecting to the granting of qualifying status should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with rules 211 and 214 of the Commission's Rules of Practice and Procedure. All such motions or protests must be filed within 30 days after the date of publication of this notice in the **Federal Register** and must be served on the applicant. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 93–6936 Filed 3–25–93; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. QF93–18–000]

Staten Island Cogeneration Corp.; Amendment to Filing

March 22, 1993.

On March 15, 1993, Staten Island Cogeneration Corporation (Applicant) tendered for filing a supplement to its filing in this docket.

The amendment provides additional information pertaining to the ownership and technical aspects of its cogeneration facility. No determination has been made that the submittal constitutes a complete filing.

Any person desiring to be heard or objecting to the granting of qualifying status should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with rules 211 and 214 of the Commission's Rules of Practice and Procedure. All such motions or protests must be filed on or before April 9, 1993, and must be served on the applicant. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 93–6939 Filed 3–25–93; 8:45 am]

BILLING CODE 6717–01–M

Application Filed With the Commission

March 22, 1993.

Take notice that the following hydroelectric application has been filed with the Federal Energy Regulatory Commission and is available for public inspection.

a. *Type of Application:* Transfer of License.

b. *Project No:* 6939–030.

c. *Date Filed:* March 8, 1993.

d. *Applicants:* City of Jackson, Ohio and certain Ohio Municipalities.

e. *Name of Project:* Belleville.

f. *Location:* On the Ohio River in Wood County, West Virginia.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. *Applicant Contact:* Peter C. Kissel, Alan I. Robbins, Baller Hammett, P.C., 1225 Eye Street, NW., suite 1200, Washington, DC 20005 (202) 682–3300.

i. *FERC Contact:* Patricia Massie, (202) 219–2681.

j. *Comment Date:* April 15, 1993.

k. *Description of Transfer:* The City of Jackson, Ohio (licensee), proposes to partially transfer its interest in the license for the Belleville Project to include a group of Ohio municipalities with electric distribution systems as co-licensees with Jackson. The Transferees, including Jackson, have executed a joint development agreement whereby each of the municipalities would own an undivided share of the project proportionate to each municipality's commitment and right to purchase power from the project. Operation and management of the project would be overseen by a board consisting of representatives of each of the participating cities. The purpose of the transfer is to allow each of the municipalities to use its share of project output as a power supply source for its electric system, and to facilitate project financing.

l. This notice also consists of the following standard paragraphs: B, C, and D2.

B. Comments, Protests, or Motions to Intervene—Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 385.210, .211, .214. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

C. Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS," "RECOMMENDATIONS FOR TERMS AND CONDITIONS," "NOTICE OF INTENT TO FILE COMPETING APPLICATION," "COMPETING APPLICATIONS," "PROTEST" or "MOTION TO INTERVENE," as applicable, and the project number of the particular application to which the filing is in response. Any of these documents must be filed by providing the original and the number of copies required by the Commission's regulations to: The Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426. An additional copy must be sent to: The Director, Office of Hydropower Licensing, Division of Project Compliance and Administration, Federal Energy Regulatory Commission, ATTN: HL–21, room 1148 UCP, at the above address. A notice of intent, competing application, or motion to intervene must also be served upon each representative of the applicant specified in the particular application.

D2. Agency Comments—The Commission invites federal, state, and local agencies to file comments on the described application. (Agencies may obtain a copy of the application directly from the applicant.) If an agency does not file comments within the time specified for filing comments, the Commission will presume that the agency has none. One copy of an agency's comments must also be sent to the applicant's representatives.

Lois D. Cashell,

Secretary.

[FR Doc. 93–6935 Filed 3–25–93; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. JD93–05716T North Dakota-3]

State of North Dakota; NGPA Notice of Determination by Jurisdictional Agency Designating Tight Formation

March 22, 1993.

Take notice that on March 18, 1993, the Oil and Gas Division of the North Dakota Industrial Commission (North Dakota), submitted the above-referenced notice of determination pursuant to section 271.703(c)(3) of the Commission's regulations, that the Red River Formation, underlying certain lands in McKenzie County, North Dakota, qualifies as a tight formation under section 107(b) of the Natural Gas Policy Act of 1978. The area of application is described as follows:

Township 153 North, Range 95 West
Sections 24–25: All
Township 153 North, Range 94 West
Sections 30–33: All
Township 152 North, Range 95 West
Sections 1–2: All
Township 152 North, Range 94 West
Sections 6: All

The notice of determination also contains North Dakota's findings that the referenced portion of the Red River Formation meets 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. 93–6933 Filed 3–25–93; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. JD93–04113T Wyoming-40]

State of Wyoming; NGPA Amended Notice of Determination by Jurisdictional Agency Designating Tight Formation

March 22, 1993.

Take notice that on March 17, 1993, the Wyoming Oil and Gas Conservation Commission (Wyoming) amended its notice of determination that was filed in the above-referenced proceedings on February 4, 1993 pursuant to section 271.703(c)(3) of the Commission's regulations. The February 4, 1993 notice determined that the Mowry/Belle Fourche Formations underlying a portion of Campbell County, Wyoming, qualify as a tight formation under section 107(b) of the Natural Gas Policy Act of 1978.

The amended notice of determination reduces the geographical area recommended for tight formation designation. The amended area covers only the following fee tracts:

Township 51 North, Range 75 West
Section 29: Lots 1–3

The notice of determination also contains Wyoming's findings that the referenced portions of the Mowry/Belle Fourche Formations 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 10 days after the date this notice is issued by the Commission.

Lois D. Cashell,

Secretary.

[FR Doc. 93–6934 Filed 3–25–93; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. EG93–33–000]

NW Energy (Williams Lake) Limited Partnership; Filing

March 22, 1993.

On March 12, 1993, NW Energy (Williams Lake) Limited Partnership (NW Energy LP), a limited partnership organized under the laws of British Columbia, Canada, whose address is 16 West Hastings Street, suite 2120, Vancouver, British Columbia V6E 3X1, filed with the Federal Energy Regulatory Commission an application for determination of exempt wholesale generator status pursuant to part 365 of the Commission's regulations.

NW Energy LP states that it is exclusively in the business of being the owner and operator of certain electric generating facilities currently under construction in Williams Lake, British Columbia, Canada (the Facility). NW Energy states that the Facility, when completed will be a 60 MW (net output), wood waste fired electric generating facility in Williams Lake, British Columbia, Canada. NW Energy LP states that it will sell electricity generated at the Facility exclusively at wholesale.

Any person desiring to be heard concerning the application for exempt wholesale generator status should file a motion to intervene or comments 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. The Commission will limit its consideration of comments to those that concern the adequacy or accuracy of the application. All such motions or protests must be filed on or before April 6, 1993, and must be served on the applicant. 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. 93–6938 Filed 3–25–93; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. ER93–59–002]

Southern Company Services, Inc; Filing

March 22, 1993.

Take notice that on March 1, 1993, Southern Company Services, Inc. tendered for filing its compliance filing in the above-referenced docket.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 18 CFR 385.214). All such motions or protests should be filed on or before April 5, 1993. 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. 93–6937 Filed 3–25–93; 8:45 am]

BILLING CODE 6717–01–M

ENVIRONMENTAL PROTECTION AGENCY

[ER–FRL–4597–9]

Environmental Impact Statements and Regulations; Availability of EPA Comments

Availability of EPA comments prepared March 8, 1993 through March 12, 1993 pursuant to the Environmental Review Process (ERP), under Section

309 of the Clean Air Act and Section 102(2)(c) of the National Environmental Policy Act as amended. Requests for copies of EPA comments can be directed to the Office of Federal Activities at (202) 260–5076.

An explanation of the ratings assigned to draft environmental impact statements (EISs) was published in the Federal Register dated April 10, 1993 (57 FR 12499).

Draft EISs

ERP No. D–AFS–J02027–UT Rating EC2, Chevron Table Top Project Exploratory Oil and Gas Wells Drilling, Leasing and Permit, Wasatch-Cache National Forest, Evanston Ranger District, Summit County, UT.

Summary: EPA expressed concerns regarding the lack of any baseline water quality data. EPA requested that the water data and additional water quality analysis be included in the Final EIS.

ERP No. D–AFS–J65195–WY Rating EO2, Grand Targhee Ski Area Expansion Master Development Plan, Implementation, Targhee National Forest, Teton County, WY.

Summary: EPA expressed environmental objections based on potential air quality, groundwater and surface water and indirect impacts. EPA requested additional analysis and mitigation be included in the Final EIS.

ERP No. D–AFS–J65197–CO Rating EC1, White River National Forest Land and Resources Management Plan, Oil and Gas Leasing Development, Implementation, Several Counties, CO.

Summary: EPA had environmental concerns based on impacts to water quality and biological resources. EPA recommended that the FEIS include a summary of information to document existing conditions and the potential effects of proposed activities on forest resources.

ERP No. D–AFS–L65185–OR Rating EC2, Hen Moose Timber Sale, Implementation, Timber Harvesting in the Hensley subdrainage, Willamette National Forest, Sweet Home Ranger District, Linn County, OR.

Summary: EPA expressed environmental concerns based on potential water quality impacts; the lack of an air quality impacts analysis; the need for complete monitoring and mitigation discussions; and the need for a broader cumulative effects analysis. Additional information is requested to clarify compliance with state water quality standards; to disclose air quality impacts from prescribed burning; to outline monitoring and mitigation strategies; and to expand the cumulative effects analysis.

ERP No. D–NPS–J61087–WY Rating LO, Fort Laramie National Historic Site, General Management Plan and Development Concept Plan, Implementation, Fort Laramie, Goshen County, WY.

Summary: EPA had no objections to the proposed project.

ERP No. D–SCS–K36108–GU Rating EC2, Northern Guam Watershed Protection Plan, Funding and Implementation, Island of Guam, Territory of Guam, GU.

Summary: EPA expressed environmental concerns regarding potential adverse impacts to the northern Guam sole source aquifer, a special resource protected under the Safe Drinking Water Act. The FEIS should fully discuss potential impacts to the aquifer and mitigation that will be implemented should adverse impacts to the aquifer be identified. EPA also requested documentation in the FEIS to support the statement that the project will have no adverse impacts to threatened or endangered species or their critical habitat areas.

ERP No. DR–COE–B40062–NH Rating EO2, Nashua-Hudson Circumferential Highway Improvements, Approval, Towns of Hudson, Litchfield, Merrimack and Nashua, Hillsborough County, NH.

Summary: EPA had environmental objections regarding the potential adverse impacts to water supply systems, lack of a comprehensive mitigation program to protect the water supply resources, and lack of consideration and discussion of alternatives. EPA recommended project modification or permit denial, as the project would significantly degrade waters in the United States (including wetlands) in violation of EPA's 404 (b)(1) guidelines.

ERP No. DR–DOE–H22000–MO Rating LO, Weldon Spring Site, Remedial Action/Feasibility Study for Chemical Plants, Funding, National Priorities List, St. Charles County, MO.

Summary: EPA had no objections to the proposed project.

ERP No. DS–AFS–J65166–UT Rating LO, Tippets Valley Timber Harvest Project, Timber Sale and Road Construction, Implementation, New Information, Dixie National Forest, Cedar City Ranger District, Iron County, UT.

Summary: EPA had no objections to the proposed project.

ERP No. DS–NOA–B91017–00 Rating EC2, Atlantic Sea Scallop, Placopecten Magellanicus, (Gmelin), Fishery Management Plan (FMP), Additional Information, Amendment No. 4.

Summary: EPA expressed concerns regarding impacts that scallop dredging may have on aquatic habitat. EPA recommended a fuller analysis of the impacts of scallop dredging and the indirect impacts to non-target fisheries.

Final EISs

ERP No. F–AFS–J02022–WY Shoshone National Forest Oil and Gas Exploration and Development, Leasing, Fremont, Hot Springs Park, Sublette and Teton Counties, WY.

Summary: EPA expressed environmental concerns and recommends identification of priority areas for implementing a forest-level water quality monitoring program. The program should initially focus on areas where the potential for oil and gas development is highest, such as the Wind River and Greybull Districts identified in the EIS.

ERP No. F–SFW–H61020–IA Brushy Creek State Recreation Area (BCSRA) Dam and Lake Project, Implementation, Funding, NPDES Permit and Section 404 Permit, Des Moines River, Webster County, IA.

Summary: EPA had no objection to the proposed project.

ERP No. F1–AFS–J65143–00 Manti-La Sal National Forest Oil and Gas Leasing, Implementation, Sanpete, Utah, Juab, Sevier, Emery, Carbon, Grand and San Juan Counties, UT and Montrose and Mesa Counties, CO.

Summary: EPA continued to express concerns regarding potential air emissions from oil and gas production and water quality issues.

Dated: March 23, 1993.

Richard E. Sanderson,

Director, Office of Federal Activities.

[FR Doc. 93–7022 Filed 3–25–93; 8:45 am]

BILLING CODE 6560–50–U

[ER–FRL–4597–8]

Environmental Impact Statements; Notice of Availability

Responsible Agency: Office of Federal Activities, General Information (202) 260–5076 or (202) 260–5075.

Weekly Receipts of Environmental Impact Statements Filed March 15, 1993 Through March 19, 1993 Pursuant to 40 CFR 1506.9.

EIS No. 930083, FINAL EIS, BLM, WY, MetFuel Hanna Basin Coalbed Methane Gas Production Project, Construction, Operation, Maintenance and Abandonment, Approval, Drilling Control, COE Section 404 and EPA RCRA Permits and Right-of-Way Grants, Carbon County, WY, Due:

April 26, 1993, Contact: Bob Tignar (307) 324–7171.

EIS No. 930084, DRAFT SUPPLEMENT, COE, FL, Palm Beach County Beach Erosion Project, Updated Information, Shore Protection Project, Jupiter/Carlin Segment from Martin Co., Line to Lake Worth Inlet and from South Lake Worth Inlet to Broward, General Design Plan, Implementation, Martin and Broward Counties, FL, Due: May 10, 1993, Contact: Michael Dupes (904) 232–1689.

EIS No. 930085, DRAFT EIS, AFS, MT, South Beal Project, Beal Mountain Gold and Silver Mine Expansion Project, Construction and Operation, Plan of Operation, Mining Reclamation, Approval of Permits, Butte Ranger District, Deerlodge National Forest, Silver Bow County, MT, Due: May 10, 1993, Contact: Margie Ewing (406) 494–2147.

EIS No. 930086, FINAL EIS, AFS, CO, Routt National Forest Oil and Gas Exploration and Development, Approval and Leasing, Routt, Moffat, Jackson, Grand, Garfield and Rio Blanco Counties, CO, Due: April 26, 1993, Contact: Richard Hall (303) 879–1722.

EIS No. 930087, FINAL EIS, USA, VA, Fort Belvoir Engineer Proving Ground (EPG), Development and Construction, Implementation, Fairfax County, VA, Due: April 26, 1993, Contact: Janice A. Smith (703) 805–5617.

EIS No. 930088, DRAFT EIS, FTA, OH, Dual Hub Corridor Improvements, Downtown Cleveland to University Circle, Funding, Cuyahoga County, OH, Due: May 18, 1993, Contact: Paul Fish (312) 353–2865.

EIS No. 930089, DRAFT EIS, FHW, TN, TN–69 Highway Improvements, TN–15/US 64 to TN–202 south of Decaturville, Funding, Possible COE Section 404, TVA Section 26a and US Coast Guard Bridge Permits, Decatur, Hardin and Wayne Counties, TN, Due: May 10, 1993, Contact: Dennis Cook (615) 736–5394.

EIS No. 930090, FINAL EIS, FHW, OK, OK–82 Highway Construction, Red Oak to Lequire, Funding and Possible National Pollutant Discharge Elimination System Permit, Latimore and Haskell Counties, OK, Due: April 26, 1993, Contact: Gary E. Larsen (405) 231–4724.

EIS No. 930091, FINAL EIS, FHW, OR, Salem-Dayton Highway/OR–221/Wallace Road Widening, Orchard Heights Road to Oakcrest Drive, Funding, Section 404 Permit, Polk County, OR, Due: April 26, 1993, Contact: Alan R. Steger (503) 399–5749.

EIS No. 930092, DRAFT EIS, AFS, ID, Spruce Creek Timber Sale, Implementation, Boise National Forest, Valley County, ID, Due: May 18, 1993, Contact: Ronn Julian (208) 382–4271.

EIS No. 930093, DRAFT EIS, USN, VA, MD, Dahlgren Division, Naval Surface Warfare Center Base Realignment, New Construction and Renovation, Westmoreland, Stafford, Spotsylvania and King George Counties, VA and Charles County, MD, Due: May 10, 1993, Contact: Larry Chernikoff (202) 433–3387.

EIS No. 930094, FINAL EIS, USN, TX, Chase Field Naval Air Station Disposal and Reuse, Implementation, Permits and Approval, City of Beeville, Bee County, TX, Due: April 26, 1993, Contact: Mr. Laurens Pitts (803) 743–0893.

Amended Notices

EIS No. 930013, Draft Supplement, APH, Nationwide Cooperative Animal Damage Control Program, Additional Information, Integrated Pest Management Approach, Implementation, Due: April 28, 1993, Contact: William H. Clay (301) 436–8281. Published FR 1–22–93—Review period extended.

Dated: March 23, 1993.

Richard E. Sanderson,

Director, Office of Federal Activities.

[FR Doc. 93–7021 Filed 3–25–93; 8:45 am]

BILLING CODE 6560–50–U

Notice of Cancellation of a Public Meeting on the Hazardous Waste Identification System

AGENCY: Environmental Protection Agency.

ACTION: Notice.

SUMMARY: We are cancelling the April 1–2 scheduled meeting (58 FR 13757, March 15, 1993) to discuss issues related to contaminated media and treatment residuals and apologize for any inconvenience.

DATES: The meeting was to have been held April 1st and 2nd.

LOCATION: The meeting was to have been held at the Capitol Hilton Hotel, 16th and K Street NW., Washington, DC 20036, [202] 393–1000.

FOR FURTHER INFORMATION CONTACT: Persons needing further information on substantive aspects of the rule should contact William A. Collins, Jr., Office of Solid Waste, OS–333, Environmental Protection Agency, Washington, DC 20460, (202) 260–4791. Persons needing further information on procedural matters should call the meeting Co-facilitator, Denise Madigan, of Endispute, Washington, DC, (202) 429–8782.

Dated: March 23, 1993.

Chris Kirtz,

Director, Consensus and Dispute Resolution Program.

[FR Doc. 93–7107 Filed 3–25–93; 8:45 am]

BILLING CODE 6560–50–M

FEDERAL COMMUNICATIONS COMMISSION

[DA 93–325]

Comments Invited on Hawaii Public Safety Plan

March 22, 1993.

The Commission has received the public safety radio communications plan for Hawaii (Region 11).

In accordance with the Commission's Memorandum Opinion and Order in General Docket 87–112, Region 11 consists of the state of Hawaii. (General Docket No. 87–112, 3 FCC Rcd 2113 (1988)).

In accordance with the Commission's Report and Order in General Docket No. 87–112 implementing the Public Safety National Plan, interested parties may file comments on or before April 29, 1993 and reply comments on or before May 14, 1993. (See Report and Order, General Docket No. 87–112, 3 FCC Rcd 905 (1987), at paragraph 54.)

Commenters should send an original and five copies of comments to the Secretary, Federal Communications Commission, Washington, DC 20554 and should clearly identify them as submissions to PR Docket 93–80 Hawaii-Public Safety Region 11.

Questions regarding this public notice may be directed to Betty Woolford, Private Radio Bureau, (202) 632–6497 or Ray LaForge, Office of Engineering and Technology, (202) 653–8112.

Federal Communications Commission.

Donna R. Searcy,

Secretary.

[FR Doc. 93–6986 Filed 3–25–93; 8:45 am]

BILLING CODE 6712–01–M

[DA 93–324]

Comments Invited on West Virginia Public Safety Plan

March 22, 1993.

The Commission has received the public safety radio communications plan for West Virginia (Region 44).

In accordance with the Commission's Memorandum Opinion and Order in

General Docket 87–112, Region 44 consists of the State of West Virginia. (General Docket No. 87–112, 3 FCC Rcd 2113 (1988)).

In accordance with the Commission's Report and Order in General Docket No. 87–112 implementing the Public Safety National Plan, interested parties may file comments on or before April 29, 1993 and reply comments on or before May 14, 1993. (See Report and Order, General Docket No. 87–112, 3 FCC Rcd 905 (1987), at paragraph 54.)

Commenters should send an original and five copies of comments to the Secretary, Federal Communications Commission, Washington, DC 20554 and should clearly identify them as submissions to PR Docket 93–79 West Virginia-Public Safety Region 44.

Questions regarding this public notice may be directed to Betty Woolford, Private Radio Bureau, (202) 632–6497 or Ray LaForge, Office of Engineering and Technology, (202) 653–8112.

Federal Communications Commission.

Donna R. Search,

Secretary,

[FR Doc. 93–6987 Filed 3–25–93; 8:45 am]

BILLING CODE 6712–01–M

FEDERAL RESERVE SYSTEM

Cardinal Bancshares, Inc., et al.; Formations of; Acquisitions by; and Mergers of Bank Holding Companies

The companies listed in this notice have applied for the Board's approval under section 3 of the Bank Holding Company Act (12 U.S.C. 1842) and § 225.14 of the Board's Regulation Y (12 CFR 225.14) to become a bank holding company or to acquire a bank or bank holding company. The factors that are considered in acting on the applications are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Each application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank or to the offices of the Board of Governors. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Unless otherwise noted, comments regarding each of these applications must be received not later than April 19, 1993.

A. Federal Reserve Bank of Cleveland (John J. Wixted, Jr., Vice President) 1455 East Sixth Street, Cleveland, Ohio 44101:

1. Cardinal Bancshares, Inc., Lexingfon, Kentucky; to acquire 100 percent of the voting shares of F&P Bancshares, Inc., Lexington, Kentucky, and thereby indirectly acquire First & Peoples Bank, Springfield, Kentucky.

B. Federal Reserve Bank of St. Louis (Randall C. Sumner, Vice President) 411 Locust Street, St. Louis, Missouri 63166:

1. Rogers Bancshares, Inc., Little Rock, Arkansas; to become a bank holding company by acquiring at least 81.5 percent of the voting shares of Metropolitan National Bancshares, Inc., Little Rock, Arkansas, and thereby indirectly acquire Metropolitan National Bank, Little Rock, Arkansas.

Board of Governors of the Federal Reserve System, March 22, 1993.

William W. Wiles,

Secretary of the Board.

[FR Doc. 93–6988 Filed 3–25–93; 8:45 am]

BILLING CODE 6210–01–F

Haugo Bancshares, Inc.; Acquisition of Company Engaged in Permissible Nonbanking Activities

The organization listed in this notice has applied under § 225.23(a)(2) or (f) of the Board's Regulation Y (12 CFR 225.23(a)(2) or (f)) for the Board's approval under section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.21(a) of Regulation Y (12 CFR 225.21(a)) to acquire or control voting securities or assets of a company engaged in a nonbanking activity that is listed in § 225.25 of Regulation Y as closely related to banking and permissible for bank holding companies. Unless otherwise noted, such activities will be conducted throughout the United States.

The application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

Comments regarding the application must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than April 19, 1993.

A. Federal Reserve Bank of Minneapolis (James M. Lyon, Vice President) 250 Marquette Avenue, Minneapolis, Minnesota 55480:

1. Haugo Bancshares, Inc., Sioux Falls, South Dakota; to acquire 50 percent of the voting shares of Community Trust Company, Sioux Falls, South Dakota, a *de novo* institution, and thereby engage in trust activities pursuant to § 225.25(b)(3) of the Board's Regulation Y. These activities will be conducted in the State of South Dakota.

Board of Governors of the Federal Reserve System, March 22, 1993.

William W. Wiles,

Secretary of the Board.

[FR Doc. 93–6989 Filed 3–25–93; 8:45 am]

BILLING CODE 6210–01–F

Middletown Savings Bank Employee Stock Ownership Trust, et al.; Change in Bank Control Notices; Acquisitions of Shares of Banks or Bank Holding Companies

The notificants listed below have applied under the Change in Bank Control Act (12 U.S.C. 1817(j)) and § 225.41 of the Board's Regulation Y (12 CFR 225.41) to acquire a bank or bank holding company. The factors that are considered in acting on the notices are set forth in paragraph 7 of the Act (12 U.S.C. 1817(j)(7)).

The notices are available for immediate inspection at the Federal Reserve Bank indicated. Once the notices have been accepted for processing, they will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank indicated for that notice or to the offices of the Board of Governors. Comments must be received not later than April 15, 1993.

A. Federal Reserve Bank of New York (William L. Rutledge, Vice President) 33 Liberty Street, New York, New York 10045:

1. Middletown Savings Bank Employee Stock Ownership Trust,

Middletown, New York; to acquire 10.4 percent of the voting shares of MSB Bancorp, Inc., Middletown, New York.

B. Federal Reserve Bank of St. Louis (Randall C. Sumner, Vice President) 411 Locust Street, St. Louis, Missouri 63166:

1. LeRoy Henry Paris, II, Indianola, Mississippi; to retain 18.16 percent of the voting shares of Planters Holding Company, Indianola, Mississippi, and thereby indirectly acquire Planters Bank and Trust Company, Indianola, Mississippi.

C. Federal Reserve Bank of Dallas (W. Arthur Tribble, Vice President) 400 South Akard Street, Dallas, Texas 75222:

1. Frank E. Morris, Gainesville, Texas; to acquire 0.63 percent for a total of 2.52 percent, and Estate of Fletcher E. Morris, Gainesville, Texas, to acquire 7.25 percent for a total of 29.25 percent of the voting shares of Red Bancorp, Inc., Gainesville, Texas, and thereby indirectly acquire The First State Bank, Gainesville, Texas.

2. Rockney D. Pletcher, as Trustee, Dallas, Texas; to acquire 36 percent of the voting shares of Brazos Bancshares, Inc., Joshua, Texas, and thereby indirectly acquire First National Bank of Joshua, Joshua, Texas.

Board of Governors of the Federal Reserve System, March 22, 1993.

William W. Wiles,

Secretary of the Board.

[FR Doc. 93–6990 Filed 3–25–93; 8:45 am]

BILLING CODE 6210–01–F

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Agency for Toxic Substances and Disease Registry

[ATSDR–64]

Availability of Final Toxicological Profiles

AGENCY: Agency for Toxic Substances and Disease Registry (ATSDR), Public Health Service (PHS), Department of Health and Human Services (HHS).

ACTION: Notice of availability.

SUMMARY: This notice announces the availability of the final versions of 28 of the 30 toxicological profiles comprising the fourth set prepared by ATSDR.

FOR FURTHER INFORMATION CONTACT: Susie Tucker, Agency for Toxic Substances and Disease Registry, Division of Toxicology, 1600 Clifton Road, NE., Mail Stop E–29, Atlanta, Georgia 30333, telephone (404) 639–6300.

SUPPLEMENTARY INFORMATION: The Superfund Amendments and Reauthorization Act (SARA) (Pub. L. 99–499) amends the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA or Superfund) (42 U.S.C. 9601 et seq.) by establishing certain requirements for the ATSDR and the Environmental Protection Agency (EPA) with regard to hazardous substances which are most commonly found at facilities on the CERCLA National Priorities List (NPL). Among these statutory requirements is a mandate for the Administrator of ATSDR to prepare toxicological profiles for each substance included on the priority lists of hazardous substances. These lists identified the 275 hazardous substances which both agencies determined pose the most significant potential threat to human health. The first list was published in the **Federal Register** on April 17, 1987, (52 FR 12866); the second list on October 20, 1988, (53 FR 41280); the third list on October 26, 1989, (54 FR 43615); and the fourth list on October 17, 1990, (55 FR 42067).

Notice of the availability of drafts of the fourth set (30) of toxicological profiles for public review and comment was published in the **Federal Register** on October 16, 1990, (55 FR 41881), with notice that a 90-day public comment period would be provided for each profile, starting from the actual release date. Following the close of each comment period, chemical-specific comments were addressed, and where appropriate, changes were incorporated into each profile. The public comments, the classification of and response to those comments, and other data submitted in response to the **Federal Register** notice bear the docket control number ATSDR–29. This material is available for public inspection at the Division of Toxicology, Agency for Toxic Substances and Disease Registry, Building 4, suite 2400, Executive Park Drive, Atlanta, Georgia, between 8 a.m. and 4:30 p.m., Monday through Friday, except legal holidays.

Availability

This notice announces the availability of 28 of the 30 toxicological profiles in the fourth set of ATSDR's final toxicological profiles. The remaining two profiles are undergoing additional technical review and will be announced in the **Federal Register** as soon as they become available. The following toxicological profiles are now available through the U.S. Department of Commerce, National Technical Information Service (NTIS), 5258 Port Royal Road, Springfield, Virginia 22161, telephone 1–800–336–4700. There is a charge for these profiles as determined by NTIS.

Toxicological Profile	NTIS Order No.	CAS No.
1. Aluminum	PB/93/110633/AS	7429–90–5
2. Antimony	PB/93/110641/AS	7440–36–0
3. Barium	PB/93/110658/AS	7440–39–3
4. 2,3-Benzofuran	PB/93/110666/AS	271–89–6
5. Boron	PB/93/110674/AS	7440–42–8
6. Bromomethane	PB/93/110682/AS	74–83–9
7. 1,3-Butadiene	PB/93/110690/AS	106–99–0
8. 2-Butanone	PB/93/110708/AS	78–93–3
9. Carbon Disulfide	PB/93/110716/AS	75–15–0
10. Cobalt	PB/93/110724/AS	7440–48–4
11. Cresols	PB/93/110752/AS	1319–77–3
o-Cresol		108–39–4
m-Cresol		106–44–5
p-Cresol		95–48–7
12. Dibromochloropropane	PB/93/110906/AS	109–64–8
1,2-Dibromo-3-chloropropane		96–12–8
13 1,2-Dibromoethane	PB/93/110740/AS	106–93–4

Toxicological Profile	NTIS Order No.	CAS No.
14. 2,4-Dichlorophenol	PB/93/110757/AS	120–83–2
15. cis-1,3–Dichloropropene	PB/93/110765/AS	10061–01–5
trans-1,3-Dichloropropene		10061–02–6
16. 2-Hexanone	PB/93/110713/AS	591–78–6
17. Manganese	PB/93/110781/AS	7439–96–5
18. Methyl Mercaptan	PB/93/110799/AS	74–93–1
19. Methyl Parathion	PB/93/110807/AS	298–00–0
20. Mustard "Gas"	PB/93/110815/AS	505–60–2
21. Nitrophenols	PB/93/110823/AS	25154–55–6
2-Nitrophenol		88–75–5
4-Nitrophenol		100–02–7
22. Pyridine	PB/93/110831/AS	110–86–1
23. Styrene	PB/93/110849/AS	100–42–5
24. Thallium	PB/93/110856/AS	7440–28–0
25. Tin	PB/93/110864/AS	7440–31–5
26. 1,2,3-Trichloropropane	PB/93/110872/AS	96–18–4
27. Vanadium	PB/93/110880/AS	7440–62–2
28. Vinyl Acetate	PB/93/110898/AS	108–05–4

Dated: March 19, 1993.

Walter R. Dowdle,

Deputy Administrator, Agency for Toxic Substances and Disease Registry.

[FR Doc. 93–6958 Filed 3–25–93; 8:45 am]

BILLING CODE 4160–70–P

Health Resources and Services Administration

Filing of Annual Report of Federal Advisory Committee

Notice is hereby given that pursuant to section 13 of Public Law 92–463, the Annual Report for the following Health Resources and Service Administration's Federal Advisory Committees have been filed with the Library of Congress:

Departments of Family Medicine Review Committee

Faculty Development Review Committee

Graduate Training in Family Medicine Review Committee

Residency Training Review Committee

Copies are available to the public for inspection at the Library of Congress Newspaper and Current Periodical Reading Room, Room 1026, Thomas Jefferson Building, Second Street and Independence Avenue SE., Washington, DC. Copies may be obtained from: Ms. Sherry Whipple, Executive Secretary, room 4C–25, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857, Telephone (301) 443–6874.

Dated: March 22, 1993.

Jackie E. Baum,

Advisory Committee Management Officer, HRSA.

[FR Doc. 93–6981 Filed 3–25–93; 8:45 am]

BILLING CODE 4160–15–P

Advisory Council; Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), announcement is made of the following National Advisory body scheduled to meet during the month of May 1993:

Name: National Advisory Council on Nurse Education and Practice.

Date and Time: May 13–14, 1993 8:30 a.m.–5 p.m.

Place: Conference Room G, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857.

Closed on May 13, 9:30 a.m.–1 p.m.

Open on May 13, 8:30 a.m.–9:30 a.m. and from 1 p.m. for remainder of meeting.

Purpose: The Council advises the Secretary and Administrator, Health Resources and Services Administration, concerning general regulations and policy matters arising in the administration of the Nursing Education and Practice Improvement Amendments of 1992 (Pub. L. 102–148). The Council also performs final review of selected grant applications for Federal Assistance, and makes recommendations to the Administrator, HRSA.

Agenda: The open portion of the meeting May 13 will cover announcements; considerations of minutes of previous meeting; the reports of the Administrator, Health Resources and Services Administration, the Director, Bureau of Health Professions, the Director, Division of Nursing; and staff reports. The meeting will be closed to the public on May 13, from 9:30 a.m. to 1 p.m. for the review of grant applications for Nursing Education Opportunities for Individuals from Disadvantaged Backgrounds and Nurse Practitioner Grants and Nurse Midwifery. The closing is in accordance with the provisions set forth in section 552b(c)(6), title 5 U.S.C., and the Determination by the Administrator, Health Resources and Services Administration, pursuant to Public Law 92–463.

Anyone requiring information regarding the subject Council should contact Dr. Mary S. Hill, Executive Secretary, Advisory Council on Nurses Education, room 9–36, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857, Telephone (301) 443–6193.

Agenda Items are subject to change as priorities dictate.

Dated: March 22, 1993.

Jackie E. Baum,

Advisory Committee Management Officer, HRSA.

[FR Doc. 93–6982 Filed 3–25–93; 8:45 am]

BILLING CODE 4160–15–P

Public Health Service

Agency Forms Submitted to the Office of Management and Budget for Clearance

Each Friday the Public Health Service (PHS) publishes a list of information collection requests it has submitted to the Office of Management and Budget (OMB) for clearance in compliance with the Paperwork Reduction Act (44 U.S.C. chapter 35). The following requests have been submitted to OMB since the list was last published on Friday, March 5, 1993.

(Call PHS Reports Clearance Officer on 202–690–7100 for copies of requests)

1. Metropolitan Atlanta Birth Defect and Risk Factor Surveillance Program—0920–0010—Surveillance of adverse pregnancy outcomes is an important tool in learning about the causes of congenital malformations and other neonatal conditions, in assessing the role played by suspected agents, and in evaluating the effectiveness of control programs for those defects and diseases for which preventive techniques are available. Case/Control will also be performed. *Respondents:* Individuals or households. *Number of Respondents:* 800; *Number of Responses per Respondent:* 1; *Average Burden Per Response:* 1.61 hours; *Estimated Annual Burden:* 1,286 hours.

2. MMWR Readership Survey—New—The purpose of this study is to evaluate the Morbidity and Mortality Weekly Report (MMWR) series of publications. Information about the MMWR and the characteristics of its readership will be collected through a readership survey and a follow-back case study. *Respondents:* Individuals or households. *Number of Respondents:* 1,250; *Number of Responses per Respondent:* 1.01 *Average Burden Per Response:* 0.25 hours; *Estimated Annual Burden:* 317 hours.

3. 1993 Inventory of Local Jail Mental Health Services—New—The Center for Mental Health Services (CMHS) needs the data in order to develop general purpose statistics for use by the Congress, extramural and intramural investigators in both CMHS and National Institute of Mental Health (NIMH), and for program and policy development. Increasing numbers of persons with mental illness are incarcerated in local jails and appropriate data can help to improve mental health service provision to this population. *Respondents:* State or local governments. *Number of Respondents:* 3,316; *Number of Responses per Respondent:* 1; *Average Burden Per Response:* .84 hours; *Estimated Annual Burden:* 2,791 hours.

4. National Hospital Ambulatory Medical Care Survey (1994–95)—0920–0278—Data collected from hospital outpatient departments and emergency departments concerning patient visits are aggregated to national statistics. The data are used by the public and private sectors for public health planning, medical education, health care work force assessment, epidemiologic studies, and other health care utilization research. *Respondents:* State or local governments; Businesses or other for-profit; Nonprofit institutions; Small businesses or organizations. *Number of Respondents:* 448; *Number of Responses per Respondent:* 205; *Average Burden Per Response:* 0.077 hours; *Estimated Annual Burden:* 7,079 hours.

5. Health Education Assistance Loan (HEAL) Program—Lender's Application for Insurance Claim Form—0915–0036—The Department needs the information submitted on this form to determine if a lending institution has complied with the statutory and regulatory requirements for payment of an insurance claim. *Respondents:* Individuals, Business or other for-profit, Non-profit institutions. *Number of Respondents:* 57; *Number of Responses per Respondent:* 19.74; *Average Burden Per Response:* 1.25 hours; *Estimated Annual Burden:* 1,406 hours. Desk Officer: Shannah Koss.

Written comments and recommendations for the proposed information collections should be sent within 30 days of this notice directly to the OMB Desk Officer designated above at the following address: Human Resources and Housing Branch, New Executive Office Building, room 3002, Washington, DC 20503.

Dated: March 23, 1993.

James Scanlon,

Director, Division of Data Policy, Office of Health Planning and Evaluation.

[FR Doc. 93–7010 Filed 3–25–93; 8:45 am]

BILLING CODE 4160–17–M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Assistant Secretary for Community Planning and Development

[Docket No. N–93–1917; FR–3350–N–24]

Federal Property Suitable as Facilities To Assist the Homeless

AGENCY: Office of the Assistant Secretary for Community Planning and Development, HUD.

ACTION: Notice.

SUMMARY: This Notice identifies unutilized, underutilized, excess, and surplus Federal property reviewed by HUD for suitability for possible use to assist the homeless.

EFFECTIVE DATE: March 26, 1993.

ADDRESSES: For further information, contact James Forsberg, Department of Housing and Urban Development, room 7262, 451 Seventh Street SW., Washington, DC 20410; telephone (202) 708–4300; TDD number for the hearing- and speech-impaired (202) 708–2565, (these telephone numbers are not toll-free), or call the toll-free title V information line at 1–800–927–7588.

SUPPLEMENTARY INFORMATION: In accordance with the December 12, 1988 court order in *National Coalition for the Homeless* v. *Veterans Administration*, No. 88–2503–OG (D.D.C.), HUD publishes a Notice, on a weekly basis, identifying unutilized, underutilized, excess and surplus Federal buildings and real property that HUD has reviewed for suitability for use to assist the homeless. Today's Notice is for the purpose of announcing that no additional properties have been determined suitable or unsuitable this week.

Dated: March 19, 1993

Don I. Patch,

Acting Deputy Assistant Secretary for Grant Programs.

[FR Doc. 93–6788 Filed 3–25–93; 8:45 am]

BILLING CODE 4210–29–M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[NV–940–02–4212–22]

Filing of Plats of Survey; Nevada

Dated: March 18, 1993.

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: The purpose of this notice is to inform the public and interested State and local government officials of the latest filing of Plats of Survey in Nevada.

EFFECTIVE DATES: Filing was effective at 10 a.m. on the dates indicated below.

FOR FURTHER INFORMATION CONTACT: John S. Parrish, Chief, Branch of Cadastral Survey, Bureau of Land Management (BLM), Nevada State Office, 850 Harvard Way, P.O. Box 12000, Reno, Nevada 89520, 702–785–6543.

SUPPLEMENTARY INFORMATION:

1. The Plats of Survey of lands described below were officially filed at the Nevada State Office, Reno, Nevada on November 17, 1992:

Mount Diablo Meridian, Nevada

T. 1 S., R. 67 E.—Supplemental Plat of Section 4.
T. 46 N., R. 31 E.—Resurvey.
T. 45 N., R. 30 E.—Resurvey.

2. These surveys were accepted September 28, 1992, and were executed to meet certain administrative needs for Mountain Mines, Inc. and the Bureau of Land Management.

3. The Plats of Survey of lands described below were officially filed at the Nevada State Office, Reno, Nevada on December 9, 1992:

Mount Diablo Meridian, Nevada

T. 19 S., R. 61 E.—Supplemental Plat of Section 18.
T. 19 S., R. 61 E.—Supplemental Plat of Section 19.

4. These surveys were accepted November 17, 1992, and were executed to meet certain administrative needs of the Bureau of Land Management.

5. The Plat of Survey of land described below was officially filed at

the Nevada State Office, Reno, Nevada on December 17, 1992:

T. 31 N., R. 47 E.—Supplemental Plat of Section 2.

6. This supplemental plat was accepted December 15, 1992, and was executed to meet certain administrative needs of the Bureau of Land Management.

7. The Plats of Survey of lands described below will be officially filed at the Nevada State Office, Reno, Nevada on May 3, 1993:

T. 12 N., R. 45 E.—Survey.
T. 13 N., R. 45 E.—Dependent Resurvey and Survey.
T. 13 N., R. 46 E.—Dependent Resurvey and Survey.

8. These surveys were accepted February 24, 1993, and were executed to meet certain administrative needs for Western States Minerals Corporation.

9. Subject to valid existing rights, the provisions of existing withdrawals and classifications, and the requirements of applicable land laws, the lands described in paragraph 7 are hereby open to application, petition, and disposal, including application under the mineral leasing laws. All such valid applications received on or prior to May 3, 1993, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in order of filing.

10. All the lands have been and continue to be open under the mining law.

11. The above-listed surveys are now the basic record for describing the lands for all authorized purposes. These surveys will be placed in the open files in the BLM Nevada State Office and will be available to the public as a matter of information. Copies of the surveys and related field notes may be furnished to the public upon payment of the appropriate fees.

Robert G. Steele,

Deputy State Director, Operations.

[FR Doc. 93–6918 Filed 3–25–93; 8:45 am]

BILLING CODE 4310–HC–M

[MT–930–4210–04; MTM 72221]

Order Providing for Opening of Public Land in Valley County; Montana

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: This order will open land reconveyed to the United States in an exchange under the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1701 et seq (FLPMA), to the operation of the public land, mining, and mineral leasing laws.

EFFECTIVE DATE: June 1, 1993.

FOR FURTHER INFORMATION CONTACT: James Binando, BLM Montana State Office, P.O. Box 36800, Billings, Montana 59107, 406–255–2935.

SUPPLEMENTARY INFORMATION:

1. The following described lands have been reconveyed by exchange to the United States pursuant to section 206 of the Act of October 21, 1976, 43 U.S.C. 1716 from the State of Montana:

Principal Meridian, Montana

T. 32 N., R. 38 E.,
Sec. 36, all.
T. 31 N., R. 39 E.,
Sec. 6, lots 1, 2, 3, and 5, SE¼NW¼, and S½NE¼;
Sec. 19, NE¼, W½SE¼, and E½SW¼;
Sec. 20, NE¼NE¼, SW¼NE¼, and E½SW¼;
Sec. 21, W½SW¼;
Sec. 28, W½W½;
Sec. 29, NE¼NW¼, SW¼NW¼, E½NE¼, SE¼, and W½SW¼;
Sec. 30, W½SE¼ and E½SW¼;
Sec. 32, Lots 1 to 4, inclusive, NE¼, and N½S½;
Sec. 33, lot 1, W½NW¼ and NW¼SW¼.
T. 32 N., R. 39 E.,
Sec. 5, lots 2 to 7, inclusive, 10, 11, 12, and E½SW¼;
Sec. 8, NW¼ and NW¼SW¼;
Sec. 18, lots 1 and 2, and E½NW¼;
Sec. 19, lots 3 and 4, and E½SW¼;
Sec. 30, lots 3 and 4, SE¼, and E½SW¼.
T. 33 N., R. 39 E.,
Sec. 7, NE¼;
Sec. 8, NW¼, SE¼, and E½SW¼;
Sec. 17, N½ and SW¼;
Sec. 18, lots 7 and 12, E½NE¼, and SE¼.
T. 34 N., R. 39 E.,
Sec. 16, N½NW¼, SW¼NW¼, and NW¼SW¼;
T. 36 N., R. 39 E.,
Sec. 16, W½W½ and SE¼NE¼.

Comprising 5,761.36 acres in Valley County.

2. At 9 a.m. on June 1, 1993, the reconveyed lands described above will be opened to the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals, other segregations of record, and the requirements of applicable law. All valid applications received at or prior to 9 a.m. on June 1, 1993, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in order of filing.

3. At 9 a.m. on June 1, 1993, the reconveyed lands described above will be opened to location and entry under the United States mining laws and to the operation of the mineral leasing laws, subject to valid existing rights, the provisions of existing withdrawals, other segregations of record, and the requirements of applicable law. Appropriation of any of the lands described in this order under the general mining laws prior to the date and time of restoration is unauthorized. Any such attempted appropriation, including attempted adverse possession under 30 U.S.C. 38 (1988), shall vest no rights against the United States. Acts required to establish a location and to initiate a right of possession are governed by State law where not in conflict with Federal law. The Bureau of Land Management will not intervene in disputes between rival locators over possessory rights since Congress has provided for such determinations in local courts.

Dated: March 18, 1993.

John Thompson,

Acting Deputy State Director, Division of Lands and Renewable Resources.

[FR Doc. 93–6922 Filed 3–25–93; 8:45 am]

BILLING CODE 4310–DN–M

[CA–010–03–3110–10–B002; CACA 20050, 20920, 23587, 25767, 28306, 28381, 28382, 28494]

Realty Action—Correction

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of realty action; Correction.

SUMMARY: This notice corrects and/or supplements the previously published notices for the following land exchanges:

CACA 20050 published at 52 FR 46005–07 on December 3, 1987, and amended at 53 FR 38984 on September 26, 1988.
CACA 20920 published at 53 FR 5050–51 on February 19, 1988.
CACA 23587 published at 53 FR 48589 on December 1, 1988, and amended at 55 FR 18678 on May 3, 1990.
CACA 25767 published at 54 FR 37837 on September 13, 1989.
CACA 28306 published at 56 FR 29495 on June 27, 1991.
CACA 28381 published at 56 FR 34070 on July 25, 1991.
CACA 28382 published at 56 FR 35872–73 on July 29, 1991.
CACA 28494 published at 57 FR 28534 on June 25, 1992.

This notice more accurately describes the lands that may be acquired by the Bureau of Land Management in the above exchanges. The purpose of the exchanges is to acquire some of the private lands within the Carrizo Plain Natural Area in San Luis Obispo County, California, and to reduce the number of scattered public land parcels

for more efficient management. The lands that may be acquired are somewhere within the following sections:

Mt. Diablo Meridian, California

T. 30S., R.20E,
Sec. 19 to 22, 25 to 31, and 34 to 36.
T. 30S., R.21E,
Sec. 23 to 36.
T. 30S., R.22E,
Sec. 31.
T. 31S., R.19E,
Sec. 1, 2, and 12.
T. 31S., R.20E,
Sec. 1 to 3, 10 to 13, 15, 17, and 22 to 25.
T. 31S., R.21E,
Sec. 1 to 7, 10 to 25, 27 to 29, and 32 to 36.
T. 31S., R.22E,
Sec. 4, 6, 7, 17 to 20, and 30.
T. 32S., R.20E,
Sec. 19, 26, and 27.
T. 32S., R.21E,
Sec. 1 to 5, and 10 to 13.
T. 32S., R.22E,
Sec. 16, 32, 33, and 35.
T. 32S., R.23E,
Sec. 27 and 34.

San Bernardino Meridian, California

T. 12N., R.28W,
Sec. 36.
T. 12N., R.27W,
Sec. 35 and 36.
T. 12N., R.26W,
Sec. 33 to 35.
T. 12N., R.25W,
Sec. 31, 32, and 36.
T. 11N., R.27W,
Sec. 1 to 4, and 10.
T. 11N., R.26W,
Sec. 1 to 6, 8 to 16, and 23 to 25.
T. 11N., R.25W,
Sec. 5, 6, 10, 14, 18 to 20, 22, 24, 30, and 32.
T. 11N., R.24W,
Sec. 19, 20, 29, and 32.
T. 10N., R.24N,
Sec. 4 to 9, 17, and 20.

This notice also amends the previously published notices shown above for CACA 20050 and CACA 20920 by specifying that all mineral rights may be exchanged on the public lands involved in the land exchange.

Interested parties may submit comments to the BLM Area Manager at the following address until May 10, 1993. For further information contact: Bureau of Land Management, Caliente Resource Area Office, Attn: Dan Vaughn, 4301 Rosedale Highway, Bakersfield, California 93308; (805) 861–4236.

Dated: March 17, 1993.

N.E. Douglas,

Acting Area Manager.

[FR Doc. 93–6669 Filed 3–25–93; 8:45 am]

BILLING CODE 4310–40–M

[NV–930–4210–05; Nev–048100]

Intent To Sell Certain Public Lands In Clark County, NV

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: This notice is to allow a 60-day comment period as to the sale of land in Eldorado Valley, Clark County, to the Colorado River Commission.

DATES: Comments are to be received on or before May 25, 1993.

ADDRESSES: Comments should be sent to the District Manager, BLM, P.O. Box 26569, Las Vegas, Nevada 89126.

FOR FURTHER INFORMATION CONTACT: Sharon DiPinto, BLM Las Vegas Office, (702) 647–5000.

SUPPLEMENTARY INFORMATION: The Act of March 6, 1958, (Pub. L. 85–339, referred to as the Eldorado Valley Act), authorized and directed the sale of the following described public land to the Colorado River Commission acting for the State of Nevada:

Mount Diablo Meridian, Nevada

T. 24 S., R. 62 E.,
Secs. 22 to 27, inclusive;
Secs. 34 to 36, inclusive.
T. 25 S., R. 62 E.,
Secs. 1 to 5, inclusive;
Secs. 7 to 36, inclusive.
T. 26 S., R. 62 E.,
Secs. 1 and 2;
Secs. 11 to 14, inclusive.
T. 23 S., R. 63 E.,
Sec. 19, lots 1 to 4, inclusive; NE¼, E½W½, W½SE¼;
Sec. 23, lot 2, N½NW¼;
Sec. 25;
Sec. 26, E½, E½NE¼NW¼, NW¼NE¼NW¼, S½SW¼NE¼NW¼, N½S½NW¼NW¼, S½NE¼SW¼NW¼, W½SW¼NW¼, SE¼SW¼NW¼, SE¼NW¼, SW¼;
Sec. 27;
Sec. 28, E½;
Sec. 30, lots 1 to 4, inclusive; E½W½, W½E½;
Sec. 31, lots 1 to 4, inclusive; E½W½, W½E½;
Sec. 32, SE¼;
Secs. 33 to 36, inclusive.
T. 24 S., R. 63 E.,
Secs. 1 to 4, inclusive;
Sec. 5, E½, SW¼;
Sec. 6, lots 10 to 14, inclusive, SE¼NW¼, E½SW¼, SE¼;
Sec. 7 to 32, inclusive;
Sec. 33, N½, SW¼;
Sec. 34, N½;
Sec. 35, N½;
Sec. 36.
T. 25 S., R. 63 E.,
Sec. 4, W½;
Secs. 5 to 8, inclusive;
Sec. 9, W½;
Sec. 15, SW¼;
Sec. 16, W½, SE¼;
Secs. 17 to 21, inclusive;
Sec. 22, W½;
Sec. 27, W½;
Secs. 28 to 33, inclusive;
Sec. 34, W½.
T. 26 S., R. 63 E.,
Secs. 4 to 9, inclusive;
Secs. 16 to 18, inclusive.
T. 23 S., R. 63½ E.,
Sec. 25, lots 1 to 4, inclusive; S½SE¼;
Sec. 36, lots 1 to 4, inclusive; E½.
T. 23 S., R. 64 E.,
Sec. 30, lot 8, SE¼SW¼;
Secs. 31 and 32, inclusive;
Sec. 33, SW¼NE¼, W½NW¼, SE¼NW¼, S½;
Sec. 34, W½SW¼, SE¼SW¼, SW¼SE¼.
T. 23½ S., R. 64 E.,
Secs. 31 to 35, inclusive.
T. 24 S., R. 64 E.,
Secs. 2 to 11, inclusive;
Secs. 14 to 23, inclusive;
Secs. 26 to 35, inclusive.
T. 25 S., R. 64 E.,
Secs. 1 to 6, inclusive.

The area described contains approximately 107,400 acres.

The Act requires a contract of sale be drawn up between the United States and the Colorado River Commission and approved by the Secretary of the Interior. The Act, as amended, set the purchase price ($1,320,000) at fair market value of the land as of the effective date of the Act. The conveyance will include both surface and subsurface estates, but will be subject to valid existing rights.

Detailed information regarding this sale is available at the BLM Las Vegas District Office, 4765 Vegas Drive, Las Vegas, Nevada.

For a period of 60 days from the date of publication of this notice in the **Federal Register**, interested parties may submit comments to the District Manager, BLM Las Vegas District Office, P.O. Box 26569, Las Vegas, Nevada 89126.

Ben F. Collins,

District Manager.

[FR Doc. 93–6917 Filed 3–25–93; 8:45 am]

BILLING CODE 4310–HC–M

[ID–943–4210–06; IDI–15650]

Proposed Continuation of Withdrawal; Idaho

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: The Bureau of Land Management proposes that a 3029.61 acre withdrawal for Powersite Reserve No. 165, continue for an additional 20 years. The land is still needed for waterpower purposes. These lands will remain closed to surface entry, but have

been and would remain open to mineral leasing and mining.

EFFECTIVE DATE: Comments should be received within 90 days of the date of publication of this notice.

FOR FURTHER INFORMATION CONTACT: Larry R. Lievsay, Idaho State Office, BLM, 3380 Americana Terrace, Boise, Idaho 83706, 208–384–3166.

The Bureau of Land Management proposes that the existing land withdrawal made by the Executive Order dated December 19, 1910, for Powersite Reserve No. 165, be continued for a period of 20 years pursuant to Section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751; 43 U.S.C. 1714, insofar as it affects the following described land:

Boise Meridian

T. 2 S., R. 38 E.,
Sec. 7, lots 3 to 5 inclusive;
Sec. 8, lots 1 and 2;
Sec. 17, lot 1;
Sec. 29, lots 1 to 3 inclusive;
Sec. 33, lots 4 and 5 and NE¼SE¼.
T. 3 S., R. 38 E.,
Sec. 4, lots 8 to 11 inclusive;
Sec. 9, lot 3;
Sec. 10, lots 5 to 9 inclusive;
Sec. 11, lots 3 to 6 inclusive;
Sec. 13, lots 5 to 9 inclusive;
Sec. 14, lot 3;
Sec. 24, lots 6 and 7.
T. 3 S., R. 39 E.,
Sec. 19, lots 2 and 3, SE¼NW¼, SW¼NE¼, NE¼SW¼, N½SE¼ and SE¼SE¼;
Sec. 20, SW¼SW¼;
Sec. 29, N½NW¼, SE¼NW¼ and SE¼;
Sec. 32, NE¼ and NE¼SE¼;
Sec. 33, N½SW¼ and SE¼SW¼.
T. 4 S., R. 39 E.,
Sec. 4, W½NE¼, NE¼NW¼, S½NW¼, N½SW¼ and SW¼SW¼;
Sec. 5, S½SE¼;
Sec. 7, S½SE¼;
Sec. 8, N½NE¼, NE¼NW¼, S½NW¼ and N½SW¼;
Sec. 17, SW¼NW¼ and NW¼SW¼;
Sec. 20, SW¼NW¼, N½SW¼ and SE¼SW¼.

The areas described aggregate 3029.61 acres in Bingham County.

The withdrawal is essential for protection of potential waterpower development. The existing withdrawal closes the described land to surface entry but not to mineral leasing and mining. No change in the segregative effect or use of the land is proposed by this action.

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 Idaho State Director at the above address.

The authorized officer of the Bureau of Land Management will undertake such investigations as 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 of the withdrawal will be published in the Federal Register. The existing withdrawal will continue until such final determination is made.

Dated: March 17, 1993.

William E. Ireland,

Chief, Realty Operations Section.

[FR Doc. 93–6923 Filed 3–25–93; 8:45 am]

BILLING CODE 4310–GG–M

National Park Service

Cuyahoga Valley National Recreation Area

AGENCY: National Park Service; Superintendent, Cuyahoga Valley National Recreation Area.

ACTION: Extension.

SUMMARY: This notice advises of the extension of the Cuyahoga Valley National Recreation Area Sale of Real Property, which was published Wednesday, January 27, 1993, Volume 58, Number 16, Page 6294.

DATES: The Sale of Real Property originally scheduled for acceptance of sealed bids until 2 p.m., April 30, 1993, is now changed to June 3, 1993, 2 p.m.

FOR FURTHER INFORMATION CONTACT: Einar L. Johnson, Assistant Superintendent, Cuyahoga Valley National Recreation Area, 15610 Vaughn Road, Brecksville, Ohio 44141.

LEGAL DESCRIPTION: Cuyahoga Valley Tract 109–38, a/k/a 1509 Boston Mills Road, Boston Township, Summit County, Ohio.

CONVEYANCE PROCEDURES, REQUIREMENTS AND TIME SCHEDULE: The original bids were to be accepted until 2 p.m., April 30, 1993. This date is now changed to June 3, 1993, 2 p.m.

Don H. Castleberry,

Regional Director, Midwest Region.

[FR Doc. 93–7019 Filed 3–25–93; 8:45 am]

BILLING CODE 4310–70–M

INTERSTATE COMMERCE COMMISSION

[Finance Docket No. 32158]

Gateway Western Railway Company—Construction Exemption—St. Clair County, IL

AGENCY: Interstate Commerce Commission.

ACTION: Notice of availability of environmental assessment.

SUMMARY: The Gateway Western Railway Company (GWWR) has petitioned the Interstate Commerce Commission seeking exemption from the approval requirements of 49 U.S.C. 10901 for construction and operation of a rail line of approximately 4,300 feet at East St. Louis, IL. Nine hundred feet of the 4,300 line is yet to be constructed. The proposed construction would connect the GWWR and SPCSL Corporation's joint track to the CSX Transportation Company's mainline. The Commission has prepared its environmental assessment which concludes that the proposed action will not significantly affect either the quality of the human environment or the conservation of energy resources. The Commission will consider any comments to the conclusions reached in the environmental assessment before rendering a final decision in this proceeding.

DATES: Written comments must be filed by April 8, 1993.

ADDRESSES: Send an original and 10 copies of comments referring to Finance Docket No. 32158 to: (1) Section of Energy and Environment, room 3219, Interstate Commerce Commission, Washington, DC 20423, to the attention of Phillis Johnson-Ball, and one copy of the comments to: (2) Petitioner's representative: Christopher Eric Hagerup, Oppenheimer Wolff and Donnelly, 1020 Nineteenth Street, NW, suite 400, Washington, DC 20036.

FOR FURTHER INFORMATION CONTACT: Phillis Johnson-Ball (202) 927–6213 or Elaine K. Kaiser, Chief, Section of Energy and Environment (202) 927–6248. (TDD for hearing impaired: (202) 927–5721).

SUPPLEMENTARY INFORMATION: Copies of the Environmental Assessment may be obtained from the Section of Energy and Environment, Office of Economics, room 3219, Interstate Commerce Commission, Washington, DC 20423. Telephone (202) 927–6213. Assistance for the hearing impaired is available through TDD Services at (202) 927–5721.

By the Commission, Leslie J. Selzer, Acting Director, Office of Economics.

Sidney L. Strickland, Jr.,

Secretary.

[FR Doc. 93–7013 Filed 3–25–93; 8:45 am]

BILLING CODE 7035–01–M

[Finance Docket No. 32229]

Burlington Northern Railroad Co.; Construction and Operation; Rail Line To Thomas Hill Energy Center; In Macon and Randolph Counties, MS

AGENCY: Interstate Commerce Commission.

ACTION: Notice of availability of environmental assessment.

SUMMARY: Burlington Northern Railroad Company has filed a petition with the Interstate Commerce Commission seeking exemption from the approval requirements of 49 U.S.C. 10901 for construction and operation of a 17 mile rail line in Macon and Randolph Counties, Missouri to provide railroad service to the Thomas Hill Energy Center. The Commission has prepared its environmental assessment which concludes that the proposed action will not significantly affect either the quality of the human environment or the conservation of energy resources. The Commission will consider any comments to the conclusions reached in the environmental assessment before rendering a final decision in this proceeding.

DATES: Written comments must be filed by April 26, 1993.

ADDRESSES: Send an original and 10 copies of comments referring to Finance Docket No. 32229 to: Section of Energy and Environment, room 3219, Interstate Commerce Commission, Washington, DC 20423.

FOR FURTHER INFORMATION CONTACT: John J. O'Connell (202) 927–6215 or Elaine K. Kaiser, Chief, Section of Energy and Environment at (202) 927–6248. (TDD for hearing impaired: (202) 927–5721).

SUPPLEMENTARY INFORMATION: Copies of the Environmental Assessment may be obtained from Mr. John J. O'Connell, Section of Energy and Environment, Office of Economics, room 3219, Interstate Commerce Commission, Washington, DC 20423. Telephone (202) 927–6245. Assistance for the hearing impaired is available through TDD Services at (202) 927–5721.

By the Commission, Leslie J. Selzer, Acting Director, Office of Economics.

Sidney L. Strickland, Jr.,

Secretary.

[FR Doc. 93–7011 Filed 3–25–93; 8:45 am]

BILLING CODE 7035–01–M

[Docket No. AB–55 (Sub-No. 441X)]

CSX Transportation, Inc.—Abandonment Exemption—In Chicago, IL

AGENCY: Interstate Commerce Commission.

ACTION: Notice of exemption.

SUMMARY: Pursuant to 49 U.S.C. 10505, the Commission exempts CSX Transportation, Inc. (CSXT), from the prior approval requirements of 49 U.S.C. 10903–10904 to permit CSXT to abandon a portion of its Chicago Division, Lake Subdivision, between 100th Street, milepost BIA–257.60, and Rock Island Junction, milepost BIA–258.63, a distance of 1.03 miles in Chicago, Cook County, IL, subject to standard labor protective conditions and environmental conditions.

DATES: Provided no formal expression of intent to file an offer of financial assistance has been received, this exemption will be effective on April 25, 1993. Formal expressions of intent to file an offer [1] of financial assistance under 49 CFR 1152.27(c)(2) must be filed by April 5, 1993. Petitions for stay must be filed by April 12, 1993. Requests for a public use condition in conformity with 49 CFR 1152.28(a)(2) must be filed by April 15, 1993. Petitions to reopen must be filed by April 20, 1993.

ADDRESSES: Send pleadings referring to Docket No. AB–55 (Sub-No. 441X) to: (1) Office of the Secretary, Case Control Branch, Interstate Commerce Commission, Washington, DC 20423. (2) Petitioner's representative: Charles M. Rosenberger, 500 Water Street J150, Jacksonville, FL 32202.

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, call, or pick up in person from: Dynamic Concepts, Inc., room 2229, Interstate Commerce Commission Building, Washington, DC 20423. Telephone: (202) 289–4357/4359.

[1] See Exempt. of Rail Line Abandonment—Offers of Finan. Assist., 4 I.C.C.2d 164 (1987).

[Assistance for the hearing impaired is available through TDD services (202) 927–5721.]

Decided: March 18, 1993.

By the Commission, Chairman McDonald, Vice Chairman Simmons, Commissioners Phillips, Philbin, and Walden.

Sidney L. Strickland, Jr.,

Secretary.

[FR Doc. 93–7012 Filed 3–25–93; 8:45 am]

BILLING CODE 7035–01–M

DEPARTMENT OF JUSTICE

National Institute of Justice

National Institute of Justice Program Plan: 1993

AGENCY: U.S. Department of Justice, Office of Justice Programs, National Institute of Justice.

ACTION: Public announcement of the availability of the National Institute of Justice Program Plan: 1993.

SUMMARY: The National Institute of Justice (NIJ) is publishing this Notice of the availability of its National Institute of Justice Program Plan: 1993.

ADDRESSES: National Institute of Justice, 633 Indiana Avenue NW., Washington, DC 20531.

FOR FURTHER INFORMATION CONTACT: Michael J. Russell, Acting Director, National Institute of Justice, 633 Indiana Avenue NW., Washington, DC 20531. To obtain copies of the National Institute of Justice Program Plan: 1993, call the National Criminal Justice Reference Service, 1–800–851–3420, Box 6000, Rockville, MD 20850.

SUPPLEMENTARY INFORMATION: The following supplementary information is provided:

Authority

This action is authorized under the Omnibus Crime Control and Safe Streets Act of 1968, sections 201–03, as amended, 42 U.S.C. 3721–23 (1988).

Background

The National Institute of Justice Program Plan: 1993 outlines the NIJ research and evaluation agenda for 1993, provides descriptions of program areas for which research and evaluation proposals will be solicited, provides application instructions and forms, outlines requirements for award recipients, gives deadlines for receipt of proposals, and lists contact persons for program areas.

Michael J. Russell,

Acting Director, National Institute of Justice.

[FR Doc. 93–6963 Filed 3–25–93; 8:45 am]

BILLING CODE 4410–18–P

DEPARTMENT OF LABOR

Office of the Secretary

Agency Recordkeeping/Reporting Requirements Under Review by the Office of Management and Budget (OMB)

Background: The Department of Labor, in carrying out its responsibilities under the Paperwork Reduction Act (44 U.S.C. chapter 35), considers comments on the reporting/recordkeeping requirements that will affect the public.

List of Recordkeeping/Reporting Requirements Under Review: As necessary, the Department of Labor will publish a list of the Agency recordkeeping/reporting requirements under review by the Office of Management and Budget (OMB) since the last list was published. The list will have all entries grouped into new collections, revisions, extensions, or reinstatements. The Departmental Clearance Officer will, upon request, be able to advise members of the public of the nature of the particular submission they are interested in.

Each entry may contain the following information:

- The Agency of the Department issuing this recordkeeping/reporting requirement.
- The title of the recordkeeping/reporting requirement.
- The OMB and/or Agency identification numbers, if applicable.
- How often the recordkeeping/reporting requirement is needed.
- Whether small businesses or organizations are affected.
- An estimate of the total number of hours needed to comply with the recordkeeping/reporting requirements and the average hours per respondent.
- The number of forms in the request for approval, if applicable.
- An abstract describing the need for and uses of the information collection.

Comments and Questions: Copies of the recordkeeping/reporting requirements may be obtained by calling the Departmental Clearance Officer, Kenneth A. Mills ((202) 219–5095). Comments and questions about the items on this list should be directed to Mr. Mills, Office of Information Resources Management Policy, U.S. Department of Labor, 200 Constitution Avenue, NW., room N–1301, Washington, DC 20210. Comments should also be sent to the Office of Information and Regulatory Affairs, Attn: OMB Desk Officer for (BLS/DM/ESA/ETA/OLMS/MSHA/OSHA/PWBA/VETS), Office of Management and Budget, room 3001, Washington, DC 20503 ((202) 395–6880).

Any member of the public who wants to comment on recordkeeping/reporting requirements which have been submitted to OMB should advise Mr. Mills of this intent at the earlier possible date.

New

Employment and Training Administration

Implementation of an Amended Title V of the Job Training Partnership Act (JTPA)

Individuals or household; state or local governments 1 respondent; 1 hour per response; 1 total hour

Title V of the Job Training Partnership Act, Jobs for Employable Dependent Individuals, Incentive Bonus Program establishes a voluntary program which requires a State to collect specific information for certain categories of individuals which will in turn be provided to the Department of Labor to justify the State's request for an incentive bonus award.

Extension

Occupational Safety and Health Administration 1218–0007

Fatality, Catastrophe Reporting

On occasion

State or local governments; farms; businesses or other for-profits; non-profits institutions: small businesses or organization

2,420 respondents; 15 minutes per response; 605 total hours

OSHA currently requires employers to notify OSHA within 48 hours after the occurrence of an employment accident which is fatal to one or more employees or which results in hospitalization of five or more employees. Reports are to be made in any manner chosen by the employer and must relate the circumstances of the accident, the number of fatalities and the extent of any injuries.

Signed at Washington, DC, this 23d day of March 1993.

Kenneth A. Mills,

Departmental Clearance Officer.

[FR Doc. 93–7001 Filed 3–25–93; 8:45 am]

BILLING CODE 4510–26–M

Employment and Training Administration

[TA–W–27,916]

Altoona Steel, Altoona, PA; Termination of Investigation

Pursant to section 221 of the Trade Act of 1974, an investigation was initiated on October 26, 1992 in response to a petition which was filed on behalf of workers at Altoona Steel, Altoona, Pennsylvania.

The investigation revealed that Altoona Steel, Altoona, Pennsylvania is out of business. The firm ceased operations in February 1992 and no other further information is available to complete the investigation to make a determination for eligibility under Section 221 of the Trade Act of 1974. Since no further information is available to complete the investigation, the investigation has been terminated.

Signed at Washington, DC this 17th day of March 1993.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

[FR Doc. 93–7005 Filed 3–25–93; 8:45 am]

BILLING CODE 4510–30–M

Investigations Regarding Certifications of Eligibility To Apply for Worker Adjustment Assistance

Petitions have been filed with the Secretary of Labor under section 221(a) of the Trade Act of 1974 ("the Act") and are identified in the appendix to this notice. Upon receipt of these petitions, the Director of the Office of Trade Adjustment Assistance, Employment and Training Administration, has instituted investigations pursuant to section 221(a) of the Act.

The purpose of each of the investigations is to determine whether the workers are eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act. The investigations will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved.

The petitioners or any other persons showing a substantial interest in the subject matter of the investigations may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address show below, not later than April 5, 1993.

Interested persons are invited to submit written comments regarding the subject matter of the investigations to the Director, Office of Trade Adjustment

Assistance, at the address shown below, not later than April 5, 1993.

The petitions filed in this case are available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Employment and Training Administration, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, DC 20210.

Signed at Washington, DC this 15th day of March, 1993.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

APPENDIX

Petitioner: Union/workers/firm—	Location	Date received	Date of petition	Petition No.	Articles produced
American Welding & Mfg Co (Co)	Warren, OH	03/15/93	03/05/93	28,441	Welded and seamless rings.
Stanley Smith Security, Inc (Wkrs)	Portland, OR	03/15/93	02/25/93	28,442	Security services.
Smith Energy Services (Wkrs)	El Reno, OK	03/15/93	03/02/93	28,433	Oil service.
North American Brine Resources (Co)	Woodward, OK	03/15/93	03/05/93	28,444	Crude iodine.
Neal's Oilfield Service (Co)	Williston, ND	03/15/93	03/05/93	28,445	Oilfield services.
French Oil Mill Machinery Co (Wkrs)	Piqua, OH	03/15/93	03/02/93	28,446	Oil process equipment, hydraulic press.
E-Systems, Inc (Wkrs)	Salt Lake City, UT	03/15/93	01/22/93	28,447	Aircraft electronics and controls.
Atron/High Q (Wkrs)	Lakeview, MI	03/15/93	03/01/93	28,448	Wire harnesses.
Alro Steel Corp/Industrial Supply (Wkrs).	Kalamazoo, MI	03/15/93	02/28/93	28,449	Distribute industrial supplies.
Ambro, Inc (Wkrs)	Humble, TX	03/15/93	03/02/93	28,450	Brokerage services.
A.F. Gallun & Sons Co (UFCW)	Milwaukee, WI	03/15/93	03/02/93	28,451	Tanned leather.
Bell Petroleum Laboratories (Co)	Midland, TX	03/15/93	02/05/93	28,452	Oilfield services.
Palmetto State Dyeing & Finishing (Wkrs).	Greenville, SC	03/15/93	03/03/93	28,543	Bleaching, dyeing and finishing fabric.
Triumph—Lor, Inc (Wkrs)	Houston, TX	03/15/93	03/03/93	28,454	Oilfield equipment.
Anderson Sportwear (ILGWU)	Fairview, NJ	03/15/93	03/03/93	28,455	Sportswear.
Schlumberger/GEOD Prakla (Wkrs)	Houston, TX	03/15/93	03/03/93	28,456	Oil and gas.
Bergstein Oilfield Services (Wkrs)	Lubbock, TX	03/15/93	02/22/93	28,457	Water hauling to oilfield services.
Sonny's Inc (Wkrs)	Hobbs, NM	03/15/93	02/22/93	28,458	Water hauling to oilfield services.
DSW&T Services, Inc (Wkrs)	Lubbock, TX	03/15/93	02/22/93	28,459	Supply services to water hauling.
Boeing Company (The) (Wkrs)	Wichita, KS	03/15/93	03/01/93	28,460	Aircraft and parts

[FR Doc. 93–7003 Filed 3–25–93; 8:45 am]
BILLING CODE 4510–30–M

[TA–W–26, 111]

Merrow Machine Co., Newington, CT; Negative Determination on Reconsideration

By an order dated January 19, 1993, the United States Court of International Trade (USCIT) in *Former Employees of Merrow Machine Company* v. *Secretary of Labor* (USCIT 92–01–00002) remanded this case to the Department for further investigation.

The remand stated that the Department's survey was inadequate since it did not specifically include sewing machine parts.

The Department is directed to determine whether there are generic sewing machine parts which may be substitutable for Merrow-made parts.

The remand, also, directs the Department to determine whether an expansion of the customer survey to prior customers would be appropriate, instead of focusing on customers who were ordering Merrow sewing machines and parts in the period relevant to the petition.

Company officials stated on remand that shortly after World War II Merrow's domestic market share declined from about 40 percent of the market to a 10 percent share. With the closure of many of the knitting mills along the East Coast during the 1980s, much of Merrow's business became replacement parts for older Merrow Machines, many of which are still in use. The findings show that the replacement parts business accounted for half of Merrow's sales in the first half of 1991.

Findings on remand show Merrow's sales of sewing machine parts to be approximately 70 to 75 percent domestic and the remainder for export. The survey shows that none of the domestic customers reported purchasing imported sewing machine parts in 1990 or 1991. The findings show that most of the decline in sewing machine parts in the first six months of 1991 was in the export market. A decline in sale of parts to the export market would not provide a basis for a worker group certification.

Company officials indicated that although some domestic and foreign parts are substitutable with those of Merrow, they stated that this market is not large enough to attract much competition because none have all the different kinds of parts—loopers, cutters etc., for the many special machines Merrow has produced over the years.

Further, expanding the customer survey to survey former customers in the 1950 through 1989 period would serve little purpose since worker separations from June 28, 1990, the earliest possible coverage date, cannot be related to any former customer shifts to imported sewing machines or parts in the earlier period. To the extent that such shifts may have occurred, they would have influenced past employment displacements and reductions in company employment levels.

Conclusion

After reconsideration, I affirm the original notice of negative determination to apply for adjustment assistance to workers and former workers of the Merrow Machine Company in Newington, Connecticut.

Signed at Washington, DC, this 15th day of March 1993.

Stephen A. Wandner,

Deputy Director, Office of Legislation & Actuarial Service, Unemployment Insurance Service.

[FR Doc. 93–7004 Filed 3–25–93; 8:45 am]

BILLING CODE 4510–30–M

Determinations Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor herein presents summaries of determinations regarding eligibility to apply for adjustment assistance issued during the period of February and March 1993.

In order for an affirmative determination to be made and a certification of eligibility to apply for adjustment assistance to be issued, each of the group eligibility requirements of section 222 of the Act must be met.

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated,

(2) That sales or production, or both, of the firm or subdivision have decreased absolutely, and

(3) That increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

Negative Determinations

In each of the following cases the investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

TA–W–28,198; Morristown Manufacturing Co., Inc., Talbott, TN

TA–W–28,133; Distel Tool & Machine, Warren, MI

TA–W–28,163; Idaho Forest Industries, Inc., St. Anthony, ID

TA–W–28,048, TA–W–28,050; Robertshaw Tennessee, Knoxville, TN & Carthage, TN

TA–W–28,226; Dietzel Aerospace, Inc., Center Point, TX

TA–W–27,973; Philips Electronic Instruments Co., Mahwah, NJ

TA–W–28,188; William Korn, Inc., Buffalo, NY

TA–W–28,244; B & E Manufacturing Co., Inc., Branson West, MO

TA–W–28,047; Treasure Isle, Inc., Dover, FL

TA–W–27,968; Aerospace Systems Co., Fairmont, MN

TA–W–27,851; Piezo Electric Products, Metuchen, NJ

TA–W–28,121, TA–W–28,122; Moline Corp., Belvidere, IL & St. Charles, IL

TA–W–28,281; Ripley Mfg., Inc., Ravenswood, WV

In the following cases, the investigation revealed that the criteria for eligibility has not been met for the reasons specified.

TA–W–27,976; American National Can Co., Los Angeles, CA

Increased imports did not contribute importantly to worker separations at the firm.

TA–W–28,119; Hercules, Inc., Burlington, NJ

Increased imports did not contribute importantly to worker separations at the firm.

TA–W–28,147; Midland Southwest Div/ M.A. Hanna Co., Midland, TX

The workers' firm does not produce an article as required for certification under section 222 of the Trade Act of 1974.

TA–W–28,193; Sequoyah Fuels Corp., Gore, OK

The workers' firm does not produce an article as required for certification under section 222 of the Trade Act of 1974.

TA–W–28,167; Nelson Weather-Rite, Secaucus, NJ

The workers' firm does not produce an article as required for certification under section 222 of the Trade Act of 1974.

TA–W–28,116; Hitachi Zosen Clearing, Inc., Chicago, IL

U.S. imports of numerically controlled metal forming presses declined absolutely in 1991 compared with 1990 and declined absolutely in the eleven month period December-November 1992 as compared to the year earlier.

TA–W–28,192; USDATA Corp., Richardson, TX

The investigation revealed that criterion (2) has not been met. Sales or production did not decline during the relevant period as required for certification.

TA–W–28,200; Olofsson Corp., Lansing, MI

The investigation revealed that criterion (2) has not been met. Sales or production did not decline during the relevant period as required for certification.

TA–W–28,337; Larry H. Miller Dodge, Service Department, Murray, UT

The workers' firm does not produce an article as required for certification under section 222 of the Trade Act of 1974.

TA–W–28,225; Pump Unit Service, Williston, ND

The workers' firm does not produce an article as required for certification under section 222 of the Trade Act of 1974.

TA–W–28,055; G.E., (Evandale Plant), Cincinnati, OH

U.S. imports of turbojet engines for aircraft and turbojet engines other than for aircraft decreased in the latest twelve month period October 1991-September 1992 compared to the previous twelve month period October 1990 through September 1991.

TA–W–28,132; Teledyne Vasco, Latrobe Plant, Latrobe, PA

U.S. imports of cold finished steel bars declined absolutely and relative to domestic shipments in 1990 compared to 1989 and in the twelve month period of December to November 1991–1992 compared to the same period of December to November 1990–1991.

TA–W–28,089; Carter Steel & Fabricating Co., Bellefontaine, OH

U.S. imports of fabricated structural metal declined absolutely and remained the same relative to domestic shipments in 1991 compared to 1990 and increased absolutely and relative to domestic shipments in 1992 compared to 1991. However, the ratio of imports to domestic shipments did not exceed 1.7 percent during the period under investigation.

TA–W–28,044; Unisys Corp., Albany, NY

The workers' firm does not produce an article as required for certification under section 222 of the Trade Act of 1974.

TA–W–28,282; Shannopin Mining Co., Pittsburgh, PA

U.S. imports of metallurgical and steam coal are negligible in 1990, 1991 and in the most recent twelve month period compared to the previous twelve month period.

TA–W–28,283; Poland Processing Co., Pittsburgh, PA

U.S. imports of metallurgical and steam coal are negligible in 1990, 1991 and in the most recent twelve month period compared to the previous twelve month period.

TA–W–28,090; Acustar, Inc., Dayton, OH

The investigation revealed that criterion (1), (2) and (3) have not been met. A significant number or proportion of the workers did not become totally or partially separated as required for certification. Sales or production did

not decline during the relevant period as required for certification. Increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have not contributed importantly to the separations or threat thereof, and to the absolute decline in sales or production.

Affirmative Determinations

TA–W–28,141A; Cleaver Brooks, Lebanon, PA

A certification was issued covering all workers separated on or after December 8, 1991.

TA-W-27,610 & TA–W–27,610A; Baker Oil Tools, Houston, TX and Odessa, TX

A certification was issued covering all workers separated on or after July 22, 1991.

TA–W–28,107; Big Yank Corp., Dixie Factory, Hattiesburg, MS

A certification was issued covering all workers engaged in the production of slacks and pants separated on or after November 24, 1991.

TA–W–28,240 & TA–W–28,241; Mayronne Drilling Mud & Chemicals, Harvey, LA & The Mayronne Co., Harvey, LA

A certification was issued covering all workers separated on or after January 5, 1992.

TA–W–28,004; Sabrina Coat, Paterson, NJ

A certification was issued covering all workers separated on or after October 29, 1991.

TA–W–28,018; American Design & Fashions, Passaic, NJ

A certification was issued covering all workers engaged in the production of ladies' coats separated on or after October 29, 1991.

TA–W–28,094; Goldstar of America, Inc., Huntsville, AL

A certification was issued covering all workers engaged in the production of color televisions separated on or after December 1, 1991.

TA–W–28,129; The Felters Co., Millburg, MA

A certification was issued covering all workers separated on or after December 8, 1991.

TA–W–28,191; Digital Equipment Corp., Springfield, MA

A certification was issued covering all workers engaged in the production of personal computer system and tape drives separated on or after December 22, 1991.

TA–W–28,026; Malcolm Clothing Corp., Passaic, NJ

A certification was issued covering all workers separated on or after October 29, 1991.

TA–W–28,093; American Cyanamid Co., Bound Brook, NJ

A certification was issued covering all workers engaged in the production of methotrexate separated on or after December 1, 1992.

TA–W–28,138; JIK Ltd, Allentown, PA

A certification was issued covering all workers engaged in the production of women's tops, pants and shirts separated on or after November 27, 1991.

TA–W–28,154; M/A Com, Inc., Amzac Operations, Bangor, ME

A certification was issued covering all workers separated on or after December 8, 1991.

TA–W–28,179; Raymel Corp., Hialeah, FL

A certification was issued covering all workers engaged in the production of men's pants, shorts and pullovers separated on or after December 19, 1991.

TA–W–28,221; Dell Coat Co., Inc., Union City, NJ

A certification was issued covering all workers engaged in the production of automotive components separated on or after January 5, 1992.

TA–W–28,135; Allied Tube & Conduit, Liberty, TX

A certification was issued covering all workers separated on or after October 25, 1992.

TA-W-27,927; Baker Oil Tools, Duncan, OK & Operating at Various Other Locations in the Following States: A; AK, B; AR, C; CA, D; CO, E; FL, F; IL, G; KS, H; LA, I; MI, J; MS, K; MT, L; NM, M; ND, N; OH, O; OK, P; PA, Q; TX (Except Houston, Odessa), R; UT, S; WV, T; WY

A certification was issued covering all workers separated on or after October 15, 1991.

TA–W–28,271; General Motors Corp, Inland Fisher Guide Div., Euclid, OH

A certification was issued covering all workers separated on or after January 22, 1991.

TA–W–28,017; Spot Fashions, Inc., Passaic, NJ

A certification was issued covering all workers separated on or after October 29, 1991.

TA–W–28,185; Variety International, Newark, NJ

A certification was issued covering all workers separated on or after December 30, 1991.

TA–W–28,239; Big Yank Corp., Tyrone, PA

A certification was issued covering all workers engaged in the production of men's slacks and jeans separated on or after October 19, 1991.

TA–W–28,036; Kelsey-Hayes Co., Detroit, MI

A certification was issued covering all workers separated on or after November 9, 1991.

TA–W–28,165; Genicom Corp., Waynesboro, VA

A certification was issued covering all workers separated on or after December 14, 1991.

TA–W–28,275; A & A Materials, Brownsville, TX

A certification was issued covering all workers separated on or after January 21, 1992.

TA–W–28,161; Midwest Portland Cement Co., Zanesville, OH

A certification was issued covering all workers separated on or after December 28, 1991.

TA–W–28,080; Blue Bird East, Buena Vista, VA

A certification was issued covering all workers separated on or after November 23, 1991.

TA–W–28,243; St. Thomas, Inc., Gloversville, NY

A certification was issued covering all workers separated on or after January 20, 1992.

TA–W–28,152; Sharon Steel Corp, Coil Coating Div., Warren, OH

A certification was issued covering all workers separated on or after December 18, 1991.

TA–W–28,048; Sharon Steel Corp., Farrell, PA

A certification was issued covering all workers separated on or after October 16, 1991.

TA–W–28,171 and TA–W–28,182; Utica Corp., Mohawk Street, Whitesboro, NY & Utica Corp., Halsey Road, Whitesboro, NY

A certification was issued covering all workers separated on or after December 23, 1991.

TA–W–28,345; Wiman Apparel, Plymouth, MN

A certification was issued covering all workers separated on or after February 10, 1992.

TA–W–28,059; Allegany Apparel, Inc., Cresson, PA

A certification was issued covering all workers separated on or after November 16, 1991.

TA–W–28,280; Bridal Originals, Bowling Green, MO

A certification was issued covering all workers separated on or after January 18, 1992.

TA-W-28,168; Sharon Steel Corp., Brainard Strapping Div., Warren, OH.

A certification was issued covering all workers separated on or after December 18, 1991.

TA-W-28,204 & TA-W-28,204A; Mayfair Industries, (38th Street), New York, NY and Mayfair Industries, (Broadway), New York, NY

A certification was issued covering all workers separated on or after December 30, 1991.

TA-W-28,233 & TA-W-28,234; Mayfair Industries, Hamburg, PA and New Haven, CT

A certification was issued covering all workers separated on or after January 6, 1992.

TA-W-27,980; Helena Sportwear, West Helena, AR

A certification was issued covering all workers separated on or after October 21, 1991.

TA-W-27,990; Abbott & Co., Iberia, OH

A certification was issued covering all workers engaged in the production of electrical power cords separated on or after November 2, 1991 and before March 1, 1993.

TA-W-27,850; Douglas Aircraft Co., Salt Lake City, UT

A certification was issued covering all workers engaged in the production of commercial transport aircraft component parts separated on or after September 14, 1991.

TA-W-27,872; Douglas Aircraft Co., Long Beach, CA

A certification was issued covering all workers engaged in the production of commercial transport aircraft separated on or after September 25, 1991.

TA-W-28,097; Douglas Aircraft Co., Columbus, OH

A certification was issued covering all workers engaged in the production of commercial transport aircraft component parts separated on or after December 4, 1991.

TA-W-28,292 & TA-W-28,203; Douglas Aircraft Co., Monrovia, CA and Huntington Beach, CA

A certification was issued covering all workers engaged in the production of commercial transport aircraft component parts separated on or after December 23, 1991.

TA-W-28,197; Johnson Controls, Inc., Systems Products Div., Watertown, WI

A certification was issued covering all workers engaged in the production of gas controls separated on or after March 5, 1993.

TA-W-27,995; Eastland Woolen Mill, Inc., Corinna, ME

A certification was issued covering all workers separated on or after February 8, 1992.

TA-W-27,996; Striar Textile Mill, Orono, ME

A certification was issued covering all workers separated on or after October 30, 1991.

I hereby certify that the aforementioned determinations were issued during the month of February and march 1993. Copies of these determinations are available for inspection in room C-4318, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, DC 20210 during normal business hours or will be mailed to persons who write to the above address.

Dated: March 22, 1993.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

[FR Doc. 93-7002 Filed 3-25-93; 8:45 am]

BILLING CODE 4510-30-M

Employment Standards Administration; Wage and Hour Division

Minimum Wages for Federal and Federally Assisted Construction; General Wage Determination Decisions

General wage determination decisions of the Secretary of Labor are issued in accordance with applicable law and are based on the information obtained by the Department of Labor from its study of local wage conditions and data made available from other sources. They specify the basic hourly wage rates and fringe benefits which are determined to be prevailing for the described classes of laborers and mechanics employed on construction projects of a similar character and in the localities specified therein.

The determinations in these decisions of prevailing rates and fringe benefits have been made in accordance with 29 CFR part 1, by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR part 1, appendix, as well as such additional statutes as may from time to time be enacted containing provisions for the payment of wages determined to be prevailing by the Secretary of Labor in accordance with the Davis-Bacon Act. The prevailing rates and fringe benefits determined in these decisions, shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged on contract work of the character and in the localities described therein.

Good cause is hereby found for not utilizing notice and public comment procedure thereon prior to the issuance of these determinations as prescribed in 5 U.S.C. 553 and not providing for delay in the effective date as prescribed in that section, because the necessity to issue current construction industry wage determinations frequently and in large volume causes procedures to be impractical and contrary to the public interest.

General wage determination decisions, and modifications and supersedeas decisions thereto, contain no expiration dates and are effective from their date of notice in the **Federal Register**, or on the date written notice is received by the agency, whichever is earlier. These decisions are to be used in accordance with the provisions of 29 CFR parts 1 and 5. Accordingly, the applicable decision, together with any modifications issued, must be made a part of every contract for performance of the described work within the geographic area indicated as required by an applicable Federal prevailing wage law and 29 CFR part 5. The wage rates and fringe benefits, notice of which is published herein, and which are contained in the Government Printing Office (GPO) document entitled "General Wage Determinations Issued Under The Davis-Bacon And Related Acts," shall be the minimum paid by contractors and subcontractors to laborers and mechanics.

Any person, organization, or governmental agency having an interest in the rates determined as prevailing is encouraged to submit wage rate and fringe benefit information for consideration by the Department. Further information and self-explanatory forms for the purpose of submitting this data may be obtained by writing to the U.S. Department of Labor, Employment Standards Administration, Wage and Hour Division, Division of Wage Determinations, 200 Constitution Avenue NW., room S-3014, Washington, DC 20210.

New General Wage Determination Decisions

The numbers of the decisions added to the Government Printing Office

document entitled "General Wage Determinations Issued Under the Davis-Bacon and Related Acts" are listed by Volume, State, and page numbers(s).

Volume III

Utah:
UT93–33 (Mar. 26, 1993) .....

Modification to General Wage Determination Decisions

The number of decisions listed in the Government Printing Office document entitled "General Wage Determinations Issued Under the Davis-Bacon and Related Acts" being modified are listed by Volume and State. Dates of publication in the **Federal Register** are in parentheses following the decisions being modified.

Volume I:

Georgia:
GA93–23 (Feb. 19, 1993) .
GA93–31 (Feb. 19, 1993) .
GA 93–32 (Feb. 19, 1993)
GA 93–33 (Feb. 19, 1993)
New York:
NY93–26 (Feb. 19, 1993) .
Pennsylvania:
PA 93–24 (Feb. 19, 1993)

Volume II

Indiana:
IN93–18 (Feb. 19, 1993) ...

Volume III

California:
CA93–1 (Feb. 19, 1993) ...
Colorado:
CO93–5 (Feb. 19, 1993) ...
CO93–10 (Feb. 19, 1993) .
Montana:
MT93–8 (Feb. 19, 1993) ...
Nevada:
NV93–5 (Mar. 26, 1993) ....
NV93–10 (Feb. 19, 1993) .
Utah:
UT93–5 (Feb. 19, 1993) ...
Washington:
WA93–1 (Feb. 19, 1993) ..
WA93–2 (Feb. 19, 1993) ..

General Wage Determination Publication

General wage determinations issued under the Davis-Bacon and related Acts, including those noted above, may be found in the Government Printing Office (GPO) document entitled "General Wage Determinations Issued Under the Davis-Bacon and Related Acts". This publication is available at each of the 50 Regional Government Depository Libraries and many of the 1,400 Government Depository Libraries across the country. Subscriptions may be purchased from: Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402, (202) 783–3238.

When ordering subscription(s), be sure to specify the State(s) of interest, since subscriptions may be ordered for any or all of the three separate volumes, arranged by State. Subscriptions include an annual edition (issued on or about January 1) which includes all current general wage determinations for the States covered by each volume. Throughout the remainder of the year, regular weekly updates will be distributed to subscribers.

Signed at Washington, DC this 19th day of March 1993.

Alan L. Moss,

Director, Division of Wage Determinations.

[FR Doc. 93–6766 Filed 3–25–93; 8:45 am]

BILLING CODE 4510–27–M

NATIONAL ADVISORY COUNCIL ON THE PUBLIC SERVICE

NACPS Public Hearing

AGENCY: National Advisory Council on the Public Service (NACPS).

ACTION: NACPS to hold Public Hearing, Monday, April 19, 1993.

SUMMARY: The National Advisory Council on the Public Service will hold a public hearing on the ability of the Federal government to attract individuals of the highest caliber to careers involving national public service. The hearing is scheduled for Monday, April 19, 1993, in the Lawrence Room of the Westin Hotel Tabor Center Denver, 1672 Lawrence Street, Denver, Colorado from 9:30 a.m. to 12 Noon.

Invited witnesses will give testimony to the Council on such issues as agency initiatives in recruiting, downsizing the Federal workforce, placement programs for Federal employees, and innovative approaches that Federal agencies are taking to retain quality employees.

The hearing will be open to the public. Time will be allotted to those persons wishing to make comment to the Council concerning the Federal employment. Any person or organization wishing to reserve time to make public comment during the hearing should pre-register by calling the Council at (202) 724–0796 before April 14, 1993. Those persons who do not pre-register to make comments cannot be guaranteed an opportunity to do so. The Council also welcomes written comments on Federal workforce issues, which should be sent to the Council office at 420 National Press Building, 529 14th Street NW., Washington, DC. 20045.

For more information contact Ross Peterson and for media coverage contact Rhea Farberman at (202) 724–0796.

Issued March 23, 1993.

Jane D. Riddleberger,

Administrative Officer, National Advisory Council on the Public Service.

[FR Doc. 93–6966 Filed 3–25–93; 8:45 am]

BILLING CODE 7525–01–P

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice (93–024)]

NASA Advisory Council (NAC), Aeronautics Advisory Committee (AAC); Meeting

AGENCY: National Aeronautics and Space Administration.

ACTION: Notice of meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act, Public Law 92–463, as amended, the National Aeronautics and Space Administration announces a forthcoming meeting of the NAC, Aeronautics Advisory Committee Task Force on General Aviation Transportation.

DATES: April 12, 1993, 1 p.m. to 5 p.m.; and April 13, 1993, 8:30 a.m. to 5 p.m. (to be held at the Langley Research Center); and April 14, 1993, 8:30 a.m. to 1 p.m. (to be held at the Lewis Research Center).

ADDRESSES: National Aeronautics and Space Administration, Langley Research Center, room 225, Building 1219, 11 Langley Boulevard, Hampton VA 23665; and National Aeronautics and Space Administration, Lewis Research Center, room 100, Building 86, 21000 Brookpark Road, Cleveland, OH 44135.

FOR FURTHER INFORMATION CONTACT: Mr. Bruce J. Holmes, National Aeronautics and Space Administration, Langley Research Center, Hampton, VA 804/864–6048.

SUPPLEMENTARY INFORMATION: The meeting will be open to the public up to the seating capacity of the room. The agenda for the meeting is as follows:

—Review of Task Force Progress and Action Plans
—Langley Research and Facility Reviews
—Lewis Research and Facility Reviews
—Task Force Chairman Reports

It is imperative that the meeting be held on these dates to accommodate the scheduling priorities of the key participants.

Dated: March 19, 1993.

John W. Gaff,

Advisory Committee Management Officer, National Aeronautics and Space Administration.

[FR Doc. 93–6914 Filed 3–25–93; 8:45 am]

BILLING CODE 7510–01–M

NATIONAL SCIENCE FOUNDATION

Meeting To Comment on the Third Biennial Revision of the U.S. Arctic Research Plan

In accordance with the Arctic Research and Policy Act of 1984, Public Law 98–373, the National Science Foundation announces the following meeting:

Name of Meeting: Third Biennial Revision of the U.S. Arctic Research Plan—Opportunity to Comment.

Date of Meeting: May 5, 1993, 9 a.m. to 12 noon.

Place: Anchorage Hilton Hotel, 500 West Third Avenue, Anchorage, Alaska.

Purpose of Meeting: Section 109(a) of the Arctic Research and Policy Act requires a biennial revision of the Plan (due in July 1993). Section 109(a) of the Act further requires the Interagency Arctic Research Policy Committee to consult with a number of groups during development of the Plan. The Interagency Committee and its staff and working groups have prepared a draft revision to the Plan, which will be available for review in the following locations in Alaska prior to May 5, 1993.

Anchorage, Alaska: The Alaska Resource Library, Federal Building, 222 W. 7th St., 1st Floor;

Juneau, Alaska: The Alaska State Library, State Office Building, entrance on 4th Street, Circulation Desk, 8th Floor;

Fairbanks, Alaska: The Rasmusen Library, University of Alaska, Fairbanks, Reserve Desk.

Representatives of the groups named in section 109(a) of the Act (Arctic Research Commission, Governor of Alaska, residents of the Arctic, the private sector and public interest groups) as well as members of the general public, are invited to obtain a copy of the draft revision for review, and to bring any comments they may have to the meeting. Staff of the Interagency Committee will be present to receive comments and answer questions.

The biennial revision to the Arctic Research Plan is organized to address research needs in the following areas:

1. Arctic Oceans and Marginal Seas;
2. Atmosphere and Climate;
3. Land and Offshore Resources;
4. Land-Atmosphere Interactions;
5. Engineering and Technology;
6. Social Science; and
7. Health.

Coordinated interagency efforts and supporting programs are also discussed. These include research in the western Arctic marine environments, geodynamics, and cultural and natural characteristics of the Bering region, monitoring, arctic contamination studies, data and information, logistics, and international activities.

Public Participation: This meeting is open to the public. Comments from representatives of groups named in the Arctic Research and Policy Act are encouraged. Written comments should be submitted at the public meeting or mailed to the address below by May 19, 1993.

For Further Information Contact: If you would like to review a copy of the biennial revision, but are unable to visit one of the above locations, please write to the following address: Arctic Research Staff, National Science Foundation, 1800 G Street NW., room 620, Washington, DC 20550, or call (202) 357–7818.

Information will be available after April 9, 1993.

Costs: None.

Charles E. Myers,

Head, Arctic Staff, National Science Foundation.

[FR Doc. 93–6983 Filed 3–25–93; 8:45 am]

BILLING CODE 7555–01–M

Special Emphasis Panel in Elementary, Secondary and Informal Education; 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: April 1, from 8:30 a.m. to 5 p.m and April 2, from 8:30 a.m. to 5 p.m.

Place: Saint James Hotel, 950 24th Street, NW., Washington, DC 20037.

Type of Meeting: Closed.

Contact Person: Dr. Hyman H. Field, Section Head, Informal Science Education Program, National Science Foundation, 1800 G. St. NW., Washington, DC 20550, Telephone: (202) 357–7076.

Purpose of Meeting: To provide advice and recommendations concerning proposals submitted to NSF for financial support.

Agenda: To review and evaluate proposals as part of the selection process for awards.

Reason for Closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are exempt under 5 U.S.C. 552b(c) (4) and (6) of the Government in the Sunshine Act.

Reason for Late Notice: Difficulty in arranging meeting time.

Dated: March 23, 1993.

[FR Doc. 93–6961 Filed 3–25–93; 8:45 am]

BILLING CODE 7555–01–M

Workshop on Arctic Contamination

In accordance with the Arctic Research and Policy Act (Pub. L. 98–373, as amended), the Interagency Arctic Research Policy Committee (IARPC) announces the following meeting:

Date and Time: May 3–7, 1993; 8 a.m. to 5 p.m.

Place: Hilton Hotel, 500 West Third Avenue, Anchorage, Alaska.

Type of Meeting: All sessions will be open to registered Workshop participants.

Contact Person: Bruce F. Molnia, IARPC Technical Committee Chairman, U.S. Geological Survey, 917 National Center, Reston, Virginia 22092. Telephone: (703) 648–4120, FAX: (703) 648–4227.

Purpose of Meeting: This IARPC-convened, international Workshop will identify and summarize existing data, identify data gaps and evaluate needed research and monitoring studies to develop a preliminary estimate of the extent, magnitude, and timing of marine, terrestrial, and atmospheric contamination in the Arctic.

Workshop sessions will evaluate existing data and information about sources, types, and locations of contaminants that have been released into the Arctic environment.

In addition to evaluating the adequacy of data, the Workshop will consider potential effects and impacts, transport pathways, accumulation mechanisms, sinks, and source characteristics of Arctic contaminants. The Workshop will conclude with a panel on risk assessment which will be held to characterize and bound the potential risks, as well as to identify significant data gaps. Information produced by the Workshop will be used by the IARPC to complete a first phase evaluation of the Arctic contamination issue and produce an IARPC "Action Plan for Assessing Arctic Contamination."

Agenda: Registration will begin on Sunday evening, May 2nd, followed by Plenary Sessions on Monday and Tuesday, May 3rd and 4th. Concurrent Technical Sessions with Invited Panels will occur on May 5th and 6th. A Summary Plenary Session (May 7th a.m.) and a Panel on Risk Assessment (May 7th, p.m.) will conclude the Workshop. Combined Poster and Exhibit Sessions will run from May 4th to May 7th.

Meeting registration: Registration will be coordinated by: Eagle Systems, 5243 Clifton Street, Alexandria, Virginia. Telephone: (703) 354–9338. FAX: (703) 354–9334. The registration fee for the Workshop is $200. All participants will receive a summary report of the meeting.

Charles E. Myers,

Head, Arctic Staff, National Science Foundation.

[FR Doc. 93–6984 Filed 3–25–93; 8:45 am]

BILLING CODE 7555–01–M

NUCLEAR REGULATORY COMMISSION

[Docket No. 50–309]

Maine Yankee Atomic Power Company; Consideration of Issuance of Amendment to Facility Operating License, Proposed no Significant Hazards Consideration Determination, and Opportunity for a Hearing

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an amendment to facility Operating License No. DPR–36 issued to Maine Yankee Atomic Power Company for operation of the Maine Yankee Power Station located in Lincoln County, Maine.

The proposed amendment would increase maximum number of spent fuel assemblies stored in the Maine Yankee fuel pool to 2019 from 1476. The proposed increase is required to provide spent fuel storage space through the duration of the current operating license, including the final full core offload.

The ability to store an increased number of spend fuel assemblies will be provided by replacing the existing spent fuel storage racks with spent fuel storage racks that are capable of storing a larger number of spent fuel elements in the same volume. These high density fuel storage racks are similar to fuel storage racks approved for use at other, currently licensed nuclear power plants.

The proposed arrangement will provide the conventional, upright storage of spent fuel in a single tier, rectilinear array of free-standing modules that is compatible with existing fuel handling equipment, procedures and experience at Maine Yankee. The arrangement and design of the racks will create two separate regions in the spent fuel pool. Region I spent fuel racks are designed to accommodate any fuel to be stored (new or spent), regardless of initial enrichment (up to 4.5 weight percent U–235) or burnup level. (Maine Yankee currently is licensed to use fuel with a maximum enrichment of 3.95 weight percent U–235.) Region II spent fuel racks are designed to be used with fuel that has achieved a specified burnup level. Both rack designs use the standard spent fuel storage materials of Boral (trademark) for neutron absorption, 304L stainless steel for structural components.

Before issuance of the proposed license amendment, the Commission will have made findings required by the Atomic Energy Act of 1954, as amended (the Act) and the Commission's regulations.

The Commission has made a proposed determination that the amendment request involves no significant hazards consideration. Under the Commission's regulations in 10 CFR 50.92, this means that operation of the facility in accordance with the proposed amendment would not (1) involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety. As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration.

The NRC staff has reviewed the licensee's analysis against the standards of 10 CFR 50.92(c). The NRC staff's review is presented below:

1. The proposed amendment does not involve a significant increase in the probability or consequences of an accident previously evaluated.

The proposed amendment has been evaluated against the refueling and fuel pool-related accidents currently postulated in the Maine Yankee Atomic Power Station licensing basis. The currently postulated accidents are related to:

(a) Installation, which includes accidents that could occur during removal of existing fuel storage racks and installation of the new racks;

(b) Criticality, which includes an error in placing a spent fuel assembly on top of, or adjacent to, an occupied storage location;

(c) Thermal-hydraulics, which includes failures of the fuel pool cooling system, or partial loss of fuel pool water inventory; and

(d) Fuel handling, which includes dropping a spent fuel assembly.

The effects of these potential accidents have been fully analyzed and are presented in the Licensing Report for Maine Yankee's High Density Spent Fuel Pool Reracking Project. The analyses demonstrate that the consequences of postulated accidents remain within Maine Yankee's current licensing basis, and are discussed further as follows:

a. Installation

All work in the spent fuel pool will be controlled and performed in strict accordance with specific written procedures that satisfy all applicable regulatory criteria. These controls will be at least as rigorous as those used in the previous two rerackings of Maine Yankee's spent fuel pool. In addition, an installation accident involving damage to spent fuel is precluded by prohibiting the lifting of empty fuel racks (new or old) over stored fuel.

The load handling equipment used during reracking will consist of the fuel building overhead (yard) crane and a temporary crane mounted on and spanning the fuel pool. The temporary crane will move fuel storage racks to areas outside the range of travel of the yard crane hook. The design and use of the load handling equipment will follow the applicable guidance of NRC NUREGs–0800, 0612, and 0554, and American National Standards Institute Standard 14.6. Control of the load handling equipment will be in accordance with the licensee's Heavy Loads Program.

The yard crane will be overhauled, refurbished, and load tested prior to the reracking project. To ensure compliance with NUREGs–0554 and 0612, the yard crane will be limited to lifts weighing a maximum of 30 tons, or slightly less than 25% of its lifting capacity. To minimize the consequences of a load drop accident, the following precautionary measures will be taken:

(1) Fuel will be removed from each storage rack before the rack is moved;

(2) A clear travel path will be established for the rack being moved (i.e., racks will not be lifted over fuel, and the possibility of rack-to-rack and rack-to-wall impacts will be minimized);

(3) When the temporary crane is employed, a four-point rigging scheme will be used, and carrying height will not exceed 12 inches above the fuel pool floor (except when removing racks from the pool); and

(4) A four-point rigging scheme, using both the yard and temporary crane, will lift the spent fuel racks out of the pool and move them to the Radiation Control Area Building.

Installation of the new spent fuel storage racks will follow the same precautionary measures.

Because the performance and preparation requirements for both personnel and equipment used during installation activities will be at least as rigorous as for its two previous reracking efforts, and because Maine Yankee Technical Specification 3.13 requires that fuel storage racks be moved only in accordance with written procedures, the licensee concludes that there will be no increase in either the probability or consequences of an installation accident.

b. Criticality

The licensee has considered the reactivity effects of various fuel storage pool accidents. These accidents include the effects of an error in placing a fuel assembly on top of, or adjacent to, an occupied fuel storage location. In analyzing all of these accidents, credit was taken for the presence of soluble boron in the pool water at the concentration required by Maine Yankee Technical Specifications 1.1.C and 3.13.C. Accounting for the required soluble boron concentration and assuming the fuel racks are fully loaded with new and spent fuel in the worst possible storage configuration, all analyzed criticality accidents resulted in the fuel storage pool remaining subcritical by more than 5 percent delta k/k. Because the acceptable margin to criticality remains unchanged from the current licensing basis, the

consequences of a reactivity accident are not significantly increased from those previously evaluated.

c. Thermal-Hydraulic

The licensee's thermal-hydraulic analysis of the spent fuel confirms that installation of the new spent fuel storage racks will require no modifications to the existing spent fuel pool cooling, makeup, and cleanup systems. The thermal-hydraulic analysis shows that the highest calculated fuel pool and storage cell temperatures remain within the current licensing basis. Three sources of spent fuel pool makeup water are available. These sources are:

1. Normal makeup via the chemical volume control system, which can begin delivering 150 gpm of borated makeup water to the fuel storage pool within 15 minutes;

2. Backup makeup water via three water hose connections, each capable of delivering 20 gpm of reactor coolant system grade water within 15 minutes; and,

3. Emergency makeup via the fire main system, which is capable of providing 150 gpm of water within 20 minutes.

The licensee's analyses show that sufficient time is available to provide corrective action in the event of a loss of all cooling by the spent fuel pool cooling system. Thus, the consequences of this type of accident with the new, high density fuel storage racks are not significantly increased from similar and previously analyzed accidents.

d. Fuel Handling

The new high density spent fuel storage racks have been analyzed for the effect of an object dropped on them. Difference shaped objects were analyzed and, for conservatism, it was assumed that all dropped objects weighed twice the weight of a standard fuel assembly. Analysis of this accident shows that the structural integrity of the racks is maintained and no damage is incurred by the stored fuel.

In the unlikely event of a fuel assembly being dropped on a loaded spent fuel storage rack, damage to stored fuel is minimal and sufficient fuel pool cooling water is free to circulate around and through the fuel rack. Thus, the intended safety function of the rack will continue to be met and the radiological consequences of a dropped fuel assembly remain unchanged from the licensee's current licensing basis.

Maine Yankee's Operating License does not permit the use of a spent fuel shipping cask in or over the spent fuel storage pool. The licensee has previously committed to make an evaluation of spent fuel shipping cask drop accidents when the option to ship spent fuel off-site becomes available. Until that evaluation is performed and all related concerns are addressed to the satisfaction of the Commission, no spent fuel shipping cask will be lifted over the licensee's spent fuel storage pool. (This prohibition currently is included in Maine Yankee's Technical Specifications.)

2. The proposed amendment does not create the possibility of a new or different kind of accident from any accident previously evaluated.

The licensee has evaluated its proposed reracking project in accordance with the guidance of the NRC's position paper titled, "OT Position for Review and Acceptance of Spent Fuel Storage and Handling Application", appropriate NRC Regulatory Guides and Standard Review Plans, and related industry codes and standards. In addition, the licensee has reviewed previous Safety Evaluation Reports prepared by the NRC for similar rerack applications. As a result, the licensee finds that their proposed reracking project does not create the possibility of a new or different kind of accident from any accident previously evaluated for their Spent Fuel Storage Facility.

The change to a two-region spent fuel pool configuration required additional analyses to ensure that the criticality criterion (subcritical by at least 5 percent delta k/k) remained satisfied. These analyses included the limiting criticality condition of misplacing a fresh fuel assembly (enriched to 4.5 weight percent U–235) in a Region II storage location, on top of or adjacent to a loaded Region II spent fuel storage rack. Evaluation of this analysis shows that when spent fuel cooling water meets the Technical Specification requirements for boron concentration, the criticality criterion is satisfied and the accident is bounded by the previously analyzed assembly misplacement accident discussed in item 1.b above. Although the change to a two-region spent fuel pool configuration requires the consideration of these additional aspects of an assembly misplacement accident, it does not create the possibility of a new or different kind of accident from any accident previously evaluated.

3. The proposed amendment does not involve a significant reduction in a margin of safety.

The safety functions of the spent fuel storage pool and its racks are to preclude criticality or an uncontrolled release of fission products. These safety functions are accomplished through the use of a safe, specially designed, underwater storage location for spent fuel. The NRC staff has established that the issue of safety margin, when applied to spent fuel reracking modifications, should address the following topics:

1. Criticality,
2. Thermal-hydraulics, and
3. Mechanical, material and structural considerations

The proposed amendment will not significantly reduce the margin of safety for criticality, because criticality calculations demonstrate that the spent fuel configuration remains subcritical by at least 5 percent delta k/k, as is required by the current licensing basis. Criticality calculations include conservative assumptions to assure at least 5 percent delta k/k subcriticality, with a 95 percent probability at the 95 percent confidence level.

Conservative methods and assumptions were used to calculate the maximum fuel, cladding and local fuel pool water temperatures when the new high-density fuel storage racks are loaded with a normal core discharge, or a full core offload. These thermal-hydraulic evaluations use a mathematical model with appropriate conservatisms to demonstrate that previously approved temperature margins are maintained. Existing procedures restrict the total heat load in the pool to less than the design limit of the spent fuel pool cooling system. Therefore, the fuel pool cooling system remains capable of maintaining the bulk pool water temperature below 154 degrees Fahrenheit, when the new high-density fuel storage racks are loaded with either a normal or a full core offload of spent fuel. The maximum local water temperature along the hottest fuel assembly continues to remain below the nucleate boiling regime. Thus, there is no reduction in the margin of safety for thermal-hydraulic considerations.

The structural and mechanical design of the new spent fuel racks has been analyzed for normal and abnormal conditions, including earthquake, a dropped spent fuel assembly, rack-to-rack loading, and rack-to-spent fuel pool loading. The new high density spent fuel storage racks are designed and constructed to Seismic Category I standards, and are intended to remain functional during a Safe Shutdown Earthquake, as specified by U.S. NRC Regulatory Guide 1.29. Analyses show that the racks will perform their intended function under both seismic and load drop conditions in accordance with U.S. NRC Regulatory Guide 1.124 and NUREG–0800. The rack materials are compatible with both the spent fuel

pool and spent fuel assemblies, and were chosen so as to preclude degradation due to material incompatibility (e.g., galvanic corrosion). Thus, the margin of safety is not reduced by the proposed installation of new high density spent fuel racks.

Based on a review of the licensee's analysis, and on the staff's analysis detailed above, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

The Commission is seeking public comments on this proposed determination. Any comments received within 30 days after the date of publication of this notice will be considered in making any final determination.

Normally, the Commission will not issue the amendment until the expiration of the 30-day notice period. However, should circumstances change during the notice period such that failure to act in a timely way would result, for example, in derating or shutdown of the facility, the Commission may issue the license amendment before the expiration of the 30-day notice period, provided that its final determination is that the amendment involves no significant hazards consideration. The final determination will consider all public and State comments received. Should the Commission take this action, it will publish in the **Federal Register** a notice of issuance and provide for opportunity for a hearing after issuance. The Commission expects that the need to take this action will occur very infrequently.

Written comments may be submitted by mail to the Rules Review and Directives Branch, Division of Freedom of Information and Publications Services, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555, and should cite the publication date and page number of this **Federal Register** notice. Written comments may also be delivered to room P–223, Phillips Building, 7920 Norfolk Avenue, Bethesda, Maryland, from 7:30 a.m. to 4:15 p.m. Federal workdays. Copies of written comments received may be examined at the NRC Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC 20555. The filing of requests for hearing and petitions for leave to intervene is discussed below.

By April 26, 1993, the licensee may file a request for a hearing with respect to issuance of the amendment to the subject facility operating license and any person whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written request for a hearing and a petition for leave to intervene. Requests for a hearing and a petition for leave to intervene shall be filed in accordance with the Commission's "Rules of Practice for Domestic Licensing Proceedings" in 10 CFR part 2. Interested persons should consult a current copy of 10 CFR 2.714 which is available at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC 20555 and at the local public document room located at Wiscasset Public Library, High Street, P.O. Box 367, Wiscasset, Maine 04578. If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission or an Atomic Safety and Licensing Board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition; and the Secretary or the designated Atomic Safety and Licensing Board will issue a notice of hearing or an appropriate order.

As required by 10 CFR 2.714, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding, and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following factors: (1) The nature of the petitioner's right under the Act to be made party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. The petition should also identify the specific aspect(s) of the subject matter of the proceeding as to which petitioner wishes to intervene. Any person who has filed a petition for leave to intervene or who has been admitted as a party may amend the petition without requesting leave of the Board up to 15 days prior to the first prehearing conference scheduled in the proceeding, but such an amended petition must satisfy the specificity requirements described above.

Not later than 15 days prior to the first prehearing conference scheduled in the proceeding, a petitioner shall file a supplement to the petition to intervene which must include a list of the contentions which are sought to be litigated in the matter. Each contention must consist of a specific statement of the issue of law or fact to be raised or controverted. In addition, the petitioner shall provide a brief explanation of the bases of the contention and a concise statement of the alleged facts or expert opinion which support the contention and on which the petitioner intends to rely in proving the contention at the hearing. The petitioner must also provide references to those specific sources and documents of which the petitioner is aware and on which the petitioner intends to rely to establish those facts or expert opinion. Petitioner must provide sufficient information to show that a genuine dispute exists with the applicant on a material issue of law or fact. Contentions shall be limited to matters within the scope of the amendment under consideration. The contention must be one which, if proven, would entitle the petitioner to relief. A petitioner who fails to file such a supplement which satisfies these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing, including the opportunity to present evidence and cross-examine witnesses.

If a hearing is requested, the Commission will make a final determination on the issue of no significant hazards consideration. The final determination will serve to decide when the hearing is held.

If the final determination is that the amendment request involves no significant hazards consideration, the Commission may issue the amendment and make it immediately effective, notwithstanding the request for a hearing. Any hearing held would take place after issuance of the amendment.

If the final determination is that the amendment request involves a significant hazards consideration, any hearing held would take place before the issuance of any amendment.

A request for a hearing or a petition for leave to intervene must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: Docketing and Services Branch, or may be delivered to the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC 20555, by the above date. Where petitions are filed during the last 10 days of the notice period, it is requested that the petitioner promptly so inform the Commission by a toll-free telephone call to Western Union at 1–(800) 248–5100 (in Missouri 1–(800) 342–6700).

The Western Union operator should be given Datagram Identification Number N1023 and the following message addressed to Walter R. Butler: petitioner's name and telephone number, date petition was mailed, plant name, and publication date and page number of this **Federal Register** notice. A copy of the petition should also be sent to the Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555, and to Mary Ann Lynch, Esquire, Maine Yankee Atomic Power Company, 83 Edison Drive, Augusta, Maine 04336, attorney for the licensee.

Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or requests for hearing will not be entertained absent a determination by the Commission, the presiding officer or the presiding Atomic Safety and Licensing Board that the petition and/or request should be granted based upon a balancing of the factors specified in 10 CFR 2.714(a)(1)(i)–(v) and 2.714(d).

The Commission hereby provides notice that this is a proceeding on an application for a license amendment falling within the scope of section 134 of the Nuclear Waste Policy Act of 1982 (NWPA), 42 U.S.C. 10154. Under section 134 of the NWPA, the Commission, at the request of any party to the proceeding, must use hybrid hearing procedures with respect to "any matter [that] the Commission determines to be in controversy among the parties." The hybrid procedures in section 134 provide for oral argument on matters in controversy, preceded by discovery under the Commission's rules, and the designation, following argument, of only those factual issues that involve a genuine and substantial dispute, together with any remaining questions of law, to be resolved in an adjudicatory hearing. Actual adjudicatory hearings are to be held on only those issues found to meet the criteria of section 134 and set for hearing after oral argument.

The Commission's rules implementing section 134 of the NWPA are found in 10 CFR part 2, subpart K, "Hybrid Hearing Procedures for Expansion of Spent Nuclear Fuel Storage Capacity at Civilian Nuclear Power Reactors" (published at 50 FR 41670, October 15, 1985), and 10 CFR 2.1101 *et seq.* Under those rules, any party to the proceeding may invoke the hybrid hearing procedures by filing with the presiding officer a written request for oral argument under 10 CFR 2.1109. To be timely, the request must be filed within 10 days of an order granting a request for hearing or petition to intervene. (As outlined above, the Commission's rules in 10 CFR part 2, subpart G, and 2.714 in particular, continue to govern the filing of requests for a hearing or petition to intervene, as well as the admission of contentions.) The presiding officer shall grant a timely request for oral argument. The presiding officer may grant an untimely request for oral argument only upon showing of good cause by the requesting party for the failure to file on time and after providing the other parties an opportunity to respond to the untimely request. If the presiding officer grants a request for oral argument, any hearing held on the application shall be conducted in accordance with the hybrid hearing procedures. In essence, those procedures limit the time available for discovery and require that an oral argument be held to determine whether any contentions must be resolved in adjudicatory hearing. If no party to the proceedings requests oral argument, or if all untimely requests for oral argument are denied, then the usual procedures in 10 CFR part 2, subpart G, apply.

For further details with respect to this action, see the application for amendment dated January 25, 1993, which is available for public inspection at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC 20555 and at the local public document room located at Wiscasset Public Library, High Street, P.O. Box 367, Wiscasset, Maine 04578.

Dated at Rockville, Maryland, this 19th day of March, 1993.

For the Nuclear Regulatory Commission.

Gordon E. Edison,

Acting Director, Project Directorate I–3, Division of Reactor Projects—I/II, Office of Nuclear Reactor Regulation.

[FR Doc. 93–6968 Filed 3–25–93; 8:45 am]

BILLING CODE 7590–01–M

SECURITIES AND EXCHANGE COMMISSION

Self-Regulatory Organizations; Applications for Unlisted Trading Privileges and of Opportunity for Hearing; Boston Stock Exchange Inc.

March 22, 1993

The above named national securities exchange has filed applications with the Securities and Exchange Commission ("Commission") pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and rule 12f–1 thereunder for unlisted trading privileges in the following securities:

Dean Witter, Discover & Co.
Common Stock, $.01 Par Value (File No. 7–10409)
Genesis Health Ventures
Common Stock, $.02 Par Value (File No. 7–10410)

These securities are listed and registered on one or more other national securities exchange and are reported in the consolidated transaction reporting system.

Interested persons are invited to submit on or before April 12, 1993, written data, views and arguments concerning the above-referenced application. Persons desiring to make written comments should file three copies thereof with the Secretary of the Securities and Exchange Commission, 450 5th Street, NW., Washington, DC 20549. Following this opportunity for hearing, the Commission will approve the application if it finds, based upon all the information available to it, that the extensions of unlisted trading privileges pursuant to such applications are consistent with the maintenance of fair and orderly markets and the protection of investors.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Jonathan G. Katz,

Secretary.

[FR Doc. 93–6948 Filed 3–25–93; 8:45 am]

BILLING CODE 8010–01–M

Self-Regulatory Organizations; Applications for Unlisted Trading Privileges and of Opportunity for Hearing; Cincinnati Stock Exchange, Inc.

March 22, 1993.

The above named national securities exchange has filed applications with the Securities and Exchange Commission ("Commission") pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and rule 12f–1 thereunder for unlisted trading privileges in the following securities:

Advo. Inc.
Common Stock, $.01 Par Value (File No. 7–10411)
Dean Witter, Discover & Co.
Common Stock, $.01 Par Value (File No. 7–10412)
KCS Energy, Inc.
Common Stock, $.01 Par Value (File No. 7–10413)
Manufactured Home Communities
Common Stock, $.01 Par Value (File No. 7–10414)
Salomon, Inc.

Depositary Shares (rep. 1/20 sh. of 8.08% Cum. Pfd. Stock, Ser. D) (File No. 7–10415)
Storage Technology Corp.
$3.50 Conv. Exch. Pfd. Stock, $.01 Par Value (File No. 7–10416)
Texas Utilities Electric Co.
Depository Shares (rep. 1/4 sh. of $8.20 Cum. Pfd. Stock, Without Par Value) (File No. 7–10417)
Wellpoint Health Networks, Inc.
Class A Common Stock, $.01 Par Value (File No. 10418)

These securities are listed and registered on one or more other national securities exchange and are reported in the consolidated transaction reporting system.

Interested persons are invited to submit on or before April 12, 1993, written data, views and arguments concerning the above-referenced applications. Persons desiring to make written comments should file three copies thereof with the Secretary of the Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549. Following this opportunity for hearing, the Commission will approve the applications if it finds, based upon all the information available to it, that the extensions of unlisted trading privileges pursuant to such applications are consistent with the maintenance of fair and orderly markets and the protection of investors.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Jonathan G. Katz,

Secretary.

[FR Doc. 93–6947 Filed 3–25–93; 8:45 am]

BILLING CODE 8010–01–M

Self-Regulatory Organizations; Applications for Unlisted Trading Privileges and of Opportunity for Hearing; Midwest Stock Exchange, Incorporated

March 22, 1993.

The above named national securities exchange has filed applications with the Securities and Exchange Commission ("Commission") pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and rule 12f–1 thereunder for unlisted trading privileges in the following securities:

Aerosonic Corp.
Common Stock, $.40 Par Value (File No. 7–10401)
Columbus Energy Corp.
Common Stock, $.20 Par Value (File No. 7–10402)
Payless Cashways, Inc.
Common Stock, $.01 Par Value (File No. 7–10403)
St. John Knits, Inc.
Common Stock, No Par Value (File No. 7–10404)
Wilshire Technologies, Inc.
Common Stock, No Par Value (File No. 7–10405)
UNC Incorporated
Common Stock, $.20 Par Value (File No. 7–10406)
Blackrock Investment Quality Municipal Trust, Inc.
Common Stock, $.01 Par Value (File No. 7–10407)
BioSafety Systems, Inc.
Common Stock, $.01 Par Value (File No. 7–10408)

These securities are listed and registered on one or more other national securities exchange and is reported in the consolidated transaction reporting system.

Interested persons are invited to submit on or before April 12, 1993, written data, views and arguments concerning the above-referenced application. Persons desiring to make written comments should file three copies thereof with the Secretary of the Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549. Following this opportunity for hearing, the Commission will approve the application if it finds, based upon all the information available to it, that the extensions of unlisted trading privileges pursuant to such application is consistent with the maintenance of fair and orderly markets and the protection of investors.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Jonathan G. Katz,

Secretary.

[FR Doc. 93–6941 Filed 3–25–93; 8:45 am]

BILLING CODE 8010–01–M

[Release No. 34–32019; File No. SR–NASD–92–45]

Self-Regulatory Organizations; National Association of Securities Dealers; Order Approving Proposed Rule Change and Amendment No. 1 Relating to the Proposed Operation of a Pricing System for Certain High Yield Fixed Income Securities

March 19, 1993.

I. Introduction

On November 10, 1992, the National Association of Securities Dealers ("NASD") submitted to the Securities and Exchange Commission ("Commission" or "SEC") a proposed rule change [1] pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 ("Act") [2] and rule 19b–4 thereunder.[3] The proposed rule change would permit the NASD to establish and operate an electronic facility, the Fixed Income Pricing System ("FIPS"), to collect, process and disseminate, real-time, firm quotations for 30 to 50 of the most liquid high yield bonds and would, for regulatory purposes, require members to report transactions in all high yield bonds traded over-the-counter ("OTC").

Notice of the filing of the proposal appeared in the **Federal Register** on December 10, 1992.[4] Five commentators responded. Two expressed support for the FIPS proposal,[5] two opposed the proposal,[6] and one sought clarification of operational aspects of the proposal without indicating, expressly, support or opposition.[7] The NASD responded to the comments in two letters.[8] On February 4, 1993, the NASD amended the proposal to address certain concerns raised by commentators.[9] One comment letter was received in response to the amendment opposing the proposal, which reiterated and clarified views expressed in an earlier correspondence,[10] and the NASD responded.[11] For the reasons discussed

[1] File No. SR–NASD–92–45.

[2] 15 U.S.C. 78s(b)(1).

[3] 17 CFR 240.19b–4.

[4] See Securities Exchange Act Release No. 31561 (December 4, 1992), 57 FR 58526.

[5] See letter from Forrest R. Foss, Associate Legal Counsel, T. Rowe Price Associates, to Jonathan G. Katz, Secretary, SEC, dated December 24, 1992, and letter from Matthew P. Fink, President, Investment Company Institute, to Jonathan G. Katz, Secretary, SEC, dated December 30, 1992.

[6] See letters from John H. Sturc, Attorney, Gibson, Dunn & Crutcher on behalf of Cantor Fitzgerald Securities, to Jonathan G. Katz, Secretary, SEC, dated December 31, 1992 ("Cantor December Letter") and to Katherine A. England, Esq., Assistant Director, Office of OTC and the National Market System, Office of Self-Regulatory Oversight ("OSRO"), Division of Market Regulation, dated January 25 ("Cantor January Letter") and February 19, 1993 ("Cantor February Letter"). *See also* letter from Joseph P. Riveiro, Manager, Corporate Bonds, Ernst & Company, to Jonathan G. Katz, Secretary, SEC, dated March 4, 1993.

[7] See letter from Dennis Greeley, Vice President of High Yield Trading, Merrill Lynch, to Jonathan G. Katz, Secretary, SEC, dated December 28 1992.

[8] See letters from Richard Ketchum, Executive Vice President and Chief Operating Officer, NASD, to Selwyn Notelovitz, Branch Chief, Branch of OTC Regulation, Office of OTC and the National Market System, OSRO, Division of Market Regulation, dated January 26, 1993 ("NASD Letter No. 1") and to Elizabeth MacGregor, Branch Chief, Branch of the National Market System, Office of OTC and the National Market System, OSRO, Division of Market Regulation, dated February 1, 1993 ("NASD Letter No. 2").

[9] See Securities Exchange Act Release No. 31821 (February 4, 1993), 58 FR 7598.

[10] See Cantor February Letter.

[11] See letter from Richard Ketchum, Executive Vice President and Chief Operating Officer, NASD, to Elizabeth MacGregor, Branch Chief, Branch of the National Market System, Office of OTC and the

below, the Commission is approving the proposal.

II. Background

A. Historical Background on the High Yield Debt Market

The recessionary years of the late 1970s, coupled with the volatile interest rates of the early 1980s and a trend away from long-term bank lending to businesses, encouraged a boom in the issuance and purchase of high yield, non-investment grade debt. The total principal amount of the high yield market grew from $24 billion in 1977 to an estimated $183 billion in 1988 and $226 billion in 1991.[12] As of February 1991, approximately 11% of the public high yield market was comprised of so-called fallen angels,[13] 48% represented bonds issued for either recapitalization or leveraged buy-out financing, and 41% represented original issue high yield financing.[14]

During 1989 and 1990, several events adversely affected the high yield market. In 1989, the number of defaults and troubled exchange offers of original issue high yield bonds increased from $2.5 billion to $8.8 billion.[15] In 1990, additional destabilizing events occurred in the high yield market. The number of defaults and troubled exchange offers continued to increase, more than doubling 1989 levels, with approximately $18 billion principal amount of high yield bonds defaulting.[16] High yield prices also declined significantly following the filing for bankruptcy by Drexel Burnham Lambert Group, Inc. ("Drexel"), the parent holding company of the largest underwriter of high yield debt.

Although the high yield market later proved it could survive Drexel's bankruptcy, segmentation (or "tiering") of the market into the top, middle, bottom, and distressed tiers became much more pronounced throughout 1990 and is still apparent.[17] The top tier has remained liquid, while the middle and bottom tiers are experiencing limited activity.[18]

B. Trading of High Yield Bonds

High yield bonds resemble equity securities in many ways. High yield debt prices rise and fall more on news about the particular company, than on news about general interest rates and are reportedly priced more like equities.[19] Spreads range from ¼ to ½ point for top tier issues to 1 to 4 points for middle and distressed tiers. Some high yield bonds are traded reasonably actively, whereas traditional corporate bonds are traded relatively infrequently. Because the fortunes of an issuer can influence the price of its high yield debt significantly, a heightened possibility exists for illegal insider trading.[20]

Notwithstanding the similarities between equities and high yield debt, there are dramatic differences in the information available about trades and quotes in the two markets. In the current environment, there is not existing high yield dealer quotation or trade reporting system, meaning that investors have no way of learning of significant price changes or large volume purchases.[21] As a result, public investors are inhibited in their efforts to validate the quotations they receive, independently value their portfolio holdings, or evaluate the quality of executions they receive. Similarly, the absence of public quote and trade information may act as a barrier to entry for smaller dealers who may not have access to sufficient market information to efficiently price trades.

C. Commission Action in the High Yield Debt Market

The issue of enhanced transparency for high yield debt securities has been actively under examination since the increased importance of high yield debt to the financial industry became apparent. In October 1989, Senator Donald W. Riegle, Chairman of the Senate Committee on Banking, Housing, and Urban Affairs, urged the Commission that "thought be given to improving the information about the market for less than investment grade securities so that individual investors and others may be informed on a real-time basis what the bid and ask prices are for these instruments and the extent to which they are liquid and marketable in the secondary market."[22] Senator Riegle added that because public markets had become a central element in high yield bond financing, it was the SEC's responsibility to ensure that a modernized quotation system be put into place.[23]

Although recognizing that an overly intrusive regulatory approach could create other risks and significant costs,[24] Chairman Breeden directed the Division of Market Regulation ("Division") to report to the Commission on efforts to improve transparency in the high yield market.[25]

On September 6, 1991, the Commission released to Congress the Division's report,[26] which recommended a quote and/or trade reporting system for at least the 40 to 50 most actively traded high yield securities. Thereafter, the Commission encouraged the high yield debt community ("Community") to design a proposal to increase transparency and provide for surveillance reporting in the high yield market. The NASD's proposal reflects its effort to respond to the Commission, following extensive discussion with member firms who are the principal brokers and dealers in this segment of the market.

III. Description of the Proposal

The NASD is proposing requirements for members that actively participate in the high yield fixed income securities market. The proposed trade reporting rules will require members to report to the NASD transactions in all high yield bonds traded OTC and also will require real-time trade reporting for securities included in FIPS. The proposal also would authorize the NASD to operate FIPS as a facility of the NASD to facilitate the collection, processing and dissemination of real-time, firm quotations for 30 to 50 of the most liquid bonds in the top tier of high yield

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National Market System, OSRO, Division of Market Regulation, dated March 1, 1993 ("NASD Letter No. 3").

[12] See Securities and Exchange Commission, *The Corporate Bond Markets: Structure, Pricing and Trading* (January 1992) ("Division Report") at 3.

[13] "Fallen angels" is used by the industry to mean an issue whose credit rating has deteriorated from being investment grade to non-investment grade.

[14] Division Report at 3.

[15] *Id.* at 6.

[16] This increase was reflected in a 21% increase in the principal amount of the market's bottom tier. As a result of the increase in defaults, the market's average credit quality declined, with the percentage of bonds rated B or better declining from 61% as of December 31, 1989 to 54% as of December 31, 1990. *Id.* at 7.

[17] *See* Division Report at 7.

[18] *Id.*

[19] *Id.* at 9.

[20] Address by Richard C. Breeden, Chairman, SEC, at the National Association of Securities Dealers in Miami, Florida (May 23, 1991).

[21] *Id.*

[22] Letter from Senator Donald Riegle, Chairman, Senate Committee on Banking, Housing, and Urban Affairs, to Richard C. Breeden, Chairman, SEC, dated October 5, 1989.

[23] *Id.*

[24] Letter from Richard C. Breeden, Chairman, SEC, to Senator Donald Riegle, Chairman, Senate Committee on Banking, Housing, and Urban Affairs, dated March 15, 1990. ("An example of an area that should be explored is the development of centralized price or quotation systems. Improved price information would benefit market participants, investors and regulators * * *.")

[25] Letter from Richard C. Breeden, Chairman, SEC, to Senator Donald Riegle, Chairman, Senate Committee on Banking, Housing, and Urban Affairs, dated March 29, 1991.

[26] See letter from Richard C. Breeden, Chairman, SEC, to Senator Donald Riegle, Chairman, Senate Committee on Banking, Housing, and Urban Affairs, dated September 6, 1991.

fixed income securities.[27] In addition, the proposal would authorize the NASD to disseminate through FIPS, and make available to vendors, high/low trading ranges and accumulated volume in each bond quoted in the system on an hourly basis.[28] The proposal also would authorize the NASD to provide, through FIPS, a trade negotiation and transaction reporting function for member orders in FIPS securities.

A. The Fixed Income Pricing System for Quotations in High Yield Debt Securities

1. Designation of Securities Quoted in FIPS

The proposal would authorize the NASD to designate high yield bonds as "FIPS securities." The NASD would make this designation initially, after consultation with the Advisory Committee, a subcommittee of the NASD's Fixed Income Committee. Both the NASD and the Advisory Committee wil review the designations on a periodic basis.[29] Initial criteria for designation would include the rating, volume, price, name recognition of the issuer, research following and representation from diverse industry groups.[30] The NASD will require, as a condition for inclusion in FIPS that a certain principal amount of bonds[31] be outstanding and that at least two dealers make markets in each FIPS issue. After the first year of operation, the NASD will propose more specific quantitative standards for both the "listing" and "delisting" of FIPS bonds.[32]

The NASD may immediately withdraw a high yield bond's FIPS designation if the bonds have matured, been called,[33] or been upgraded to a rating higher than BB+. The NASD also could withdraw an issue's designation if that issue's trading characteristics no longer warrants its inclusion in the system. The NASD and the Advisory Committee also will conduct periodic reviews of the securities quoted in FIPS to recommend changes as warranted, utilizing the criteria discussed above relating to volume and depth in the security.[34] the NASD will notify participants of the addition and/or deletion of a FIPS bond from the quote system through the FIPS "News" frame.

The NASD will assign a unique identifier to each FIPS security, although members also may use the bond's CUSIP number as an identifier.[35] The NASD identifiers will be configured as mnemonics that relate to the issuer and the specific bond series and will be available to the public in hard copy or on-line to FIPS subscribers.

2. Quotation Reporting Requirements for FIPS

Members holding themselves out as brokers or dealers[36] in FIPS securities will be required to participate in FIPS and transmit their quotations to the system during FIPS operating hours[37] for public dissemination by the NASD through FIPS and vendors. Dealers may submit one-sided or two-sided quotes. Under the proposal, the NASD would require FIPS brokers and dealers to honor their FIPS quotes at published prices and sizes.

Thus, quotes must be continuous[38] and firm to all members submitting offers to trade at the quoted prices and sizes.

The proposal would provide for exceptions in two circumstances from this firm quote obligation.[39] First, if a broker or dealer has communicated to the system a revised bid or offer or quotation size that supersedes the published quotation or size, the broker or dealer will not be obligated to execute a trade at the published quotations in response to an order received thereafter. Second, a broker or dealer in the process of effecting a transaction in a FIPS security (*e.g.*, a purchase) who immediately thereafter communicates to FIPS a revised bid or offer or quotation size will not be obligated to accept an order (*e.g.*, an offer) in the same security at the published quotation. Quotations submitted by members must reflect a minimum size of 100 bonds ($100,000 par value) and be stated in fractional increments of 1/8. Participants may trade at prices other than those quoted, but all quotes must be reasonably related to the prices at which those executions occur.

Registered dealers may enter quotes directly into FIPS or may submit quotes to a registered broker's broker and rely on the broker's broker to transmit those quotes to the NASD. In disseminating quotes to the public through FIPS and vendors, the NASD will notify dealer quotations entered directly as such; dealer's quotations submitted through a broker's broker will be identified as the broker's quotes and the dealer's identity will remain anonymous to other participants and the public. Each individual dealer, however, will be able

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[27] The term "high yield security" includes those fixed income corporate bonds that are rated BB+ or lower by Standard & Poor's Corporation and shall not include convertible debt instruments or medium term notes. See Securities Exchange Act Release No. 31821 (February 4, 1993), 58 FR 7598. "Top tier" means the most liquid tier of high yield securities as designated by the NASD and the Advisory Committee. See *infra* Section III. A(1).

[28] As of the date of this order, the NASD has not completed the systems changes necessary to implement FIPS. Accordingly, the Commission, by this order, approves the proposed rule changes that would permit the NASD to implement FIPS subject to the following conditions: (1) Submission of system change notification consistent with the Commission's Automation Review Policy II [See Securities Exchange Act Release No. 29185 (May 9, 1991), 56 FR 22490 (May 15, 1991)]; (2) successful completion of functionality, capacity and stress testing of the system changes; and (3) notification to the Commission staff containing representations regarding the effective completion of those tests and confirming the effectiveness of the system.

[29] See *infra*, note 34.

[30] The NASD has stated that while the number of FIPS securities will begin at approximately 35 bonds the list will grow to 50 bonds by the end of the first year of operation. The system, however, is not designed to limit the number of bonds to 50, and if experience in the high yield bond market demonstrates that the liquidity is present to support additional bonds, more issues could be added. Securities Exchange Act Release No. 31821 (February 4, 1993), 58 FR 7598.

[31] The NASD will specify the principal amount of bonds based on its experience in the high yield market once FIPS is operational.

[32] Any changes to the standards for quotation in FIPS will be subject to Commission review pursuant to Section 19 of the Act. The Commission notes that approval of the FIPS proposal is not conditioned on the filing of a proposed rule change containing specific listing and delisting standards.

[33] The NASD may withdraw bonds subject to a whole call or partial call, to the extent that the partial call reduces the float below the minimum required for designation in FIPS.

[34] The NASD anticipates that review will occur quarterly, but as time and experience with the system grow, the NASD may elect to review the securities on a semi-annual basis, and will alert the Commission to such a change. Securities Exchange Act Release No. 31821 (February 4, 1993), 58 FR 7598.

[35] The NASD will recognize either identifier for purposes of processing quote and trade reports. See Securities Exchange Act Release No. 31821 (February 4, 1993), 58 FR 7598. CUSIP is the acronym for Committee on Uniform Securities Identification Procedures.

[36] The definitions of FIPS "broker" and "dealer" are identical to the definition of those terms in Sections 3(a)(4) and 3(a)(5) of the Act. See Securities Exchange Act Release No. 31561 (December 4, 1992), 57 FR 58526.

[37] FIPS hours of operation for quotations in FIPS securities will be from 9:30 a.m. Eastern Time to 4 p.m. Eastern Time.

[38] The requirement of "continuous quotations" means that a dealer in a particular security (for the definition of a dealer see note 36 *supra*) shall maintain a quote (one-sided or two-sided) in that particular security from 9:30 a.m. Eastern Time to 4:00 p.m Eastern Time. See also *infra*, notes 70–72 and accompanying text. The NASD and the Advisory Committee currently are developing provisions regarding when a FIPS dealer will be excused from meeting this continuous quotation obligation. The NASD will submit a proposed rule change when it develops provisions on withdrawal from FIPS. The Commission notes that approval of the FIPS proposal is not conditioned on a proposed rule change containing specific standards for excused withdrawal.

[39] These exceptions parallel the exceptions available to dealers for NASDAQ/National Market System ("NMS") securities. See 17 CFR 240.11Ac1–1(c) (i) and (ii) (1992) and NASD Securities Dealers Manual, Offers at Stated Prices, Rules of Fair, Practice, Article III, Section 6, CCH, ¶ 2156.

to use FIPS to see its own quote reflected in the broker's quote.[40]

3. Dissemination of Quotation and Size Information

The NASD will disseminate through FIPS bids and offers communicated by brokers and dealers as well as the calculation of an inside market which will include the best bid and the best offer for each FIPS security. Members will be able to view FIPS quotations through a FIPS terminal; quotations will be disseminated to non-members through securities information processors, or vendors, so that they will be generally available to investors.

The NASD will initiate quotation halt procedures in FIPS bonds when the related equities have been halted, or when news has been disseminated by the issuer or other information regarding the issuer comes to light that may affect trading in the bonds. Participants will be alerted to quotation halts via the FIPS News frame and the NASD will withdraw all broker and dealer quotations from the FIPS screen at the commencement of the halt.

The proposal would not expressly require members to halt trading in response to the NASD's issuance of a quotation halt. The description of the text of the amendment[41] notes that a quotation halt does not automatically prohibit trading in the subject bonds but rather serves to alert members and the public that news is out on the issuer. At the conclusion of a quotation halt, the NASD will notify participants when quoting may resume and allow a short period of time for participants to reenter their quotations into FIPS.

B. Trade Execution in High Yield Debt Securities

The proposal would authorize the NASD to provide, through FIPS, a trade negotiation, execution and transaction reporting function for member orders in FIPS securities. Use of the system, however, for trade negotiation and execution would not be mandatory. The NASD anticipates that this system will permit members to broadcast orders to all participants quoting a FIPS security in the system or will permit members to direct an order to a single dealer or broker. The proposal contemplates that orders will be firm for the "time-in-force" and that the time may range from three minutes to a "day order"[42] or a "good-till-cancelled" order. The proposal also contemplates that the system will permit negotiation of the terms of the order, subject to the directions and limitations of the entering member (*e.g.*, "all or none") and will permit acceptance and execution of the order. Members executing trades through this facility will not be required to report these trades separately.[43]

C. Reporting Transactions in High Yield Securities

1. Reporting of FIPS Designated Securities

Members will be required to submit trade reports on all OTC transactions executed in FIPS securities from 9 a.m. Eastern Time to 5 p.m. Eastern Time to the NASD within five minutes after execution.[44] Generally, only one side to a trade will be required to report to the NASD.[45] The NASD will disseminate to non-members through vendors, high/low trading ranges and accumulated volume in each bond on an hourly basis.

2. Reporting of Non-FIPS Designated Securities

Members will be required to report information on all other transactions in high yield bonds to the NASD for surveillance purposes. Trade reporting of non-FIPS securities may be accomplished any time during the trading day, but in any event by 5 p.m. Eastern Time of the trade date, and must include the time of execution on the report. The other trade reporting requirements and information to be submitted to the NASD are identical to those required for FIPS securities

IV. Comments

The Commission received seven comment letters in total, including two follow up letters from one commentator.[46] The Investment Company Institute, representing more than 3,700 open-end investment companies and 280 closed-end investment companies with more than $1.4 trillion in assets under management, and T. Rowe Price Associates, expressed strong support for the proposal and the potential benefits they expect will accrue for them and their investors if the proposal is approved. These commentators believe that a centralized quotation system will be tremendously valuable to investment companies that invest in high yield bonds.[47] They believe that easier access to information about high yield bond prices and trading volume should assist investment company portfolio managers in making informed investment decisions and that increased regulatory surveillance will help assure the integrity of the high yield bond markets with the effect of benefitting investment companies, their shareholders and increasing public confidence.[48]

Two broker's brokers expressed opposition to the FIPS proposal questioning the utility of consolidated quote reporting to the NASD. Ernst & Company noted its belief that entering quotes into FIPS would be burdensome because it was already entering quotes

[40] Because the broker's broker must transmit to the NASD the dealer's identity along with the dealer's quote, each individual dealer will be able to use the FIPS to see its own quote reflected in the broker's quote. For example, if a broker received two dealer quotes for 100 bonds each, priced at 90, the FIPS system would reflect a single quote of 200 bonds at 90 from the broker. Both of the FIPS dealers would be able to "pierce" that broker quote, however, and see that 100 bonds reflected their own quote and the other 100 bonds was from another unidentified dealer.

[41] See File No. SR–NASD–92–45, Amendment No. 1 at 18 (February 4, 1993).

[42] A "day order" is one that expires at the end of the day.

[43] See Letter from Richard Ketchum, Executive Vice President and Chief Operating Officer, to Selwyn Notelovitz, Branch Chief, Branch of OTC Regulation, Office of OTC and the National Market System, OSRO, Division of Market Regulation, dated February 18, 1993. The NASD is not proposing to implement the execution and trade negotiation facilities at this time in view of the need to complete further systems work. Accordingly, the Commission expects the NASD will submit, for Commission review in accordance with Section 19 of the Act, a proposed rule change setting forth in detail the specifications of the system.

[44] The proposal will require members to "time-stamp," at the time of execution, all trade tickets from transactions in high yield securities. Trade reports for transactions that are not reported within five minutes after execution will be considered late and must include the time of execution on the trade report. The NASD will consider a pattern or practice of late reporting conduct inconsistent with high standards of commercial honor and just and equitable principles of trade, in violation of Article III, Section I of the Rules of Fair Practice. See NASD Securities Dealers Manual, Business Conduct of Members, Rules of Fair Practice, Article III, Section 1, CCH, ¶ 2151.

[45] The reporting requirements vary according to who executes the trade. For a complete description *See* Securities Exchange Act Release No. 31561 (December 4, 1992), 57 FR 58526.

[46] As noted above, one commentator urged that the NASD clarify certain aspects of the proposal. The commentator sought clarification of such terms as "high yield security," "cross transaction", and "riskless principal transaction". This commentator also urged the NASD to clarify, among other things, the reporting obligations of FIPS dealers that had no volume in a FIPS security on a particular day and that nothing in the FIPS rules would prohibit FIPS participants from charging odd lot differentials. See letter from Dennis Greeley, Vice President of High Yield Trading, Merrill Lynch, to Jonathan G. Katz, Secretary, SEC, dated December 28, 1992. In response, the NASD submitted an amendment to the original filing incorporating several of these recommendations. See Securities Exchange Act Release No. 31821 (February 4, 1993), 58 FR 7598.

[47] See letter from Forrest R. Foss, Associate Legal Counsel, T. Rowe Price Associates, to Jonathan G. Katz, Secretary, SEC, dated December 24, 1992 and letter from Matthew P. Fink, President, Investment Company Institute, to Jonathan G. Katz, Secretary, SEC, dated December 30, 1992.

[48] *Id.*

into the NYSE's ABS system.[49] Cantor Fitzgerald, a broker's broker, expressed opposition to the FIPS proposal.[50] Cantor believes that the proposal, specifically the provision that mandates participation in FIPS, contravenes Section 15A(b)(9) of the Act,[51] This commentator opposed the proposed requirement that all dealers and brokers report their quotes to the NASD for consolidated public dissemination through FIPS and other vendors because, in Cantor's view, such a requirement would preclude potential competition in quotation collection and dissemination systems and could have adverse consequences for competition among broker's brokers and dealers. Cantor urged that the NASD and the Commission consider amending the proposal to allow dealers and brokers to report quotes to systems other than the NASD's FIPS, including systems operated by non-SROs,[52] but retain the trade reporting obligations to permit the NASD to conduct routine surveillance consistent with its statutory obligations.[53] This commentator recommended three specific amendments to the FIPS proposal, which would, in essence, eliminate the requirement for consolidated quote dissemination.[54]

V. Discussion

Under section 19(b) of the Act, the Commission must approve any SRO's proposed rule change if it determines that the proposal is consistent with the requirements of the Act and rules thereunder.[55] Section 15A establishes standards for rulemaking by the NASD. One of those standards is that the proposal does not impose a burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.[56] In balancing competitive concerns and statutory goals, however, the Commission is not obligated to choose the least anti-competitive approach, but is free to balance the statutory goals.[57]

As described in greater detail below, because the proposal will increase transparency and trading efficiency in the high yield bond market, and provides procedures designed to produce fair and informative quotations and to promote orderly procedures for quote collection and dissemination, the Commission believes the proposal is consistent with Sections 15A(b)(6)[58] and 15A(b)(11)[59] of the Act.

The Commission also believes the proposal will further the goals of section 11A of the Act. That Section directs the Commission to use its authority under the Act, including its authority to approve SRO rule changes, to foster the establishment of a national market system and sets forth the Congressional goals of achieving more efficient and effective market operations, the availability of information with respect to quotations for securities and the execution of investor orders in the best market through the use of new data processing and communication techniques.[60]

A. FIPS Will Increase Transparency in the High Yield Debt Market

The Commission believes that the NASD's proposal will further the goals of investor protection and market efficiency, consistent with sections 15A(b)(6), 15A(b) (11) and 11A of the

[49] See letter from Joseph P. Riveiro, Manager, Corporate Bonds, Ernst & Company, to Jonathan G. Katz, Secretary, SEC, dated March 4, 1993. ABS is an order system, not a quotation system and does not require its members to provide firm, continuous quotations. The average ABS trade during 1991 was approximately 20 bonds. See NYSE, Fact Book (1992). To the extent that FIPS dealers or brokers enter orders in ABS at or above FIPS minimum size (*i.e.*, 100 bonds or greater) the proposal will require those orders to be reasonably related to their FIPS quotes. As discussed below, the Commission believes consolidated quote reporting for sizes at or above the NASD's threshold of 100 bonds is essential to achieving the benefits of the FIPS proposal. The Commission, therefore, urges the NYSE and the NASD to coordinate to eliminate, consistent with consolidated quote dissemination, duplicative obligations.

[50] See Cantor December, January and February letters.

[51] That section provides that the rules of an Association may not impose any burden on competition which is not necessary or appropriate in furtherance of the purposes of the Act.

[52] Self-regulatory organizations ("SROs") are private associations of broker-dealers to which Congress has delegated (a) authority to adopt and enforce rules for the conduct of their members and (b) responsibility to assure compliance by their members with the provisions of the federal securities laws. See Sections 6, 15A and 19 of the Act. The SRO's, however, exercise authority subject to Commission oversight and have no authority to regulate independently of the Commission's oversight. See section 15A(b)(6) of the Act.

[53] It is Cantor's belief that brokers and dealers would have little incentive to participate in an alternative system, even if it provides a better market or lower cost, if the broker or dealer is also required to participate in FIPS. See Cantor December Letter.

[54] The proposed amendments are: (1) Define trading systems as those which had obtained no-action relief from characterization as an exchange; (2) allow a broker or dealer to disseminate quotations in FIPS securities and execute transactions in FIPS securities by submitting quotations and executing transactions either through FIPS, through an exchange, or through a trading system, as defined in amendment 1 above; and (3) clarify that in the event transactions are conducted through a trading system, transaction reports be disseminated and data be made available to the NASD's Market Surveillance Department. See Cantor January Letter.

[55] 15 U.S.C. 78s(b).

[56] Section 15A(b)(9).

[57] See *infra*, note 86 and accompanying text.

[58] Section 15A(b)(6) authorizes the Association to adopt rules designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest.

[59] Section 15A(b)(11) authorizes the Association to adopt rules relating to quotations. Such rules must be designed to produce fair and informative quotations, to prevent fictitious or misleading quotations, and to promote orderly procedures for collecting, distributing, and publishing quotations.

[60] In connection with this mandate, Congress concluded: "In the securities markets, as in most other active markets, it is critical for those who trade to have access to accurate, up-to-the-second information as to the prices at which transactions in particular securities are taking place (*i.e.*, last sale reports) and the prices at which other traders have expressed their willingness to buy or sell (*i.e.*, quotations). Senate Comm. on Banking, Housing & Urb. Affs., Report to Accompany S. 249: Securities Acts Amendments of 1975, S. Rep. No. 94–75, 94th Cong., 1st Sess. 9, reprinted in [1975] U.S. Code Cong & Ad. News 179, 187 ("S.Rep.").

The 1975 Amendments established as a purpose of the Exchange Act the need to remove impediments and to perfect the mechanism of a national market system for securities. The 1975 Amendments, however, did not define a national market system. Rather, the Congress granted "broad, discretionary powers [to the Commission] to oversee the development of a national market system and to implement its specific components in accordance with [Congressional] findings and to carry out the objectives set forth [in the Exchange Act]." The Amendments were designed to provide "maximum flexibility to the Commission and the securities industry in giving specific content to the general concept of the national market system, and a national market system was to "evolve through the interplay of competitive forces as unnecessary regulatory restrictions are removed." See Committee of Conference, Report to Accompany S. 249, H.R. Rep. No. 94–249, 94th Cong., 1st Sess. 92 (1975). See also S. Rep. at 7–9. The Congress expected, however, that "in those situations where competition may not be sufficient, such as the creation of a composite quotation system or consolidated trade reporting system, the Commission will use the power granted to it in [the 1975 Amendments] to act promptly and efficiently to insure that the essential mechanisms of an integrated secondary trading system are put into place as rapidly as possible." *Id.*

A primary objective of the national market system is "the centralization of all buying and selling interest so that each investor will have the opportunity for the best possible execution of his order, regardless of where in the system it originates." S.Rep. at 7. See also House Committee on Interstate and Foreign Commerce, Report to Accompany H.R. 4111, H.R. Rep. No. 94–123, 94th Cong., 1st Sess. 44 (1975). As a consequence of this objective, the national market system was intended to encompass "all segments of the corporate securities markets including all types of common and preferred stocks, bonds, debentures, warrants and options." *Id.* Congress recognized the unique characteristics of other securities and, as a result, gave the Commission the authority and flexibility to establish "subsystems within the national market system which are tailored to the characteristics of the particular types of securities which are to be traded in each subsystem." S. Rep. at 7.

Act, by increasing transparency[61] in the high yield bond market.

The Commission believes that the proposal would address, consistent with the Act, three significant and specific problems that have been attributed to the lack of quote and trade data available in the high-yield market.[62] In this regard, the Commission believes the proposed mandatory quotation reporting requirement and consolidated quote dissemination system are critical components to the success of the proposal.[63]

First, the fragmented nature of the high yield bond market and the lack of disseminated quote and trade information today contributes to pricing inefficiency in the high yield market. Individual market makers cannot gauge the full extent of the supply of and demand for particular high yield securities and their pricing of those securities will not accurately reflect the current supply and demand.[64] Thus, for example, one dealer or broker could be providing a bid that is higher than another dealer's offer, and natural market forces cannot operate to bring these prices in balance efficiently. Because the proposal provides for consolidation and widespread dissemination of all FIPS dealer and broker quotations, brokers will be able to "execute investor's orders in the best market"[65] consistent with section 11A(a)(1)(C) of the Act.

Second, under current market conditions, many smaller institutional and retail investors have limited or no access to market data to monitor execution quality and, particularly retail investors, to value their securities. Investors interested in purchasing or selling high yield securities must expend significant resources searching for the best available quotation on a particular security, and there is frequently a wide divergence among quoted prices.[66] Even if an investor diligently seeks out multiple quotes, nothing currently requires dealers to honor those quotes. Because the proposal mandates participation by all brokers and dealers in FIPS securities, investors can be confident that the executions they receive are reasonably related to other market activity. Moreover, the proposal permits FIPS brokers to submit orders on behalf of customers and FIPS dealers, as well as consolidating all quotes. The proposal, therefore, would provide an opportunity for investors' orders to be executed without the participation of a dealer which is consistent with the goals of the Act.[67]

Finally, the lack of published quote and trade data necessarily makes surveillance of the high yield market more difficult. Abuses can go unnoticed, and even when noticed, investigation requires collecting data from multiple sources, the expense of which alone impedes regulatory coordination and investor protection.[68] Consolidated quote reporting facilitates reconstruction of market activity, which would be critical to investigating fraudulent or manipulative trading activity.

Although the Commission recognizes that real-time quotes without real-time trade reporting to validate those quotes still poses risks to investors,[69] the Commission believes the NASD has developed an appropriate first step to full transparency.[70]

Under the proposal, the NASD periodically will disseminate the high, low and average trades from the previous trading period. Because this data includes information that will enable investors to determine prices of real trades and approximate volume involved, and because this represents more than is currently available, the Commission believes the proposal is nonetheless consistent with the Act.

The Commission acknowledges that the requirement of continuous quotations is a new development in the debt market which will require careful monitoring and possible revisions as deemed necessary with experience in FIPS. In this context, however, the Commission believes the continuous requirement is appropriate for two reasons. First, the number of designated FIPS securities are limited to the most active issues and are selected based upon their attractiveness to dealers for trading.[71] Second, as stated above, the high yield market exhibits several characteristics of the equity market.[72] Thus, unlike other debt markets, generally, where quotations are not required to be "continuous," there is a need in the high yield market, specifically, for continuous, firm quotations so to accurately reflect the market and to assist investors in pricing

[61] The term transparency can be used to refer to the degree to which last sale (price and volume) and quotation information is made publicly available on a real-time basis. Address by Brandon Becker, Deputy Director, Division of Market Regulation, SEC, before the Financial Times Conference on International Securities Markets: Limiting Market Risk, London England (May 12, 1992). In the equities markets, "real-time" means within 90 seconds of the execution of the trade. For purposes of this filing, however, in the high yield debt market, "real-time" will mean five minutes.

The principle of transparency is a fundamental aspect of investor protection and efficient markets. There are many benefits associated with enhanced market transparency. First, transparency enhances investor protection. Second, by encouraging investor participation in the market, transparency promotes market liquidity. And third, transparency fosters the efficiency of securities markets by facilitating price discovery and open competition, thereby counteracting the effects of fragmentation. Each of these benefits both promotes and is a function of the others. For example, by providing protection for investors, transparency encourages greater participation in securities markets, and therefore enhances the liquidity of those markets. This increase in liquidity, in turn, increases market efficiency. Similarly, by reducing the effects of fragmentation and increasing the pricing efficiency of securities markets, transparency also promotes the fairness of the markets.

[62] See letter from Richard C. Breeden, Chairman, SEC, to Senator Riegle, Chairman, Senate Committee on Banking, Housing and Urban Affairs, dated September 6, 1991. (Enclosing report prepared by the Division of Market Regulation on increasing transparency on high yield debt securities.) Moreover, to the extent that the price of high yield debt is sensitive to issuer specific developments, the absence of transparency in the market increases pricing inefficiency.

[63] The Commission has stated "because of the important role played by principal market quotations in providing public investors with information for purposes of pricing and monitoring broker executions, mandatory dissemination of quotations by principal markets should be retained to ensure that this information is available to the public." See Securities Exchange Act Release No. 18482 (February 11, 1982), 47 FR 7399.

[64] *Id.*

[65] 15 U.S.C. 78(a)(1)(C).

[66] Many high yield debt investors agree that more price information would be useful, because they lack access to accurate prices from a sufficiently broad segment of the dealers. See, *e.g.*, ICI letter, T. Rowe Price letter. These investors were concerned, however, that the enhanced quote and/or trade reporting system for inactive high yield debt, which constitutes a large part of the market, might not be necessary or helpful because of the infrequency of trades in these securities. *Id.*

[67] Section 11A(a)(1)(C).

[68] Section 15A(b)(6).

[69] The Commission believes that "sunshine is the best disinfectant", [L. Brandeis, Other People's Money, and How the Bankers Use It, at 92 (Fredrick A. Stokes Co. ed. 1932)] and this proposal is an important step toward that sunlight by providing investors with many of the tools they need to monitor the quality of their trades. Accordingly, the Commission encourages the NASD to continue to expand the range of securities that are eligible for trade reporting and encourages the NASD to consider, after further experience, the dissemination of more complete trade data.

[70] The approach of increasing transparency in increments by requiring quote and/or trade reporting beginning only with the most active securities is in accordance with the Commission's past approach. In the equity market, to avoid widening spreads and reduced liquidity, the Commission imposed quote and trade reporting only in the most liquid securities, *i.e.*, NYSE, Amex and Nasdaq/NMS securities. Further, this provides not only an opportunity to assess the effects of increased transparency but also an opportunity for the market and its trading mechanisms to adjust. Thus, the benefits that FIPS can bring to the high yield market, namely, efficient pricing and competition within the market, fit squarely within the goals of the Act.

[71] The Commission recognizes, however, that the expansion in the number of FIPS securities may require the Commission to reconsider the continuous quotation obligation.

[72] See Section II.B.

high yield bonds by providing them with more accurate data.[73]

B. A Consolidated Quotation System Is Essential for True Market Transparency and for Effectuating Statutory Goals

The Commission believes that those aspects of the proposal which provide for centralized reporting and dissemination of consolidated information are crucial to enabling market participants and the public to garner real-time information for the most liquid group of high yield bonds. Given the limited volume of daily trades in even the top tier of high yield bonds,[74] as the NASD noted in its response to Cantor, if the NASD did not mandate participation, it could not provide any assurance that the information displayed in FIPS was reflective of the market in a high yield bond.[75] This would diminish the efficacy of the FIPS quotation system and probably would result in failing to meet the goals of investor protection and removal of impediments to the mechanisms of a free and open market.[76]

The Commission consistently has encouraged the development of consolidated quotation systems and has read Sections 11A and 15A to embody a Congressional intent that the Commission and marketplace regulators harness technological advances to foster such systems "as a means of achieving the goals of best execution, [and] full and fair quotation information." The legislative history of the Securities Act Amendments of 1975 indicated that the implementation of a composite quotation system would be necessary in order to "allow stock brokers to ascertain at a glance the market which offers the best price for their customers * * *."[77] Indeed, Congress cited a "composite" quotation system as the kind of a market facility that might require Commission regulatory intervention to establish.

More than two decades ago in its "Statement on the Future of the Securities Markets,"[78] the Commission established consolidated quotation systems as a cornerstone of the national market system structure, noting "an essential step toward formation of a central market system is to make information on prices, volume and quotes for securities in all markets available to all investors, so that buyers and sellers of securities, wherever located, can make informed investment decisions and not pay more than the lowest price at which someone is willing to sell nor sell for less than the highest price at which a buyer is prepared to offer."[79] In the temporary approval of the Consolidated Quotations Systems ("CQS") Plan, the Commission referred to the need for improved dissemination of quotation information as a "fundamental building block of the national market system."[80]

As a result of Commission-directed SRO efforts, all equities markets participate in the CQS for exchange-listed securities,[81] and the NASD has developed a consolidated quote and trade reporting system for Nasdaq/NMS[82] and NASDAQ Small-Cap securities.[83] Moreover, all options markets participate in the Options Price Reporting Authority ("OPRA"). Options markets submit quotations and trade reports to OPRA, regardless of the number and location of market centers trading the options.[84]

The Commission has required foreign currency options to be included within the quotation and reporting auspices of OPRA, even though this market is predominately an institutional market.[85]

C. The Proposal Will Not Impose a Burden on Competition Inconsistent With the Act

Although the Commission believes that FIPS will have a beneficial impact on the high yield debt market, the Commission still must assess its effect on competition. In enacting section 15A(b)(9), Congress obligated the Commission to "balance the perceived anti-competitive effect of the regulatory policy or decision at issue against the purposes of the Exchange Act that would be advanced thereby and the costs of doing so."[86]

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[73] *Id.* See also ICI and T. Rowe Price letters.

[74] It has been estimated that the average value of secondary trading volume in high yield debt ranges from $500 million to $1.5 billion per day. See Division Report at 2.

[75] NASD Letter No. 1.

[76] NASD Letter No. 2.

[77] Report of the Subcomm. on Com. & Fin. of the Comm. on Interstate & For. Com., Securities Industry Study, H.R. Rept. No. 92–1519, at xiv (1972).

[78] Statement of the Securities and Exchange Commission Future Structure of the Securities Markets (February 2, 1972).

[79] *Id* at 9. See also Securities Exchange Act Release No. 15671 at note 9 and accompanying text (March 22, 1979) (release assessing the development of a national market system). "[A] functioning consolidated quotation system, long considered a cornerstone of a national market system, has become operational, and quotation information for reported securities is now an integral part of the nation's securities markets."

[80] See Securities Exchange Act Release No. 15009 at note 36 and accompanying text (July 28, 1978).

[81] * * * [o]riginally, stock information was available from individual stock markets. There was no consolidated system for reporting all trades and quotes from all exchanges trading a stock. The Commission, working with the industry, built on existing reporting systems to encourage the development of consolidated transaction and quotation reporting systems to ensure that trades and quotes from any exchange market trading a stock were readily available to brokers, dealers and investors. Accordingly, today trades and quotes in any exchange-traded security, wherever they occur in the United States, are available on a real-time basis.

See letter from Richard G. Ketchum, Director, Division of Market Regulation, SEC, to William J. Anderson, Esq., Assistant Comptroller General, General Government Division, United States General Accounting Office, dated May 22, 1987.

[82] [d]evelopment of trade and quote reporting for over-the-counter ("OTC") stocks [followed a pattern similar to that of exchange-traded stocks]. Initially, the private sector developed the NASDAQ system to provide for more timely quote information regarding OTC securities * * * [c]oncerned, [however], over the differences between exchange and OTC competitive dealer markets, the OTC market participants initially were reluctant to develop real-time transaction reporting for that market. The Commission, therefore, had to take the lead in requiring the introduction of real-time last sale reporting, on a limited basis for OTC stocks. See Securities Exchange Act Release No. 17549 (February 17, 1981), 46 FR 13992. While the Commission set the objective—real-time last sale reporting—it looked to the industry to develop the procedures for achieving that objective.

. . . [d]espite initial resistance, professional market participants, as well as OTC investors, today believe that enhanced availability of trade and quote information for OTC stocks has increased the pricing efficiency of the OTC stock market and encouraged greater investor interest. Indeed, the NASD, with active support of the National Securities Traders Association, petitioned the Commission to substantially expand the number of securities for which transaction information would be publicly disseminated.

See letter from S. William Broka, Secretary, NASD, to George Fitzsimmons, Secretary, SEC, dated February 10, 1984. Subsequently, the Commission amended its NMS securities rule to provide for such expansion. Securities Exchange Act Release No. 21583 (December 18, 1984), 50 FR 730.

[83] Securities Exchange Act Release No. 30569 (April 10, 1992), 57 FR 13396.

[84] Plan for Reporting of Consolidated Options Last Sale Reports and Quotation Information, section V(a) and (b).

[85] *Id.* at III.

[86] S. Rep., *supra* at 13. The drafters formulated the Commission's duty in this respect variously as the "explicit obligation to balance, against other regulatory criteria and considerations, the competitive implications of self-regulatory and Commission action," and the "responsibility * * * to balance the perceived anticompetitive effects of the regulatory policy or decision at issue against the purposes of the Exchange Act that would be advanced thereby and the costs of doing so," and the weighing of "the need for and effectiveness of regulatory actions in achieving the purposes (of the Exchange Act) * * * against any detrimental impact on competition." S. Rep. at 13–14. See also *Bradford National Clearing Corporation and Bradford Securities Processing Services, Inc.* v. *SEC ("Bradford")*, 590 F. 2d 1085, 1105.

The Justice Department expressed its views to Congress in Hearings on S. 249 before the Subcomm. on Banking, Housing and Urb. Affs., 94th Cong., 1st Sess. 244–52, 257–62 (1975) Apparently, in response, the Senate Report, which was generally adopted by the Conference Committee, emphasized that the 1975 Amendments do "not * * * require the Commission to justify that such actions be the least anticompetitive manner of achieving a regulatory objective." S. Rep., *supra* at 13. See also *Bradford*, *supra* at 1105.

Although the Commission is sensitive to avoiding unnecessary competitive burdens, the statute does not require the Commission to achieve its objectives in the least anticompetitive manner possible, rather, the statute requires the Commission to decide that any anticompetitive effects of its actions are "necessary or appropriate" to the achievement of its objectives.

The Commission has examined anew its stated objectives in the high yield debt market and has closely scrutinized the potential anti-competitive effect of the NASD's proposal. It is the Commission's determination that the proposed rule change does not impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act.

1. Competitive Effects of a Consolidated Quotation System.

Cantor argues that FIPS will create in the NASD an exclusive transaction and quotation reporting system and preclude the introduction of competing, alternative quotation, execution and/or reporting systems.[87] In order to avoid these effects, this commentator believes it is essential that the proposal permit high yield brokers and/or dealers to elect alternatively to participate only through another high yield bond quotation system.[88] The essence of Cantor's argument is that, by mandating that its members submit their quotations to the NASD, the NASD essentially has foreclosed the possibility for the development of competing quote and trade dissemination systems.

Competition in quote collection, however, is not impeded. While this proposal would require that a NASD member operating a quotation collection system submit quotes to the NASD (*i.e.*, an SRO), the Commission believes that the SRO requirement is appropriate given the obligation to monitor member compliance with the federal securities laws that SROs must undertake. Even if the distinction were to have a chilling effect on quote collection firms, however, the benefits to broker-dealer competition, investor protection, and other statutory goals of fair and orderly collection of information, far exceed that burden. Nothing, however, in the NASD proposal precludes the development and implementation of an alternative system.[89]

Cantor argues that by allowing FIPS participants to delay reporting for five minutes, no one will have the incentive to report more quickly, thereby creating a disincentive to any potential competing quote and trade reporting system.[90] The Commission does not believe such a result is likely, because a competitive quotation system could be designed to compensate for such a delay, and market participants would be willing to participate if the system provided a "better market or lower cost," as Cantor argues.[91] The Commission, however, is willing to approve the filing as proposed to allow time to evaluate the effect of transparency on the market. The five minute delay need not be permanent, and the Commission will monitor the market and review its ability to withstand increased transparency.

2. *Competition Among Execution Systems*

The proposal authorizes the NASD to add to FIPS a voluntary trade negotiation and execution capability.[92] As a voluntary execution system, other firms could develop a proprietary trading system and NASD members would be free to execute orders through that system. As stated above, the NASD has represented that it would work with the sponsors of such a system to consolidate quotation and last sale information without duplication. Nothing in the proposal prevents a broker's broker from acquiring the data feed from the NASD for dissemination in connection with its own trade negotiation and establishing an execution system.[93] Moreover, the NASD's proposed facility maintains the brokers-broker anonymity feature of the market, thereby maintaining the traditional function of brokers' broker. Thus, although the NASD still must develop key aspects of this facility, which will necessitate further Commission review, the Commission preliminarily believes that an SRO sponsored trading facility that attempts to automate current market communication functions is consistent with the Act.

Cantor argues that FIPS will foreclose the development of alternative trading systems by requiring quote reporting and by incorporating a voluntary execution facility. As noted above, however, experience in other markets with mandatory quote reporting has not precluded competing execution systems.[94] Similarly, experience indicates that the existence of an SRO sponsored trade negotiation and execution system also will not "pre-empt" the field.

3. Competition Among Dealers

The Commission believes that the proposal will facilitate competition among broker-dealers, which is an important statutory goal.[95] Thus, even if competition among quotation, collection and dissemination firms is subject to any burden, the Commission believes that burden is both necessary and appropriate to achieve, among other goals, greater market pricing efficiency, enhanced dealer competition and investor protection.

D. Requirements Related to Orderly Market Procedures

As an SRO registered with the Commission, the NASD has an on-going obligation to monitor member trading activity for compliance with the securities laws and to enforce member compliance with NASD rules and the federal securities laws. As an SRO, the NASD also must comply with its own rules and federal securities laws, including the requirement that NASD's rules be designed to promote orderly

[87] *See* Cantor December and January Letters. Cantor also believes that a consolidated quotation system is unnecessary. Cantor February Letter.

[88] *Id.*

[89] The Commission, in the past, has required the development of consolidated quotation systems. However, the development of NASDAQ, for example, did not inhibit alternative systems such as POSIT and Instinet from developing and actively competing. Moreover, in listed market securities, the requirement of last sale reporting has not stifled innovation and/or competition between proprietary trading systems ("PTSs") or between the regional exchanges.

[90] Cantor February Letter.

[91] *See supra* note 53.

[92] Cantor appears to have misunderstood the nature of this proposed facility. See Cantor January Letter. ("In our comment letter [of December 31, 1992], we noted that the language of the NASD rule proposal appears to make it illegal under NASD rules for any member firm to conduct transactions in FIPS-designated securities outside of the FIPS system, even if there is available an exchange such as AZX, Inc. (the "Wursch System") or an alternative trading system which meets the Commission's criteria for transparency and surveillance * * *.")

[93] The Commission has long supported access to SRO-sponsored data streams for the purpose of establishing competing systems. See *NASD* v. *SEC*, 801 F.2d 1415 (D.C. Cir. 1986) (Instinet Litigation).

[94] See *supra* note 89.

[95] Transparency helps all market centers assess overall supply and demand. Where there are multiple markets or market makers, transparency keeps prices in line by inhibiting the ability of one market or market maker to trade at noncompetitive prices. Moreover, as noted previously, the absence of public quote and trade information may act as a barrier to entry for small dealers without access to sufficient market information to efficiently price trades. FIPS will make quotation and trade information available through vendors for public dissemination. Thus, new entrants to the market for high yield debt securities will not be unfairly disadvantaged in obtaining information. It is therefore essential that a composite quotation system be put in operation as soon as possible. See generally Policy Statement of the Securities and Exchange Commission on the Structure of a Central Market System at 25 (March 29, 1973).

procedures for collecting, distributing and publishing quotations.[96]

As part of its oversight responsibility, the Commission has encouraged SRO's individually and collectively, to develop competent backup plans to protect against complete system failure.[97] The Commission deems the back-up provision reasonable in light of potential risks and shocks to the markets and the reliance of investors.[98]

The importance of Commission oversight is conceded in Cantor's alternative proposal that would require, for surveillance purposes, competing systems to report to the Market Surveillance Department of the NASD. Indeed, no non-SRO sponsored proprietary trading system has proposed to provide quotation and transaction information to the market in a fair, reasonable and non-discriminatory manner and that issue has yet to be addressed by the Commission. Until a non-SRO sponsored system seeks Commission no-action relief, it is premature to rule on this issue. In the interim, the requirement that certain high yield dealers maintain quotes in FIPS and that all high yield brokers and dealers report all trades to FIPS reflects the present requirements in the equity markets and is fully consistent with the Act.

In sum, the Commission believes it is reasonable in light of the statutory enforcement, as well as monitoring and backup responsibilities of an SRO and the fair access provisions required of an SRO,[99] that an SRO have access to consolidated quotation information with its attendant benefits as described above.

VI. Conclusion

In brief, the Commission believes that FIPS is pro-competitive, not anti-competitive. The system, and in particular its consolidation requirement, will allow investors and dealers to have a more accurate and complete picture of the market. Moreover, the Commission's experience with the development of consolidated quotation systems in the securities market indicates that such systems enhance competition and do not stifle innovation. In addition, the Commission concludes, based on its oversight of the securities markets in general and investigations of the high yield market in particular, that even if an adverse competitive effect resulted for Cantor or other proprietary trading systems, that effect is outweighed by the investor protection objectives of the Act. Specifically, consolidation is a specific goal of the Act and will facilitate best execution of customer orders as well as market efficiency, two other specific goals of the Act. In this regard, the Commission believes that requiring consolidated reporting to an SRO is appropriate. The Commission has a long history of encouraging competitive trading alternatives within the securities industry, nevertheless, those systems generally have sought to avoid designation as an SRO with the concomitant regulatory responsibilities of an SRO, including the duty to enforce compliance with the securities laws.[100] The Commission does not believe it is reasonable to impose these regulatory responsibilities on SROs and then deprive the SRO, in the name of competition, of access to consolidated data with which to carry-out its responsibilities. Rather, consistent with the statute, the Commission has insisted that SROs provide access to their competitors but have not precluded them from fulfilling the goal of providing a consolidated data stream. Finally, and perhaps most importantly, we believe, as the Senate Report on the 1975 Amendments stated, that the "great purposes" [101] of the Exchange Act—investor protection—are best furthered by this proposal, and that these goals, on balance, outweigh any anti-competitive effect on Cantor.

Accordingly, the Commission finds that the proposed rule change is consistent with the Act and the rules and regulations thereunder applicable to the NASD and, in particular, sections 15A(b)(6) and 15(b)(11).[102] Sections 15A(b)(6) authorizes the Association to adopt rules designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and in general, to protect investors and the public interest. Section 15(b)(11), moreover, authorizes the Association to adopt rules relating to quotations. Such rules, must be designed to produce fair and informative quotations, to prevent fictitious or misleading quotations, and to promote orderly procedures for collecting, distributing, and publishing quotations. In addition, the proposed rule change is consistent with the Congressional objectives for the equity markets as stated in Section 11A of achieving more efficient and effective market operations, the availability of information with respect to quotations for securities and the execution of investor orders in the best market.

It is therefore ordered pursuant to section 19(b)(2) of the Act, that the proposed rule change described above be, and hereby is, approved.

By the Commission.

Margret H. McFarland,

Deputy Secretary.

[FR Doc. 93–6949 Filed 3–25–93; 8:45 am]

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[96] Section 15A(b)(11) of the Act.

[97] See *e.g.*, In the Matter of the Application of the National Securities Clearing Corporation for Registration as a Clearing Agency, Order Affirming Registration and Statement of Reasons, File No. 600–15. Securities Exchange Act Release No. 17562 (February 20, 1981); In the Matter of American Stock Exchange, Inc., New York Stock Exchange, Inc., Application Pursuant to Section 11A(a)(3)(B), Temporary Order, File No. 4–281, Securities Exchange Act Release No. 15009 (July 28, 1978).

[98] See Automation Review Policy I, Securities Exchange Act Release No. 27445 (November 16, 1989), 54 FR 4870 and Automation Review Policy II, Securities Exchange Act Release No. 29185 (May 9, 1991), 56 FR 22490.

[99] An SRO is required to permit all broker-dealers membership and provide access to systems on fair and reasonable terms. See section 15A(b)(11). The Commission does not believe that providing quotations to a non-SRO would achieve the above statutory protections to investors.

[100] We recognize, of course, that Cantor proposes to share surveillance operations. Such a system does not allow the SRO to enforce quote halts or have effective supervision of the market.

[101] S. Rep. *supra* at 14.

[102] The Commission, by this order, approves the proposed rule changes that would permit the NASD to implement the FIPS trade negotiation, executive and transaction reporting function subject to the following conditions: (1) Submission of system change notification consistent with the Commission's Automation Review Policy II [See Securities Exchange Act Release No. 29185 (May 9, 1991), 56 FR 22490 (May 15, 1991)]; (2) successful completion of functionality, capacity and stress testing of the system changes; (3) notification to the Commission staff containing representations regarding the effective completion of those tests and confirming the effectiveness of the system; and (4) submission, for Commission review in accordance with Section 19 of the Act, a proposed rule change setting forth in detail the specifications of the system.

[Release No. 34–32021; File No. SR–NASD–92–56]

Self-Regulatory Organizations; Order Approving Proposed Rule Change by National Association of Securities Dealers, Inc. Relating to Trade Reporting Requirements

March 22, 1993.

On December 16, 1992, the National Association of Securities Dealers, Inc. ("NASD" or "Association") filed with the Securities and Exchange Commission ("SEC" or "Commission") pursuant to section 19(b)(1) of the Securities Exchange Act of 1934

("Act")[1] and Rule 19b–4 thereunder,[2] a proposed rule change consisting of amendments to Parts XII and XIII of Schedule D and section 2 of Schedule G to the By-Laws and to the Rules of Practice and Procedure for the Automated Confirmation Transaction Service ("ACT Rules").[3]

The proposed rule change was published for comment in Securities Exchange Act Release No. 31735, 58 FR 6032 (January 25, 1993). No comments were received. For the reasons discussed below, the Commission is approving the proposed rule change.

I. Description

The proposed rule change amends the NASD By-Laws and the ACT Rules to require members to input the time of execution of late trade reports, to require trade reporting for transactions in NASDAQ securities between the hours of 9 and 9:30 a.m. Eastern Time, and to add a section regarding audit trail data.

Sections 2 of Part XII and Part XIII of Schedule D to the NASD By-Laws govern how and when transactions are reported in NASDAQ/NMS and NASDAQ Small-Cap securities respectively. Currently, Registered Reporting Market Makers and Non-Registered Reporting Members must designate transactions not reported within 90 seconds after execution as late. The proposed rule change would require that late sale trade reports also include the time of execution.

The proposed rule change would add identical language to Schedule G to the By-Laws. Part 2 of Schedule G governs how and when transactions are reported in exchange-listed securities. This section would be amended to require that late trade reports in these securities, transmitted through ACT by Registered Reporting Market Makers and Non-Registered Reporting Members, include the time of execution.

Additonally, to properly account for transactions executed between 9 and 9:30 a.m., the proposed rule change would require that last sale reports for trades in NASDAQ/NMS and NASDAQ/Small-Cap securities be reported through ACT within 90 seconds after execution and be designated as ".T" trades to denote their execution outside normal market hours.[4]

The proposed rule change would also modify the ACT Rules to reflect the same time-of-execution requirements and to adopt an "audit trail" provision. The ACT Rules specifically list the information that must be included in each trade report transmitted through ACT. The proposed rule change would add to the list a requirement that each report also include the execution time for any transaction in NASDAQ or CQS securities not reported within 90 seconds of execution. Similarly, the Audit Trail Requirements section of the ACT Rules is being added to state the obligation of member firms utilizing the ACT Service to input the trade information required by the ACT Rules.

II. Discussion

The Commission believes that the proposed rule change is consistent with the requirements of the Act, and in particular, with sections 15A(b)(6) and 11A(a)(1)(C) of the Act. Section 15A(b)(6) requires that the rules of a national securities association be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating clearing, settling, processing information with respect to and facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system and in general to protect investors and the public interest. Section 11A(a)(1)(C) sets forth the objective of ensuring the availability to brokers, dealers and investors of information with respect to quotations for and transactions in securities.

The proposed rule change will extend real-time reporting of NASDAQ/NMS and NASDAQ Small-Cap securities from 9–9:30. The proposed rule change also will increase real-time trade reporting by Registered Reporting Market Makers and Non-Registered Reporting Members and thus, will reduce the use of paper Form T for reporting transactional data in NASDAQ/NMS and NASDAQ Small-Cap securities for trades effected between 9 and 9:30 a.m.[5]

The proposed rule change will enhance real-time trade reporting of NASDAQ/NMS, NASDAQ Small-Cap, and exchange-listed securities.[6] Real-time trade reports submitted to the NASD pursuant to the proposed rule change will be disseminated through the NASD's NASDAQ system and securities information vendors for NASDAQ/NMS and NASDAQ Small-Cap securities, and through the Consolidated Tape and securities information vendors for exchange-listed securities. This will provide broker-dealers and investors information necessary to make informed judgments about the securities offered for purchase or sale.

Ensuring that trade reports are properly sequenced on the basis of time is critical to constructing an accurate audit trail for surveillance purposes. The new trade reporting requirements will provide an effective means for placing transactions reported late in their proper sequence, thereby improving the quality of the NASD's audit trail because the information will be more timely, complete, and accurate. This will facilitate surveillance of market activity, including compliance with the proposed short sale rule.[7]

III. Conclusion

For the foregoing reasons, the Commission finds that the proposed rule change is consistent with the Act and the rules and regulations thereunder applicable to the NASD and, in particular, sections 15A(b)(6) and 11A(a)(1)(C) of the Act.

It is therefore ordered, pursaunt to Section 19(b)(1) of the ACT, that the proposed rule change (SR–NASD–92–56), be, and hereby is approved.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority. 17 CFR 200.30–3(a)(12) (1992).

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 93–7014 Filed 3–25–93; 8:45 am]

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[1] 15 U.S.C. 78s.

[2] 17 CFR 240.19b–4 (1992).

[3] ACT is the NASD's post-trade comparison system that among other things, accommodates reporting and dissemination of last sale reports in NASDAQ/NMS, NASDAQ Small-Cap, and exchange-listed securities.

[4] The NASD rules define normal market hours as 9:30 a.m. through 4 p.m. See NASD Rules, Schedule D, Part VI, Section 6, and Part VII, Section 3.

In Securities Exchange Act Release No. 31597 (December 14, 1992), 57 FR 60547, the Commission approved an NASD proposal (SR–NASD–92–37) to extend real-time transaction reporting requirements in NASDAQ/NMS and NASDAQ Small-Cap securities executed after normal market hours between 4 p.m. and 5:15 p.m. The current proposal extends these requirements to trades executed in the morning before normal market hours.

[5] Form T is the form designated by the Board of Governors for submitting last sale reports for transactions executed outside normal market hours. It must be submitted on a weekly basis.

[6] Including the time of execution on late trade reports in exchange-listed securities will enable the NASD to respond more expeditiously and completely to inquiries from exchanges dealing with late trade reports and trade-through allegations.

[7] See Securities Exchange Act Release No. 31003 (August 6, 1992), 57 FR 36421 (SR–NASD–92–12).

[Release No. 34–32020; File No. SR–OCC–93–05]

Self-Regulatory Organizations; The Options Clearing Corporation; Notice of Filing and Order Granting Accelerated Approval of a Proposed Rule Change Relating to the Creation of the Small Cap Index Product Group for Cross-Margining Purposes

March 19, 1993.

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"),[1] notice is hereby given that on March 17, 1993, The Option Clearing Corporation ("OCC") filed with the Securities and Exchange Commission ("Commission") the proposed rule change (File No. SR–OCC–93–05) as described in Items I, II, and III below, which Items have been prepared primarily by OCC. The Commission is publishing this notice and order to solicit comments from interested persons and to grant accelerated approval of the proposed rule change.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The proposed rule change would allow OCC to create a new product group for cross-margining purposes. Specifically, OCC would create a small cap index product group which would consist of contracts on the following indices: S&P MidCap 400 Index, Russell 2000 Index, Value Line Index, Mini Value Line Index, and the Wilshire Small Cap Index.

II. Self-Regulatory Organization's Statement of the Purpose of and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, OCC included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. OCC has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

The purpose of this change is to permit OCC to create a new product group [2] for cross-margining. Specifically, OCC proposes to create a small cap stock index product group which would include the following stock indices: S&P MidCap 400 Index, Russell 2000 Index, Value Line Index, Wilshire Small Cap Index (collectively, referred to as "Small Cap Stock Indices"), and the Mini Value Line Index.[3] All class groups which would be included in this proposed product group have exhibited price correlations of greater than 85% over the past ten years,[4] and OCC believes that it is appropriate to organize these class groups into a product group for cross-margining purposes.

Accordingly, OCC would amend Exhibit A to the: (i) Amended and Restated Cross-Margining Agreement between OCC and the Chicago Mercantile Exchange ("CME") to include as Eligible Contracts for OCC put and call options on the Value Line Index and Wilshire Small Cap Index; [5] (ii) Cross-Margining Agreement between OCC and the Board of Trade Clearing Corporation ("BOTCC") to include as Eligible Contracts for OCC put and call options on the S&P MidCap 400 Index, Russell 2000 Index, and Value Line Index; [6] and (iii) Cross-Margining Agreement between OCC and the Kansas City Board of Trade Clearing Corporation ("KCC") to include as Eligible Contracts for OCC put and call options on the S&P MidCap 400 Index, Russell 2000 Index, and Wilshire Small Cap Index.[7] OCC proposes to enter into letter agreements with CME, BOTCC, and KCC to provide for such amendments.

B. Self-Regulatory Organization's Statement on Burden on Competition

OCC does not believe that the proposed rule change will have an impact on competition.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

OCC has not solicited comments with respect to the proposed rule change, and none have been received.

III. Date of Effectiveness of the Proposed Rule Change and Timing of Commission Action

The Commission believes OCC's proposed rule change to permit cross-margining of the above-named products is consistent with the requirements of the Act and the rules and regulations thereunder applicable to registered clearing agencies and in particular with the requirements of sections 17A(b)(3)(A) and (F) of the Act.[8] Those sections require that a clearing agency be organized and that its rules be designed to promote the prompt and accurate clearance and settlement of securities transactions and to assure the safeguarding of securities and funds in the clearing agency's custody or control or for which it is responsible. Additionally, section 17A(a)(1) of the Act [9] sets forth Congress' finding that ineffective procedures for clearance and settlement impose unnecessary costs on investors and persons facilitating transactions by and acting on behalf of investors. The Commission in recent years has dealt in a comprehensive manner with numerous proposals involving OCC's cross-margining programs.[10] For the reasons discussed in those orders [11] and because the Commission believes that this proposal further enhances the efficiency of OCC's

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[1] 15 U.S.C. 78s(b)(1) (1988).

[2] Under OCC's margin methodology, the Theoretical Intermarket Margin System ("TIMS"), a product group consists of two or more class groups whose underlying assets have been determined by OCC to exhibit sufficient price correlation to warrant margining on a combined basis. A class group consists of all option contracts relating to the same underlying asset.

[3] The proposed small cap stock index product group would not include contracts on the Financial Times 100 Index or the EuroTop Index which are included in OCC's cross-margining program with the Chicago Mercantile Exchange ("CME") and in OCC's cross-margining program with the Commodity Clearing Association, respectively. Each of these indices will continue to be margined as a separate product group.

[4] Given that the correlations (*i.e.*, the r^2 values) among the Small Cap Stock Indexes and the MiniValue Line Index range from 86% to 90%, the offset percentage, or haircut, within the new product group will be 15%.

[5] Put and call options on the S&P MidCap 400 Index and Russell 2000 Index are already listed as Eligible Contracts for OCC. Upon approval of this rule change, OCC-cleared options on the Small Cap Stock Indices would be cross-margined with CME-cleared futures contracts and options on futures contracts on the S&P MidCap 400 Index and Russell 2000 Index.

[6] Put and call options on the Wilshire Small Cap Index are already listed as Eligible Contracts for OCC. Upon approval of this rule change, OCC-cleared options on the Small Cap Stock Indices would be cross-margined with BOTCC-cleared futures contracts and options on futures contracts on the Wilshire Small Cap Index.

[7] Put and call options on the Value Line are already Eligible Contracts for OCC. Upon approval of this rule change, OCC-cleared options on the Small Cap Stock Indices would be cross-margined with KCC-cleared futures contracts and options on futures contracts on the Value Line Index and Mini Value Line Index.

[8] 15 U.S.C. 78q–1(b)(3) (A) and (F) (1988).

[9] 15 U.S.C. 78q–1(a)(1) (1988).

[10] *E.g.*, Securities Exchange Act Release Nos. 29991 (November 26, 1991), 56 FR 61458 [File No. SR–OCC–90–01] (order approving OCC/CME non-proprietary, market professional cross-margining program); 29888 (October 31, 1991), 56 FR 56680 [File No. SR–OCC–91–07] (order approving OCC/BOTCC non-proprietary, market professional cross-margining program); and 30413 (February 26, 1992), 57 FR 7830 [File No. SR–OCC–9109] (order approving OCC/KCC non-proprietary, market professional cross-margining program).

[11] *Id.*

margining system while providing adequate risk safeguards, the Commission is approving this proposal.

OCC also has requested that the Commission find good cause for approving the proposed rule change prior to the thirtieth day after the date of publication of notice of the filing in the Federal Register because accelerated approval would permit OCC to better coordinate its operations with the futures clearing corporations involved in this proposal. The Commission finds good cause for so approving the proposed rule change. Consistent with section 17A of the Act, accelerated approval will allow OCC, CME, BOTCC, and KCC to better coordinate the cross-margining of positions on the S&P MidCap 400 Index, Russell 2000 Index, Value Line Index, Wilshire Small Cap Index, and Mini Value Line Index and should expedite OCC's continuing effort to make its margining system more efficient while providing adequate risk safeguards.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 450 Fifth Street, NW., Washington, DC 20549. Copies of such filing will also be available for inspection and copying at the principal office of OCC. All submissions should refer to File No. SR–OCC–93–05 and should be submitted by April 16, 1993.

It is therefore ordered, pursuant to section 19(b)(2) of the Act,[12] that the proposed rule change (File No. SR–OCC–93–05) be, and hereby is, approved.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.[13]

[12] 15 U.S.C. 78s(b)(2).

[13] 17 C.F.R. 200.30–3(a)(12).

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 93–6950 Filed 3–25–93; 8:45 am]

BILLING CODE 8010–01–M

Self-Regulatory Organizations; Applications for Unlisted Trading Privileges and of Opportunity for Hearing; Pacific Stock Exchange, Incorporated

March 22, 1993.

The above named national securities exchange has filed applications with the Securities and Exchange Commission ("Commission") pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and rule 12f–1 thereunder for unlisted trading privileges in the following securities:

Asia Pacific Fund, Inc.
Rights to subscribe Common Stock (Exp. 2/12/93) (File No. 7–10385)
Berlitz International, Inc.
Common Stock, $.10 Par Value (File No. 7–10386)
Borg Warner Security Corp.
Common Stock, $.01 Par Value (File No. 7–10387)
Castle & Cooke Homes, Inc.
Common Stock, No Par Value (File No. 7–10388)
Emerging Mexico Fund, Inc.
Rights to subscribe Common Stock (Exp. 3/12/93) (File No. 7–10389)
Galen Health Care, Inc.
Common Stock, $.01 Par Value (File No. 7–10390)
Hecla Mining Company
Common Stock, $.25 Par Value (File No. 7–10391)
Integra Financial Corp.
Common Stock, $1.00 Par Value (File No. 7–10392)
Magna International, Inc.
Class A Sub Voting Common Stock, No Par Value (File No. 7–10393)
Maybelline, Inc.
Common Stock, $.01 Par Value (File No. 7–10394)
Revco D.S., Inc.
Common Stock, $.01 Par Value (File No. 7–10395)
Value Health, Inc.
Common Stock, No Par Value (File No. 7–10396)
Atari Corporation
Common Stock, $.01 Par Value (File No. 7–10397)
Davstar Industries, Ltd.
Class A Common Stock, No Par Value (File No. 7–10398)
St. John's Knits, Inc.
Common Stock, No Par Value (File No. 7–10399)
LTV Corporation
15% Senior Notes due 1/15/2000 (File No. 7–10400)

These securities are listed and registered on one or more other national securities exchange and are reported in the consolidated transaction reporting system.

Interested persons are invited to submit on or before April 12, 1993, written data, views and arguments concerning the above-referenced application. Persons desiring to make written comments should file three copies thereof with the Secretary of the Securities and Exchange Commission, 450 5th Street, NW., Washington, DC 20549. Following this opportunity for hearing, the Commission will approve the application if it finds, based upon all the information available to it, that the extensions of unlisted trading privileges pursuant to such applications are consistent with the maintenance of fair and orderly markets and the protection of investors.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Jonathan G. Katz,

Secretary.

[FR Doc. 93–6942 Filed 3–25–93; 8:45 am]

BILLING CODE 8010–01–M

Self-Regulatory Organizations; Applications for Unlisted Trading Privileges and of Opportunity for Hearing; Philadelphia Stock Exchange, Inc.

March 22, 1993.

The above named national securities exchange has filed applications with the Securities and Exchange Commission ("Commission") pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and rule 12f–1 thereunder for unlisted trading privileges in the following securities:

Enquirer Star/Group, Inc.
Class A Common Stock, $0.01 Par Value (File No. 7–10419)
St. John Knits, Inc.
Common Stock, No Par Value (File No. 7–10420)
Castle & Cooke Homes, Inc.
Common Stock, No Par Value (File No. 7–10421)
Wilshire Technologies
Common Stock, No Par Value (File No. 7–10422)

These securities are listed and registered on one or more other national securities exchange and are reported in the consolidated transaction reporting system.

Interested persons are invited to submit on or before April 12, 1993, written data, views and arguments concerning the above-referenced application. Persons desiring to make written comments should file three copies thereof with the Secretary of the Securities and Exchange Commission,

450 5th Street, NW., Washington, DC 20549. Following this opportunity for hearing, the Commission will approve the application if it finds, based upon all the information available to it, that the extensions of unlisted trading privileges pursuant to such applications are consistent with the maintenance of fair and orderly markets and the protection of investors.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Jonathan G. Katz,

Secretary.

[FR Doc. 93–6946 Filed 3–25–93; 8:45 am]

BILLING CODE 8010–01–M

Issuer Delisting; Application To Withdraw From Listing and Registration; (Health Care REIT, Inc., Common Stock, $1.00 Par Value) File No. 1–8923

March 22, 1992.

Health Care REIT, Inc. ("Company") has filed an application with the Securities and Exchange Commission ("Commission"), pursuant to section 12(d) of the Securities Exchange Act of 1934 ("Act") and rule 12d2–2(d) promulgated thereunder, to withdraw the above specified security from listing and registration on the American Stock Exchange, Inc. ("Amex").

The reasons alleged in the application for withdrawing this security from listing and registration include the following:

According to the Company, in addition to being listed on the Amex, its common stock is listed on the New York Stock Exchange, Inc. ("NYSE"). The Company's common stock commenced trading on the NYSE at the opening of business on December 17, 1992 and concurrently therewith such stock was suspended from trading on the Amex.

In making the decision to withdraw its common stock from listing on the Amex, the Company considered the direct and indirect costs and expenses attendant in maintaining the dual list of its common stock on the NYSE and on the Amex. The Company does not see any particular advantage in the dual trading of its common stock and believes that dual listing would fragment the market for its common stock.

Any interested person may, on or before April 12, 1993 submit by letter to the Secretary of the Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549, facts bearing upon whether the application has been made in accordance with the rules of the exchanges and what terms, if any, should be imposed by the Commission for the protection of investors. The Commission, based on the information submitted to it, will issue an order granting the application after the date mentioned above, unless the Commission determines to order a hearing on the matter.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Jonathan G. Katz,

Secretary.

[FR Doc. 93–6945 Filed 3–25–93; 8:45 am]

BILLING CODE 8010–01–M

Issuer Delisting; Application To Withdraw From Listing and Registration; (Insteel Industries, Inc., Common Stock, No Par Value) File No. 1–9929

March 22, 1993.

Insteel Industries, Inc. ("Company") has filed an application with the Securities and Exchange Commission ("Commission"), pursuant to section 12(d) of the Securities Exchange Act of 1934 ("Act") and rule 12d2–2(d) promulgated thereunder, to withdraw the above specified security from listing and registration on the American Stock Exchange, Inc. ("Amex").

The reasons alleged in the application for withdrawing this security from listing and registration include the following:

According to the Company, in addition to being listed on the Amex, its common stock is listed on the New York Stock Exchange, Inc. ("NYSE"). The Company's common stock commenced trading on the NYSE at the opening of business on December 4, 1992 and concurrently therewith such stock was suspended from trading on the Amex.

In making the decision to withdraw its common stock from listing on the Amex, the Company considered the direct and indirect costs and expenses attendant in maintaining the dual listing of its common stock on the NYSE and on the Amex. The Company does not see any particular advantage in the dual trading of its common stock and believes that dual listing would fragment the market for its common stock.

Any interested person may, on or before April 12, 1993 submit by letter to the Secretary of the Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549, facts bearing upon whether the application has been made in accordance with the rules of the exchanges and what terms, if any, should be imposed by the Commission for the protection of investors. The Commission, based on the information submitted to it, will issue an order granting the application after the date mentioned above, unless the Commission determines to order a hearing on the matter.

For the Commission, by the Division of Market Regulations, pursuant to delegated authority.

Jonathan G. Katz,

Secretary.

[FR Doc. 93–6940 Filed 3–25–93; 8:45 am]

BILLING CODE 8010–01–M

Issuer Delisting; Application to Withdraw From Listing and Registration; (Instrument Systems Corporation, Common Stock, $.25 Par Value; Second Preferred Stock–Series I, $.25 Par Value) File No. 1–6620

March 22, 1993.

Instrument Systems Corporation ("Company") has filed an application with the Securities and Exchange Commission ("Commission"), pursuant to section 12(d) of the Securities Exchange Act of 1934 ("Act") and rule 12d2–2(d) promulgated thereunder, to withdraw the above specified securities from listing and registration on the American Stock Exchange, Inc. ("Amex").

The reasons alleged in the application for withdrawing these securities from listing and registration include in the following:

According to the Company, in addition to being listed on the Amex, its common stock and Second Preferred Stock—Series I ("preferred stock") are listed on the New York Stock Exchange, Inc. ("NYSE"). The Company's common stock and preferred stock commenced trading on the NYSE at the opening of business on February 3, 1993 and concurrently therewith such stock was suspended from trading on the Amex.

In making the decision to withdraw its common stock and preferred stock from listing on the Amex, the Company considered the direct and indirect costs and expenses attendant in maintaining the dual listing of its common stock and preferred stock on the NYSE and on the Amex. The Company does not see any particular advantage in the dual trading of its common stock and preferred stock and believes that dual listing would fragment the market for these securities.

Any interested person may, on or before April 12, 1993 submit by letter to the Secretary of the Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549, facts bearing upon whether the application has been made in accordance with the rules of the exchanges and what terms,

if any, should be imposed by the Commission for the protection of investors. The Commission, based on the information submitted to it, will issue an order granting the application after the date mentioned above, unless the Commission determines to order a hearing on the matter.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Jonathan G. Katz,

Secretary.

[FR Doc. 93–6943 Filed 3–25–93; 8:45 am]

BILLING CODE 8010–01–M

Issuer Delisting; Application to Withdraw from Listing and Registration; (Oneita Industries, Inc., Common Stock, $.25 Par Value) File No. 1–9734

March 22, 1993.

Oneita Industries, Inc. ("Company") has filed an application with the Securities and Exchange Commission ("Commission"), pursuant to Section 12(d) of the Securities Exchange Act of 1934 ("Act") and Rule 12d2–2(d) promulgated thereunder, to withdraw the above specified security from listing and registration on the American Stock Exchange, Inc. ("Amex").

The reasons alleged in the application for withdrawing this security from listing and registration include the following:

According to the Company, in addition to being listed on the Amex, its common stock is listed on the New York Stock Exchange, Inc. ("NYSE"). The Company's common stock commenced trading on the NYSE at the opening of business on February 3, 1993 and concurrently therewith such stock was suspended from trading on the Amex.

In making the decision to withdraw its common stock from listing on the Amex, the Company considered the direct and indirect costs and expenses attendant in maintaining the dual listing of its common stock on the NYSE and on the Amex. The Company does not see any particular advantage in the dual trading of its common stock and believes that dual listing would fragment the market for its common stock.

Any interested person may, on or before April 12, 1993 submit by letter to the Secretary of the Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549, facts bearing upon whether the application has been made in accordance with the rules of the exchanges and what terms, if any, should be imposed by the Commission for the protection of investors. The Commission, based on the information submitted to it, will issue an order granting the application after the date mentioned above, unless the Commission determines to order a hearing on the matter.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Jonathan G. Katz,

Secretary.

[FR Doc. 93–6944 Filed 3–25–93; 8:45 am]

BILLING CODE 8010–01–M

SMALL BUSINESS ADMINISTRATION

Reporting and Recordkeeping Requirement 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 within 30 days of this publication in the **Federal Register.** 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: Small Business Institute Counseling Case Report

Form No.: N/A

Frequency: One Per Client

Description of Respondents: Small Business Institute Counselors

Annual Responses: 6,700

Annual Burden: 18,090.

Dated: March 22, 1993.

Cleo Verbillis,

Chief, Administrative Information Branch.

[FR Doc. 93–6991 Filed 3–25–93; 8:45 am]

BILLING CODE 8025–01–M

THRIFT DEPOSITOR PROTECTION OVERSIGHT BOARD

Regional Advisory Board Meetings, Regions 1–6

AGENCY: Thrift Depositor Protection Oversight Board.

ACTION: Meetings notice.

SUMMARY: In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), announcement is hereby published for the Series 12 Regional Advisory Board meeting for Regions 1 through 6. The meetings are open to the public.

DATES: The 1993 meetings are scheduled as follows:

1. April 22, 9 a.m. to 12:30 p.m., New Orleans, Louisiana, Region 2 Advisory Board.
2. April 29, 9 a.m. to 12:30 p.m., Chicago, Illinois, Region 3 Advisory Board.
3. May 4, 9 a.m. to 12:30 p.m., Houston, Texas, Region 4 Advisory Board.
4. May 6, 9 a.m. to 3:30 p.m., Tampa, Florida, Region 1 Advisory Board.
5. May 11, 9 a.m. to 12:30 p.m., Sante Fe, New Mexico, Region 5 Advisory Board.
6. May 13, 9 a.m. to 12:30 p.m., Phoenix, Arizona, Region 6 Advisory Board.

ADDRESSES: The meetings will be held at the following locations:

1. New Orleans, Louisiana—The Monteleone Hotel, 214 Rue Royale.
2. Chicago, Illinois—Sheraton Chicago, 301 East North Water Street.
3. Houston, Texas—Hyatt Regency Houston, 1200 Louisiana.
4. Tampa, Florida—Hyatt Regency Tampa, Two Tampa City Center.
5. Sante Fe, New Mexico—Picacho Plaza Hotel, 750 North St. Francis Drive.
6. Phoenix, Arizona—Hyatt Regency Phoenix, 122 North Second Street.

FOR FURTHER INFORMATION CONTACT: Jill Nevius, Committee Management Officer, Thrift Depositor Protection Oversight Board, 1777 F Street, NW., Washington, DC 20232, 202/786–9675.

SUPPLEMENTARY INFORMATION: Section 501(a) of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989, Public Law No. 101–73, 103 Stat. 183, 382–383, directed the Oversight Board to establish one

national advisory board and six regional advisory boards.

Purpose

The Regional Advisory Boards provide the Resolution Trust Corporation (RTC) with recommendations on the policies and programs for the sale of RTC owned real property assets.

Agenda

Topics to be addressed at the six meetings will include: the pooling of performing and nonperforming RTC assets, the proposed transfer of RTC hard-to-sell assets to FDIC, RTC's regional reports on real estate asset recovery against appraised values, RTC's approach to financial and program audits of contractors and subcontractors, an update on improvements to RTC's information management systems, the issue of discounting environmentally significant properties for sale to nonprofit and public agencies, funding sources for RTC's affordable housing properties, RTC financing for single family buyers in high cost areas, and deed restrictions on multifamily affordable housing properties. A detailed agenda will be available to the meeting.

Statements

Interested persons may submit to an advisory board written statements, data, information, or views on the issues pending before the board prior to or at the meeting. The meeting will include public forum for oral comments. Oral comments will be limited to approximately five minutes. Interested persons may sign up for the public forum at the meeting. All meetings are open to the public. Seating is available on a first come first served basis.

Dated: March 23, 1993.

Jill Nevius,

Committee Management Officer, Office of Advisory Board Affairs.

[FR Doc. 93–7006 Filed 3–25–93; 8:45 am]

BILLING CODE 2222–01–M

DEPARTMENT OF TRANSPORTATION

Coast Guard

[CGD 93–018]

Draft Environmental Impact Statement; Niagara Falls, NY

AGENCY: Coast Guard, DOT.

ACTION: Notice of intent.

SUMMARY: The U.S. Coast Guard, as the Federal lead agency and in cooperation with the Niagara Falls Bridge Commission (NFBC), intends to prepare and circulate a Draft Environmental Impact Statement (DEIS) for a proposed international bridge project crossing the Niagara River Gorge within the Whirlpool Rapid Corridor between the United States and Canada. A Coast Guard bridge permit is required for approval of the location and plans for the bridge project before construction can begin. The U.S. Army Corps of Engineers and the U.S. State Department will be cooperating agencies and also will have Federal permitting requirements for various aspects of the project.

DATES: Comments must be received on or before April 26, 1993.

ADDRESSES: Comments may be mailed to Commander (obr), Ninth Coast Guard District, 1240 East Ninth Street, Cleveland, Ohio 44199.

FOR FURTHER INFORMATION CONTACT: Mr. Robert W. Bloom, Jr., Chief, Bridge Branch, Telephone: (216) 522–3993.

SUPPLEMENTARY INFORMATION: This notice of intent is published as required by regulations of the Council on Environmental Quality at 40 CFR 1501.7.

The proposed project would modify the existing bridge across the Niagara River Gorge, mile 11.6. Other planned improvements include a new four-lane international bridge and approximately 6.5 miles of new roadway. The subject of this EIS is the improvements proposed on the United States side of the border. A similar study is being prepared to evaluate environmental impacts on the Canadian side. The primary reason for this project is to improve traffic safety and accommodate future highway traffic volumes between the United States and Canada up to the end of planning period, year 2020.

As a result of earlier scoping meetings with Federal, State and local agencies, the Coast Guard has determined that an EIS would be the appropriate document for assessing impacts of the proposed project under Section 102(2)(C) of the National Environmental Policy Act of 1969. A no-build alternative (no action), alternative alignments within the existing bridge corridor, and various designs will be addressed. Other alternatives identified by the public will be considered. Significant issues to be evaluated include relocation of residential, commercial, industrial and non-profit displacements; relocation of hazardous wastes located within the proposed project right-of-way; existing and future land use and traffic patterns; prime and unique farmland; threatened and endangered species and critical habitat; and impacts on Section 4(f) properties, air quality, cultural resources and navigation. A public hearing may be scheduled after the Draft EIS is issued for public and agency review and comments.

No public scoping meeting is anticipated at this time. Written comments are invited from all interested parties to assure that all significant issues are identified and the full range of alternatives and impacts of the proposed bridge project are addressed.

Dated: March 18, 1993.

W. J. Ecker,

Rear Admiral, U.S. Coast Guard, Chief, Office of Navigation Safety and Waterway Services.

[FR Doc. 93–6908 Filed 3–25–93; 8:45 am]

BILLING CODE 4910–14–M

Federal Transit Administration

FTA Sections 3 and 9 Grant Obligations

AGENCY: Federal Transit Administration (FTA), DOT.

ACTION: Notice.

SUMMARY: The Department of Transportation and Related Agencies Appropriations Act, 1993, Public Law 102–338, contains a provision requiring the Federal Transit Administration (FTA) to publish an announcement in the **Federal Register** every 30 days of grants obligated pursuant to Sections 3 and 9 of the Federal Transit Act, as amended. The statute requires that the announcement include the grant number, the grant amount, and the transit property receiving each grant. This notice provides the information as required by statute.

FOR FURTHER INFORMATION CONTACT: Janet Lynn Sahaj, Chief, Resource Management and State Programs Division, Office of Capital and Formula Assistance, Department of Transportation, Federal Transit Administration, Office of Grants Management, 400 Seventh Street, SW., room 9305, Washington, DC 20590, (202) 366–2053.

SUPPLEMENTARY INFORMATION: The Section 3 program provides capital assistance to eligible recipients in three categories: Fixed guideway modernization, construction of new fixed guideway systems and extensions, and bus purchases and construction of bus related facilities. The Section 9 program apportions funds on a formula basis to provide capital and operating assistance in urbanized areas. Section 9 grants reported may include flexible funds transferred from the Federal Highway Administration to the FTA for use in transit projects in urbanized

areas. These flexible funds are authorized under the Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA) to be used for highway or transit purposes. Pursuant to the statute FTA reports the following grant information.

SECTION 3—GRANTS

Transit property	Grant No.	Grant amount	Obligation date
Metropolitan Dade Transit Agency, Miami-Hialeah, FL	FL–03–0085–02	$25,650,000	02/03/93
Tri-County Commuter Rail Authority, West Palm Bch-Boca Raton-Delray Bch, FL	FL–03–0132–00	750,000	02/04/93

SECTION 9—GRANTS

Transit property	Grant No.	Grant amount	Obligation date
Golden Empire Transit District, Bakersfield, CA	CA–90–X528–00	$2,678,820	02/12/93
Des Moines Metropolitan Transit Authority, Des Moines, IA	IA–90–X144–00	1,357,928	02/17/93
St. Cloud Metropolitan Transit Commission, St. Cloud, MN	MN–90–X058–01	122,901	02/16/93
Duluth Transit Authority, Duluth, MN–WI	MN–90–X059–01	69,267	02/23/93
Lane Transit District, Eugene-Springfield, OR	OR–90–X043–00	1,396,930	02/02/93
Wisconsin Dept. of Transportation Bureau of Transit, Wisconsin	WI–90–X174–00	2,118,400	02/17/93
Tri-State Transit Authority, Huntington-Ashland, WV–KY–OH	WV–90–X052–00	312,000	02/08/93

Issued on: March 23, 1993.

Robert H. McManus,

Acting Administrator.

[FR Doc. 93–7000 Filed 3–25–93; 8:45 am]

BILLING CODE 4910–57–M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Art Advisory Panel; Closed Meeting

SUMMARY: Closed meeting of the Art Advisory Panel will be held in Washington, DC.

DATES: The meeting will be held April 20 and 21, 1993.

FOR FURTHER INFORMATION CONTACT: Karen Carolan, CC:AP:AS:4, 901 D Street SW., Washington, DC 20024. Telephone (202) 401–4128 (not a toll-free number).

SUPPLEMENTARY INFORMATION: Notice is hereby given pursuant to section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. (1988), that a closed meeting of the Art Advisory Panel will be held on April 20 and 21, 1993, in room 118, beginning at 9:30 a.m., Aerospace Center Building, 901 D Street SW., Washington, DC 20024.

The agenda will consist of the review and evaluation of the acceptability of fair market value appraisals of works of art involved in federal income, estate, or gift tax returns. This will involve the discussion of material in individual tax returns made confidential by the provisions of section 6103 of title 26 of the United States Code.

A determination as required by section 10(d) of the Federal Advisory Committee Act has been made that this meeting is concerned with matters listed in section 552b(c) (3), (4), (6), and (7) of title 5 of the United States Code, and that the meeting will not be open to the public.

The Commissioner of Internal Revenue has determined that this document is not a major rule as defined in Executive Order 12291 and that a regulatory impact analysis therefore is not required. Neither does this document constitute a rule subject to the Regulatory Flexibility Act (5 U.S.C. chapter 6).

Michael P. Dolan,

Acting Commissioner.

[FR Doc. 93–6913 Filed 3–25–93; 8:45 am]

BILLING CODE 4830–01–M

UNITED STATES INFORMATION AGENCY

Culturally Significant Object Imported for Exhibition Determination; Sacred Banner of Greek Revolution of 1821

Notice is hereby given of the following determination: Pursuant to the authority vested in me by the Act of October 19, 1965 (79 Stat. 985, 22 U.S.C. 2459), Executive Order 12047 of March 27, 1978 (43 FR 13359, March 29, 1978), and Delegation Order No. 85–5 of June 27, 1985 (50 FR 27393, July 2, 1985), I hereby determine that the object to be displayed, "the sacred banner of the Greek Revolution of 1821", imported from abroad for the temporary exhibition without profit within the United States, is of cultural significance. This object is imported pursuant to a loan agreement with the foreign lender. I also determine that the temporary exhibition or display of the objects during the Greek Independence Day celebrations in New York, New York, from on or about Friday March 26 to April 3, 1993, is in the national interest.

Public notice of this determination is ordered to be published in the **Federal Register.**

Dated: March 23, 1993.

R. Wallace Stuart,

Acting General Counsel.

[FR Doc. 93–7145 Filed 3–24–93; 2:46 pm]

BILLING CODE 8230–01–M

Sunshine Act Meetings

Federal Register
Vol. 58, No. 57
Friday, March 26, 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).

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 58 FR 14624, Thursday, March 18, 1993.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 2 p.m. (Eastern Time) Thursday, March 25, 1993.

CHANGE IN THE MEETING:

Open Session

Item No. 3.
Interim Procedural Regulations Implementing Sections 320 & 321 of The Civil Rights Act of 1991 has been removed from the Agenda.

CONTACT PERSON FOR MORE INFORMATION: Frances M. Hart, Executive Officer, on (202) 663–4070.

Date: March 24, 1993.

Frances M. Hart,

Executive Officer, Executive Secretariat.

[FR Doc. 93–7153 Filed 3–24–93; 2:41 pm]

BILLING CODE 6750–06–M

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

TIME AND DATE: 10 a.m., Thursday, March 25, 1993.

PLACE: Room 600, 1730 K Street, NW., Washington, DC.

STATUS: Open.

MATTERS TO BE CONSIDERED: In addition to the matter announced previously, the Commission will consider and act upon the following:

2. *Reid v. Kiah Creek Mining Co.*, Docket No. KENT 92–237–D, etc. (Issues include whether the Commission should grant the joint petition for discretionary review filed by Reid and Kiah Creek Mining Co.)

No earlier announcement of the addition of this matter to the previously scheduled meeting was possible. Any person attending this meeting who requires special accessibility features and/or auxiliary aids, such as sign language interpreters, must inform the Commission in advance of those needs. Subject to 29 CFR § 2706.150(a)(3) and § 2706.160(e).

CONTACT PERSON FOR MORE INFORMATION: Jean Ellen (202) 653–5629 / (202) 708–9300 for TDD Relay / 1–800–877–8339 for toll fee.

Jean H. Ellen,

Agenda Clerk.

[FR Doc. 93–7168 Filed 3–24–93; 3:48 pm]

BILLING CODE 6735–01–M

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

TIME AND DATE: 10 a.m., Wednesday, March 31, 1993.

PLACE: Room 600, 1730 K Street, NW., Washington, DC.

STATUS: Open.

MATTERS TO BE CONSIDERED: The Commission will consider and act upon the following:

1. *Gilbert and Ross v. Shamrock Coal Co.*, Docket No. KENT 91–76–D etc. (Issues include whether the judge erred in finding that Shamrock discriminated against Gilbert & Ross in violation of 30 U.S.C. 815(c)(3), and in determining the monetary damages to be awarded.)

Any person attending this hearing who requires special accessibility features and/or auxiliary aids, such as sign language interpreters, must inform the Commission in advance of those needs. Subject to 29 CFR § 2706.150(a)(3) and § 2706.160(e).

TIME AND DATE: Immediately following oral argument.

STATUS: Closed [Pursuant to 5 U.S.C. § 552b(c)(10)].

MATTERS TO BE CONSIDERED: The Commission will consider and act upon the following:

1. *Gilbert and Ross v. Shamrock Coal Co.*, Docket No. KENT 91–76–D etc. (See Oral Argument Listing)

It was determined by unanimous vote of Commissioners that this meeting be held in closed session.

CONTACT PERSON FOR MORE INFORMATION: Jean Ellen (202) 653–5629/(202) 708–9300 for TDD Relay/1–800–877–8339 for toll free.

Jean H. Ellen,

Agenda Clerk.

[FR Doc. 93–7169 Filed 3–24–93; 3:48 pm]

BILLING CODE 6735–01–M

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

TIME AND DATE: 9 a.m., Wednesday, March 31, 1993.

PLACE: Marriner S. Eccles Federal Reserve Board Building, C Street entrance between 20th and 21st Streets, NW., Washington, DC 20551.

STATUS: Open.

MATTERS TO BE CONSIDERED:

1. Publication for comment on proposed rulemaking to revise the Board's risk-based capital guidelines to implement Section 305 of the Federal Deposit Insurance Corporation Improvement Act regarding concentration of credit risk and the risks of nontraditional activities. (Proposed earlier for public comment; Docket No. R–0764)

2. Publication for comment on proposed rulemaking to revise the Board's risk-based capital guidelines to implement Section 305 of the Federal Deposit Insurance Corporation Improvement Act regarding interest rate risk. (Proposed earlier for public comment; Docket No. R–0764)

3. Any items carried forward from a previously announced meeting.

Note: This meeting will be recorded for the benefit of those unable to attend. Cassettes will be available for listening in the Board's Freedom of Information Office, and copies may be ordered for $5 per cassette by calling (202) 452–3684 or by writing to: Freedom of Information Office, Board of Governors of the Federal Reserve System, Washington, DC 20551.

CONTACT PERSON FOR MORE INFORMATION: Mr. Joseph R. Coyne, Assistant to the Board; (202) 452–3204.

Date: March 24, 1993.

William W. Wiles,

Secretary of the Board.

[FR Doc. 93–7084 Filed 3–24–93; 10:50 am]

BILLING CODE 6210–01–M

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

TIME AND DATE: Approximately 10:30 a.m., Wednesday, March 31, 1993, following a recess at the conclusion of the open meeting.

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.

Date: March 24, 1993.

William W. Wiles,

Secretary of the Board.

[FR Doc. 93–7085 Filed 3–24–93; 10:50 am]

BILLING CODE 6210–01–M

SECURITIES AND EXCHANGE COMMISSION

Agency Meetings

Notice is hereby given, pursuant to the provisions of the Government in the Sunshine Act, Public Law 94–409, that the Securities and Exchange Commission hold the following meetings during the week of March 29, 1993.

An open meeting will be held on Monday, March 29, 1993, at 2 p.m., in Room 1C30.

A closed meeting will be held on Tuesday, March 30, 1993, at 2:30 p.m.

Commissioners, Counsel to the Commissioners, the Secretary to the Commission, and recording secretaries will attend the closed meeting. Certain staff members who have an interest in the matters may also be present.

The General Counsel of the Commission, or his designee, has certified that, in his opinion, one or more of the exemptions set forth in 5 U.S.C. 552b(c) (4), (8), (9)(A) and (10) and 17 CFR 200.402(a) (4), (8), (9)(i) and (10), permit consideration of the scheduled matters at a closed meeting.

Commissioner Beese, as duty officer, voted to consider the items listed for the closed meeting in a closed session.

The subject matter of the open meeting scheduled for Monday, March 29, 1993, at 2:00 p.m., will be:

The Commission will meet with representatives from the American Society of Corporate Secretaries to discuss a number of issues of mutual interest, including recent developments relating to dividend reinvestment plans, the investor registration option, employee stock option accounting, the Section 16 rules, the revised executive compensation disclosure rules, and the distribution of interim reports to beneficial owners.

For further information, please call James R. Budge at (202) 272–2589.

The subject matter of the closed meeting scheduled for Tuesday, March 30, 1993, at 2:30 p.m., will be:

Institution of administrative proceedings of an enforcement nature.

Institution of injunctive actions.

Reject Settlement of administrative proceedings of an enforcement nature.

Settlemen of injunctive action.

Consideration of *amicus* participation.

At times, changes in Commission priorities require alterations in the scheduling of meeting items. For further information and to ascertain what, if any, matters have been added, deleted or postponed, please contact: Walter Stahr (202) 272–2000.

Dated: March 24, 1993.

Jonathan G. Katz,

Secretary.

[FR Doc. 93–7170 Filed 3–24–93; 4:00 pm]

BILLING CODE 8010–01–M

Corrections

Federal Register
Vol. 58, No. 57
Friday, March 26, 1993

This section of the FEDERAL REGISTER contains editorial corrections of previously published Presidential, Rule, Proposed Rule, and Notice documents. These corrections are prepared by the Office of the Federal Register. Agency prepared corrections are issued as signed documents and appear in the appropriate document categories elsewhere in the issue.

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Parts 611 and 675

[Docket No. 921185–3021]

Foreign Fishing; Groundfish of the Bering Sea and Aleutian Islands Area

Correction

In rule document 93–3579 beginning on page 8703 in the issue of Wednesday, February 17, 1993 make the following correction:

On page 8705, in table 1, in the last column, the final entry for "Other Species" is corrected to read "22,610".

BILLING CODE 1505–01–D

OFFICE OF PERSONNEL MANAGEMENT

5 CFR Part 297

RIN 3206–AF03

Privacy Act of 1974; Personnel Records

Correction

In rule document 92–28877 appearing on page 56732 in the issue of Monday, November 30, 1992, make the following correction:

In the first column, under **SUPPLEMENTARY INFORMATION:**, in the second paragraph, in the third line, "is a party" should read "is not a party".

BILLING CODE 1505–01–D

federal register

Friday
March 26, 1993

Part II

Department of the Interior

Bureau of Indian Affairs

Approval of Petition for Reassumption of Jurisdiction by the Metlakatla Indian Community Over Indian Child Custody Proceedings; Correction to Notice

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

Approval of Petition for Reassumption of Jurisdiction by the Metlakatla Indian Community Over Indian Child Custody Proceedings Involving Indian Children Who Are Enrolled or Eligible for Enrollment With the Metlakatla Indian Community or Who Reside or Are Domiciled on the Annette Islands Reserve in Alaska

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Correction to notice.

SUMMARY: This notice is written to correct the Notice published in the Federal Register. The Notice document 93–4466, on page 11766 in the issue of Friday, February 26, 1993, Vol. 58, No. 37.

The title of the notice should read: Approval of Petition for Reassumption of Concurrent Jurisdiction by the Metlakatla Indian Community Over Indian Child Custody Proceedings Involving Indian Children Who Are Enrolled or Eligible for Enrollment with the Metlakatla Indian Community or Who Reside or Are Domiciled on the Annette Islands Reserve in Alaska. The word concurrent has been added.

The Summary paragraph on Page 11766, in the first and second columns should read: The Metlakatla Indian Community of Alaska has filed a petition with the Department of the Interior to reassume concurrent jurisdiction over child custody proceedings involving Indian children who are enrolled or eligible for enrollment with the Metlakatla Indian Community or who reside or are domiciled on the Annette Islands Reserve in Alaska. The Assistant Secretary—Indian Affairs has reviewed the petition and determined that tribal exercise of concurrent jurisdiction is feasible and that the tribe has a suitable plan for exercising such jurisdiction. This notice constitutes the official approval of the Metlakatla Indian Community's petition by the Department of the Interior.

The word exclusive is replaced by the word concurrent.

Dated: March 19, 1993.

Patrick A. Hayes,

Acting Assistant Secretary, Indian Affairs.

[FR Doc. 93–6925 Filed 3–25–93; 8:45 am]

BILLING CODE 4310–02–M

federal register

Friday
March 26, 1993

Part III

Department of the Interior

Bureau of Indian Affairs

Indian Child Welfare Act; Receipt of Designated Tribal Agents for Service of Notice; Notice

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

Indian Child Welfare Act; Receipt of Designated Tribal Agents for Service of Notice

AGENCY: Bureau of Indian Affairs, Department of Interior.

ACTION: Notice.

SUMMARY: This notice is published in exercise of authority delegated by the Secretary of the Interior to the Assistant Secretary, Indian Affairs by 209 DM 8.

The regulations implementing the Indian Child Welfare Act provide that Indian tribes may designate an agent other than the tribal chairman for service of notice proceedings under the Act, 25 CFR 23.12. The Secretary of the Interior shall publish in the **Federal Register** on an annual basis the names and addresses of the designated agents.

This is the current list of Designated Tribal Agents for service of notice, and includes the listings of designated tribal agents received by the Secretary of the Interior prior to the date of this publication.

ADDRESSES: Bureau of Indian Affairs, Division of Social Services, Code 450, Mail Stop 310–SIB, 1849 C Street, NW., Washington, DC 20240.

FOR FURTHER INFORMATION CONTACT: David L. Hickman, Chief, Division of Social Services, address given above, telephone, (202) 208–2721.

Designated Tribal Agents

Aberdeen Area: Area Social Worker; 115 4th Avenue, SE., Aberdeen, South Dakota 57401, 605/226–7351.

Cheyenne River Sioux Tribe of the Cheyenne River Reservation; South Dakota, P.O. Box 590, Eagle Butte, South Dakota 57625; Director, Indian Child Welfare Program; 605/964–4155.

Crow Creek Sioux Tribe of the Crow Creek Sioux Reservation, P.O. Box 50, Fort Thompson, South Dakota 57339; Social Services Director; 605/245–2221.

Devil's Lake Sioux Tribe of the Devil's Lake Sioux Reservation, North Dakota, Fort Totten, North Dakota 58335; Social Services Director, Tribal Social Services; 701/766–4221.

Flandreau Santee Sioux Tribe; P.O. Box 283; Flandreau Field Office; Flandreau, South Dakota 57028; Social Services Director; 605/997–3844.

Lower Brule Sioux Tribe of the Lower Brule Reservation, South Dakota; Lower Brule, South Dakota 57548; Chairman; 605/473–5561.

Oglala Sioux Tribe of the Pine Ridge Reservation, South Dakota; P.O. Box 537; Kyle, South Dakota 57752, Administrator, ONTRAC; 605/455–2596.

Omaha Tribe of Nebraska, P.O. Box 368, Macy, Nebraska 68039; Social Services Director; 402/837–5391.

Ponca Tribe of Nebraska; P.O. Box 228; Niobrara, Nebraska 68760; Social Services Director; No phone number listed.

Rosebud Sioux Tribe of the Rosebud Indian Reservation, South Dakota, P.O. Box 460, Rosebud, South Dakota 57570; Juvenile Judge, Rosebud Sioux Tribal Court, 605/747–2278 and/or Social Services Director; 605/747–2258.

Santee Sioux Tribe of Nebraska; Route 2; Niobrara, Nebraska 68760; Social Services Director; 402/857–3302.

Sisseton-Wahpeton Sioux Tribe of the Lake Traverse Reservation, South Dakota; Sisseton-Wahpeton Sioux Tribal Court, P.O. Box 568; Agency Village, South Dakota 57262; Indian Child Welfare Act Specialist/Advocate; 605/698–3120.

Standing Rock Sioux Tribe of North Dakota; P.O. Box D; Fort Yates, North Dakota 58538; Social Services Director; 701/854–7201.

Three Affiliated Tribes of the Fort Berthold Reservation; North Dakota, P.O. Box 669, New Town, North Dakota 58763; Director, Tribal Social Services; 701/627–3731.

Turtle Mountain Band of Chippewa Indians of North Dakota; Turtle Mountain Tribal Office, Community Center Building, Belcourt, North Dakota 58316; Chief Tribal Judge; 701/477–6451.

Winnebago Tribe of Nebraska; P.O. Box 687; Winnebago, Nebraska 68071; Social Services Director; 402/878–2272.

Yankton Sioux Tribe of South Dakota; Box 248; Marty, South Dakota 57361; Social Services Director; 605/384–3641.

Albuquerque Area: Area Social Worker; P.O. Box 26567; Albuquerque, New Mexico; 87125–6567; 505/766–3321.

Pueblo of Acoma; P.O. Box 328; Acomita, New Mexico 87034; Social Services Director; 505/552–6604.

Pueblo of Cochiti; P.O. Box 70; Cochiti, New Mexico 87041; Governor; 505/465–2244.

Pueblo of Isleta; P.O. Box 1270; Isleta, New Mexico 87022; Social Services Director; 505/869–3111.

Pueblo of Jemez; P.O. Box 100; Jemez Pueblo, New Mexico 87024; Tribal Court Clerk; 505/834–7359; Social Services Director; 505/834–7359.

Jicarilla Apache Tribe of the Jicarilla Apache Indian Reservation, New Mexico; Jicarilla Apache Tribal Court, P.O. Box 221, Dulce, New Mexico 87525–0221; Chief Judge; 505/759–3366; Census Office, P.O. Box 507, Dulce, New Mexico 87525–0507; 505/759–3242; Emergencies and After Working Hours, Jicarilla Apache Police Department; P.O. Box 507, Dulce, New Mexico 87528–0507; 505/759–3222.

Pueblo of Laguna; P.O. Box 194; Laguna, New Mexico 87026; Social Services Director; 505/552–9712.

Mescalero Apache Tribe of the Mescalero Reservation, New Mexico; Mescalero Apache Tribal Court, P.O. Box 176, Mescalero, New Mexico 88340; Judge; 505/671–4779.

Pueblo of Nambe; Route 1, Box 117–BB, Santa Fe, New Mexico 87501; Community Health Representative; 505/455–7752.

Pueblo of Picuris; P.O. Box 127, Penasco, New Mexico 87553; Tribal Administrator; 505/587–2519.

Pueblo of Pojoaque; Route 11, Box 71; Santa Fe, New Mexico 87501; Governor; 505/455–2278.

Pueblo of Sandia; P.O. Box 6008; Bernalillo, New Mexico 87004; Governor; 505/867–3317.

Pueblo of San Felipe; P.O. Box L; San Felipe Pueblo, New Mexico 87001; Social Services Director; 505/867–9740.

Pueblo of San Ildefonso; Route 5, Box 315–A; Santa Fe, New Mexico 87501; Social Services Director; 505/455–2273.

Pueblo of San Juan; P.O. Box 1099; San Juan Pueblo, New Mexico 87566; 505/852–4400.

Pueblo of Santa Ana; Star Route—Box 37; Bernalillo, New Mexico 87004; Chief Judge; 505/867–3301.

Pueblo of Santa Clara; P.O. Box 580; Espanola, New Mexico 87532; 505/753–7326.

Pueblo of Santo Domingo; P.O. Box 99; Santo Domingo Pueblo, New Mexico 87052; Social Services Director; 505/465–2214.

Southern Ute Indian Tribe of the Southern Ute Reservation, Colorado; P.O. Box 737; Ignacio, Colorado 81137; Director, Tribal Social Services; 1/800/772–1236.

Pueblo of Taos; P.O. Box 1846; Taos, New Mexico 87571; Governor; 505/758–9593.

Pueblo of Tesuque; Route 11 Box 1; Santa Fe, New Mexico 87501; 505/983–2667.

Pueblo of Zia; General Delivery; San Ysidro, New Mexico 87053; Social Services Director; 505/867–3304.

Ute Mountain Tribe of the Ute Mountain Reservation, Colorado, New Mexico and Utah; General Delivery; Towaoc, Colorado 81334; Director, Tribal Social Services; 303/565–3751 ext. 265.

Ysleta del Sur Pueblo of Texas; P.O. Box 17579, Ysleta Station; El Paso, Texas 79917; Social Services Specialist; 915/859–7913.

Zuni Tribe of the Zuni Reservation, New Mexico; P.O. Box 339, Zuni, New Mexico 87327; Director, Tribal Social Services, 505/782–4481 ext. 141.

Anadarko Area: Area Social Worker; P.O. Box 368; WCD Office Complex; Anadarko, Oklahoma 73005; 405/247–6673 ext. 257.

Absentee-Shawnee Tribe of Indians of Oklahoma; 2025 S. Gordon Cooper Drive, Shawnee, Oklahoma 74801; Governor; 405/275–4030.

Alabama-Coushatta Tribe of Texas; Route 3, Box 640; Livingston, Texas 77351; Chairperson; 409/563–4391.

Apache Tribe of Oklahoma; P.O. Box 1220; Anadarko, Oklahoma 73005; Chairman; 405/247–9493.

Caddo Indian Tribe of Oklahoma; P.O. Box 487; Binger, Oklahoma 73009; Chairman; 405/656–2344.

Cheyenne-Arapaho Tribes of Oklahoma; P.O. Box 38; Concho, Oklahoma 73022; Chairman; 405/262–0345.

Citizen Band Potawatomi Indian Tribe of Oklahoma; 1901 S. Gordon Cooper Drive; Shawnee, Oklahoma 74801; Chairman; 405/275–3125.

Comanche Indian Tribe of Oklahoma; HC–32, P.O. Box 1720; Lawton, Oklahoma 73502; Chairman; 405/492–4988/248–7724.

Delaware Tribe of Western Oklahoma; P.O. Box 825; Anadarko, Oklahoma 73005; President; 405/247–2448.

Fort Sill Apache Tribe of Oklahoma; Route 2, Box 121; Apache, Oklahoma 73006; Chairperson; 405/588–2298.

Iowa Tribe of Kansas; Route 1, Box 58A; White Cloud, Kansas 66094; Chairman; 913/595–3258.

Iowa Tribe of Oklahoma; Iowa Veterans Hall; P.O. Box 190; Perkins, Oklahoma 74059; Chairman; 405/547–2403.

Kaw Indian Tribe of Oklahoma; Drawer 50; Kaw City, Oklahoma 74641; Chairperson; 405/269–2552.

Kickapoo Tribe of Indians of the Kickapoo Reservation in Kansas; P.O. Box 271; Horton, Kansas 66349; Chairman; 913/486–2131.

Kickapoo Traditional Tribe of Texas; P.O. Box 972; Eagle Pass, Texas 78853; Chairman; 512/773–2105.

Kickapoo Tribe of Oklahoma; P.O. Box 70; McLoud, Oklahoma 74851; Chairman; 405/964–2075.

Kiowa Indian Tribe of Oklahoma; P.O. Box 369; Carnegie, Oklahoma 73015; Chairman; 405/654–2300.

Otoe-Missouria Tribe of Oklahoma; Route 1, P.O. Box 62; Red Rock, Oklahoma 74651; Chairperson; 405/723–4434.

Pawnee Indian Tribe of Oklahoma; P.O. Box 470; Pawnee, Oklahoma 74058; President; 918/762–3624.

Ponca Tribe of Indians of Oklahoma; P.O. Box 2; White Eagle; Ponca City, Oklahoma 74601; Chairman; 405/762–8104.

Prairie Band of Potawatomi Indians of Kansas; Route 2, Box 50A; Mayetta, Kansas 66509; Chairman; 913/966–2255.

Sac & Fox Tribe of Missouri in Kansas and Nebraska; Route 1, P.O. Box 60; Reserve, Kansas 66434; Chairperson; 913/742–7471.

Sac & Fox Nation; Route 2, Box 246; Stroud, Oklahoma 74079; Principal Chief; 918/968–3526.

Tonkawa Tribe of Indians of Oklahoma; P.O. Box 70 Tonkawa, Oklahoma 74653; President; 405/628–2561.

Witchita Indian Tribe of Oklahoma; P.O. Box 729; Anadarko, Oklahoma 73005; President; 405/247–2425.

Billings Area: Area Social Worker; 316 North 26th Street; Billings, Montana 59101; 406/657–6651.

Arapahoe Tribe of the Wind River Reservation, Wyoming; P.O. Box 217; Fort Washakie, Wyoming 82514; Chairman; 307/332–6120.

Blackfeet Tribe of the Blackfeet Indian Reservation of Montana; P.O. Box 850; Browning, Montana 59417; Director, Indian Child Welfare Program; 406/338–7806.

Chippewa-Cree Tribe of the Rocky Boy Reservation of Montana; Rocky Boy Route—P.O. Box 544; Box Elder, Montana 59521; Chairman; 406/395–4282.

Crow Tribe of the Crow Reservation of Montana; P.O. Box 489; Crow Agency, Montana 59022; Chairperson; 406/638–2303.

Fort Belknap Indian Community of the Fort Belknap Reservation of Montana; P.O. Box 525; Harlem, Montana 59034; Tribal Attorney; 406/353–2205.

Assiniboine and Sioux Tribes of the Fort Peck Indian Reservation, Montana; P.O. Box 1027; Poplar, Montana 59255; Chairman; 406/768–5155.

Northern Cheyenne Tribe of the Northern Cheyenne Reservation; P.O. Box 128; Lame Deer, Montana 59043; Director, Tribal Social Services; 406/477–8321.

Shoshone Tribe of the Wind River Reservation, Wyoming; P.O. Box 217; Fort Washakie, Wyoming 82514; Chairman; 307/332–3532.

Eastern Area: Area Social Worker; 3701 N. Fairfax Drive; Mail Stop–260 Virginia Square; Arlington, Virginia 22203; 703/235–2353.

Aroostook Band of Micmac Indians of Maine; P.O. Box 772; Presque Isle, Maine 04769; President; 207/764–1972.

Cayuga Nation of New York, P.O. Box 11, Versailles, New York 14168; Indian Child Welfare Worker; 716/532–4847.

Chitimacha Tribe of Louisiana; P.O. Box 661; Charenton, Louisiana 70523; Health Director; 318/923–7215.

Mississippi Band of Choctaw Indians; P.O. Box 6010; Choctaw Branch; Philadelphia, Mississippi 39350; Chief; 601/656–5251.

Coushatta Tribe of Louisiana; P.O. Box 818; Elton, Louisiana 70532; Chairman; 318/584–2261.

Eastern Band of Cherokee Indians of North Carolina; Qualla Boundary: P.O. Box 455; Cherokee, North Carolina 28719; Principal Chief; 704/497–2771.

Houlton Band of Maliseet Indians of Maine; P.O. Box 576; Houlton, Maine 04730; Chairman; 207/532–4273.

Mashantucket Pequot Tribe of Connecticut; P.O. Box 160; Ledyard, Connecticut 06339; Chairman; 203/536–2681.

Miccosukee Tribe of Indians of Florida; P.O. Box 440021; Tamiami Station; Miami, Florida 33144; Chairman; 305/223–8380.

Narragansett Indian Tribe of Rhode Island; P.O. Box 268; Charleston, Rhode Island 02813; Chief Sachem; 401/364–1100.

Oneida Nation of New York; 101 Canal Street; Canastota, New York 13032; Tribal Leader; 315/697–8251.

Onondaga Nation of New York; P.O. Box 278; Nedrow, New York 13120; Head Chief; 315/469–8507.

Passamaquoddy Tribe of Maine; Indian Township Reservation; P.O. Box 301; Princeton, Maine 04668; Governor; 207/796–2301.

Passamaquoddy Tribe of Maine; Pleasant Point Reservation; P.O. Box 343; Perry, Maine 04667; Governor; 207/853–2551.

Penobscot Nation of Maine; Community Building—Indian Island; Old Town, Maine 04468; Governor; 207/827–7776.

Poarch Band of Creek Indians of Alabama; Route 3, Box 243–A; Atmore, Alabama 36502; Chairman; 205/368–9136.

Seminole Tribe of Florida; 6073 Stirling Road; Hollywood, Florida 33024; Chairman; 305/584–0400.

Seneca Nation of New York; Genevieve Plummer Building; P.O. Box 231, Salamanca, New York 14779; Clerk-SNI; 716/945–5862.

St. Regis Band of Mohawk Indians of New York; St. Regis Reservation, Hogansburg, New York 13655; Director, Human Services, 518/358–2272.

Tonawanda Band of Senecas Indians of New York; 7027 Meadville Road; Basom, New York 14013; Chief; 716/542–9942.

Tunica-Biloxi Indian Tribe of Louisiana; P.O. Box 311; Marksville. Louisiana 71351; Chairman; 318/253–9767.

Tuscarora Nation of New York; 5616 Walmore Road; Lewiston, New York 14092; Chief; 716/297–4990.

Gay Head Wampanoag Indians of Massachusetts; State Road; P.O. Box 137; Gay Head, Maine 02535; Coordinator, Human Services Program; 508/645–9265.

Juneau Area: Area Social Worker, P.O. Box 25520, 9109 Menden Hall Mall Road; Juneau, Alaska 99802–5520; 907/586–7169.

Native Village of Akhiok; Box 5030; Akhiok, Alaska 99615; President; 907/836–2229.

Akiachak Native Community; P.O. Box 70; Akiachak, Alaska 99551; President; 907/825–4626.

Akiak Native Community; P.O. Box 52165; Akiak, Alaska 99552; President; 907/765–7112.

Native Village of Akutan; P.O. Box 89; Akutan, Alaska 99553; President; 907/698–2232 (message).

Village of Alakanuk; P.O. Box 167; Alakanuk, Alaska 99554; President; 907/238–3313.

Alatna Village Council; General Delivery; Alatna, Alaska 99720; Chief; 907/456–0222.

Native Village of Aleknagik; (aka Alegnagik); P.O. Box 115; Aleknagik, Alaska 99555; President; 907/842–2229.

Native Village of Algaaciq (aka St. Mary's); P.O. Box 48; St. Mary's, Alaska; 99658; President; 907/438–2932.

Allakaket Traditional Council; General Delivery; Allakaket, Alaska 99720; First Chief; 907/968–2241 (message).

Ambler Traditional Council; P.O. Box 47; Ambler, Alaska 99706; President; 907/445–2180 (message).

Anaktuvuk Pass Village; General Delivery; Anaktuvuk Pass, Alaska 99721; President; 907/661–3113.

Angoon Community Association; P.O. Box 188; Angoon, Alaska 99820; President; 907/788–3411.

Village of Aniak, P.O. Box 176; Aniak, Alaska 99557; President; 907/675/4349.

Anvik Village; General Delivery; Anvik, Alaska 99558; Chief; 907/663–6335.

Arctic Village Traditional Council; P.O. Box 22050; Arctic Village, Alaska 99722; Chief; 907/587–5320.

Native Village of Atka; Atka Rural Branch; Atka, Alaska 99502; President; 907/767–8001.

Village of Atmautluak; P.O. Box ATT; Atmautluak, Alaska 99559; President; 907/563–5610.

Atqasuk Village Council; General Delivery; via Barrow (Atqasuk), Alaska 99723; President; 907/456–0222.

Native Village of Barrow; P.O. Box 1139; Barrow, Alaska 99723; President; 907/852–4411.

Beaver Village Council; P.O. Box 24029; Beaver, Alaska 99724; 1st Chief; 907/628–6126.

Native Village of Belkofsky (aka Belkofski); General Delivery; Belkofski, Alaska 99695; President; 907/497–2260.

Bethel—See Orutsaramuit Native Council

Native Village of Bill Moore's Slough; General Delivery; Kotlik, Alaska 99620; Tribal Chairman; 907/899–4712.

Birch Creek Village Council; P.O. Box KBC; Fort Yukon, Alaska 99740; Chief; 907/221–9133.

Native Village of Brevig Mission; General Delivery; Brevig Mission, Alaska 99785; President; 907/642–3851.

Native Village of Buckland; General Delivery; Buckland, Alaska 99727; President; 907/494–2121.

Native Village of Cantwell; P.O. Box 94; Cantwell, Alaska 99729; President; 907/768–2151.

Central Council Tlingit and Haida Indian Tribe of Alaska; 320 W. Willoughby Avenue, Suite 300; Juneau, Alaska 99501; President; 907/586–1432.

Chalkyitsik Village Council; P.O. Box 57; Chalkyitsik, Alaska 99788; Chief; 907/848–8893.

Native Village of Chenega; P.O. Box 8079; Chenega Bay, Alaska 99574; President; 907/573–5151.

Chefornak Traditional Council; P.O. Box 29; Chefornak, Alaska 99561; President; 907/867–8850.

Chevak Traditional Council; P.O. Box 5514; Chevak, Alaska 99563; President; 907/858–7428.

Native Village of Chickaloon; P.O. Box 1105; Chickaloon, Alaska 99674; President; 907/746–0505.

Native Village of Chignik; General Delivery; Chignik, Alaska 99563; President; 907/749–8001.

Native Village of Chignik Lagoon; General Delivery; Chignik Lagoon, Alaska 99565; President; 907/840–2206.

Chignik Lake Village; P.O. Box 33; Chingnik Lake, Alaska 99548; President; 907/845–2122.

Chilkat Indian Village of Klukwan; P.O. Box 525, Haines, Alaska 99827–0210; President; 907/767–5505.

Chilkoot Indian Association of Haines; P.O. Box 235; Haines, Alaska 99827; President; 907/766–2310.

Chinik Eskimo Community (aka Golovin); General Delivery; Golovin, Alaska 99762; President; 907/779–3521.

Native Village of Chistochina; P.O. Box 241; Gakona, Alaska 99586; President; 907/882–3503.

Native Village of Chitina; P.O. Box 31; Chitina, Alaska 99566; President; 907/823–2215.

Native Village of Chuathbaluk; P.O. Box CHU; Chuathbaluk, Alaska 99557; Chief; 907/467–4313.

Native Village of Chuloonawick; General Delivery; Chuloonawick, Alaska 99581; President; 907/949–1147.

Circle Native Community; General Delivery; Circle, Alaska 99733; Chief; 907/733–5498 (message).

Village of Clark's Point; P.O. Box 16; Clark's Point, Alaska 99569; President; 907/236–1221.

Copper Center—See Kluti-Kaah

Native Village of Council; P.O. Box 2050; Nome, Alaska 99762; President; 907/443–5715.

Craig Community Association; P.O. Box 244; Craig, Alaska 99921; Vice-President; 907/826–3247.

Native Village of Crooked Creek; P.O. Box 69; Crooked Creek, Alaska 99575; President; 907/432–2227.

Native Village of Deering; General Delivery; Deering, Alaska 99736; President; 907/363–2148.

Native Village of Dillingham; P.O. Box 216; Dillingham, Alaska 99576; President; 907/842–2384.

Native Village of Diomede (aka Inalik); General Delivery; Diomede, Alaska 99762; President; 907/686–3071.

Village of Dot Lake; P.O. Box 2272; Dot Lake, Alaska 99737; President; 907/882–2669.

Douglas Indian Association; P.O. Box 434; Douglas, Alaska 99824; President; No Phone Number Listed.

Village of Eagle; P.O. Box 19; Eagle, Alaska 99378; First Chief; 907/547–2271.

Native Village of Eek; P.O. Box 087; Eek, Alaska 99578; President; 907/536–5426.

Egegik Village; P.O. Box 189; Egegik, Alaska 99579; President; 907/233–2231.

Eklutna Native Village; 26339 Eklutna Village Road; Chugiak, Alaska 99567; President; 907/688–6020.

Native Village of Ekuk; General Delivery; Ekuk, Alaska 99576; President; 907/842–5937.

Ekwok Village; P.O. Box 49; Ekwok, Alaska 99580; President; 907/464–3311.

Native Village of Elim; P.O. Box 39070; Elim, Alaska 99739; President; 907/890–3071.

Emmonak Village; P.O. Box 126; Emmonak, Alaska 99581; President; 907/949–4720.

English Bay—See Nanwalek Village Council

Evansville Village; P.O. Box 26025; Evansville, Alaska 99726; Chief; 907/692–5467 (message).

Eyak Native Village; P.O. Box 1388; Cordova, Alaska 99574; President; 907/464–3622.

Native Village of False Pass; P.O. Box 29; False Pass, Alaska 99583; Vice President; 907/548–2227.

Native Village of Fort Yukon; P.O. Box 126; Fort Yukon, Alaska 99740; Executive Director; 907/662–2581.

Native Village of Gakona; P.O. Box 124; Gakona, Alaska 99586; President; 907/822–3497.

Fortuna Ledge—See Marshall

Galena Village; P.O. Box 182; Galena, Alaska 99741; Chief; 907/656–1666.

Native Village of Gambell; P.O. Box 133; Gambell, Alaska 99742; President; 907/985–5014.

Native Village of Georgetown; General Delivery; Georgetown, Alaska; 907/543–2726.

Golovin—See Chinik Eskimo Community

Native Village of Goodnews Bay; P.O. Box 03; Goodnews Bay, Alaska 99589; President; 907/967–8929.

Organized Village of Grayling (aka Holikachuk); General Delivery; Grayling, Alaska 99590; President; 907/453–5128.

Gulkana Village; P.O. Box 254; Gakona, Alaska 99701; President; 907/822–5113.

Native Village of Hamilton; General Delivery; Kotlik, Alaska 99620; President; 907/899–4313.

Healy Lake Village: P.O. Box 667; Delta Junction, Alaska 99737; President; 907/456–0222.

Holikachuk—See Grayling

Holy Cross Village Council; P.O. Box 203; Holy Cross, Alaska 99602; Chief; 907/476–7134.

Hoonah Indian Association; P.O. Box 144; Hoonah, Alaska 99829; President; 907/945–3600.

Native Village of Hooper Bay; P.O. Box 2193; Hooper Bay, Alaska 99604; President; 907/758–4915.

Hughes Village; P.O. Box 45010; Hughes, Alaska 99745; Chief; 907/899–2206.

Huslia Village Council; P.O. Box 10; Huslia, Alaska 99746; Chief; 907/829–2256.

Hydaburg Cooperative Association; P.O. Box 305; Hydaburg, Alaska 99922; President; 907/285–3761.

Igiugig Village; P.O. Box 4008; Igiugig, Alaska 99613; President; 907/533–3211.

Native Village of Iliamna; P.O. Box 286; Iliamna, Alaska 99606; President; 907/571–1246.

Inalik—See Diomede

Inupiat Community of Arctic Slope; P.O. Box 1232; Barrow, Alaska 99723; President; 907/852–6907.

Ivanoff Bay Village; P.O. Box KIB; Ivanoff Bay, Alaska 99502; President; 907/699–2204.

Kaguyak—See Akhiok

Organized Village of Kake; P.O. Box 316; Kake, Alaska 99830–0316; President; 907/785–6471.

Kaktovik Village; P.O. Box 8; Kaktovik, Alaska 99747; President; 907/640–6120.

Village of Kalskag; General Delivery; Kalskag, Alaska 99607; President; 907/471–2248.

Native Village of Kaltag; P.O. Box 9; Kaltag, Alaska 99748; Chief; 907/534–2230.

Native Village of Kanatak; c/o BIA Anchorage Agency; 1675 "C" Street; Anchorage, Alaska 99501; President; 907/271–4111 (BIA).

Native Village of Karluk; P.O. Box 22; Karluk, Alaska 99608; President; 907/241–2224.

Organized Village of Kasaan; General Delivery; Kasaan, Alaska 99924; President; 907/542–2214.

Native Village of Kasigluk; P.O. Box 19; Kasigluk, Alaska 99609; President; 907/477–6927.

Kenaitze Indian Tribe; P.O. Box 988; Kenai, Alaska 99611; Chairperson; 907/283–3633.

Ketchikan Indian Corporation; 429 Deermount Avenue; Ketchikan, Alaska 99901; President; 907/225–5158.

Native Village of Kiana; P.O. Box 69; Kiana, Alaska 99749; President; 907/475–2109.

Agdaagux Tribe of King Cove; P.O. Box 38; King Cove, Alaska 99612; President; 907/497–2312.

King Island Native Community; P.O. Box 992; Nome, Alaska 99762; Chief; 907/443–5494 (IRA) or 907/443–5487.

Native Village of Kipnuk; P.O. Box 57; Kipnuk, Alaska 99614; President; 907/896–5515.

Native Village of Kivalina; P.O. Box 50051; Kivalina, Alaska 99750; President; 907/645–2153.

Klawock Cooperative Association; P.O. Box 112; Klawock, Alaska 99925; President; 907/755–2265.

Native Village of Kluti-Kaah (aka Copper Center); P.O. Box 68; Copper Center, Alaska 99573; President; 907/822–5541.

Knik Village; P.O. Box 872130; Wasilla, Alaska 99687; President; 907/373–2161.

Native Village of Kobuk; General Delivery; Kobuk, Alaska 99751; President; 907/948–2214.

Kokhanok Village; P.O. Box 1007; Kokhanok, Alaska 99606; President; 907/282–2202.

Koliganek Village; P.O. Box 1007; Koliganek, Alaska 99606; President; 907/282–2202.

Kongiganak Native Village; P.O. Box 5069; Kongiganak, Alaska 99559; President; 907/557–5226.

Village of Kotlik; P.O. Box 20096; Kotlik, Alaska 99620; President; 907/899–4326.

Native Village of Kotzebue; P.O. Box 296; Kotzebue, Alaska 99752; President; 907/442–3467.

Native Village of Koyuk; P.O. Box 30; Koyuk, Alaska 99753; President; 907/963–3651.

Koyukuk Native Village; P.O. Box 49; Koyukuk, Alaska 99754; Chief; 907/927–2214.

Organized Village of Kwethluk; P.O. Box 84; Kwethluk, Alaska 99621; President; 907/757–6714.

Native Village of Kwigillingok; P.O. Box 49; Kwigillingok, Alaska 99622; President; 907/588–8114.

Native Village of Kwinhagak (aka Quinhagak); General Delivery; Quinhagak, Alaska 99655; President; 907/556–8449.

Native Village of Larsen Bay; P.O. Box 35; Larsen Bay, Alaska 99624; President; 907/847–2207.

Levelock Village; General Delivery; Levelock, Alaska 99625; President; 907/287–3030.

Lime Village; General Delivery; Lime Village, Alaska 99627; President; 907/526–5126.

Village of Lower Kalskag; P.O. Box 27, Lower Kalsag, Alaska 99626; President; 907/471–2307.

Manley Hot Springs Village; General Delivery; Manley Hot Springs, Alaska 99756; President; 907/672–3331.

Manokotak Village; P.O. Box 169; Manokotak, Alaska 99628; President 907/289–1027.

Native Village of Marshall (aka Fortuna Ledge); P.O. Box 10; Fortuna Ledge, Alaska 99585; President; 907/679–6215.

Village of Mary's Igloo; P.O. Box 571; Teller, Alaska 99778; President; 907/642–3731.

McGrath Native Village; P.O. Box 134; McGrath, Alaska 99627; President; 907/524–3024.

Native Village of Mekoryuk; P.O. Box 66; Mekoryuk, Alaska 99630; President; 907/827–8828.

Mentasta Lake Village (aka Mentasta Lake); General Delivery; Tok, Alaska 99780; President; 907/291–2319.

Native Village of Minto; P.O. Box 26; Minto, Alaska 99758; Chief; 907/789–7112.

Native Village of Mountain Village; P.O. Box 32249; Mountain Village, Alaska 99632; President; 907/591–2048.

Naknek Native Village; P.O. Box 106; Naknek, Alaska 99633; President; 907/246–4210.

Nanwalek Village Council (aka English Bay); General Delivery; English Bay, Alaska 99603; President; 907/281–9219.

Native Village of Napakiak; General Delivery; Napakiak, Alaska 99634; President; 907/589–2227

Native Village of Napamute; P.O. Box 96; Aniak, Alaska 99557; President; 907/543–2726.

Native Village of Napaskiak; P.O. Box 6109; Napaskiak, Alaska 99559; President; 907/737–7626.

Village of Nelson Lagoon; General Delivery; Nelson Lagoon, Alaska 99571; President; 907/989–2305.

Nenana Native Association; P.O. Box 356; Nenana, Alaska 99760; Chief; 907/832–5662.

Newhalen Village; P.O. Box 207; Iliamna, Alaska 99606; President; 907/571–2410.

New Stuyahok Village; P.O. Box 49; New Stuyahok, Alaska 99636; President; 907/693–3173.

Network Village; General Delivery; Netwok, Alaska 99559; President; 907/237–2314.

Native Village of Nightmute; General Delivery; Nightmute, Alaska 99690; President; 907/647–6427.

Nikolai village; Nikolai Rural Branch; Nikolai, Alaska 99691; First Chief; 907/293–2226.

Village of Nikolski; General Delivery; Nikolski, Alaska 99638; President; 907/576–2208.

Ninilchik Village Traditional Council; P.O. Box 39070; Ninilchik, Alaska 99639; President; 907/567–3313.

Native Village of Noatak; General Delivery; Noatak, Alaska 99761; President; 907/485–2173.

Nome Eskimo Community; P.O. Box 401; Nome, Alaska 99762; President; 907/443–2246.

Nondalton Village Council; General Delivery; Nondalton, Alaska 99640; President; 907/271–2254.

Noorvik Native Community; P.O. Box 71; Noorvik, Alaska 99763; President; 907/636–2144.

Northway Village; P.O. Box 516; Northway, Alaska 99764; President; 907/778–2271.

Native Village of Nuiqsut; General Delivery; Nuiqsut, Alaska 99723; Mayor; 907/480–6714.

Nulato Village Council; General Delivery; Nulato, Alaska 99765; President; 907/898–2231.

Native Village of Nunapitchuk; P.O. Box 130; Nunapitchuk, Alaska 99641; President; 907/557–5705.

Village of Ohogamiut; General Delivery; Fortuna Ledge, Alaska 99585; President; 907/679–6740.

Village of Old Harbor; P.O. Box 62; Old Harbor, Alaska 99643; President; 907/286–2215.

Orutsararmuit Native Council (aka Bethel); 835 Ridgecrest Drive; P.O. Box 927; Bethel, Alaska 99559; Chairman; 907/543–2608.

Oscarville Traditional Council; P.O. Box 1554; Oscarville, AK 99559; President; 907/737–7321.

Village of Ouzinkie; P.O. Box 13; Ouzinkie, Alaska 99644; President; 907/680–2259.

Pedro Bay Village Council; P.O. Box 47020; Pedro Bay, Alaska 99647; President; 907/850–2225.

Native Village of Perryville; P.O. Box 101; Perryville, Alaska 99648; President; 907/853–2203.

Petersburg Indian Association; P.O. Box 1418; Petersburg, Alaska 99833; President; 907/772–3636.

Native Village of Paimuit; General Delivery; Hooper Bay, Alaska 99604; President; 907/758–4420.

Village of Pilot Point; P.O. Box 449; Pilot Point, Alaska 99649; President; 907/797–2208.

Pilot Station Traditional Council; P.O. Box 5040; Pilot Station, Alaska 99650; President; 907/549–3512.

Native Village of Pitka's Point; P.O. Box 127; Pitka's Point, Alaska 99658; President; 907/438–2833.

Platinum Traditional Village; General Delivery; Platinum, Alaska 99651; President; 907/979–8126.

Native Village of Point Hope; P.O. Box 91; Point Hope, Alaska 99766; President; 907/368–2453.

Native Village of Point Lay (IRA); P.O. Box 101; Point Lay, Alaska 99759; Village Coordinator; 907/833–2428.

Port Graham Village; P.O. Box PGM; Port Graham, Alaska 99603; President; 907/284–2227.

Native Village of Port Heiden; P.O. Box 49007; Port Heiden, Alaska 99459; President; 907/284–2218.

Native Village of Port Lions, P.O. Box 253; Port Lions, Alaska 99550; President; 907/454–2234.

Portage Creek Village; General Delivery; c/o Choggiung; Portage Creek, Alaska 99576; President; 907/842–5218.

Pribilof Aleut Communities of St. George and St. Paul Islands (See individual village listings for St. George and St. Paul.)

Rampart Village; P.O. Box 67029; Rampart, Alaska 99767; Chief; 907/358–3312.

Village of Red Devil; P.O. Box 49; Red Devil, Alaska 99656; President; 907/543–2726.

Native Village of Ruby; General Delivery; Ruby, Alaska 99768; President 907/468–4406.

Native Village of Russian Mission (Yukon); P.O. Box 09; Russian Mission, Alaska 99657; President; 907/584–5511.

Village of Salamatof; P.O. Box 2682; Kenai, Alaska 99611; President; 907/283–7864.

Qagun Tayagungin Tribe of Sand Point; P.O. Box 189; Sand Point, Alaska 99661; President; 907/838–3525.

Native Village of Savoonga; P.O. Box 129; Savoonga, Alaska 99769; President; 907/984–6414.

Organized Village of Saxman; Route 2 Box 2; Ketchikan, Alaska 99901; President; 907/255–4166.

Native Village of Scammon Bay; P.O. Box 126; Scammon Bay, Alaska 99662; President; 907/558–5113.

Native Village of Selawik; P.O. Box 59; Selawik, Alaska 99770; President; 907/484–2225.

Native Village of Seldovia; Drawer L; Seldovia, Alaska 99663; President; 907/234–7898.

Shageluk Native Village; General Delivery; Shageluk, Alaska 99665; Chief; 907/473–8239.

Native Village of Shaktoolik; General Delivery; Shaktoolik, Alaska 99771; President; 907/955–3501.

Native Village of Sheldon's Point; General Delivery; Sheldon's Point, Alaska 99666; President; 907/489–4226.

Native Village of Shishmaref; General Delivery; Shishmaref, Alaska 99772; President; 907/649–3821.

Native Village of Shungnak, General Delivery; Shungnak; Alaska 99773; President; 907/437–2170.

Sitka Tribe of Alaska; P.O. Box 1450; Sitka, Alaska 99835; President; 907/747–3207.

Village of Sleetmute; P.O. Box 21; Sleetmute, Alaska 99668; President; 907/449–9901.

Native Village of Solomon; P.O. Box 243; Nome, Alaska 99762; President; 907/443–2844.

South Naknek Village; P.O. Box 70106; South Naknek, Alaska 99670; President; 907/246–6566.

St. George Island; P.O. Box 940; St. George, Alaska 99660; President; 907/859–2205.

St. Mary's Village—See Algaciq Native Village

Native Village of St. Michael; General Delivery; St. Michael, Alaska 99659; President; 907/923–3021.

Aleut Community of St. Paul Island; P.O. Box 86; St. Paul Island, Alaska 99660; President; 907/546–2211.

Stebbins Community Association; P.O. Box 2; Stebbins Village, Alaska 99761; President; 907/934–3561.

Native Village of Stevens; General Delivery; Stevens Village, Alaska 99774; First Chief; 907/456–0222.

Village of Stoney River; P.O. Box SRV; Stoney River, Alaska 99557; President; 907/537–3214.

Takotna Village; P.O. Box TYC; Takotna, Alaska 99675; President; 907/298–2212.

Native Village of Tanacross; P.O. Box 77130; Tanacross, Alaska 99776; Executive Director; 907/366–7160.

Native Village of Tanana; P.O. Box 77093; Tanana, Alaska 99777; President; 907/366–7160.

Native Village of Tatitlek; P.O. Box 171; Tatitlek, Alaska 99677; President; 907/325–2311.

Native Village of Tazlina; P.O. Box 188; Glenallen, Alaska 99588; President; 907/822–5965.

Telida Village; General Delivery; Telida, Alaska 99629; First Chief; 907/843–8115.

Native Village of Teller; P.O. Box 590; Teller, Alaska 99778; President; 907/642–3381.

Native Village of Tetlin; P.O. Box 520; Tetlin, Alaska 99780; President; 907/883–2321.

Traditional Village of Togiak; P.O. Box 209; Togiak, Alaska 99678; President; 907/493–5920.

Native Village of Toksook Bay; Nel. Island; General Delivery; Toksook Bay, Alaska 99637; President; 907/427–7114.

Tuluksak Native Community; P.O. Box 156; Tuluksak, Alaska 99679; President; 907/695–6828.

Native Village of Tuntutuliak; P.O. Box 77; Tuntutuliak, Alaska 99680; President; 907/256–2315.

Native Village of Tununak; P.O. Box 77; Tununak, Alaska 99681; President; 907/652–6527.

Twin Hills Village; General Delivery; Twin Hills, Alaska 99576; President; 907/525–4820.

Native Village of Tyonek; P.O. Box 82009; Tyonek, Alaska 99682–0009; President; 907/583–2201.

Ugashik Village; General Delivery via; King Salmon, Alaska 99613; President; No Phone Number listed.

Umkumiut Native Village; General Delivery; Nightmute, Alaska 99690; President; 907/647–6312.

Native Village of Unalakleet; P.O. Box 70; Unalakleet, Alaska 99684; President; 907/624–3013.

Native Village of Unga; P.O. Box SC8; Jan Point, Alaska 99661; No other information available.

Qawalingin Tribe of Unalaska; P.O. Box 334; Unalaska, Alaska 99685; President; 907/581–2920.

Native Village of Venetie; P.O. Box 22050; Arctic Village, Alaska 99722; First Chief; 907/587–9320.

Village of Wainwright; P.O. Box 184; Wainwright, Alaska 99782; President; 907/763–2726.

Native Village of Wales; General Delivery; Wales, Alaska 99783; President; 907/664–3351.

Native Village of White Mountain; P.O. Box 84082; White Mountain, Alaska 99784; President; 907/638–3651.

Wrangell Cooperative Association; P.O. Box 868; Wrangell, Alaska 99929; President; 907/874–5854.

Native Village of Yakutat; c/o P.O. Box 418; Yakutat, Alaska 99689; President; 907/784–3238.

Minneapolis Area: Area Social Worker; 331 South Second Avenue; Minneapolis, Minnesota 55401; 612/373–1182/1183.

Bad River Band of the Lake Superior Tribe of Chippewa Indians of the Bad River Reservation, Wisconsin; P.O. Box 39; Odanah, Wisconsin 54861; Chairman; 715/682–4212.

Bay Mills Indian Community of the Sault Ste. Marie Band of Chippewa Indians, Bay Mills Reservation, Michigan; Route 1, Brimley, Michigan 49715; Social Worker; 906/248–3241.

Forest County Potawatomi Community of Wisconsin Potawatomi Indians, Wisconsin; P.O. Box 340; Crandon, Wisconsin 54520; Indian Child Welfare Coordinator/Intervenor; 715/478–2903.

Grand Traverse Band of Ottawa and Chippewa Indians of Michigan; Route 1, Box 135; Suttons Bay, Michigan 49682; Indian Child Welfare Technician; 616/271–3538.

Hannahville Indian Community of Wisconsin Potawatomie Indians of Michigan; N14911 Hannahville Bl. Road; Wilson, Michigan 49896; Chairman; 906/466–2342.

Keweenaw Bay Indian Community of L'Anse and Ontonagon Bands of Chippewa Indians of the L'Anse Reservation, Michigan; Center Building; Route 1, Box 45; Baraga, Michigan 49908; Chairman; 906/353–6623.

Lac Courte Oreilles Band of Lake Superior Chippewa Indians of the Lac Courte Oreilles Reservation of Wisconsin; Route 2, Box 2700; Hayward, Wisconsin 54843; Director, Tribal Social Services; 715/634–8934.

Lac du Flambeau Band of Lake Superior Chippewa Indians of the Lac du Flambeau Reservation of Wisconsin; P.O. Box 67; Lac du Flambeau, Wisconsin 54538; Coordinator, Indian Child Welfare Office; 715/588–3303.

Lac Vieux Desert Band of Lake Superior Chippewa Indians of Michigan; P.O. Box 446; Watersmeet, Michigan 49969; Chairman; 906/358–4577.

Lower Sioux Indian Community of Minnesota; Rural Route 1, Box 308; Morton, Minnesota 56270; President; 507/697–6185.

Menominee Indian Tribe of Wisconsin; P.O. Box 397, Keshena, Wisconsin 54135; Director, Tribal Social Services; 715/799–3341.

Minnesota Chippewa Tribe, Minnesota; Box 217; Cass Lake, Minnesota 56633; Director, Human Services; 218/335–8581.

COMPONENT RESERVATIONS OF THE MINNESOTA CHIPPEWA TRIBE

Bois Forte Band; Nett Lake Reservation of Minnesota; P.O. Box 16; Nett Lake, Minnesota 55772; Chairman; 218/757–3261.

Fond du Lac Band, 105 University Road, Cloquet, Minnesota 55720; Coordinator, Social Services; 218/879–4593.

Grand Portage Band; P.O. Box 428; Grand Portage, Minnesota 56605; Director, Human Services; 218/475–2279.

Leech Lake Band; Route 3, Box 100; Cass Lake, Minnesota 56633; Director, Social Services Division; 218/335–8200.

Mille Lacs Band; HRC 67 Box 194; Onamia, Minnesota 56359; Director, Social Services; 612/532–4181.

White Earth Band; P.O. Box 418; White Earth, Minnesota 56591; Director, Indian Child Welfare Program; 218/983–3285.

Oneida Tribe of Wisconsin; P.O. Box 365; Oneida, Wisconsin 54155; Area Manager of Social Services; 414/869–2214.

Prairie Island Indian Community of Minnesota Mdewakanton Sioux Indians; 5750 Sturgeon Lake Road; Welch, Minnesota 55089; President; 612/385–2536.

Red Cliff Band of Lake Superior Chippewa Indians of Wisconsin; P.O. Box 529, Bayfield, Wisconsin 54814; Director, Indian Child Welfare; 715/779–5805.

Red Lake Band of Chippewa Indians of the Red Lake Reservation, Minnesota; P.O. Box 550; Red Lake, Minnesota 56671; Executive Director, Tribal Social Services; 218/679–3341.

Sac & Fox Tribe of the Mississippi in Iowa; Route 2, Box 56C; Tama, Iowa 52339; Executive Director; 515/484–4678.

Saginaw Chippewa Indian Tribe of Michigan, Isabella Reservation; 7070 East Broadway Road; Mt. Pleasant, Michigan 48858; Chief; 517/772–5700.

Sault Ste. Marie Tribe of Chippewa Indians of Michigan; 206 Greenough Street; Sault Ste. Marie, Michigan 49783; Director, Social Services; 906/635–6050.

Shakopee Mdewakanton Sioux Community of Minnesota; 2330 Sioux Trail, NW; Prior Lake, Minnesota 55372; Chairman; 612/445–8900.

Sokagoan Chippewa Community of the Mole Lake Band of Chippewa Indians, Wisconsin; Route 1, Box 625; Crandon, Wisconsin 54520; Indian Child Welfare Worker; 715/478–2604.

St. Croix Chippewa Indians of Wisconsin, St. Croix Reservation; P.O. Box 287; Hertel, Wisconsin 54845; Indian Child Welfare Director; 715/349–2195.

Stockbridge-Munsee Community of Mohican Indians of Wisconsin; Route 1;

Bowler, Wisconsin 54416; Program Director, Indian Child Welfare Director; 715/793–4111.

Upper Sioux Community of the Upper Sioux Reservation, Minnesota; P.O. Box 147; Granite Falls, Minnesota 56241; Chairperson; 612/564–2360.

Wisconsin Winnebago Tribe of Wisconsin; 104 West State Street, Mauston, Wisconsin 53948; Coordinator, Indian Child Welfare; 608/847–7494.

Muskogee Area: Area Social Worker; Federal Court Building; 101 North 5th Street; Muskogee, Oklahoma 74401; 918/687–2507.

Cherokee Nation of Oklahoma; P.O. Box 948, Tahlequah, Oklahoma 74465; Indian Child Welfare Director; 918/456–0671.

Chickasaw Nation of Oklahoma; P.O. Box 1548, Ada, Oklahoma 74820; Governor; 405/436–2603.

Choctaw Nation of Oklahoma; P.O. Drawer 1210, Durant, Oklahoma 74701; Chief; 405/924–8280.

Creek (Muscogee) Nation of Oklahoma; P.O. Box 580; Okmulgee, Oklahoma 74447; Principal Chief; 918/756–8700.

Eastern Shawnee Tribe of Oklahoma; P.O. Box 350, Seneca, Missouri 64865; Chief; 417/666–2435.

Miami Tribe of Oklahoma; P.O. Box 636, Miami, Oklahoma 74355; Chief; 918/540–2890.

Modoc Tribe of Oklahoma; P.O. Box 939, Miami, Oklahoma 74355; Chief; 918/542–1190.

Osage Tribe of Oklahoma; Osage Agency Campus; Tribal Administration Building; Pawhuska, Oklahoma 74056; Social Services Program; 918/287–4622.

Ottawa Tribe of Oklahoma; P.O. Box 110, Miami, Oklahoma 74355; Chief; 918/540–1536.

Peoria Tribe of Oklahoma; P.O. Box 1527, Miami, Oklahoma 74355; Chief; 918/540–2535.

Quapaw Tribe of Oklahoma, Tribal Business Committee; P.O. Box 765, Quapaw, Oklahoma 74363; Chairman; 918/542–1853.

Seminole Nation of Oklahoma; P.O. Box 1498, Wewoka, Oklahoma 74884; Principal Chief; 405/257–6287.

Seneca-Cayuga Tribe of Oklahoma; P.O. Box 1283, Miami, Oklahoma 74354; Chief; 918/542–6609.

Wyandotte Tribe of Oklahoma; P.O. Box 250; Wyandotte, Oklahoma 74370; Chief; 918/678–2297.

Navajo Area: Area Social Worker; P.O. Box 1060; MC–440; Gallup, New Mexico 87301; 602/871–5151.

Navajo Tribe of Arizona, New Mexico and Utah; Division of Social Services; P.O. Box Drawer "JJ"; Window Rock, Arizona 86515; Social Worker III; 602/871–6832.

Phoenix Area: Area Social Worker; 1 North First Street; P.O. Box 10; Phoenix, Arizona 85001; 602/379–6785.

Ak Chin Indian Community of Papago Indians of the Maricopa Ak Chin Reservation, Arizona; Route 2, Box 27; Maricopa, Arizona 85239; Chief of Police; 602/558–2281 or Court Clerk Dispatcher; 602/588–2307.

Chemehuevi Indian Tribe of the Chemehuevi Reservation, California; P.O. Box 1976; Chemehuevi Valley, California 92363; Chairperson; 619/858–4531.

Cocopah Tribe of Arizona; Bin G, Somerton, Arizona 85350, Tribal Court Coordinator; 602/627–2102.

Colorado River Tribes of the Colorado River Indian Reservation, Arizona and California; Route 1, Box 23–B; Parker, Arizona 85344; Chairman; 602/669–9211.

Confederated Tribes of the Goshute Reservation; Nevada and Utah; P.O. Box 6104, Ibapah, Utah 84034; Chairman; 801/234–1138.

Confederated Tribes of the Umatilla Reservation, Oregon; P.O. Box 638; Pendleton, Oregon 97801; ICWA Coordinator; 503/276–3165.

Confederated Tribes of the Warm Springs of Oregon; P.O. Box C; Warm Springs, Oregon 97761; Chairman; 503/533–1161.

Confederated Tribes of the Bands of the Yakima Indian Nation of the Yakima Reservation, Washington; P.O. Box 151; Toppenish, Washington 98948; Director, Nak-Nu-We-Sha; 509/865–5121.

Duckwater Shoshone Tribe of the Duckwater Reservation; Nevada; P.O. Box 68; Duckwater, Nevada 89314; Social Worker; 702/863–0227.

Ely Indian Colony of Nevada; 16 Shoshone Circle, Ely, Nevada 89301; Chairman; 702/289–3013.

Paiute-Shoshone Tribe of the Fallon Reservation and Colony, Nevada; 8955 Mission Road; Fallon, Nevada 89406; Chairman; 702/423–6075.

Fort McDermitt Paiute and Shoshone Tribes of the Fort McDermitt Indian Reservation, Nevada; P.O. Box 457; McDermitt, Nevada 89421; Chairperson; 702/532–8402.

Fort McDowell Mohave-Apache Indian Community of the Fort McDowell Reservation, Arizona; P.O. Box 17779; Fountain Hills, Arizona 85268; President; 602/990–0995.

Gila River Pima-Maricopa Indian Community of the Gila River Indian Reservation of Arizona; P.O. Box 97; Sacaton, Arizona 85247; Governor; 602/562–3311.

Havasupai Tribe of the Havasupai Reservation, Arizona; P.O. Box 10; Supai, Arizona 86435; Chairman; 602/448–2961.

Hopi Tribe of Arizona; P.O. Box 123, Kykotsmovi, Arizona 86039; Hopi Tribal Court, Children's Court Counselor; 602/734–2445.

Hualapai Tribe of the Hualapai Reservation, California; P.O. Box 179; Peach Springs, Arizona 86434; Chairman; 602/769–2216.

Kaibab Band of Paiute Indians of the Kaibab Indian Reservation, Arizona; Tribal Affairs Building; HC65 Box 2; Fredonia, Arizona 86022; Social Services Director; 602/643–7245.

Las Vegas Tribe of Paiute Indians of the Las Vegas Indian Colony, Nevada; No. 1, Paiute Drive; Las Vegas, Nevada 89106; Chairperson; 702/386–3926.

Lovelock Paiute Tribe of the Lovelock Indian Colony, Nevada; P.O. Box 878; Lovelock, Nevada 89419; Chairman; 702/273–7861.

Moapa Band of the Paiute Indians of the Moapa River Indian Reservation, Nevada; P.O. Box 340; Moapa, Nevada 89025–0340; Chairman; 702/865–2787.

Paiute Indian Tribe of Utah; 600 North 100 East; Cedar City, Utah 84720; Director, Social Services; 801/586–1111.

Pascua Yaqui Tribe of Arizona; 7474 S. Camino De Oeste; Tucson, Arizona 85746; Chairman; 602/883–2838.

Pyramid Lake Paiute Tribe of the Pyramid Lake Reservation, Nevada; P.O. Box 256; Nixon, Nevada 89424; Chairman; 702/574–0299.

Quechan Tribe of the Fort Yuma Indian Reservation, California; P.O. Box 11352; Yuma, Arizona 85364; President; 619/572–0213.

Reno-Sparks Indian Colony, Nevada; 98 Colony Road; Reno, Nevada 89502; Tribal Court or Director of Social Services; 702/329–2936.

Salt River Pima-Maricopa Indian Community of the Salt River Reservation, Arizona; Route 1, Box 216; Scottsdale, Arizona 85256; Juvenile Judge, Community Court; 602/941–7212, or Social Services Director; 602/941–7291.

San Carlos Apache Tribe of the San Carlos Reservation, Arizona; P.O. Box 0; San Carlos, Arizona 85550; Chairman; 602/475–2361.

San Juan Paiute Tribe of Arizona; P.O. Box 2656; Tuba City, Arizona 86045; President; 602/283–4583.

Shoshone-Paiute Tribes of the Duck Valley Reservation, Nevada; P.O. Box 219; Owyhee, Nevada 89823; Social Services Director; 702/757–3211.

Skull Valley Band of Goshute Indians of Utah (Unitah & Ouray); P.O. Box 130; Fort Duchesne, Utah 84026; Chairman 801/722–2406.

Summit Lake Paiute Tribe of Nevada; 510 Melarky—#11; Winnemucca, Nevada 89445; Chairman; 702/623–5151.

Te-Moak Tribe of Western Shoshone Indians of Nevada; 525 Sunset Street, Elko, Nevada 89810; Program Director; 702/738–9251; Elko Band; P.O. Box 748; Elko, Nevada 89801; 702/738–8889.

Tohono O'odham Nation of Arizona; P.O. Box 837; Sells, Arizona 85634; Chairman; 602/383–2221.

Tonto Apache of Arizona; Tonto Reservation #30; Payson, Arizona 85541; 602/474–5000.

Ute Indian Tribe of the Uintah & Quray Reservation, Utah; P.O. Box 190; Fort Duchesne, Utah 84026; Chairman; 801/722–5141.

Walker River Paiute Tribe of the Walker River Reservation, California; P.O. Box 220; Schurz, Nevada 89427; Chairperson; 702/773–2306.

Washoe Tribe of Nevada and California (Carson Colony, Dresslerville and Washoe Ranches); 919 Highway 395 South; Gardnerville, Nevada 89410; Chairman; 702/883–1446.

White Mountain Apache Tribe of the Fort Apache Reservation, Arizona; P.O. Box 700; Whiteriver, Arizona 85941; Juvenile Probation Officer; 602/338–4346.

Winnemucca Indian Colony of Nevada; 420 Pardee; Susanville, California 96130; Chairman; 916/257–7093.

Yavapai-Apache Indian Community of the Camp Verde Reservation, Arizona; P.O. Box 1188; Camp Verde, Arizona 86322; Chairman; 602/567–3649.

Yavapai-Prescott Tribe of the Yavapai Reservation, Arizona; 530 East Merritt Street; Prescott, Arizona 86301–2038; President; 602/445–8790.

Yerington Paiute Tribe of Yerington Colony and Campbell Ranch, Nevada; 171 Campbell Lane; Yerington, Nevada 89447; Chairperson; 702/463–3301.

Yomba Shoshone Tribe of the Yomba Reservation, Nevada; HC 61, Box 6225; Austin, Nevada 89310; Chairperson; 702/964–2463.

Portland Area: Area Social Worker; 911 NE. 11th Avenue; Portland, Oregon 97232–4169; 503/231–6783/6785.

Burns-Paiute Indian Colony, Oregon, H.C. 71, 100 Pa'Si'Go Street, Burns, Oregon 97720–9303; Chairman, 503/573–2088.

Coeur D'Alene Tribe of the Coeur D'Alene Reservation, Idaho; Coeur D'Alene Subagency; Idaho, Plummer, Idaho 83851; Coordinator, Indian Child Welfare; 208/274–3101.

Confederated Tribes of the Colville Reservation, Washington; P.O. Box 150; Nespelem, Washington 99155; Deputy Prosecutor; 509/643–4711.

Confederated Salish and Kootenai Tribes of the Flathead Reservation, Montana; P.O. Box 278; Pablo, Montana 59855; Tribal Chairman; 406/675–2700.

Confederated Tribes of Coos, Lower Umpqua & Siuslaw Indians of Oregon; P.O. Box 3298; Coos Bay, Oregon 97420; Health Director; 503/888–3536 or 888–9577.

Confederated Tribes of the Grande Ronde Community of Oregon; P.O. Box 38; Grande Ronde, Oregon 97347; Chairman; 503/879–5215.

Confederated Tribes of the Siletz Reservation, Oregon; P.O. Box 549; Siletz, Oregon 97380; Chairperson; 503/444–2513.

Coquille Indian Tribe; 250 Hull Street; Coos Bay, Oregon 97420; Director, Human Services; 503/269–2911.

Cow Creek of Umpqua Indians of Oregon; 2400 Stewart Parkway, suite 300; Roseburg, Oregon 97470; Health Director; 503/672–9405.

Hoh Indian Tribe of the Hoh Indian Reservation, Washington; HC 80, Box 917; Forks, Washington 98331; Chairperson; 206/374–6582.

Jamestown Klallam Tribe of Washington, 305 Old Blyn Highway; Sequim, Washington 98382; Chairman; 206/683–1109.

Kalispel Indian Community of the Kalispel Reservation, Washington; Box 39; Usk, Washington 99180; Tribal Social Worker; 509/445–1147.

Klamath Indian Tribe of Oregon; Box 436; Chiloquin, Oregon 97624; Chairman; 503/783–2219.

Kootenai Tribe of Idaho; P.O. Box 1269; Bonners Ferry, Idaho 83805; Chairperson; 208/267–3519.

Lower Elwha Tribal Community of the Lower Elwha Reservation, Washington; 1666 Lower Elwha Road; Port Angeles, Washington 98362; Social Worker; 206/452–8471.

Lummi Tribe of the Lummi Reservation, Washington; 2616 Kwina Road; Bellingham, Washington 98226; Director, Health and Human Services; 206/734–8180.

Makah Indian Tribe of the Makah Indian Reservation; Washington; P.O. Box 115; Neah Bay, Washington 98357; Social Service Manager; 206/645–2201.

Metlakatla Indian Community, Annette Island Reservation, Alaska; P.O. Box 8; Metlakatla, Alaska 99926; Mayor; 907/886–4441.

Muckleshoot Indian Tribe of the Muckleshoot Reservation, Washington; 39015 172nd Street, Southeast; Auburn, Washington 98002; Chairperson; 206/939–3311.

Nez Perce Tribe of Idaho; P.O. 305; Lapwai, Idaho 83540; Chairman; 208/843–2253.

Nisqually Indian Community of the Nisqually Reservation, Washington; 4820 She-Nah-Num Drive, SE.; Olympia, Washington 98503; Chairman; 206/456–5221.

Nooksack Indian Tribe of Washington, P.O. Box 157, Deming, Washington 98244; Director, Indian Child Welfare; Chairman; 206/592–5176.

Northwest Band of Shoshoni Indians of Utah (Washakie); P.O. Box 145; Fort Hall, Idaho 83203; Chairman; 208/785–7302.

Port Gamble Indian Community of the Port Gamble Reservation, Washington; P.O. Box 280; Kingston, Washington 98346; Director, Health and Human Services; 206/297–2646.

Puyallup Tribe of the Puyallup Reservation, Washington; 2002 East 28th Street; Tacoma, Washington 98404; Chairwoman; 206/597–6200.

Quileute Tribe of the Quileute Reservation, Washington; Box 279; Lapush, Washington 98350; Caseworker; 206/374–6163.

Quinault Tribe of the Quinault Reservation, Washington; Box 198, Taholah, Washington 98587; Director, Social Services; 206/276–8211.

Sauk-Suiattle Indian Tribe of Washington; 5318 Chief Brown Lane; Darrington, Washington 98241; Chairman; 206/435–8366.

Shoalwater Bay Tribe of the Shoalwater Bay Indian Reservation, Washington; P.O. Box 130; Tokeland, Washington 98590; Chairman; 206/267–6766.

Shoshone-Bannock Tribes of the Fort Hall Reservation of Idaho; P.O. Box 306, Fort Hall, Idaho 83203; Tribal Attorney, 208/238–3700.

Skokomish Indian Tribe of the Skokomish Reservation, Washington; No. 80 Tribal Center Road; Shelton, Washington 98584; ICWA Caseworker; 206/426–4232.

Spokane Tribe of the Spokane Reservation, Washington; P.O. Box 100; Wellpinit, Washington 99040; Chairman; 509/258–4581.

Squaxin Island Tribe of the Squaxin Island Reservation, Washington; S.E. 70 Squaxin Lane; Shelton, Washington 98584; Coordinator, Indian Child Welfare, and/or Tribal Manager; 206/426–9873.

Stillaguamish Tribe of Washington; 3439 Stoluckquamish Lane; Arlington, Washington 98223; Tribal Social Worker; 206/652–7362.

Suquamish Indian Tribe of the Port Madison Reservation, Washington; P.O. Box 498; Suquamish, Washington 98392; ICW; 206/598–3311.

Swinomish Indians of the Swinomish Reservation, Washington; P.O. Box 817; La Conner, Washington 98257; Youth Counselor; 206/466–3163.

Tulalip Tribes of the Tulalip Reservation, Washington; 6700 Totem Beach Road; Marysville, Washington 98270; Chairman; 206/653–4585.

Upper Skagit Indian Tribe of Washington; 2284 Community Plaza; Sedro Wooley, Washington 98284; Director, Social Services; 206/856–5501.

Sacrameto Area: Area Social Worker; Federal Office Building; 2800 Cottage Way; Sacrameto, California 95825; 916/978–4705.

Agua Caliente Band of Cahuilla Indians of the Agua Caliente Indian Reservation, California; 960 E. Tahquitz Way, #106; Palm Springs, California 92262; Chairman; 619/325–5673.

Alturas Rancheria of Pit River Indians of California; P.O. Box 1035; Alturas, California 96101; Chairperson; 916/233–5571.

Barona Group of the Barona Reservation, California; 1095 Barona Road; Lakeside, California 92040; Chairman; 619/443–6612.

Berry Creek Rancheria of Maidu Indians of California; 1779 Mitchell Avenue; Oroville, California 95965; Chairman; 916/5345–3859.

Big Lagoon Rancheria of Smith River Indians of California; P.O. Box 3060; Trinidad, California 95570; Chairman; 707/826–2079.

Big Pine Band of Owens Valley Paiute Shoshone Indians of the Big Pine Reservation, California; P.O. Box 700; Big Pine; California 93513; Chairperson; 619/938–2121.

Big Sandy Rancheria of Mono Indians of California; P.O. Box 337, Auberry, California 93602; Chairperson; 209/855–4003.

Big Valley Rancheria of Pomo and Pit River Indians of California; P.O. Box 774; Lakeport, California 95433; Chairman; 707/263–7522.

Blue Lake Rancheria of California; P.O. Box 428; Blue Lake, California 95525; Chairman; 707/668–3005.

Bridgeport Paiute Indian Colony of California; P.O. Box 37; Bridgeport, California 93517; Chairman; 619/932–7083.

Buena Vista Rancheria of Me-Wuk Indians of California; 4650 Carmine Road; Ione, California 95640; Representative. No phone number listed.

Cabazon Band of Cahuilla Mission Indians of the Cabazon Reservation, California; 84–245 Indio Spring Drive; Indio, California 92201; Chairman; 619/342–2593.

Cahuilla Band of Mission Indians of the Cahuilla Reservation, California; P.O. Box 860; Anza, California 92306; Spokesperson; 714/763–5549.

Campo Band of Diegueno Mission Indians of Campo Indian Reservation, California; 1779 Campo Truck Trail; Campo, California 92006; Chairman; 619/478–9046.

Cedarville Rancheria of Northern Paiute Indians of California; P.O. Box 142; Cedarville, California 96104; Chairperson; No phone number listed.

Chicken Ranch Rancheria of Me-Wuk Indians of California; P.O. Box 1699; Jamestown, California 95327; Chairman; 209/984–3057.

Cloverdale Rancheria of Pomo Indians of California; 285 Santana Drive; Cloverdale, California 95424; Representative; 707/894–5773.

Cold Springs Rancheria of Mono Indians of California; P.O. Box 209; Tollhouse, California 93667; Chairman; 209/855–2326.

Cachil De-He Band of Wintun Indians of the Colusa Indian Community of the Colusa Rancheria, California; P.O. Box 8, Colusa, California 95932; Chairman; 916/458–8231.

Cortina Indian Rancheria of Wintun Indians of California; P.O. Box 41113; Sacramento, California 95841; Chairperson; 916/726–7118.

Coyote Valley Band of Pomo Indians of California; P.O. Box 39; Redwood Valley, California 95470–0039; Chairperson; 707/485–8723.

Cuyapaipe Community of Diegueno Mission Indians of the Cuyapaipe Reservation, California; 4390 La Posta Trucktrail; Pine Valley, California 95470–0039; Chairperson; 707/485–8723.

Death Valley Timbi-sha Shoshone Band of California; P.O. Box 206; Death Valley, California 92328; Chairperson; 619/786–2374.

Dry Creek Rancheria of Pomo Indians of California; P.O. Box 224; Geyserville, California 95441; Chairman; 707/464–4680.

Elem Indian Colony of Pomo Indians; Sulphur Bank Rancheria; P.O. Box 618; Clearlake Oaks, California 95423; Chairman; No telephone number listed.

Elk Valley Rancheria of Smith River Tolowa Indians of California; P.O. Box 1042; Crescent City, California 95531; Chairperson; 707/464–4680.

Fort Bidwell Indian Community of Paiute Indians of the Fort Bidwell Reservation, California; P.O. Box 127; Fort Bidwell, California 96112; Chairperson; 916/279–6310.

Fort Independence Indian Community of Paiute Indians of the Fort Independence Reservation, California; P.O. Box 67; Independence, California 93526; Chairman; 619/878–2126.

Greenville Rancheria of Maidu Indians of California; P.O. Box 237, Greenville, California 95947; Chairman; 916/284–6446.

Grindstone Indian Rancheria of Wintun-Wailaki Indians of California; P.O. Box 63, Elk Creek, California 95939; Chairman; 916/934–3602.

Guidiville Rancheria of California; P.O. Box 339; Talmage, California 95481; Chairman; 707/462–2477.

Hoopa Valley Tribe of the Hoopa Valley Reservation, California; P.O. Box 1348, Hoopa, California 95546; Chairman; 916/625–4211.

Hopland Band of Pomo Indians of the Hopland Rancheria, California; P.O. Box 610; Hopland, California 95449; Chairman; 707/744–1647.

Inaja Band of Diegueno Mission Indians of the Inaja & Cosmit Reservation, California; 739 A Street, Apt 9; Ramona, California 92065; Chairperson; 619/789–8581.

Jackson Rancheria of Me-Wuk Indians of California; 1600 Bingo Way; Jackson, California 95642; Chairperson; 209/223–3931.

Jamul Indian Village of California; P.O. Box 612; Jamul, California 92035; Chairperson; 619/696–5041.

Karuk Tribe of California; P.O. Box 1016; Happy Camp, California 96039; Chairperson; 916/493–5305.

La Jolla Band of Luiseno Mission Indians of La Jolla Reservation, California; Star Route, Box 158; Valley Center, California 92082; Chairperson; 619/782–9294.

La Posta Band of Diegueno Mission Indians of the La Posta Indian Reservation, California; 1064 Barona Road; Lakeside, California 92040; Chairperson; 619/782–9294.

Cahto Indian Tribe of the Laytonville Rancheria, California; P.O. Box 48; Laytonville, California 95454; Chairman; 916/978–4337.

Paiute-Shoshone Indians of the Lone Pine Reservation, California; 101 South Main Street; Lone Pine, California 93545; Chairperson; 619/876–5414.

Los Coyotes Band of Cahuilla Mission Indians of the Los Coyotes Reservation, California; P.O. Box 249; Warner Springs, California 92086; Spokesman; 619/782–3269.

Lytton Ranchieria of California; P.O. Box 519; Crescent City, California 95531; Chairperson; 707/464–7752.

Manchester Band of Pomo Indians of the Manchester-Point Arena Rancheria, California; P.O. Box 623; Point Arena, California 95468; Chairman; 707/882–2788.

Manzanita Band of Diegueno Mission Indians of the Manzanita Reservation, California; P.O. Box 1302; Boulevard, California 92005; Chairperson; 619/766–4930.

Mechoopda Indian Tribe of Chico Rancheria, Address and Information Needed

Mesa Grande Band of Diegueno Mission Indians of the Mesa Grande Reservation, California; P.O. Box 270; Santa Ysabel, California 92070; Chairman; 619/782–3835.

Middletown Rancheria of Pomo Indians of California; P.O. Box 292;

Middletown, California 95461; Chairman; 916/978–4337.

Mooretown Rancheria of Maidu Indians of California; 1900 Oro Dam Blvd., #8; Oroville, California 95965; Chairperson; 916/533–3625.

Morongo Band of Cahuilla Mission Indians of the Morongo Reservation, California; 11581 Potrero Road; Banning, California 92220; Chairman; 714/849–4697.

Northfork Rancheria of Mono Indians of California; P.O. Box 120; North Fork, California 93643; Spokesperson; No phone number listed.

Paiute-Shoshone Indians of the Bishop Community of the Bishop Colony; California; P.O. Box 548; Bishop, California 93514; Chairman; 619/873–3584.

Pala Band of Luiseno Mission Indians of the Pala Reservation, California; P.O. Box 43; Pala, California 92059; Chairperson; 619/742–3784.

Pauma Band of Luiseno Mission Indians of the Pauma and Yuima Reservation, California; P.O. Box 86; Pauma Valley, California 92061; Chairman; 619/742–1289.

Pechanga Band of Luiseno Mission Indians of the Pechanga Reservation, California; P.O. Box 1477; Temecula, California 92390; Spokesperson; 714/676–2768.

Picayune Rancheria of Chukchansi Indians of California; P.O. Box 708; Coarsegold, California 93614; Chairperson; 209/683–6633.

Pinoleville Rancheria of Pomo Indians of California; 367 N. State Street; suite 204; Ukiah, California 95482; Chairperson; 707/463–1454.

Pit River Tribe of California (includes Big Bend, Lookout, Montgomery Creek and Roaring Creek Rancherias and XL Ranch), P.O. Drawer 1570, Burney, California 96013; Chairperson; 916/335–5421.

Potter Valley Rancheria of Pomo Indians of California; P.O. Box 94; Potter Valley, California 95469; Representative; 707/743–1649.

Quartz Valley Rancheria of Karok, Shasta, and Upper Klammath Indians of California; P.O. Box #25; Fort Jones, California 92314; Chairman; 916/468–5489.

Ramona Band or Village of Cahuilla Mission Indians of California; P.O. Box 26; Anza, California 92306; Representative; 714/276–6624.

Redding Rancheria of Pomo Indians of California; 1786 California Street; Redding, California 96001; Chairperson; 916/241–1871.

Redwood Valley Rancheria of Pomo Indians of California; P.O. Box 499; Redwood Valley, California 95470; Chairperson; 916/241–1871.

Coast Indian Community of the Yurok Indians of Resighini Rancheria, California; P.O. Box 529; Klamath, California 95548; President; 707/482–2431.

Rincon Band of Luiseno Mission Indians of Rincon Reservation, California; P.O. Box 68; Valley Center, California 92082; Chairman; 619/749–1051.

Robinson Rancheria of Pomo Indians of California; P.O. Box 1119; Nice, California 95464; Chairman; 707/275–0527.

Rohnerville Rancheria of Bear River or Mattole Indians of California; P.O Box 108; Eureka, California 95501; Chairperson; 707/442–3931.

Covelo Indian Community of the Round Valley Reservation, California; P.O. Box 448; Covelo, California 95428; President; 707/983–6126.

Rumsey Indian Rancheria of Wintun Indians of California; P.O. Box 18; Brooks, California 95606; Chairman; 916/796–3189.

San Manuel Band of Serrano Mission Indians of the San Manuel Reservation, California; 5438 North Victoria Avenue; Highland, California 92346; Chairman; 714/864–3686.

San Pasqual Band of Diegueno Mission Indians of California; P.O. Box 365; Valley Center, California 92082; Spokesperson; 619/749–3200.

Santa Rosa Indian Community of the Santa Rosa Rancheria, California; 16835 Alkali Drive; Lemoore, California 93245; Chairman; 209/924–1278.

Santa Rosa Band of Cahuille Mission Indians of the Santa Rosa Reservation, California; 325 North Western Avenue; Hemet, California 92343; Spokesperson; 619/741–5211.

Santa Ynez Band of Chumash Mission Indians of the Santa Ysabel Reservation, California; P.O. Box 517; Santa Ynez, California 93460; Chairman; 805/688–7997.

Santa Ysabel Band of Diegueno Mission Indians of the Santa Ysabel Reservation, California; P.O. Box 130; Santa Ysabel, California 92070; Chairman; 619/765–0845.

Scotts Valley Band of Pomo Indians, California; 302 Holly Oak Lane; Alameda, California 94501; Co-Chairperson; 415/865–1416.

Sherwood Valley Rancheria of Pomo Indians of California; 2141 S. State Street; Ukiah, California 95482; Chairman; 707/468–1337.

Shingle Springs Band of Miwok Indians, Shingle Springs Rancheria (Verona Tract), California; P.O. Box 1340; Shingle Springs, California 95682; Chairperson; 916/423–1753.

Smith River Rancheria of California; P.O. Box 239; Smith River, California 95567; Chairman; 707/487–9255.

Soboba Band of Luiseno Mission Indians of the Soboba Reservation, California; P.O. Box 487; San Jacinto, California 92383; Chairman; 714/654–2765.

Kashia Band of Poma Indians of the Stewarts Point Rancheria, California; P.O. Box 54; Stewarts Point, California 95480; Chairman; 916/978–4337.

Susanville Indian Rancheria of Paiute, Maidu, Pit River and Washoe Indians of California; P.O. Drawer U; Susanville, California 96130; Chairman; 916/257–6264.

Sycuan Band of Diegueno Mission Indians of California; 5429 Dehesa Road; El Cajon, California 95551; Spokesperson; 619/445–2613.

Table Bluff Rancheria of Wiyot Indians of California; P.O. Box 519; Loleta, California 95551; Chairman; 707/733–5583.

Table Mountain Rancheria of California; P.O. Box 243; Friant, California 93626; Chairman; 209/299–4823.

Cher-Ae Heights Indian Community of the Trinidad Rancheria, California; P.O. Box 630; Trinidad, California 95570; Chairperson; 707/677–0211.

Torres-Martinez Band of Cahuilla Mission Indians of California; 66–725 Martinez Road; Thermal, California 92274; Chairman; 619/387–0300.

Tule River Indian Tribe of the Tule River Reservation of California; P.O. Box 589; Porterville, California 93258; Chairman; 209/781–4271.

Tuolumne Band of Me-Wuk Indians of the Tuolumne Rancheria of California; P.O. Box 696; Tuolumne, California 95379; Chairman; 209/928–4277.

Twenty-Nine Palms Band of Luiseno Mission Indians of California; c/o Glen Calng; 1150 E. Palm Canyon Drive #75; Palm Springs, California 92262; Chairperson; 619/322–7481.

Upper Lake Band of Pomo Indians of Upper Lake Rancheria of California, P.O. Box 20272, Sacramento, California 95820; Vice-Chairperson; 916/371–2576.

Utu Utu Gwaitu Paiute Tribe of the Benton Paiute Reservation, California; Star Route 4; Box 56–A; Benton, California 93512; Chairman; 619/933–2321.

Viejas Camp of Capitan Grande Band of Diegueno Mission Indians of the Viejas Reservation, California; P.O. Box 908; Alpine, California 92001; Chairman; 619/445–3810.

Yurok Tribe of California; 517 Third Street, suite 21; Eureka, California 95501; Transition Team; 707/444–0433.

Patrick A. Hayes,

Acting Assistant Secretary, Indian Affairs.

[FR Doc. 93–6926 Filed 3–25–93; 8:45 am]

BILLING CODE 4310–02–M

federal register

Friday
March 26, 1993

Part IV

Department of Justice

Office of Juvenile Justice and Delinquency Prevention

Meeting of the Coalition for Juvenile Justice; Notice

DEPARTMENT OF JUSTICE

Office of Juvenile Justice and Delinquency Prevention; Notice of Meeting of the Coalition for Juvenile Justice

In accordance with the provisions of the Federal Advisory Committee Act (5 U.S.C. app. I), the Office of Juvenile Justice and Delinquency Prevention (OJJDP) announces the meeting of the Coalition for Juvenile Justice. This conference will begin at 9 a.m. on April 17, 1993, and end at noon on April 21, 1993. This advisory committee, currently chartered as the National Conference of State Juvenile Justice Advisory Groups, will meet at the Renaissance Hotel Techworld, 999 9th Street, NW., Washington, DC 20001. The purpose of this meeting is to discuss and adopt recommendations from members regarding the committee's responsibility to advise the OJJDP Administrator, the President and the Congress about State perspectives on the operation of the Office of Juvenile Justice and Delinquency Prevention and Federal legislation pertaining to juvenile justice and delinquency prevention. Agenda issues will include topics on "Meeting the Challenge of Serious, Violent, and Chronic Juvenile Offenders." This meeting will be open to the public.

John J. Wilson,

Acting Administrator, Office of Juvenile Justice and Delinquency Prevention.

This is certified to be a true copy of the original.

Olga P. Trujillo,

Acting General Counsel.

[FR Doc. 93–6992 Filed 3–25–93; 8:45 am]

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federal register

Friday
March 26, 1993

Part V

Federal Trade Commission

16 CFR Part 306
Octane Certification and Posting;
Proposed Rule and Notice

FEDERAL TRADE COMMISSION

16 CFR Part 306

Octane Certification and Posting

AGENCY: Federal Trade Commission.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Federal Trade Commission ("Commission") seeks comment on a proposal to add alternative liquid automotive fuels (including diesel fuel oil) to the coverage of the Commission's Octane Rule ("Rule").[1] These actions are being taken because the Petroleum Marketing Practices Act ("PMPA"), as amended, directs the Commission to prescribe disclosure requirements under the Rule for alternative liquid automotive fuels and gives the Commission discretionary authority to prescribe disclosure requirements under the Rule for diesel fuel oil.[2]

DATES: Written comments must be submitted on or before April 26, 1993.

Persons desiring a public hearing on the proposed amendments should advise the Presiding Officer by no later than April 16, 1993. If hearings are scheduled, the date and time of the hearings, as well as the date for submission of prepared witness statements and exhibits, will be announced in a subsequent Notice.

ADDRESSES: Written comments and requests for public hearings should be submitted to Henry B. Cabell, Presiding Officer, Federal Trade Commission, Washington, DC 20580, 202–326–3642. Comments and requests for public hearings should be identified as "16 CFR part 306—Comment" or "16 CFR part 306—Request for Public Hearing," respectively. If possible, submit comments both in writing and on personal computer diskette in Word Perfect or other word processing format (to assist in processing, please identify the format used).

FOR FURTHER INFORMATION CONTACT: Neil Blickman, Attorney, 202–326–3038, or James Mills, Attorney, 202–326–3035, Division of Enforcement, Federal Trade Commission, Washington, DC 20580.

SUPPLEMENTARY INFORMATION:

I. Introduction

EPA 92 was enacted on October 24, 1992. It establishes a comprehensive national energy policy to increase U.S. energy security gradually and steadily in cost-effective and environmentally beneficial ways. The Act seeks to reduce U.S. dependence on oil imports; to conserve energy and use it more efficiently; to reduce our use of oil-based fuels in motor vehicles; and, to provide new energy options. The Act includes programs that encourage the development of alternative fuels and alternative fueled vehicles.

Section 1501 of EPA 92 requires the Commission, within 270 days of enactment, to amend the Commission's Octane Rule. Specifically, the Commission must issue automotive fuel posting and certification requirements, like those that exist now for gasoline, for all liquid automotive fuels (with the exception of diesel fuels, unless provided for by the Commission by Rule).[3] These liquid automotive fuels include gasoline, gasohol (a mixture of 90% gasoline and 10% ethanol) and liquid alternative automotive fuels, such as methanol and ethanol.[4] The Commission has the authority to require ratings, other than octane ratings, for alternative fuels after consultation with the American Society for Testing and Materials ("ASTM"). For diesel fuels, the Commission has the authority to require cetane certification and posting (a rating similar to octane), if the Commission finds this would be appropriate after a rulemaking proceeding. In this proceeding, the Commission is addressing the diesel fuel posting and certification issues along with the other liquid automotive fuels issues.

The Commission has additional rulemaking responsibilities regarding alternative fuels under section 406 of EPA 92. Specifically, section 406 of EPA 92 requires the Commission to propose uniform labeling requirements for alternative fuels and alternative fuel vehicles, including requirements for information about their costs and benefits to enable consumers to make choices and comparisons. The Commission may consolidate this required labeling with other labels. Although the Commission will address the requirements of section 406 in a subsequent proceeding with a different timetable,[5] the Commission seeks comment now on how best to meet the requirements of both sections 1501 and 406.

In accordance with the Commission's modified ten-year regulatory review schedule, the regulatory review of the Octane Rule is being conducted during this rulemaking proceeding. Therefore, the Commission seeks information about the costs and benefits of the Octane Rule and its regulatory and economic impact. See questions in subsection 5 of section D—Questions and Issues, below.

The liquid alternative automotive fuels that the Commission has identified as currently being distributed in the market place, as discussed further in part III, A, 1, below, are methanol; denatured ethanol; M85 (a mixture of 85% methanol and 15% gasoline); E85 (a mixture of 85% denatured ethanol and 15% gasoline); liquefied propane gas (LPG); and, liquefied natural gas (LNG). Proposals relating to certification and posting requirements for such fuels thus are being considered in this rulemaking proceeding. In the future, if other liquid alternative fuels are developed, the Commission has the authority under section 201 of PMPA, as amended by EPA 92, to initiate a rulemaking proceeding to include such fuel in the Octane Rule. In this proceeding, the Commission also seeks comment on requiring cetane ratings for diesel fuels.

In accordance with section 203(d)(1) of PMPA,[6] this rulemaking proceeding is being conducted pursuant to section 553 of the Administrative Procedure Act ("APA").[7] Section 553(b)(3) of the APA provides the Commission with the option of publishing the substance of a proposed rule instead of specific proposed rule language. With the exception of the specifically proposed definitions and label specifications, the Commission seeks comment on the

[1] The Octane Certification and Posting Rule, 16 CFR part 306 (1992).

[2] The amendments to the Petroleum Marketing Practices Act, 15 U.S.C. 2801 *et seq.*, were directed by Congress in section 1501 of the Energy Policy Act of 1992 ("EPA 92"), Public Law 102–486 (Oct. 24, 1992).

[3] Section 1501(a)(6) of EPA 92 defines the term "automotive fuel" to mean liquid fuel of a type distributed for use as a fuel in any motor vehicle. Pursuant to section 301 of EPA 92, the term "alternative fuel" means methanol, denatured ethanol, and other alcohols; mixtures containing 85 percent or more (but not less than 70 percent) by volume of methanol, denatured ethanol, and other alcohols with gasoline or other fuels; natural gas; liquefied petroleum gas; hydrogen; coal-derived liquid fuels; fuels (other than alcohol) derived from biological materials; electricity (including electricity from solar energy); and any other fuel the Secretary of Energy determines, by rule, is substantially not petroleum and would yield substantial energy security benefits and environmental benefits.

[4] Gasohol is viewed by the Commission to be gasoline in the traditional sense. *See* Commission advisory opinion concerning gasohol dated January 8, 1993, issued to the Nebraska Gasohol Committee.

[5] Under section 406 of EPA 92, the Commission must issue a Notice of Proposed Rulemaking within 18 months of the statute's enactment, *i.e.*, by April, 1994. Section 406 grants the Commission the authority to establish labeling requirements for the gaseous alternative fuels compressed natural gas (CNG) and hydrogen. The Commission would welcome comment now on what the labeling requirements for such fuels should be.

[6] 15 U.S.C. 2823(d)(1).

[7] 5 U.S.C. 553.

substance of proposed amendments to the Rule.

As discussed below, the Commission proposes requiring octane ratings for alternative liquid automotive fuels, but notes that other options may better implement the purpose of section 1501 of EPA 92. Consequently, the Commission seeks comment on whether three other ratings in lieu of octane, or some combination of ratings, may be more appropriate and useful to consumers for the alternative fuels. The Commission also seeks comment on whether other options not proposed herein would be more appropriate. For diesel fuel, the Commission seeks comment on requiring cetane ratings.

II. Background

Section 203(c)(1) of Title II of PMPA [6] requires that the Commission prescribe, by rule, a uniform method by which a person may certify to another the octane rating of automotive gasoline, and a uniform method of displaying the octane rating of automotive gasoline at the point of sale to ultimate consumers. On March 30, 1979, the Commission issued the Octane Posting and Certification Rule,[9] which fulfills these requirements. The Rule, which took effect on June 1, 1979, establishes standard procedures for determining, certifying and posting (by means of a label on the fuel dispenser) the octane rating of automotive gasoline intended for sale to consumers.

All automotive gasolines have an octane rating. This number is a measure of how well the gasoline will resist "knocking" in an engine. Engine knocking, which is caused by spontaneous combustion in localized areas of an engine, wastes power and lowers the effectiveness of the engine. Persistent or severe knocking also can seriously damage the engine. Not all engines require gasoline with the same octane rating. For a particular engine, the octane needed to prevent knocking will depend on the engine's compression ratio: the higher the ratio, the higher the octane required. The minimum octane requirement is usually given in automobile owner's manuals or can be determined through trial and error.

The Octane Rule is designed to enable consumers to buy gasoline with an octane rating that is high enough to prevent this engine knock. It is also intended to help consumers avoid buying gasoline with an octane rating that is too high for their needs, a practice known as "octane overbuying." Higher octane gasoline costs more, consumes more energy to produce at the refinery, and often contains more pollutants than lower octane gasoline. Thus, by knowing, as accurately as possible, both the octane requirements of their cars and the octane rating of the gasoline they buy at the pump, consumers simultaneously can save money, conserve energy, reduce air pollution, and protect their cars against possible engine damage.

A. Requirements of the Octane Rule

The Rule covers refiners, producers, importers, distributors and retailers. This coverage parallels the coverage in PMPA's definitions of "refiner," "gasoline retailer" and "distributor." The Rule does not cover common carriers (pipelines, trucks, barges, railroads) that merely transport gasoline for hire. However, the Rule creates an incentive for compliance by common carriers by requiring industry members to give octane certifications to and request certifications from common carriers.

Industry members may determine the octane rating of gasoline for purposes of certification or posting by testing, by mathematical calculation using the prescribed weighted-average formula, or by using the lowest octane rating certified for any of the gasolines in a blend. Refiners, producers and importers must determine the octane rating of the gasoline they distribute in accordance with the PMPA formula. The formula is the sum, divided by two, of the Research Method and the Motor Method, two accepted laboratory test methods for evaluating the antiknock performance of automotive gasoline. Tests using the (R+M)/2 formula must be conducted in accordance with procedures developed and approved by ASTM. For purposes of certification or posting, if distributors and retailers do not blend gasoline, they have the option of using the octane rating certified to them or of determining the octane rating by testing in accordance with the (R+M)/2 method.

If distributors or retailers blend different gasolines, they must either: (1) Test in accordance with the (R+M)/2 method; (2) use the weighted-average formula prescribed by 202(f)(1) of the PMPA; or, (3) use the lowest octane rating certified to them for any of the gasolines in a mixture. The Octane Rule gives industry members the option, in lieu of testing, of certifying or posting a rating that corresponds to the octane rating of the gasoline in the mixture having the lowest rating. Another alternative is for distributors and retailers to use the PMPA weighted-average formula for determining the octane rating of a gasoline consisting of a blend of two or more gasolines with different octane ratings. To use this formula, the industry member takes the average of the octane ratings, weighted by volume, of the gasolines in the blend to arrive mathematically at an octane rating for the mixture. When unleaded gasoline is blended with unleaded gasoline, the relationship between the octane ratings is linear. However, when unleaded gasoline is mixed with a small quantity, proportionately, of ethanol, the resulting octane increase is not linear, but will vary depending upon the octane rating and characteristics of the unleaded gasoline to which the ethanol is added. For these blends, testing is currently needed to determine octane ratings accurately.[10]

The Rule requires that refiners, producers and importers and distributors certify the octane rating of gasoline that they distribute in commerce for resale. Refiners must certify consistent with their determination of the gasoline's octane rating. Distributors must certify consistent with the certification they received or, optionally, the octane rating determined by them. Certification can be accomplished in either of two ways: On a delivery ticket with each transfer of gasoline or by a letter of certification or other written statement. A letter or other written statement constituting certification is valid until gasoline with a lesser octane rating is shipped. In effect, it is an on-going certification of a minimum octane rating.

Retailers must post the octane rating of all gasoline they sell to consumers. They must post a whole or half number, which must be equal to or less than the octane rating certified to them or determined by them. They must post at least one label on each face of each gasoline dispenser, and if more than one kind of gasoline is sold from a single dispenser, separate disclosures for each kind of gasoline must be put on each face of the dispenser.

The octane label must be put on the face of the dispenser as near as possible to the price per gallon of the gasoline and placed so it is in full view of consumers. The label size, type style and dimensions are specified in the Rule.[11] Labels must be printed in black

[6] 15 U.S.C. 2821 *et seq.* (1978).

[9] 44 FR 19160, codified at 16 CFR Part 306.

[10] The Commission's staff is currently considering whether a formula for octane determination for these blends could be developed that would serve adequately in place of testing. The public is welcome to submit comments about this issue.

[11] The Commission has granted several conditional exemptions to the Rule's specific posting requirements to allow use of other labels under certain conditions.

ink on a yellow background. The label must show the octane rating preceded by the words "MINIMUM OCTANE RATING" and "(R+M)/2 METHOD." In addition, section 306.11(d) of the Rule states that no marks or information other than that called for by the Rule may appear on the label.

Refiners, producers, importers, distributors and retailers must keep for one year records of any delivery tickets, letters of certification or tests upon which they based the octane ratings that they certified or posted. These records must be open for inspection by Commission and Environmental Protection Agency ("EPA") staff members or by persons authorized by the Commission or EPA.

B. Section 1501 of the Energy Policy Act of 1992

Section 1501 of EPA 92 amends Title II of the PMPA to extend automotive fuel certification and posting requirements to all liquid automotive fuels. Specifically, under this section, the term "gasoline" is deleted from PMPA and replaced with the term "automotive fuel." This change means that all liquid automotive fuels (with the exception of diesel fuels), including new alternative fuels such as ethanol and methanol, could be required to have an "octane" rating posted on fuel dispensers. However, the amended PMPA allows the Commission latitude to use another form of rating determined by the Commission, after consultation with ASTM, to be more appropriate to carry out the purposes of the Act with respect to the automotive fuel concerned. In the case of diesel fuel, the "cetane" number must be posted if the Commission requires it after conducting a rulemaking proceeding.[12]

C. Section 1502 of the Energy Policy Act of 1992

Section 1502(a) of EPA 92 amends section 204 of PMPA to authorize the states to use whatever investigative and enforcement actions they find necessary to enforce state laws that require the certification and posting of automotive fuel ratings. The purpose of this amendment is to facilitate state enforcement of any state or local regulation pertaining to octane disclosure by permitting the use of any remedy or penalty authorized by law. The Commission proposes amending § 306.3 of the Commission's Rule, which parallels section 204 of PMPA, to conform with EPA 92's amendment of section 204 of PMPA.

Section 1502(b) of EPA 92 amends section 203(e) of PMPA regarding the level of knowledge required for proof of an Octane Rule or PMPA violation. Prior to the amendments to section 203 in EPA 92, section 203(e) of PMPA stated that when the Commission commenced a civil action against a gasoline *retailer* who violated the Octane Rule, it had to prove that such retailer had actual knowledge that its conduct was unfair or deceptive and prohibited by the Rule. In contrast, when the Commission commences actions against refiners and distributors, the standard knowledge requirement of section 5(m)(1)(A) of the FTC Act applies.[13] In those cases, the requisite knowledge can be fairly implied on the basis of objective circumstances. Section 1502(b) eliminates the special distinction for retailers. Because the Commission's Octane Rule does not address this knowledge issue, it does not have to be amended to conform with this amendment to section 203(e) of PMPA.

III. Specific Regulatory Proposals

A. Liquid Alternative Fuels

The term liquid fuels encompasses diesel fuel, certain types of reformulated gasoline, gasohol,[14] methanol, ethanol, liquefied petroleum raw and liquid natural gas.[15] The Commission has discretion regarding whether to regulate diesel fuels, as discussed in Part III, B, below. The Commission already treats gasohol as ordinary gasoline covered by the Rule, and thus it is not being specifically addressed in this proceeding. Similarly, "reformulated gasoline," which will be required to be available by the Clean Air Act in 1995, is not specifically being addressed in this proceeding. The Commission believes that the reformulation (to reduce emissions) will not otherwise change the inherent properties of the fuel. Thus, as with other gasolines, octane ratings can and should be derived and posted. For the other fuels, the Commission, in this rulemaking proceeding, is considering whether to require sellers to post octane or other forms of rating that the Commission, after having consulted with ASTM, finds may be more appropriate for these fuels. The result would be that consumers of these fuels could compare posted ratings with their engine's requirements.

1. Description, Current Use and Availability

The primary alternative liquid fuels at this time are methanol, ethanol, blends of methanol or ethanol with gasoline, liquid petroleum gas (LPG) (primarily liquid propane gas in this country), and liquid natural gas. All these liquid fuel alternatives to gasoline and diesel fuel have lower fuel energy densities, whether per pound or per gallon. This means that to achieve the same driving range compared with gasoline, more fuel must be carried on board or the vehicle must be refueled more often (assuming a comparable engine efficiency). All of them have higher octane ratings for internal combustion engines than gasoline. They also have low cetane numbers, and are thus less suitable for compression ignition engines.[16]

Methanol and ethanol are single molecule chemicals whose properties can be precisely described. In contrast, gasoline, diesel fuel, and to a lesser extent liquid petroleum gas (LPG) or propane, are mixtures of hydrocarbons whose composition and properties may vary considerably.[17] Natural gas and LPG or propane are gases at normal temperatures and air pressures. They require different fuel storage and refueling equipment than gasoline and the alcohol fuels. Propane can be stored

[12] As discussed more fully in section III, B, 1, below, cetane is a measure of the ignition quality of diesel fuel and influences combustion roughness.

[13] 15 U.S.C. 45(m)(1)(A).

[14] "Gasohol" is generally recognized as being a blend of unleaded gasoline and up to 10% ethanol.

[15] EPA 92 does not specifically define "liquid automotive fuel." However, as stated previously (fn. 3, above), section 301 of the Act, for purposes of title IV, V and VI, defines "alternative fuel" to include:

[M]ethanol, ethanol, and other alcohols; mixtures containing 85 percent or more (or such other percentage, but not less than 70 percent, as determined by the Secretary [of the Department of Energy], by rule, to provide for requirements relating to cold start, safety, or vehicle functions) by volume of methanol, ethanol, and other alcohols with gasoline or other fuels; natural gas; liquefied petroleum gas; hydrogen; electricity and any other fuel the Secretary determines, by rule, is substantially not petroleum and would yield substantial energy security benefits and substantial environmental benefits[.]

Although the definition does not directly apply to the amendment of the Octane Rule required by section 1501, it does apply specifically to the ruelmaking proceeding the Commission must conduct under section 406 of EPA 92 to consider labeling requirements for alternative fuels. Further, titles IV, V and VI of EPA 92 cover research, development and incentive programs to promote the use of alternative fuels and alternative fuel vehicles and therefore to the alternatives to gasoline and diesel fuel most likely to be available to the general public in the foreseeable future. Therefore, for purposes of this rulemaking, the Commission will be guided by the definition in section 301. *See* H/R Rep. No. 474, 102d Cong., 2d Sess. 151 (1992).

[16] *First Interim Report of the Interagency Commission on Alternative Motor Fuels*, Sept. 30, 1990, at pg. 1–3. As stated previously, cetane is a measure of how high compression may be before the fuel will ignite. The most common compression ignition engines, by far, as those fueled by diesel fuel oil.

[17] *Id.*

easily as a liquid under modest pressure, but natural gas must be stored either as a compressed gas or cooled to liquid form.[18]

Currently, the availability of these alternative liquid fuels varies among the different types, and there are limited numbers of vehicles designed to use them. Research and development is ongoing, however, and the availability of both the fuels and the vehicles to use them is increasing. Among the concerns that are being examined in research and development studies of alternative fuels and the related vehicles are safety and health, both for users and workers.[19]

Although ordinary passenger vehicle use of such fuels either from an original equipment manufacturer (OEM) or based on a conversion of an existing gasoline engine currently is very limited,[20] all the major automakers are involved in development of alternative fuel vehicles.[21] Of the alternative fuel technologies available, vehicles to operate on compressed natural gas (CNG) and flexible fuel vehicles designed to operate on methanol, ethanol, and gasoline appear to be favored by auto markers.[22] Most of these vehicles are destined for the California market, where methane already is more readily available because of the state's efforts to promote alternative fuels.[23]

In addition, EPA 92 promotes the development of these fuels by establishing both federal procurement requirements and fleet vehicle requirements. Likewise, several states have fleet purchase programs or other programs to promote the use of alternative fuel vehicles.[24] Additional information about the availability of these fuels and vehicles that use them appears below.

a. Methanol and methanol/gas blends. Methanol, or "wood alcohol," can be produced from domestic resources, both fossil and renewable. In the U.S., it is most commonly used as a raw material source (feedstock) for producing methyl tertiary butyl ether (MTBE), an octane-enhancing gasoline additive, and as a chemical feedstock, extractant, or solvent. It can be used in neat (100%) form as a gasoline substitute or in a blend with gasoline, most commonly as M85 (85% methanol, 15% gasoline).

The U.S. industry produced approximately 3.3 million gallons of methanol per day in 1991. About 43%, or 33,400 barrels per day (b/d), is used in the transportation sector (32,000 b/d in the production of MTBE). The majority of methanol produced in the U.S. is from natural gas resources. Methanol also can be produced from coal, residual oil, and biomass.[25] DOE is conducting a methanol-from-biomoss program to develop catalysts that can reduced impurities formed during gasification of coal or biomass and produce the desired carbon monoxide-hydrogen mix (thereby reducing production costs), and to demonstrate a full-scale, biomass-to-methanol plant. (The primary biomass feedstock for one production plant, for example, will be sugar cane waste, a major waste product in the area of the plant.) The goal of the DOE program is to reduce the cost of methanol from biomass from its present $0.75/gallon to $0.55/gallon.[26]

Methanol has a higher octane rating than gasoline. It has lower nitrogen oxide emissions and generally lower overall emissions. However, methanol's energy density is about half that of gasoline, so (assuming comparable engine efficiency) the driving range of methanol vehicles is shorter than that of gasoline-powered vehicles (methanol provides fewer miles per gallon). In addition, vehicles using neat methanol at temperatures below 45°F are difficult to start, at least with current engine designs. Engineering solutions to this problem are under development. For example, M-85 significantly reduces the cold start difficulties because of its 15% gasoline component.[27] But, availability of M-85 is limited, with fewer than 100 methanol stations nationwide, located largely in the key, high-population areas of California.

DOE is conducting several methanol projects in which government and private-sector fleets, primarily using M-85 and neat methanol, will be tested and evaluated. DOE will collect and evaluate performance, emissions and other data. Light-duty passenger autos, heavy-duty trucks and buses will be included. In addition, California has sponsored a comprehensive methanol fuel and vehicle program. Approximately 1000 cars, trucks and buses on the road in California are fueled by methanol. Several major automotive and oil companies are participating in these and other alternative fuels demonstration programs across the U.S.[28]

b. Ethanol and ethanol/gas blends. Ethanol is an alcohol product that can be produced from biomass sources. It can be used as a blend or as a pure fuel, with good efficiency and performance. It is a potentially clean-burning fuel that can reduce air pollution problems such as smog and carbon monoxide.

Between 800 million and 850 million gallons of ethanol are produced in the U.S. annually, principally from corn. DOE is concentrating its efforts on developing an ethanol feedstock from various forms of cellulosic biomass. For example, DOE researchers are examining wood and grass species crops that have been genetically altered to require minimum management and produce high yields in several different climatic and soil regions across the country. It is estimated that sufficient cellulosic biomass could be available to produce 170 billion gallons of ethanol annually. DOE has the objective of producing ethanol from biomass at a price competitive with gasoline by the year 2000. Over the last decade, DOE's program has reduced the predicted cost of biomass-derived ethanol from $3.60 per gallon to $1.37 per gallon.

Ethanol use in the U.S. currently is centered primarily in the Midwest, where excess corn and grain can be converted into fuel. Many Midwest service stations sell high octane gasoline blends that contain 10% ethanol (gasohol). A blend, E–85 (85% ethanol and 15% unleaded gasoline), is being tested. Ethanol also can be used as a feedstock to produce ethyl-tertiary-butyl ether (ETBE), which may become an important constituent in reformulated gasoline.

The use of ethanol feedstock fuels may help reduce net greenhouse gases from auto emissions. This is because plants require carbon dioxide for growth, so a "carbon cycle" is created

[18] *Id.* at pg. 1–3 to 1–4.

[19] For more information about alternative liquid fuels, see *Final Report of the Interagency Commission on Alternative Motor Fuels*, U.S. Department of Energy ("DOE"), DOE/EP–0002P (Sept. 1992), pg. 38, *et seq.*, and the DOE fact sheets on individual alternative fuels cited below The Commission has relied extensively on DOE's work in this area, which provided important information necessary to conduct this proceeding.

[20] *Id.*

[21] *'93 New Car Buyer's Guide*, Motor Trend Magazine, at pg. 42–48 (cited as *"'93 New Car Buyer's Guide"*).

[22] *Id.* at 42. Ford Motor Company, General Motors Corporation and Chrysler Corporation have flexible fuel vehicle programs underway that include building 2000 each of the Ford Taurus; Chevrolet Lumina, and Dodge Spirit/Plymouth Acclaim. Two hundred Ford Econoline/Club Wagon flexible fuel vehicles were to be available in 1992, with further production likely in 1993.

[23] *Id.*

[24] *Id.* at pg. 42.

[25] "Biomass" is a renewable, virtually inexhaustible domestic resource. Corn is the major biomass feedstock being used today to produce alternative liquid fuels. Other biomass sources currently being used, or subject to research as potential feedstocks, include crop residues, forage (grass) crops, wood resources (forest residues and short-rotation wood energy crops), and the cellulosic components of municipal solid waste.

[26] Fact sheet on methanol developed by the Development and Communications Office, Technical Information Program, for the U.S. Department of Energy, NREL SP–220–4315, DE91002157, Rev. Feb. 1992 (cited as "DOE Methanol Fact Sheet").

[27] *Id.*

[28] *'93 New Car Buyer's Guide*, note 21, above.

when plant-derived fuels are buried in vehicle engines. In addition, use of ethanol fuels can reduce emissions of carbon monoxide, nitrogen oxides, and unburned hydrocarbons. On the other hand, use of ethanol raises issues of aldehyde emissions, cold start difficulties (i.e., starting problems in cold weather), low energy density, and corrosive properties. Because ethanol is water-soluble, it could precipitate corrosion of many conventional engine components, so appropriate materials need to be used in vehicles operating on ethanol. However, corrosion is not a factor when using ethanol-gasoline blends.[29] And, because ethanol contains about two-thirds the energy per volume of gasoline, the driving range of ethanol vehicles is shorter than that of gasoline-powered vehicles (assuming comparable engine efficiency, ethanol provides fewer miles per gallon). However, efficiently designed engines could increase the range to 80% that of gasoline. The driving range of gasohol blends (10% ethanol and 90% gasoline) is statistically indistinguishable from regular gasoline.

There are far fewer ethanol fuel vehicles than methanol fuel vehicles in the U.S. It is estimated that there are about 2.5 million ethanol fuel vehicles worldwide, mostly in Brazil.[30]

c. Liquefied petroleum gas or liquid propane gas. Liquefied petroleum gas (LPG) is composed primarily of propane and butanes, with smaller amounts of propylene and butylenes. About two-thirds of the LPG available today is a by-product of natural gas processing. It is supplied in four grades of different composition, but HD–5 is the only grade appropriate for use in automobiles. HUD–5 is 95% propane and 5% butanes. The terms LPG and propane are often used interchangeably.

LPG can be burned directly in modified automobile engines. Most gasoline-powered cars and trucks can be converted to operate on LPG in either a single-fuel (LPG only) or a dual-fuel (either gasoline or LPG) configuration.[31] The gas is stored on-board in liquefied form in tanks pressurized to 160 psi. LPG has about 80% of the energy of gasoline by volume, so the driving range of LPG vehicles is shorter than that of gasoline-powered vehicles where engines are of comparable efficiency (LPG provides fewer miles per gallon). LPG has the potential to produce less carbon monoxide and smog-causing reactive hydrocarbons than gasoline.

The U.S. is one of the world's largest producers of LPG, with about 20 billion gallons produced in 1985. About 2% was used for transportation, with the remainder used in applications as an alternative to natural gas (for example, in stationary engines, home heaters, stoves, and other appliances). LPG is readily available in regions with natural gas production or petroleum refining. However, LPD refueling requires specially designed service stations that are found in both urban and rural areas.

About 350,000 LPG-fueled vehicles are in use in the U.S. today, and about 3.5 million worldwide. Most are spark-ignition engines adapted to use either propane or gasoline. Public and private fleets are good candidates for conversion because of their relatively short driving ranges and centrally located refueling facilities. Transit authorities are introducing propane-powered buses into urban transportation systems. Because propane transportation vehicles already are commercially available, DOE has limited involvement in research on LPG applications.[32]

d. Liquid natural gas. Natural gas is a fossil fuel composed primarily of methane, along with other hydrocarbons such as ethane, propane, butane, and inert gases such as carbon dioxide, nitrogen, and helium. It can be burned directly in modified vehicle engines. It is produced both in compressed (CNG) and liquefied (LNG) forms.

This rulemaking proceeding under Section 1501 of EPA 92 covers only the liquefied form. LNG is natural gas that has been liquefied at −259°F. It is stored in insulated tanks that resemble large bottles. The U.S. is one of the world's largest producers of natural gas. About one quarter of the energy consumed in the U.S. is natural gas. Natural gas as a transportation fuel may offer the potential for reducing exhaust emissions.

Most gasoline-powered cars and trucks can be converted to operate on LNG either as a single-fuel (natural gas only) or as a dual-fuel (either gasoline or natural gas) vehicle. Diesel vehicles also can be converted to use either diesel fuel or natural gas in a dual-fuel configuration. However, assuming comparable engine efficiency, the driving range of LNG vehicles is shorter than that of gasoline-powered vehicles (LNG provides fewer miles per gallon) because of the lower energy density of natural gas fuels.

It is estimated that 30,000 natural gas vehicles (both LNG and CNG) are in use today in the U.S., and nearly a million worldwide. However, most of these are CNG dual-fuel vehicles. Public and private fleets are especially conducive to conversion to natural gas because they are used for relatively short driving ranges and use centrally located refueling facilities. Transit authorities are beginning to use hundreds of natural gas buses in urban transportation systems. In addition, DOE is sponsoring demonstrations of natural gas powered automobiles, trucks and buses throughout the U.S., and funds purchases of vehicles that use natural gas.[33]

2. Regulatory Proposals

Section 1501 of EPA 92 recognizes that, for consumers making gasoline purchasing decisions, octane is a crucial performance characteristic that consumers find useful. The evident purpose of section 1501 is to provide consumers with the same or similar information for all liquid automotive fuels.[34] However, the statute implicitly recognizes that octane may not be the most useful measure for liquid fuels other than gasoline. The statute provides that the Commission may consider "another form of rating * * * more appropriate to carry out the purposes of this title with respect to the automotive fuel concerned."[35]

For gasoline, a mixture of hundreds of different hydrocarbon compounds with a resulting wide range of properties, octane ratings allow consumers to choose fuel that will prevent engine knock. However, the physical and chemical properties of each alternative liquid fuel, including their octane ratings, may not vary much. For

[29] Fact sheet on ethanol developed by the Development and Communications Office Technical Information Program, for the U.S. Department of Energy, NREL SP–220–3587, DE91002129, Rev. Feb. 1992 (cited as "DOE Ethanol Fact Sheet").

[30] *Introduction to Alternative Fuel Vehicles*, prepared by Science Applications International Corp. for the U.S. Department of Energy, Contract No. XF–1–11107–1, March 2, 1992, pg. 5.

[31] Single-fuel or dedicated fuel vehicles are those that can operate only on one type of fuel. Dual-fuel vehicles can operate on two different types of fuels, but must have separate fuel tanks for the different fuels. Flexible-fuel vehicles can operate on various blends of fuel from a single tank. For example, a flexible-fuel vehicle might operate on any percentage of methanol from zero to 85 percent or more.

[32] Fact Sheet on liquefied petroleum gas and propane, developed by the Development and Communications Office, Technical Information Program, for the U.S. Department of Energy, NREL SP–220–4066, DE91002114, Rev. Feb. 1992 (cited as "DOE LPG Fact Sheet").

[33] Fact sheet on natural gas, developed by the Development and Communications Office, Technical Information Program, for the U.S. Department of Energy, NREL SP–220–4005, DE90000388, Rev. Feb. 1992 (cited as "DOE Natural Gas Fact Sheet").

[34] H.R. Rep. No. 474, 102d Cong., 2d Sess. 151 (1992).

[35] Section 1501(b)(17)(C) of EPA 92.

example, methanol and ethanol are single-molecule alcohols. In addition, the alternative fuels have inherently high octane ratings that will not be affected much by the small hydrocarbon content differences that could occur in the chemical make-up of the fuels. This being the case, it is also expected that any modified engines for such fuels would also be designed to accommodate these fixed-octane fuels without producing engine knock.[36] Thus, the octane disclosure for pure alternative fuels, or blends containing small amounts of gasoline, may not be particularly useful to consumers in making purchasing decisions.

In addition, there may be practical problems in implementing a reliable octane certification and posting program for alternative fuels. There is no ASTM-approved method, or any other standardized method, for determining the octane ratings of the alternative fuels. The test method and procedure specified in the Octane Rule is an ASTM-approved method for determining the octane rating of gasoline. The high octane ratings that are generally referred to in literature regarding these alternative fuels, however, were derived by modifying that procedure without formal ASTM approval.[37]

Section 1501 authorizes the Commission to identify other crucial performance characteristics of a particular fuel after consultation with ASTM. The Commission staff's consultation with ASTM determined that, except for LPG, ASTM has not approved standardized materials specifications[38] for the alternative fuels that are the subject of this proceeding.[39] ASTM also has not identified crucial performance characteristics or developed rating systems for any of the alternative fuels. However, because, the development and use of the alternative fuels are still emerging, the Commission attempted to determine what would be the most analogous "rating" measures that could be important to consumers attempting to make alternative fuels purchasing decisions.

For at least for the next several years, consumers may need disclosures that direct them to the correct fuel dispenser, and identify whether the fuel satisfies their automobile engine's minimum requirements. Consumers also may be interested in the cost of the fuel and the mileage they can obtain from the fuel compared to the cost of and mileage obtainable from gasoline. While there is no need to require disclosure of price on the pump via this rule, other disclosures may help consumers in making these mileage comparisons. Thus, in addition to octane ratings, the Commission is requesting comment on three other forms of "ratings" that may address these anticipated consumer concerns.

As noted earlier, this rulemaking pursuant to section 1501 of EPA 92 focuses on development of a labeling system concerning the performance characteristics of these fuels, while section 406 of EPA 92 requires the Commission to propose uniform labeling requirements concerning, *inter alia*, cost comparison information for the various fuels. Although the rulemaking under section 406 is subject to a different timetable, the Commission is interested in comment now on how best to design a labeling format that implements the purposes of both sections 1501 and 406. For example, one of the alternatives suggested here—the heating value option—would allow consumers to compare the energy costs of the various alternative fuels.

Since EPA 92 allows the Commission to require posting and certification of another rating that is determined to be "more appropriate [than an octane rating] * * * with respect to the automotive fuel concerned," the Commission may require different ratings for different fuels. For a particular type of fuel, a combination of the following options may be appropriate. For example, an octane rating may be required in addition to a descriptor that certifies the contents of a fuel.

a. Octane rating. Section 1501 of EPA 92 provides for the possibility of extending the octane rating disclosure requirements of the Commission's Octane Rule to alternative liquid fuels. Octane ratings are already familiar to consumers and have been posted on gasoline dispensers since the Octane Rule became effective in 1979. Posting octane ratings for alternative fuels, therefore, may help promote their use and acceptance by consumers.

As previously discussed, however, the Commission is not aware of an established method for determining the octane ratings of the alternative fuels that has been approved by government agencies, ASTM, or other authoritative sources. Thus, it may be quite difficult, if not virtually impossible in terms of cost and technique, for private and state laboratories to determine with precision the accuracy of posted octane ratings for the alternative fuels. Moreover, significant variations of octane levels are not expected within specific classes of alternative fuels such as neat methanol or neat ethanol. Taken together, these considerations argue for simply assigning octane ratings to these fuels, requiring that the fuels' composition at the pump be as stated (e.g., E–85), and requiring that these octane ratings be posted at the pump and certified by suppliers through the chain of distribution.

To this end, the Commission's staff asked DOE's National Renewable Energy Laboratory in Golden, Colorado to try to determine the actual octane ratings, as tested, of the alternative fuels. By modifying the ASTM method for determining the octane ratings of gasoline, in terms of both procedure technique and necessary test engine modifications, the laboratory obtained the following octane ratings for the alternative fuels.[40]

Methanol	98
Ethanol	99
M–85	95
E–85	96
LPG	104
LNG	120

The Commission proposes requiring that the above-listed octane ratings be posted for the alternative fuels.[41] The disadvantages of this option are that the costs of certification and posting octane ratings for these fuels may not be offset by benefits to consumers or competition. For those with dedicated alternative fuel vehicles, the octane ratings of the fuels their vehicles use are not likely to vary significantly. Similarly, consumers with dual fuel or flexible fuel vehicles may not make fuel purchasing decisions on the basis of an octane rating. Indeed, manufacturers of these vehicles do not presently specify a minimum octane rating for the alternative fuels they require. Thus, cost, availability, and energy content

[36] *The Fuels of the Future*, Consumer Reports, January, 1990, pp. 11–15.

[37] The Commission's staff discussed the octane ratings referred to in DOE's fact sheets and other technical literature extensively with representatives of both DOE and ASTM. These representatives have indicated that the modifications to the test procedure and the test engine to derive the octane ratings have not yet been subjected to the critical review that would occur during an ASTM proceeding to adopt a new or revised standardized test procedure.

[38] ASTM materials specifications may or may not set minimum required values for different product characteristics.

[39] ASTM's specification for LPG does not, however, include a minimum octane rating requirement.

[40] These are not necessarily the same ratings that are cited in some literature about these fuels. The differences occur because there is not yet a standardized procedure for determining octane ratings for these fuels.

[41] Note that, since ASTM specifications do not exist for all of these fuels, this option may need to be combined with the Fuel Composition or Fuel Descriptor Options or the Commission may need to otherwise define each fuel before requiring that particular numerical ratings be posted with each fuel.

may be more important factors than octane in selecting an alternative fuel. Another important factor may be deciding whether to purchase a blend, rather than a neat fuel (E–85 versus E–100), to avoid cold start problems.

Another disadvantage may be that posting the high octane ratings associated with the alternative fuels may contribute to the misperception that high-octane gasoline is always best for everyone's engine. For example, consumers may wrongly infer that there is a necessary correlation between the lower auto emissions benefits of alternative fuels and the higher octane of these products. Thus, posting the octane ratings of the alternative fuels could add to existing problems of gasoline octane overbuying and foster the potential for deception in the market place by misleading consumers with respect to their purchases of gasoline.[42]

The Commission would like to receive comment on whether an octane rating would be a useful disclosure to consumers trying to make alternative fuel purchasing decisions. Among the specific areas of comment described below, the Commission seeks comment on whether it should require the certification and posting of specific octane ratings for the alternative fuels on an interim basis until such time as the Commission, in consultation with ASTM and DOE, determines that other more appropriate ratings exist for the alternative fuels. In such a case, the Commission would initiate another rulemaking proceeding to amend the rating for the alternative fuel concerned after that determination was made.

b. Fuel composition: Hydrocarbon, propane and methane content. As another option, the Commission proposes requiring the disclosure of fuel composition. Specifically, the Commission proposes that the minimum propane content of LPG and the minimum methane content of LNG be certified and posted. LPG and LNG are essentially single component products, with only small percentages of other gases. The LPG appropriate for automotive applications is 95% propane and 5% butanes.[43] LNG is composed of several gases—methane, ethane, propane and nitrogen, with methane accounting for 88–99% of the fuel's composition. Disclosure of the minimum propane content of LPG and the minimum methane content of LNG may provide consumers, in conjunction with information from the vehicle manufacturer or converter, with comparative quality information needed for fuel purchase decisions. Under this option, consumers could compare like fuels. For example, for LNG, one station may post a methane content of 90. Another station may post 95. Depending on their vehicle's requirements, consumers could determine which fuel is better for their purposes. The Commission seeks comment on how such minimum contents could be determined, because the Commission will specify the methodology in a final rule if it selects this option.

For the alcohol fuels, the Commission proposes a requirement to certify and post the hydrocarbon content of the fuel. Hydrocarbon content is important because it relates to the cold start property of the alcohol fuels, which differs significantly from that of gasoline. Alcohol is more difficult to vaporize than gasoline, and therefore more difficult to ignite in a cold engine. The addition of gasoline (or other hydrocarbons) to the alcohol fuels improves their cold start characteristics. For example, cold starts are significantly improved in M–85 and E–85 over the neat alcohols methanol (M–100) and ethanol (E–100).[44] For each alcohol fuel, hydrocarbon content disclosures would give consumers information about the fuel's cold start quality. For example, consumers could select a fuel with a higher or lower hydrocarbon content, depending on climatic conditions or geographic region.

The Commission proposes that the hydrocarbon content of these fuels be certified and posted in terms of a hydrocarbon *range*, rather than a fixed number. Hydrocarbon content could vary, primarily because the fuel could be composed of other hydrocarbon-containing oxygenates (basically, other alcohols and ethers) in varying amounts. Disclosure of a range should eliminate the need for changing labels frequently, which would otherwise arise as a result of the possible variations in the hydrocarbon contents of the alcohol fuels.

The Commission seeks comment on the following labels, each of which is pertinent to a particular alternative fuel, and asks whether they would satisfy EPA 92's intent:

1. "Liquefied Propane Gas/Minimum _____% Propane"
2. "Liquefied Natural Gas/Minimum _____% Methane"
3. "M–100 Fuel Methanol/X%—Y% Hydrocarbons"
4. "E–100 Fuel Ethanol/X%—Y% Hydrocarbons"
5. "M–85 Fuel Methanol/X%—Y% Hydrocarbons"
6. "E–85 Fuel Ethanol/X%—Y% Hydrocarbons"

The Commission solicits comment on the advantages and disadvantages of such a disclosure. The Commission also asks how such hydrocarbon contents for ethanol and methanol could be determined and how the Commission should specify a test method, if this option is viewed as useful.

c. Heating value (energy content). As another option, the Commission proposes requiring the posting of a label comparing the alternative fuel to gasoline in terms of the approximate mileage one would obtain by using an equivalent volume of each fuel. This would be based on the heating value, or energy content, of each of the alternative fuels.

Vehicle range and refueling frequency, combined with refueling convenience (*i.e.*, the availability of refueling stations) will be some of the crucial factors in consumer acceptance of new transportation fuels. Fuels with a high heating value per unit volume, generally expressed as Btu/gallon, allow extended range, which means less time spent in refueling stops. For example, ethanol has only about two-thirds the heating value of an equal volume of gasoline. This means that consumers would need 1.5 gallons of ethanol to drive as far as they could on one gallon of gasoline. To store the same amount of energy, ethanol would take up 50% more space.[45]

The Commission's staff obtained, from the Interagency Commission on Alternative Motor Fuels and the Department of Energy, the approximate heating values of the alternative fuels, which appear in the right-hand column of the chart below. Although the values would be published and used as the basis for certification[46] and for the

[42] As observed by the Government Accounting Office ("GAO"), many consumers already mistakenly assume that high octane offers benefits other than achieving the minimum performance needed to avoid engine knock. *See* GAO's report entitled *Gasoline Marketing, Consumers Have Limited Assurance That Octane Ratings Are Accurate* (April, 1990).

[43] DOE LPG Fact Sheet, fn. 32, above.

[44] *Introduction To Alternative Fuel Vehicles*, Science Applications International Corporation, March 2, 1992, page 11.

[45] *First Interim Report Of The Interagency Commission On Alternative Motor Fuels*, Sept. 30, 1990, page 2–6. However, the engines designed in the future to take full advantage of the properties of the alternative fuels should be inherently more efficient and provide greater power than today's gasoline-powered engines. *Id.* at page 2–7.

[46] Even though these heating values (or other values that would be selected if this option were adopted) will be known as constants in the industry, the amended Rule would have to require that they be certified through the chain of distribution. This is because of the requirements in sections 202(a) and (b) of amended PMPA (15 U.S.C. 2822 (a) and (b)) that refiners and

following alternative labeling options, the values in the chart would not appear on the label.[47]

The Commission proposes for comment the following two alternative label formats:

(1) You will need about (B) gallons of (A) for every gallon of gasoline you usually use. [Metric equivalents may be included.]

(2) One gallon of (A) will take you about (C) as far as you can go on 1 gallon of gasoline. [Metric equivalents may be included.]

HEATING VALUES CHART

[This chart would not appear on labels]

(A)	(B)	(C)	Btu/gallon
LPG	1.25	80%	89,253
Methanol	2.00	50%	56,560
Ethanol	1.50	65%	75,670
M–85	1.75	60%	65,196
E–85	1.40	70%	81,439
LNG	1.40	70%	83,700
Gasoline	.....	.....	114,132

The advantage of this type of label is that the information provided, coupled with the price of the fuel, would give consumers with flexible fuel vehicles the ability to make choices among different fuels. Although vehicle manufacturers may provide vehicles with gauges that show how many miles the vehicle can travel before the tank is empty for a particular fuel, this label option can reinforce that information and allow comparison shopping on the basis of miles obtained per gallon. Because these disclosures are based on objective determinations of the BTU heating values, or energy content, of the alternative fuels, and would provide useful comparative information to consumers, they could serve the purpose that octane ratings do for gasoline.

d. Fuel descriptor. As another option, the Commission also proposes requiring that the alternative fuel pumps identify the fuels for consumers. The fuel descriptors the Commission proposes are based on the terms developed by and included in the California Air Resources Board's proposed specifications for the alternative fuels. Those terms are:

"M–100 fuel methanol;"
"M–85 fuel methanol;"
"E–100 fuel ethanol;"
"E–85 fuel ethanol;"
"Liquefied Propane Gas;"[48] and,
"Liquefied Natural Gas."

Before the descriptors could be posted, the fuels would have to meet technical specifications. For example, for the blends there would need to be specifications for the gasoline that is used in the blend. If octane were the only characteristic of concern, then the specifications could be limited to that. The Commission could require certification and posting of the descriptors and could develop and publish in the final rule minimum specifications for the alternative fuels based on the comments received. In addition to the proposed specifications developed by the State of California, specifications are likely to be developed by alternative vehicle manufacturers and fuel suppliers in conjunction with ASTM (as has been done for gasoline) or, perhaps, by DOE. Unfortunately, ASTM and DOE specifications are unlikely to be completed within the time allotted for this rulemaking. As an alternative, the Commission could adopt specifications analogous to California's as interim specifications until ASTM, or DOE, develops and approves alternative fuel specifications.

Descriptor labeling has the advantage of providing assurance to consumers that they are purchasing a product that meets certain content requirements, which may be specified in their owner's manuals. Further, the descriptors, in conjunction with the specifications, could serve the purpose of octane ratings. As discussed at the beginning of section III, A, 2, the octane rating of each of these fuels does not vary significantly, so that a consumer buying M–100 would have fuel with an octane rating of about 98. For these reasons, this labeling option also can be considered another form of "rating for the alternative fuels pursuant to section 1501(b) of EPA 92.

B. Cetane Ratings of Diesel Fuel

1. Background

Congress drafted the definition for "automotive fuel rating" in section 1501(b) of EPA 92 (which amends PMPA) so that the definition could include the cetane rating of diesel fuel oils "if provided for by the Federal Trade Commission." The ASTM definition for "cetane number" states that the cetane number is "a measure of the ignition quality of the [diesel] fuel and influences combustion roughness."[49] From a practical point of view, an engine operating on a fuel with a higher cetane rating will start better when cold, run cleaner and operate more quietly than one operating on fuel with a lower cetane rating. The effect of this amendment is that the Commission now has discretionary authority under PMPA to add the disclosure of cetane ratings of diesel fuel oils to the requirements of the Octane Rule. Previously, the Commission did not have such authority under PMPA.

The Commission staff has conducted a preliminary analysis of the production, marketing, and end use of diesel fuel oils, and the extent of fluctuation of the range of cetane ratings currently found in the marketplace. A significant quantity of diesel fuel oil is sold for vehicle use nationally, and some information suggests that the posting of cetane ratings for the diesel fuel used for vehicle applications may be helpful. For example, one state, Virginia, already requires cetane posting. Further, because higher cetane fuels can make engines start better in cold weather and run more quietly, there may be market incentives to produce higher cetane fuel and to make available a variety of fuels with different cetane levels. The preliminary analysis also suggests that accurate posting of cetane levels nationwide at retail outlets may be difficult to achieve, and that the costs of posting may outweigh the benefits. But, because posted cetane ratings may be useful to consumers and competition, the Commission is considering amending the Octane Rule to require cetane certification and posting for diesel fuel intended for vehicle use.

2. The Commission's Authority in Section 150(b) of EPA 92

Section 1501(a) of EPA 92 amends section 201(6) of PMPA by replacing the definition of "automotive gasoline" with a definition for "automotive fuel." "Automotive fuel" is defined as "liquid fuel of a type distributed for use as a fuel in any motor vehicle." In subsequent parts of section 1501,

distributors certify automotive fuel ratings to their transferees, and the requirement in section 202(c) (15 U.S.C. 2822(a)) that retailers post on the basis of automotive fuel ratings certified to them. As is currently permitted, however, such certification could be accomplished by a one-time letter, at the industry member's option.

[47] Note that, since ASTM specifications do not exist for all of these fuels, this option may need to be combined with the Fuel Composition or Fuel Descriptor Options or the Commission may need to otherwise define each fuel before requiring that particular numerical ratings be posted with each fuel.

[48] For LPG, the California Air Resources Board uses the term "Liquefied Petroleum Gas." However, based on discussions the Commission's staff has had with Department of Energy staff and staff at the National Propane Gas Association, the Commission proposes using the term "Liquefied Propane Gas."

[49] ASTM Standard Specification for Diesel Fuel Oils, D 975–91, Appendix XI.4. A Cetane number is derived by testing the fuel directly. Cetane index is a cetane rating derived through calculation. See ASTM Standard Test Methods for Calculating Cetane Index of Distillate Fuels, D 976–91.

Congress amended PMPA by substituting "automotive fuel rating")[50] for "octane rating" and "automotive fuel" or "fuel" for "gasoline," with the general result that PMPA now encompasses diesel fuel oil and cetane ratings. This gives the Commission the authority to include requirements for the determination, certification and posting of cetane ratings for diesel fuel oil.

3. Distribution of Diesel Fuel Oil

The diesel fuel for which the Commission is given authority to disclose cetane certification and posting is identified in amended section 201(18)(B)(ii) of PMPA as any grade or type of diesel fuel oils defined in ASTM D975.[51] ASTM D975 defines three types of diesel fuel oils that are commercially available fuel[52]

Grade 1–D diesel, which is for use in high-speed engines in services involving frequent and relatively wide variations in loads and speeds, such as in stop and start bus operations. For use where abnormally low temperatures are encountered.

Grade 2–D diesel, which is for use in high-speed engines in services involving relatively high loads and uniform speeds in climates where cold starting and cold fuel handling are not severe problems. This grade of diesel fuel oil is widely used and satisfies the majority of automotive-type diesel applications. Examples are long-haul trucking, construction equipment, farm tractors and railroad diesels.

Grade 4–D diesel, which is used mostly in large, high-output diesel engines in services involving sustained loads at constant speeds, such as in stationary power plants in ships.

It thus appears that there are two different grades of diesel fuel oil available in the marketplace today that can, and normally will, be used in motor vehicles and therefore are encompassed by amended PMPA's definition of automotive fuel—Grade 1–D diesel and Grade 2–D diesel. Although these two products are chemically similar, their distribution and end uses can be significantly different. Grade 2–D diesel is used for home heating as well as use as a motor fuel for vehicle use;[53] Grade 1–D diesel is primarily for off-highway (farm) vehicle use, and is often mixed with Grade 2–D diesel in cold weather to improve performance. Sales of Grade 2–D diesel are greater than sales of Grade 1–D diesel, because of the wider application of the former, especially with regard to home heating use.[54] Although both grades of diesel fuel oil can be found at retail outlets, Grade 2–D diesel is carried more often by retailers than Grade 1–D diesel. The preferred method of delivery for Grade 1–D diesel appears to be direct delivery to the end user's tank dispenser in a tank truck.[55] Further, Grade 2–D diesel is designed for high-speed vehicle use, and, therefore, often contains detergents and additives not found in Grade 1–D diesel oil.

A regulation of the U.S. Environmental Protection Agency that will become effective in October of this year will reduce the maximum level of sulphur in both grades of diesel fuel. This will result in lower cetane levels than would otherwise be obtained.[56] To compensate for this, the regulation set a minimum cetane level of 40.[57] In setting its maximum sulfur specifications, the U.S. Environmental Protection Agency recognized cetane rating spreads of between 42 and 56 for Grade 1–D diesel and between 30 and 58 for Grade 2–D diesel.[58] But, because the standards set a minimum cetane rating of 40, it will be unlikely after October 1, 1993, that Grades 1–D and 2–D diesel in the market place will have cetane ratings below 40.

Because of the different end uses to which Grade 1–D diesel and Grade 2–D diesel can be put, each is separately identified from the refinery through the chain of distribution. It appears possible, therefore, that certification could be accomplished from batch to batch. Because cetane levels are dependent on the crude product from which the diesel oil is being refined, there can be as much variation as there is among different batches of crude. It appears that refiners may primarily aim to achieve the federally-mandated minimum 40 cetane level or four or five points higher, and not to produce significantly higher cetane diesel. However, some companies nevertheless market, or, are planning to market, diesel fuels with higher cetane levels.[59]

Grade 2–D diesel is generally available at retail outlets throughout the country and is usually dispensed at the same cetane level at any given outlet. This is true to a lesser extent for Grade 1–D diesel. Thus, although there may be several, or many, dispensers at an outlet, the cetane level of the diesel fuel from every dispenser at the outlet will usually be the same.

Cetane ratings and diesel fuel oil marketing are significantly different from octane ratings and gasoline marketing. Cetane levels can fluctuate significantly from batch to batch. Inaccuracy in labeling could be avoided, however, by requiring only that a *minimum* cetane level be posted (40 being a standard minimum). Suppliers could, for example, always safely post at the 40 cetane rating minimum. Refiners that wished to market their fuel as having a higher cetane level for better cold starting and quieter operation could maintain a higher minimum and post to that level, if they wished.

4. Proposed Diesel Fuel Cetane Disclosure

The Commission proposes that the Octane Rule be amended by the addition of the above definitions from the amended PMPA for "automotive

[50] Section 1501(b) of EPA 92 amends section 201 of PMPA by adding two new subsections (17 and (18). Subsection (17) states in part that: The term "automotive fuel rating" means—

(A) the octane rating of an automotive spark-ignition engine fuel; and

(B) if provided for by the Federal Trade Commission by rule, the cetane rating of diesel fuel oils.

Subsection (18) is described in footnote 51.

[51] Subsection (18) states in part that: (A) The term "cetane rating" means a measure, as indicated by a cetane index or cetane number, of the ignition quality of diesel fuel oil and of the influence of the diesel fuel oil on combustion roughness.

(B) The term "cetane index" and the term "cetane number" have the meanings determined in accordance with the test methods set forth in the American Society for Testing and Materials standard test methods—

(i) designated D976 of D4737 in the case of cetane index: and

(ii) designated D613 in the case of cetane number (as in effect on the date of the enactment of this Act) and shall apply to any grade or type of diesel fuel oils defined in the specification of the American Society for Testing and Materials entitled "Standard Specification for Diesel Fuel Oils" designated D975 (as in effect on such date).

[52] The examples of end uses to which these three grades of diesel fuel oil are put were provided by two pamphlets provided by the American Petroleum Institute ("API"): API Publication 1572, *Questions and Answers—Diesel Fuel for Heavy-Duty Equipment*, and API Publication 1571, *Questions and Answers—Diesel Fuel for Your Car*, both third editions, May, 1988.

[53] *Feasibility of the Use of Dyes and Markers; Final Report*, Submitted to the Department of Transportation by Jack Faucett Associates, JACKFAU–92–389–8, November, 1992, p. 2.

[54] *Fuel Oil and Kerosene Sales, 1990*, Energy Information Administration, Office of Oil and Gas, Department of Energy, DOE/EIA–0535(90), Distribution Category UC–98, October, 1991, Tables 20–21.

[55] *See* 55 Fr 34120, at 34124 (Aug. 21, 1990).

[56] *Id.* at 34120. A minimum cetane level of 40 was set by section 217 of the Clean Air Act Amendments of 1990, Pub. L. 101–549 (Nov. 15, 1990), which amended section 211 of the Clean Air Act, 42 U.S.C. 7545, and will become effective October 1, 1993. The U.S. Environmental Protection Agency made final amendments to its regulations (40 C.F.R. Part 80 (1992)) to bring them into conformance with section 211 of the Clean Air Act on May 7, 1992 (57 *Fed. Reg.* 19535).

[57] *Id.* at 34130–31.

[58] *Id.* at 34148, Table N91–3.

[59] At least one company, Hess, is marketing a 45 cetane diesel fuel oil. Similarly, a recent article in the *Wall Street Journal* (June 6, 1992, p. A–5) noted that Chevron Corp., the nation's largest diesel fuel oil marketer, has developed a significantly less costly formula for meeting reduced diesel fuel aromatics content standards imposed by California. Chevron has said that the new fuel's cetane rating will be 58, which is considerably higher than the national average, estimated to be around 45.

fuel rating,"[60] "cetane rating," and "cetane index." The Commission also proposes, in substance, substituting "automotive fuel rating" for "octane rating" and "automotive fuel" or "fuel" for "gasoline" throughout the Rule to implement the alternative liquid automotive fuels directive in section 1501 of EPA 92. The Commission cannot propose more specific amendments at this time because it has not yet decided which type of rating to require to be disclosed for alternative liquid automotive fuels. For cetane labels, the Commission proposes that the size, type, location and color of the labels themselves be the same as for the currently required octane label.[61] The Commission proposes replacing the words "Minimum Octane Rating" with "Minimum Cetane Rating," and proposes that the ASTM standard identification ("ASTM D975") should replace "(R+M)/2 Method."

If this proposed amendment were promulgated, the effect would be that all the requirements of the Octane Rule would apply to diesel fuel oil and to the parts of the petroleum industry that produce and market it, cetane ratings being substituted for octane rating.[62] The Commission asks whether the resulting regulation would have benefits and costs that correspond to those of the Octane Rule.[63]

C. Disclosure Formats

For each of the four options described above for alternative liquid automotive fuels, and for the cetane ratings for diesel fuel, the Commission proposes that the disclosures be in black type against a yellow background, like the current octane postings. The Commission also proposes the same type size and type face as is specified in the current Octane Rule. The dimensions of the label would vary as needed to accommodate the length of the various disclosures. The Commission solicits comment on these proposals.

D. Technical Amendments to the Octane Rule

Each of the proposed Octane Rule amendments is discussed briefly below. As discussed above, the Commission proposes definitions for "automotive fuel," "automotive fuel rating," "cetane rating," and "cetane index," as those definitions appear in section 1501 of EPA 92 (with minor changes).[64] The Commission proposes amending section 306.3 (Preemption) to conform with the new language in section 1502(a) of EPA 92. The remaining amendments are proposed in substance only. In addition, the Commission proposes that the name of the Octane Rule be changed to "Automotive Fuel Rating Certification and Posting Rule."

The substance of the amendments to the Octane Rule that the Commission proposes today are as follows:

a. *Section 306.0 What this rule does.*—Change the term "octane rating" to "automotive fuel rating."

b. *Section 306.1 Who is covered.*—Substitute the term "automotive fuel" for the term "gasoline," and add EPA 92's definitions of the terms "automotive fuel" and "automotive fuel rating."

c. *Section 306.3 Preemption.*—Revise this section to conform with section 1502(a) of EPA 92.

d. *Section 306.4 Octane rating.*—Substitute the terms "automotive fuel" and "automotive fuel rating" for the terms "gasoline" and "octane rating." Change the name and number of the ASTM specifications for gasoline.

e. *Section 306.5 Certification.*—Substitute the terms "automotive fuel" and "automotive fuel rating" for the terms "gasoline" and "octane rating."

f. *Section 306.6 Recordkeeping.*—Substitute the term "automotive fuel rating" for the term "octane rating."

g. *Section 306.7 Certification.*—Substitute the terms "automotive fuel" and "automotive fuel rating" for the terms "gasoline" and "octane rating."

h. *Section 306.8 Recordkeeping.*—Substitute the term "automotive fuel rating" for the term "octane rating."

i. *Section 306.9 Octane Posting.*—Substitute the terms "automotive fuel rating" and "automotive fuel" for the terms "octane rating" and "gasoline."

j. *Section 306.10 Recordkeeping.*—Substitute the term "automotive fuel rating" for the term "octane rating."

k. *Section 306.11 Labels.*—This section will be modified for the final rule depending on what automotive fuel ratings the Commission determines to require be certified and posted.

Section A—Regulatory Flexibility Act

This Notice does not contain a regulatory analysis under the Regulatory Flexibility Act (5 U.S.C. 603–604) because, based on currently available information, the Commission believes that the amendments, if promulgated, would not have "a significant economic impact on a substantial number of small entities." (5 U.S.C. 605). The amendments, if enacted, would have a minimal effect on all business entities within the affected industries, regardless of their size. The Commission's staff has been informed by members of the alternative liquid fuel and diesel fuel production and marketing industries that very few companies produce and distribute these fuels. Of those that do, most are not "small entities" as that term is defined in section 601 of the Regulatory Flexibility Act and in the regulations of the Small Business Administration, found in 13 CFR part 121 (1992).

Although there are some "small entities" in the retailer sectors of those industries, the amendments proposed today would likely have only a minimal impact on these small entities. Any such impact would likely consist of some additional recordkeeping and of retailers placing labels on dispensers (to the extent this is not done by distributors for their retailer customers). The impact on small entities appears to be *de minimis* and not, therefore, significant.

Because the amendments are not likely to have a significant impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act and the rules implementing it, the Commission concludes, based on the information presently available, that a regulatory analysis is not now necessary. The Commission requests information, however, on whether the proposed amendments would have a significant impact and substantial number of small entities. After reviewing any comments received on this subject, the Commission will decide whether the preparation of a final Regulatory Flexibility Analysis is appropriate.

In light of the above, the Commission certifies, under Section 605 of the

[60] The definition should be adopted without the words, "if provided for by the Federal Trade Commission by rule," in subsection (17)(B) of amended section 201 of PMPA.

[61] Virginia's cetane posting law requires labels with yellow type against a black background (the reverse of the octane label). This would be preempted by the proposed amendments.

[62] The requirements of the Octane Rule are detailed in Part II, B, above.

[63] For example, the American Petroleum Institute ("API") stated, in prepared testimony for hearings in June, 1991, before the Energy and Power Subcommittee of the House Committee on Energy and Commerce on HR 2578 (an earlier bill granting the Commission authority to require cetane certification and posting), that:

HR 2578 also grants the FTC the authority, if it determines that it is necessary, to require the posting of cetane rating at diesel pumps. API is not aware of any misleading or misrepresentation of cetane information in the retail market. Most diesel fuel is consumed by over-the-road heavy trucks where fuel supply contracts and agreements should prevent misrepresentation. In addition, unlike engines that run on gasoline, diesel engines are not as sensitive to changes in cetane quality, provided some minimum level of combustion quality is met. A cetane number above the minimum requirement does not necessarily improve anti-knock performance.

[64] See fn. 60, above.

Regulatory Flexibility Act (5 U.S.C. 605(b)), that the amendments proposed today would not, if promulgated, have a significant impact to a substantial number of small entities.

Section B—Paperwork Reduction Act

The proposed amendments would require refiners, producers, importers, distributors and retailers of alternative liquid automotive fuels and diesel fuel oil to keep, for one year, records of any delivery tickets, letters of certification or tests upon which they based the automotive fuel ratings that they certified or posted. These records would have to be open for inspection by Commission and Environmental Protection Agency ("EPA") staff members or by persons authorized by the Commission or EPA. These requirements, therefore, would, if promulgated, involve the "collection of information" as defined by the regulations of the Office of Management and Budget ("OMB"), 5 CFR 1320.7(c)(1)(1992), and the Commission is required to submit the proposed requirements to OMB for clearance. 5 CFR 1320.13.

The Commission is therefore requesting that OMB approve the "collection of information" requirements included in these proposed amendments under the Paperwork Reduction Act, 44 U.S.C. 3507 (1988). On the basis of available industry figures, the Commission estimates that, under the proposed amendments, a total of approximately 85,000 refiners, producers, importers, distributors and retailers could possibly be affected by the recordkeeping requirements described above. Certifications are usually noted on documents (shipping receipts, etc.) already in use, or are accomplished with a one-time letter of certification. In the case of refiners and importers, test records are typically retained for a period of one year.

In the past, the Commission estimated that the information collection burden associated with the Octane Rule's recordkeeping requirements was 20,000 hours per year (six minutes per year times 200,000 industry members).[65] This estimate was small because the records at issue were likely to be retained by the industry during the normal course of business, and the "burden," for OMB purposes, is defined to exclude effort that would be expended in any event.[66]

The Commission believes that approximately 165,000 industry members currently are covered by the Rule (the drop in total industry members primarily being the result of closings by retail stations over the intervening years). The Commission believes that approximately 85,000 industry members would be affected by the proposed amendments. Of these, the Commission believes that approximately 60,000 currently sell gasoline (as well as some alternative fuels) and thus are already covered by the existing Rule. For these 60,000 industry members, the Commission believes that an estimate of two additional burden minutes per member per year would cover the effort associated with coverage of the additional fuels. The Commission estimates that approximately 25,000 additional industry members not currently covered by the Octane Rule would be covered by the proposed amendments because they sell only alternative fuels. These 25,000 would be affected by the Rule's recordkeeping requirements for the first time under the proposed amendments. The Commission believes that the original estimate of six minutes per year each would be valid for these 25,000 additional industry members.

Based on these figures, the Commission estimates that the *revised current* total yearly burden of the Rule is 16,500 hours (six minutes per year times 165,000 industry members). The Commission estimates that the total *additional* yearly burden that would be imposed by the proposed amendments would be 4,500 hours (two minutes per year times 60,000 industry members, plus six minutes per year times 25,000 industry members). Consequently, the Commission estimates that the total burden associated with complying with the Rule's recordkeeping requirements, if amended as proposed, would be a total of approximately 21,000 hours per year for all affected industry members.

To ensure the accuracy of these burden estimates, however, the Commission solicits comment on the paperwork burden that the proposed requirements may impose, to ensure that no additional burden has been overlooked.

Section C—Invitation to Comment

Interested persons are hereby notified that they may comment on any issue of fact, law or policy that may bear upon the proposed rules. Although the Commission welcomes comments on any aspect of the proposed rules, the Commission is particularly interested in comments on the questions in Section D, below. All comments and testimony should be referenced specifically to either the Commission's questions or the section of the proposed rules being discussed.

The Commission requests that commenters provide representative factual data. Individual firms' experiences are relevant to the extent they typify industry experience, in general, or that of similar-sized firms. Comments opposing the proposed rules or specific provisions should, if possible, suggest a specific alternative. Proposals for alternative regulations should include reasons and data that indicate why the alternatives would better serve the purposes of the proposed rules. Comments should be supported by a full discussion of all the relevant facts and/or be based directly on firsthand knowledge, personal experience or general understanding of the particular issues addressed by the proposed rules.

Before adopting these proposed rules as final rules, consideration will be given to any written comments timely submitted to the Presiding Officer and oral comments on the record of the hearing, if one is held. Comments submitted will be available for public inspection in accordance with the Freedom of Information Act (5 U.S.C. 552) and Commission Regulations, on normal business days between the hours of 8:30 a.m. to 5 p.m. at the Public Reference Room 130, Federal Trade Commission, 6th and Pennsylvania Ave., NW., Washington, DC 20580.

Section D—Questions and Issues

Interested persons are invited to address any questions of fact, law or policy that they believe may bear upon the proposed amendments to the Commission's Octane Rule to bring alternative liquid automotive fuels and diesel fuel oil under the Rule's coverage. The questions concerning issues upon which the Commission particularly desires comment, however, are listed below for the public's convenience.

1. Alternative Automotive Fuels

(A) Section 406 of EPA 92 grants the Commission the authority to establish

[65] *See, e.g.*, Request for OMB Review of January, 1984, and Accompanying Supporting Statement for Information Collection Provisions of the Octane Certification and Posting Rule.

[66] Section 1320.7(b)(1) of the regulations implementing the Paperwork Reduction Act, 5 CFR 1320.7(b)(1), states:

The time and financial resources necessary to comply with a collection of information that would be incurred by persons in the normal course of their activities (*e.g.*, in compiling and maintaining business records) will be excluded from the "burden" if the agency demonstrates that the reporting or recordkeeping activities needed to comply are usual and customary.

labeling requirements for the gaseous alternative fuels compressed natural gas (CNG) and hydrogen.

To obtain useful information for the future section 406 rulemaking proceeding, the Commission asks what the labeling requirements for such fuels should be. The Commission also requests any general information about these fuels and any other alternative automotive fuels that may be useful to the Commission in conducting either the instant proceeding or the future proceeding to be initiated under section 406 of EPA 92.

(B) The Commission seeks comment on whether liquid automotive fuels other than those discussed in this proceeding exist, and, if so, what they are, and whether this proceeding should be expanded to include labeling requirements for them.

(C) *Octane Rating Option.* By modifying the ASTM method for determining the octane ratings of gasoline, in terms of both procedure technique and necessary test engine modifications, DOE's National Renewable Energy Laboratory obtained the following octane ratings for the alternative fuels:

Methanol	98
Ethanol	99
M–85	95
E–85	96
LPG	104
LNG	120

(i) The Commission seeks comment on whether it should require the certification and posting of DOE's laboratory-determined ratings, whether these are the appropriate ratings for each fuel, and, if not, what they should be.

(ii) Is octane rating a relevant factor or crucial performance characteristic of the alternative liquid automotive fuels? Would posted octane ratings of alternative liquid automotive fuels be useful information for consumers trying to make alternative fuel purchasing decisions?

(iii) For each fuel other than gasoline and diesel, what factors will affect the octane rating (*e.g.*, gasoline content, type of impurity, *etc.*)?

(iv) For each fuel other than gasoline and diesel, will it be more costly to produce fuels with higher octane ratings? Why or why not?

(v) Have other rating systems been developed for the alternative fuels, and, if so, what are they and how are such ratings determined?

(vi) Should the Commission describe, in a final rule, the test method and procedure that was used by DOE's laboratory to determine the above-listed ratings?

(vii) What are the factors to consider in developing a standard method of measuring octane for each of the fuels considered?

(viii) Would posting the octane ratings of alternative fuels be likely to lead consumers into the erroneous perception that higher octane in all fuels, including gasoline, will result in more overall benefits to their vehicles than the reduction of engine knock?

(ix) The Commission also seeks comment on whether it should require the certification and posting of specific octane ratings for the alternative fuels on an interim basis until such time as the Commission, in consultation with ASTM and DOE, determines that other more appropriate ratings exist for the alternative fuels.

(x) Is the posting of octane ratings necessary for the alternative fuels, would such posting promote the use or availability of these fuels and flexible fueled vehicles? Would the absence of a rating hinder their usage?

(D) *Fuel Composition Option.* One disclosure option proposed by the Commission for alternative liquid automotive fuels is disclosure of the minimum propane content of LPG and the minimum methane content of LNG. The Commission also proposes a requirement to disclose a range of the hydrocarbon content of the other alternative fuels (which are alcohol fuels).

(i) The Commission seeks comment on how such minimum contents, or range of contents, could be determined, to enable the Commission to specify the methodology in a final rule if it selects this option.

(ii) Will consumers need to assess the cold start capability of alcohol fuels or will the standard vehicle equipment include a device that allows efficient cold start regardless of conditions?

(iii) Is there some measure, or index, other than hydrocarbon content, that would be a better indicator of cold start capability?

(iv) If hydrocarbon content disclosure is required, should there be an option of disclosing a range or a single number? If a single number is reported, would there be standard tolerances?

(v) If hydrocarbon content disclosure is required, should the Commission also require disclosure of the minimum alcohol content? Should the Commission require only the disclosure of the minimum alcohol content?

(vi) The Commission seeks comment on the following labels, each of which is pertinent to a particular alternative fuel, and asks whether they would satisfy EPA 92's intent:

1. "Liquefied Propane Gas/Minimum _____% Propane"
2. "Liquefied Natural Gas/Minimum _____% Methane"
3. "M–100 Fuel Ethanol/X%-Y% Hydrocarbons"
4. "E–100 Fuel Ethanol/X%-Y% Hydrocarbons"
5. "M–85 Fuel Methanol/X%-Y% Hydrocarbons"
6. "M–85 Fuel Ethanol/X%-Y% Hydrocarbons"

The Commission solicits comment on the advantages and disadvantages of such a disclosure, including whether multiple grades of a particular alternative fuel are likely to be found at a refueling station or different stations in the same area.

(E) *Heating Value (Energy Content) Option.* The Commission proposes requiring disclosure of the comparative values for the alternative fuels listed in columns (B) and (C) in the chart below. The numbers were calculated using the BTU values in the right-hand column of the chart, which were developed by the Interagency Commission on Alternative Motor Fuels and DOE. The Commission proposes for comment the following two alternative label formats:

(1) You will need about *(B)* gallons of *(A)* for every gallon of gasoline you usually use. [Metric equivalents may be included.]

(2) One gallon of *(A)* will take you about *(C)* as far as you can go on 1 gallon of gasoline. [Metric equivalents may be included.]

HEATING VALUES CHART

[This chart would not appear on labels]

(A)	(B)	(C)	Btu/gallon
LPG	1.25	80%	89,253
Methanol	2.00	50%	56,560
Ethanol	1.50	65%	75,670
M–85	1.75	60%	65,196
E–85	1.40	70%	81,439
LNG	1.40	70%	83,700
Gasoline	.....	.....	114,132

(i) The Commission seeks comment on whether there is agreement that these BTU values are accurate and appropriate.

(ii) For each fuel other than gasoline and diesel, how easily is BTU content measured? Is it feasible to provide BTU content information that is specific to a particular batch of fuel rather than based on an average for that type of fuel? What factors would cause the BTU content of a particular batch of fuel to differ from the average for that fuel? How great would the difference be?

(iii) The Commission seeks comment on the wording of the proposed labels,

whether other wording would be better, and which of the options presented for comment is more appropriate.

(iv) The Commission seeks comment on whether vehicle manufacturers may provide vehicles with gauges that show how many miles the vehicle can travel before the fuel tank is empty. Would the availability of such gauges make these proposed labels unnecessary?

(F) *Fuel Descriptor Option.* The Commission also proposes that the alternative fuel pumps identify the fuels for consumers. The fuel descriptors the Commission proposes are based on the terms developed by and included in the California Air Resources Board's proposed specifications for the alternative fuels.[67] Those terms are:

"M–100 fuel methanol;"
"M–85 fuel methanol;"
"E–100 fuel ethanol;"
"E–85 fuel ethanol;"
"Liquefied Propane Gas;" and,
"Liquefied Natural Gas."

(i) The Commission proposes that, for sellers to post these descriptors, the fuels would have to meet technical specifications, and the Commission asks what specifications would be appropriate for each fuel.

(ii) Should the Commission adopt, as an interim measure, specifications analogous to those proposed by California until ASTM, or DOE, develops and approves alternative fuel specifications?

(iii) To the extent automobile manufacturers will specify a type of fuel to be used in a car, what assumptions are the manufacturers making about the composition or performance characteristics of that fuel?

(iv) For each fuel other than gasoline or diesel, how sensitive are automobile engines likely to be to impurities in the fuel(s)? Will engines be standardized or will there be engines with various sensitivity levels?

(v) For each fuel other than gasoline or diesel, does fuel composition have direct implications for octane rating, cold start capability, or energy content? Why or why not? If so, would a description of these implications be most efficiently provided and useful to consumers if made by the vehicle manufacturer or by the fuel retailer?

(vi) Are there appropriate tests for the relevant contents? If so, what are they? If not, what should the interim policy be?

(vii) Would comparative content disclosures for alternative fuels be useful to consumers? Is there reason to consider more than one class of LNG and LPG fuels? *I.e.*, will consumers wish to purchase various formulations of these fuels?

(viii) What are the relative costs of alternative compositions of LPG and LNG?

(ix) Among the specifications developed by the State of California for each fuel, which will be important for consumer decision-making? (For example, "luminosity" is probably not important to consumers.) Which is (are) the most important in this regard?

(G) For each of the four options described above, the Commission proposes that the disclosures be in black type against a yellow background, like the current octane labels. The Commission also proposes the same type size and type face as are specified in the current Octane Rule. The dimensions of the label would vary as needed to accommodate the length of the various disclosures.

(i) The Commission solicits comment on these proposals, and on whether other formats would be more desirable.

(ii) The Commission also asks whether there are any dispenser size, dispenser surface or other issues that should be addressed in specifying a dispenser rating disclosure for these fuels.

(iii) Are there other disclosures specified by law, either Federal, state or local, that would or could affect the placement of disclosures under section 1501 of EPA 92, or that may be preempted by the requirements being proposed today?

2. Diesel Fuel Oil

(A)(i) If there were to be a requirement that cetane ratings for diesel fuel oil be certified and posted (as octane ratings are currently posted for gasoline), should it apply to Grade 1–D diesel, Grade 2–D diesel and Grade 4–D diesel? If so, why? If not, why not? Should it apply to some, but not all, types of diesel fuel oil? If so, to which types should it apply?

(ii) Are there other types of diesel fuel oil that should be subject to cetane certification and posting requirements? If so, what are they?

(B)(i) Would certification of the cetane rating of diesel fuel oil from refiner or importer down through the chain of distribution be useful?

(ii) Would the disclosure, on retail diesel fuel oil dispensers, of the cetane rating of diesel fuel oil be useful?

(iii) To whom would this information be useful?

(iv) How would the information be put to use?

(v) Are consumers willing to pay more for higher cetane diesel fuel? Why, or why not?

(C) Should the Commission require a posting that the diesel fuel has a minimum cetane of 40 after the Clean Air Act Amendments of 1990 requiring this go into effect on October 1, 1993?

(D)(i) What percentage of the diesel fuel sold in the United States is used for vehicle use, and what percentage for other uses?

(ii) At what point in the chain of distribution is the determination made that a particular quantity of diesel fuel oil is to be dedicated for vehicle use?

(iii) Does the cetane rating of a particular quantity of diesel fuel oil stay relatively constant through the chain of distribution?

(iv) If not, what factors affect the cetane rating?

(E)(i) Is there a range of cetane ratings for the diesel fuel oil for vehicle use that is available at retail stations?

(ii) If so, what is the range of cetane ratings?

(iii) Would it be useful to require disclosure of cetane ratings in two, three or four point increments, instead of one point increments?

(iv) If there are different cetane ratings, are the ranges of ratings for Grade 1–D, Grade 2–D and Grade 4–D diesel fuels the same?

(F)(i) If diesel fuel oil for vehicle use is available with different cetane ratings, what factors determine what the cetane rating will be?

(ii) Does it cost more to produce higher cetane diesel fuel? Why, or why not?

(iii) How often do the cetane ratings change at the retail level for diesel fuel oil for vehicle use?

(iv) By how many cetane points do they change?

(G)(i) Is more than one grade or type of diesel fuel oil for vehicle use offered at the same retail station?

(ii) If so, how many grades, or types, are offered?

(iii) Do these different grades or types have different cetane ratings?

(H) The Commission proposes that posted cetane disclosures be in black type against a yellow background, like the current octane labels, and in the same size and type face as are specified in the current Octane Rule. The Commission also proposes replacing the words "Minimum Octane Rating" with "Minimum Cetane Rating," and (R+M)/2 Method" with the ASTM standard identification "ASTM D975". The Commission seeks comment on this proposed cetane label format.

(I)(i) What burden, if any, would be associated with determining the cetane rating of diesel fuel oil for vehicle use? Who would incur those burdens?

(ii) What burden, if any, would be associated with certifying the cetane

[67] But, see fn. 48, above.

rating of diesel fuel oil for vehicle use, and who would incur those burdens?

(iii) What burdens, if any, would be associated with posting the cetane rating of diesel fuel oil for vehicle use at the retail level, and who would incur those burdens?

(iv) How common is the practice of posting cetane ratings for diesel fuel oil for vehicle use?

3. Regulatory Flexibility Act

The Commission has concluded, based on currently available information, that the proposed amendments would not have a significant economic impact on a substantial number of small entities in the alternative liquid automotive fuel industry and the diesel fuel oil industry. See Section A, Regulatory Flexibility Act, above. The Commission requests information about these industries, including the number and size of companies that produce, import and/or market (including the retail level) alternative liquid automotive fuels and diesel fuel oil. Would the proposed amendments, if promulgated, have a significant economic impact on a substantial number of small entities in these industries?

4. Paperwork Reduction Act

The Commission has concluded that the recordkeeping burden associated with these proposed amendments is minimal. See Section B, Paperwork Reduction Act, above. To ensure that no additional burden has been overlooked, however, the Commission requests public comment on the extent of the paperwork burden that the proposed requirements applying to alternative liquid automotive fuels and diesel fuel oil may impose, especially in terms of how many hours per year would be expended by industry members.

5. Regulatory Review

(A) Has the Octane Rule had a significant economic impact (costs or benefits) on entities subject to its requirements? Will the proposed amendments have a significant economic impact on entities subject to their requirements?

(B) is there a continuing need for the Octane Rule as currently promulgated?

(C) What burdens does adherence with the Octane Rule place on entities subject to its requirements? What burdens will be proposed amendments place on entities subject to their requirements?

(D) What changes should be made to the Octane Rule to minimize the economic effect on such entities? How can the proposed amendments be designed to minimize the economic effect on such entities?

(E) Does the Octane Rule overlap or conflict with other federal, state, or local government laws or regulations? Are there other federal, state, or local government laws or regulations that overlap or conflict with the proposed amendments?

(F) Have technology or economic conditions changed since the Octane Rule was issued, and, if so, what effect do the changes have on the rule? What effect do current technology or economic conditions have on the proposed amendments?

6. Metric Usage

(A) The Rule specifies dimensions for the Octane label in inches and picas. See 306.11(b). The Commission solicits comment on whether to specify the dimensions in metric or both metric and inches, or to leave the present specifications unchanged.

(B) One of the options proposed as a disclosure for alternative liquid automotive fuels is to give the equivalent mileage for gasoline and the alternative liquid automotive fuel being dispensed.[68] The Commission solicits comment on whether to require these disclosures to be made in gallons and miles, in metric, or in dual terms.

(C) Are the companies that would be affected by the proposed amendments, if promulgated, sophisticated enough in the use of measurement systems that requiring the metric or dual disclosures discussed above would not be burdensome?

(D) Are consumers knowledgeable enough about metric measurement that metric or dual disclosures would be appropriate?

(E) Would the requirement of metric or dual disclosures be impractical or likely to cause significant inefficiencies of loss of markets to United States firms?

(F) Are there other areas of the Rule that could be affected by this requirement?

Section E—Public Hearings

Persons desiring a public hearing on the proposed amendments should notify the Presiding Officer by no later than April 16, 1993. If there is interest in a hearing, it will take place in room 532 of the Federal Trade Commission, Pennsylvania Avenue at Sixth Street, Northwest, Washington, DC, at a time and date that will be announced in a subsequent notice. If a hearing is held, persons desiring an appointment to testify will be required to submit to the Presiding Officer a complete statement in advance. This will be entered into the record in full. However, as a general rule, oral statements should not exceed ten minutes. There will be no opportunity for interested persons to cross-examine witnesses. Further instructions to witnesses will be contained in the notice announcing the hearing.

Section F—Motions or Petitions

Any motions or petitions in connection with this proceeding must be filed with Henry B. Cabell, the Presiding Officer, who is responsible for the orderly conduct of the proceeding and who shall have all powers necessary to that end, including the authority to rule on all motions or petitions filed.

Applications for review of a ruling will not be entertained by the Commission prior to its review of the record unless the Presiding Officer certifies in writing to the Commission that a ruling involves a controlling question of law or policy as to which there is substantial ground for difference of opinion and that an intermediate review of the ruling may materially advance the ultimate termination of the proceeding or that subsequent review will be an inadequate remedy.

Section G—Communications by Outside Parties to Commissioners or Their Advisors

Pursuant to Commission Rule 1.26(b)(5), 16 CFR 1.26(b)(5), communications with respect to the merits of this proceeding from any outside party to any Commissioner or Commissioner advisor during the course of this rulemaking shall be subject to the following treatment. *Written communications*, including written communications from members of Congress, shall be forwarded promptly to the Secretary for placement on the public record. *Oral communications*, not including oral communications from members of Congress, are permitted only when such oral communications are transcribed verbatim or summarized at the discretion of the Commissioner or Commissioner advisor to whom such oral communications are made and are promptly placed on the public record, together with any written communications and summaries of any oral communications relating to such oral communications. Oral communications from members of Congress shall be transcribed or summarized at the discretion of the Commissioner or Commissioner advisor to whom such oral communications are made and promptly placed on the

[68] See Part III, A, 2, d, above.

public record, together with any written communications and summaries of any oral communications relating to such oral communications.

List of Subjects in 16 CFR Part 306

Energy conservation, Gasoline, Labeling, Reporting and recordkeeping requirements.

Authority

The authority citation for Part 306 is revised to read as follows:

Authority: Sections 1501(d) and 1502 of the Energy Policy Act of 1992, Pub. L. 102–486, 106 Stat. 2776.

By direction of the Commission.

Donald S. Clark,

Secretary.

[FR Doc. 93–7131 Filed 3–25–93; 8:45 am]

BILLING CODE 6750–01–M

FEDERAL TRADE COMMISSION

Octane Certification and Posting

AGENCY: Federal Trade Commission.

ACTION: Notice of application to OMB under the Paperwork Reduction Act (44 U.S.C. 3501–35180) for clearance of information collection requirements contained in proposed amendments to the Commission's Octane Posting and Certification Rule.

SUMMARY: The FTC is seeking OMB clearance for information collection requirements contained in proposed amendments to the Commission's Octane Posting and Certification Rule, 16 CFR part 306.

The Octane Rule establishes standard procedures for determining, certifying and posting the octane rating of automotive gasoline intended for sale to consumers. The proposed amendments would establish, for liquid alternative fuels, certification and labeling requirements like those that exist now for gasoline. The amendments are designed to assist consumers in making informed purchasing choices among such fuels. The proposed amendments require refiners, producers, importers, distributors and retailers to keep, for one year, records of any delivery tickets, letters of certification, or tests upon which they based the automotive fuel ratings that they certified or posted. These records must be open for inspection by Commission and Environmental Protection Agency ("EPA") staff members or by persons authorized by the Commission or EPA.

Estimate of Information Collection Burden

Based on available industry figures, staff estimates that a total of approximately 85,000 refiners, producers, importers, distributors and retailers could possibly be affected by the proposed recordkeeping requirements. Certifications are usually noted on documents (shipping receipts, etc.) already in use, or are accomplished with a one-time letter of certification. In the case of refiners and importers, test records are typically retained for a period of one year.

In the past, the recordkeeping requirements for octane ratings were estimated to be 20,000 hours. This was based on an estimated average of six minutes per year for each industry member, then estimated to total 200,000. This six minute per member estimate was small because the records at issue were likely to be retained by industry members in any event during the normal course of business, and "burden" for OMB purposes is defined to exclude effort that would be expended regardless of any regulatory requirement. *See* 5 CFR § 1320.7(b)(1).

BCP staff believes that approximately 165,000 industry members currently are covered by the Rule (the drop in total industry members is primarily the result of retail station closings during the past several years). Staff believes that approximately 85,000 industry members would be affected by the proposed amendments, of which approximately 60,000 currently sell gasoline (as well as some alternative fuels) and thus are already covered by the existing rule. For those 60,000 industry members, staff believes that an estimate of two additional burden minutes per member will cover the effort associated with the additional fuels. Staff estimates that approximately 25,000 additional industry members not currently covered by the Octane Rule would be covered by the proposed amendments because they sell only alternative fuels. Those 25,000 will incur recordkeeping requirements under the proposed amendments. Staff believes that the original six minute estimate per year each would be valid for these 25,000 additional industry members.

Based on these figures, staff estimates that the current total yearly burden of the Rule is 16,500 hours (six minutes per year times 165,000 industry members). Staff estimates that the total additional yearly burden imposed by the proposed amendments would be 4,500 hours (two minutes per year times 60,000 industry members, plus six minutes per year times 25,000 industry members) for a new burden total of 21,000 hours.

DATES: Comments on this application must be submitted on or before April 26, 1993.

ADDRESS: Send comments both to Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, room 3228, Washington, DC 20503, ATTN: Desk Officer for the Federal Trade Commission and to the Office of the General Counsel, Federal Trade Commission, Washington, DC 20580. Copies of the submission to OMB, including the application, may be obtained from the Public Reference Section, room 130, Federal Trade Commission, Washington, DC 20580.

FOR FURTHER INFORMATION CONTACT: Elaine W. Crockett, Attorney, Office of the General Counsel, Federal Trade Commission, Washington, DC 20580, (202) 326–2453.

Donald S. Clark,

Secretary.

[FR Doc. 93–7132 Filed 3–25–93; 8:45 am]

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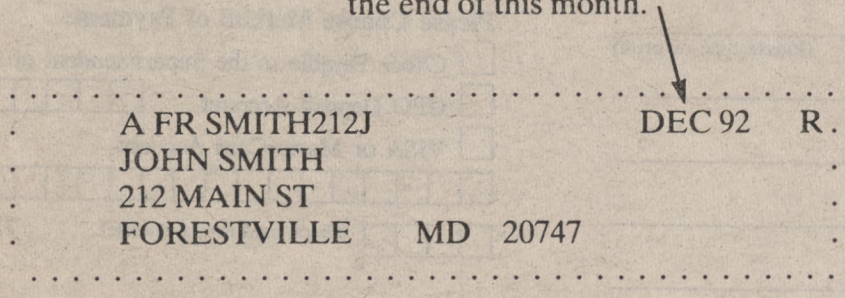

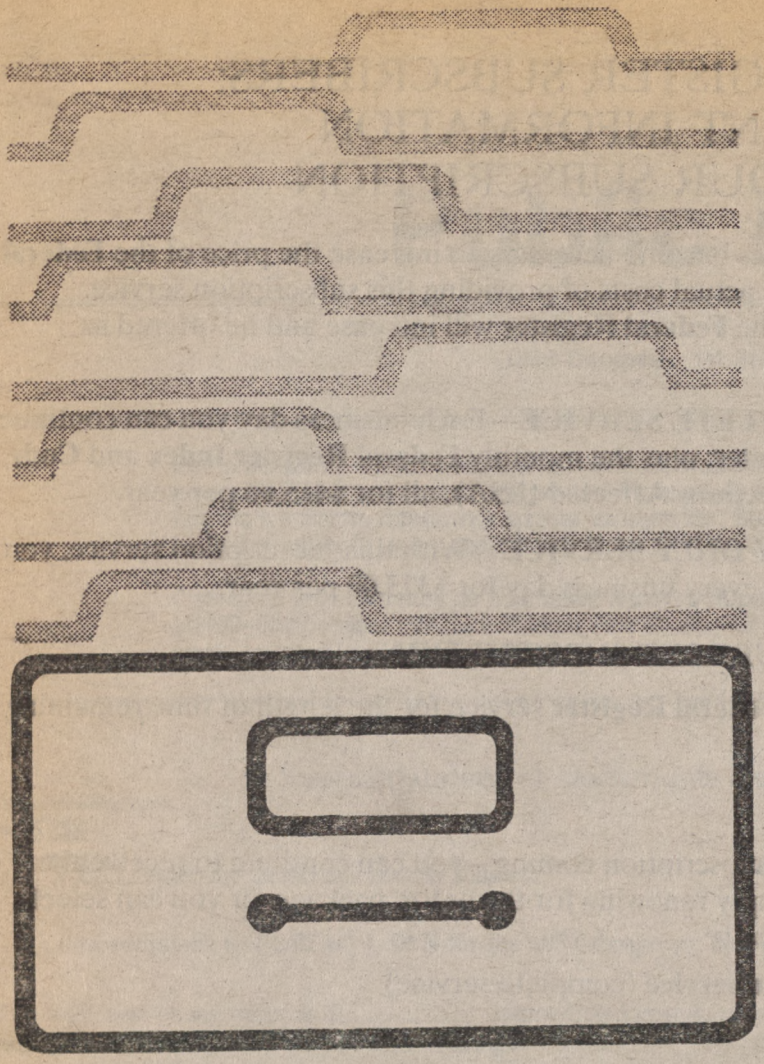

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