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Briefings on How To Use the Federal Register
For information on briefings in Independence, MO, and Washington, DC, see announcement on the inside cover of this issue.

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

WHO: The Office of the Federal Register.

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

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

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

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WHEN: April 27, at 9:30 am
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WASHINGTON, DC

WHEN: May 12 and June 15 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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Rules and Regulations

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

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

OFFICE OF PERSONNEL MANAGEMENT

5 CFR Parts 330 and 335

RIN 3206–AF36

Job Listings; Full Consideration of Displaced Defense Employees

AGENCY: Office of Personnel Management.

ACTION: Interim rule with request for comments.

SUMMARY: The Office of Personnel Management (OPM) is issuing interim regulations on the requirements for agencies to report vacancy announcements to OPM and to give job consideration to displaced Department of Defense employees as required by the National Defense Authorization Act for Fiscal Year 1993. These regulations describe how agencies must report merit promotion vacancies in the competitive service and how civilian agencies must give full consideration to job applications of displaced Defense employees for vacancies in the competitive, excepted, and Senior Executive Service.

DATES: Interim rules effective on April 8, 1993. Written comments will be considered if received no later than June 7, 1993.

ADDRESSES: Send or deliver written comments to Leonard R. Klein, Associate Director for Career Entry, Office of Personnel Management, room 6F08, 1900 E Street, NW., Washington, DC 20415.

FOR FURTHER INFORMATION CONTACT: Stephen McGarry, 202–606–2414, on reporting of vacancy announcements, or Leota Shelkey, 202–606–0960, on other provisions.

SUPPLEMENTARY INFORMATION: The National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484, October 23, 1992) contains several significant provisions for lessening the impact of base closures and downsizing at the Department of Defense (DOD). These regulations implement two provisions intended to assist displaced DOD civilian employees find other jobs within the Federal Government: section 4431 requires OPM to maintain lists of agency vacancy announcements in the competitive service, and section 4432 requires non-Defense agencies to consider job applications of displaced Defense employees for vacancies in the competitive, excepted, and Senior Executive Service.

Job Listing

To help employees find out about employment opportunities in the competitive service, section 4431 of the act established a new provision—5 U.S.C. 3329—requiring OPM to make available a list of announcements of vacant positions in the competitive service. OPM therefore is requiring agencies to report announcements of jobs hat will be filled for more than 1 year and for which outside candidates may apply.

Under the act, all executive agencies as defined by 5 U.S.C. 105 are subject to this requirement, except the General Accounting Office, U.S Postal Service, Postal Rate Commission, and any agency or unit whose principal function is in the conduct of foreign intelligence or counterintelligence activities.

Since 1979, agencies have been required by 5 U.S.C. 3327 to notify OPM and State Employment Service offices of any competitive service vacancies for which the agency will accept applications from persons outside the Federal service. Omitted from that requirement were vacancies the agency intended to fill from among current employees or from among candidates who had a special noncompetitive eligibility and were not required to compete with the public. With enactment of the new 5 U.S.C. 3329, agencies now are required to report to OPM all job announcements in the competitive service for which applications are being accepted from outside the agency's work force. OPM will work with agencies to assure that no duplication in reporting occurs.

The act does not require the listing of vacancies in the excepted service. Therefore, individuals interested in such jobs will have to contact directly those agencies having excepted positions. Should any agency wish to report excepted service vacancies to OPM, we will make the announcements available along with competitive service announcements. For example, when making Veterans Readjustment Appointments (VRA), agencies must comply with the excepted appointed procedures in 5 CFR part 302. Announcements only for VRA's need not be reported to OPM, but OPM will list any such announcements we receive.

OPM is developing an electronic bulletin board that agencies may use to enter job announcements directly into the Federal Employment Information System (OPM's consolidated database of job listings). Agency offices that do not have the necessary personal computers, modems, and communications software to enter their vacancy announcements into the system may forward the required information to their local OPM service center. Agencies may report announcements from a single centralized source or directly from various offices.

The information OPM plans to collect includes: job announcement number, opening and closing dates, job title, series, pay plan and grade (or pay rate), geographic location, tenure, area of consideration, work schedule, salary ranges, application procedures, and agency contact and phone number for additional information. We will issue specific instructions through the Federal Personnel Manual.

OPM's job listings will indicate whether an announcement is limited to current career and career-conditional employees and reinstatement eligibles, or also is open to persons with noncompetitive appointment eligibility (such as 30% or more disabled veterans, Veterans Readjustment Appointment eligibles, and former Peace Corps volunteers).

Initially, OPM will make available a list of merit promotion announcements at all our local employment information centers. During 1993, we will modify all our electronic systems for ease of access to include merit promotion announcements along with competitive service job announcements open to persons from outside the Federal service. Users will be able to indicate which list they wish to review. These systems include touch screen computers, automated telephone

information systems, and electronic bulletin boards. Information about jobs in the Senior Executive Service (SES) is available, through the electronic bulletin boards, OPM's Federal Employment Information Centers, and State Employment Service offices.

Full Consideration of Displaced Defense Employees

To assist displaced Defense civilian employees in finding other Federal jobs, section 4432 of the Defense authorization act requires agencies, before selecting any candidate from outside the agency, to give full consideration to qualified displaced DOD employees who have filed a timely application. (This requirement is not limited to competitive service jobs as is the requirement to report vacancy announcements to OPM.)

Under the act, all executive agencies as defined by 5 U.S.C. 105 (except DOD, the General Accounting Office, U.S. Postal Service, and Postal Rate Commission) are subject to this requirement. It applies to all positions being filled in the competitive service, excepted service, and Senior Executive Service other than positions determined to be of a confidential, policy-determining, policy-making, or policy-advocating character (e.g., Schedule C positions and positions filled by noncareer appointment in the Senior Executive Service). Also excluded are positions filled prior to enactment on October 23, 1992, and positions for which an agency has made a final employment commitment to an individual prior to issuance of these regulations.

OPM has defined "full consideration" as a careful, bona fide review of the qualifications of the applicant, as described in the individual's application forms. An interview (either in person or by telephone) would be appropriate if the displaced employee's qualifications were comparable to other outside candidates in the highest qualified group who are being interviewed. The law extends no entitlement to placement in a position but is intended to assure that displaced DOD employees receive genuine consideration for jobs for which they apply.

Eligibility for full consideration is tied to either a specific notice of or actual separation from the Federal service by reduction in force (RIF). Therefore, these interim regulations extend full consideration only to DOD employees who are subject to OPM's RIF rules at 5 CFR part 351. The RIF rules cover employees in tenure groups I, II, and III in the competitive and excepted service; that is, employees under permanent appointments and nontemporary, nonstatus appointments such as term appointments. Competitive service employees under temporary appointment of 1 year or less are not competing employees in a RIF and, therefore, are not eligible for the special consideration. (However, certain excepted service employees under time limited appointments may be in tenure group III.)

Qualified displaced DOD employees under the act are DOD employees who have been separated due to a RIF, or received notice of separation due to a RIF, during the period October 23, 1991 (the year before enactment of the act), through September 30, 1997. (Eligibility is not conferred by a change to lower grade by RIF procedures, a Certification of Expected Separation, or any notice other than a specific RIF notice.) Eligibility begins on the date the employee receives a specific RIF notice of separation. Eligibility terminates 24 months after such separation, or on appointment in the same (or higher) tenure group the employee was in prior to RIF separation from DOD (even if the employee is appointed at a lower grade), whichever occurs first.

Career Senior Executive Service (SES) appointees who are affected by a RIF and who are placed in a position outside the SES are not "displaced employees" under these regulations since they are not subject to separation from the Federal service. However, if they are subsequently separated from DOD by RIF, that separation could qualify them as a displaced employee entitled to receive full consideration when applying for an SES vacancy.

The full consideration requirement applies to any vacancy for which a displaced DOD employee applies, is eligible, and is within reach for selection, such as merit promotion announcements, excepted appointments, appointments from open competitive examinations, appointments under direct-hire and noncompetitive authorities, appointments outside the register, and referrals from OPM's displaced employee program. When an agency advertises a position at multiple grade levels, full consideration applies at the grade level at which the position will be filled. An agency must comply with any applicable statutory and regulatory requirements when extending full consideration. (Examples: a displaced employee who applies for an open competitive examination is entitled to full consideration under the act only if he or she is among the top three candidates and appropriate veterans' preference is observed; an applicant required to compete under merit promotion procedures must be among the best qualified candidates to be selected.)

To receive full consideration, the employee must request full consideration with a job application and include a copy of his or her specific RIF notice of separation and/or a copy of the SF 50, Notification of Personnel Action, documenting the RIF separation.

Eligibility for full consideration does not give a displaced DOD employee an eligibility for an appointment he or she otherwise would not have. For example an employee separated from a term appointment would not be eligible to apply for a merit promotion announcement limited to status candidates (unless the individual had acquired competitive status under a prior appointment). However, such an individual would be entitled to full consideration when applying for excepted appointments or open competitive examinations, where status is not required.

The full consideration provision does not require an agency to advertise a vacancy; agencies will continue to follow existing requirements to determine when a job announcement is necessary. If an agency that does not maintain an applicant file receives an unsolicited application from a displaced DOD employee, it may at its discretion retain the application for future consideration.

Full consideration applies only when an agency will select an outside candidate. The following are not considered to be selections of outside candidates: a promotion, change to lower grade, reassignment, or new appointment of a current employee of the agency; selection of a former or current employee through the agency's reemployment priority lists; and appointment to satisfy a reemployment or restoration right or to satisfy a guaranteed placement right in the Senior Executive Service. In addition, to assure that agencies can quickly fill a position when a special need occurs, the interim regulations also permit an agency to make a special needs appointment for 30–60 days without regard to full consideration. (Instructions on special needs appointments in the Federal Personnel Manual, Chapter 316.)

Finally, the law does not provide an appeal right. However, under its general oversight responsibilities, OPM may review agency actions

Waiver of Notice of Proposed Rulemaking and Delay in Effective Date

Pursuant to 5 U.S.C. 553(b)(3)(B), I find that good cause exists for waiving the general notice of proposed rulemaking because the statutory basis for these regulations (Public Law 102–484) was effective on October 23, 1992, and it would be contrary to the public interest to delay access to benefits. For the same reasons, and pursuant to 5 U.S.C. 553(d)(3), I find that good cause exists to waive the delay in effective date and make these regulations effective in less than 30 days.

E.O. 12291, Federal Regulation

I have determined that this is not a major rule as defined in E.O. 12291, Federal Regulation.

Regulatory Flexibility Act

I certify that this regulation will not have a significant economic impact on a substantial number of small entities because it affects only certain Federal employees.

List of Subjects

5 CFR Part 330

Armed forces reserves, Government employees.

5 CFR Part 335

Government employees.

Office of Personnel Management.

Patricia W. Lattimore,

Acting Director.

Accordingly, OPM is amending parts 330 and 335 of title 5, Code of Federal Regulations, as follows:

PART 330—RECRUITMENT, SELECTION, AND PLACEMENT (GENERAL)

1. The authority citation for part 330 is revised to read as follows:

Authority: 5 U.S.C. 1302, 3301, 3302; E.O. 10577; 3 CFR, 1954–58 Comp., p. 218; § 330.102 also issued under 5 U.S.C. 3327; subpart B also issued under 5 U.S.C. 3315 and 8151; § 330.401 also issued under 5 U.S.C. 3310; subpart H also issued under 5 U.S.C. 8337(h) and 8457(b); subpart I also issued under sec. 4432 of Pub. Law 102–484.

2. A new subpart I is added to read as follows:

Subpart I—Full Consideration of Displaced Defense Employees

Sec.

330.901 Purpose.
330.902 Coverage.
330.903 Full Consideration

Subpart I—Full Consideration of Displaced Defense Employees

§ 330.901 Purpose.

The purpose of this subpart is to implement section 4432 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484) to provide full consideration to eligible displaced Defense employees who apply for jobs in non-Defense agencies.

§ 330.902 Coverage.

(a) *Agencies covered.* This subpart applies to:

(1) The executive departments listed at 5 U.S.C. 101, except the Department of Defense;

(2) Government corporations in the executive branch as described at 5 U.S.C. 103; and

(3) Independent establishments in the executive branch as described at 5 U.S.C. 104, except the General Accounting Office, U.S. Postal Service, and Postal Rate Commission.

(b) *Positions covered.* This subpart applies to vacant positions being filled in the Senior Executive Service, competitive service, and excepted service. Excluded are positions determined to be of a confidential, policy-determining, policy-making, or policy-advocating character, positions filled prior to October 24, 1992, and positions for which an agency had made a final employment commitment prior to issuance of this subpart.

(c) *Actions covered.* This subpart applies to any action for which a displaced employee is within reach for appointment, including, but not limited to, selection from a competitive list of eligibles, under a direct-hire or noncompetitive appointment authority, under a merit promotion action, in accordance with part 302 or 333 of this chapter, and from a list of referrals from OPM's displaced employee program.

(d) *Displaced employees covered.* Displaced employees entitled to full consideration under this subpart are competing employees as defined under part 351 of this chapter as follows:

(1) A former employee who was separated from employment with the Department of Defense by reduction in force in accordance with part 351 of this chapter during the period October 23, 1991, through October 22, 1992. Eligibility for full consideration ends when such an employee is employed at any grade level under an appointment in the same (or higher) tenure group as the appointment from which separated at the Department of Defense, or October 22, 1994, whichever occurs first; and

(2) An employee of the Department of Defense who receives, during the period from October 23, 1991, through September 30, 1997, a specific notice of separation by reduction in force in accordance with part 351 of this chapter. The employee is entitled to full consideration beginning on the date of the specific notice of separation or October 23, 1992, whichever is later. If the employee is actually separated, eligibility for full consideration ends when the employee is employed at any grade level under an appointment in the same (or higher) tenure group as the appointment from which separated at the Department of Defense, or 24 months after separation from the Department of Defense, whichever occurs first. If the notice of separation from the Department of Defense is canceled, the employee's right to full consideration under this subpart is terminated on the date of the cancellation.

§ 330.903 Full consideration.

(a) In filling a vacant position for which a covered displaced employee has filed a timely application with evidence of eligibility under this subpart, an agency shall give full consideration to the application of the displaced employee before selecting any candidate from outside the agency for the position. For purposes of this subpart, the following are not considered to be outside candidates;

(1) An individual entitled to reemployment or restoration rights with the agency;

(2) A Presidential appointee entitled to guaranteed reinstatement to the Senior Executive Service under § 317.703 of this chapter;

(3) An individual appointed from a reemployment priority list established by the agency in accordance with either subpart B of this part or part 302, subpart C, of this chapter;

(4) A current employee of the agency, regardless of the type of appointment under which he or she is serving; and

(5) An individual given a special needs appointment in accordance with the Federal Personnel Manual, Chapter 316.

(b) For purposes of this subpart, "full consideration" is a careful, bona fide review of the qualifications of the displaced employee as described in his or her application forms, and including an interview if the displaced employee's qualifications are comparable to other outside candidates in the highest qualified group who are being interviewed. Before selecting another candidate from outside the agency, the agency must assure that the displaced employee was accorded at least the

same degree of consideration as the other candidate.

(c) To receive full consideration under this subpart, the displaced employee must file a timely job application, request full consideration with evidence of eligibility under this subpart, and must meet all eligibility requirements for the position, including qualification requirements, appointment eligibility, and recruitment source (including geographic area) from which applications are being accepted. The displaced employee must be within reach for selection, consistent with otherwise applicable provisions of law and regulation. Evidence of eligibility under this subpart is a copy of the employee's specific notice of separation by reduction in force and/or the SF 50, Notification of Personnel Action, documenting separation from employment with the Department of Defense as a result of reduction in force.

(d) For any position for which a covered displaced employee has applied and is eligible for full consideration, the agency must identify such employee and document the consideration given. This information must be retained with other records pertaining to the filling of the vacancy.

PART 335—PROMOTION AND INTERNAL PLACEMENT

3. The authority citation for part 335 is revised to read as follows:

Authority: 5 U.S.C. 3301, 3302, 3329, E.O. 10577; 3 CFR 1954–58 Comp. p. 218.

4. A new § 335.105 is added to read as follows:

§ 335.105 Notice of job announcements to OPM.

(a) *Notice.* Under 5 U.S.C. 3329, the Office of Personnel Management (OPM) must maintain, and make available to the public, a list of agency vacancy announcements for positions in the competitive service. Therefore, agencies must give timely notice to OPM of announcements they issue to fill such vacant positions from among current career and career-conditional employees, reinstatement eligibles, and/or candidates with noncompetitive appointment eligibility, when the agency will:

(1) Fill the position for more than 1 year; and

(2) Accept applications from outside the agency's own work force.

(b) *Notice content.* The notice to OPM must give the position title, tenure, location, pay plan and grade (or pay rate) of the vacant position; application procedures; and other information specified in the Federal Personal Manual.

(c) *Agencies covered.* This section applies to:

(1) The executive departments listed at 5 U.S.C. 101;

(2) The military departments listed at 5 U.S.C. 102;

(3) Government corporations in the executive branch as described at 5 U.S.C. 103; and

(4) Independent establishments in the executive branch as described at 5 U.S.C. 104.

(d) *Agencies excluded.* This section does not apply to:

(1) Any executive agency or unit thereof whose principal function is the conduct of foreign intelligence or counterintelligence activities, as determined by the President;

(2) The U.S. Postal Service and Postal Rate Commission; and

(3) The General Accounting Office.

(e) *Related requirement.* Under 5 U.S.C. 3327, agencies must notify OPM and offices of the U.S. Employment Service of vacant positions in the competitive service for which the agency seeks applications from persons outside the Federal service. This requirement is implemented through parts 330 and 333 of this chapter.

[FR Doc. 93–8020 Filed 4–7–93; 8:45 am]
BILLING CODE 6325–01–M

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5 CFR Parts 870 and 890

RIN 3206–AF20

Federal Employees' Group Life Insurance Program and Federal Employees Health Benefits Program: Benefits for Hostages in Iraq, Kuwait, and Lebanon

AGENCY: Office of Personnel Management.

ACTION: Final rule.

SUMMARY: The Office of Personnel Management (OPM) is issuing final regulations to conform its regulations to the provisions of Pub. L. 102–138 (The Foreign Relations Authorization Act, Fiscal Years 1992–1993) that amended Pub. L. 101–513 (the Hostage Relief Act of 1990). Pub. L. 101–513 extended coverage under the Federal Employees' Group Life Insurance (FEGLI) Program and the Federal Employees Health Benefits (FEHB) Program to certain U.S. hostages in Iraq, Kuwait, and Lebanon while they were in hostage status and for 12 months thereafter. Pub. L. 102–138 provides for the continuation of FEGLI and FEHB coverage for up to 60 months after hostage status in Lebanon ended, and 12 months after hostage status ended in Iraq and Kuwait. It also changes the earliest possible effective date of coverage for hostages in Lebanon from January 1, 1990, to June 1, 1982, (or as soon thereafter as they become eligible for benefits).

EFFECTIVE DATE: May 10, 1993.

FOR FURTHER INFORMATION CONTACT: Abby L. Block, (202) 606–0191.

SUPPLEMENTARY INFORMATION: On September 18, 1992, OPM issued interim regulations (57 FR 43131) providing that FEGLI and FEHB coverage for hostages in Lebanon and their families may continue for up to 60 months after hostage status ended and for hostages in Iraq and Kuwait, for up to 12 months after hostage status ended, unless the hostage cancels the coverage earlier. In the case of individuals who were hostages in Lebanon before January 1, 1990, coverage may begin as early as the date that hostage status began, but no earlier than June 1, 1982, subject to the determination of the U.S. Department of State. The interim regulations also provided that FEHB coverage for survivors of hostages who die before the 60-month or 12-month period ends may continue for the full period following the end of the hostage status.

The U.S. Department of State continues to have the responsibility for determining the eligibility of individuals under Public Law 101–513, as amended, and the appropriate date for coverage to begin.

OPM received one comment from a professional organization. This comment concurred with our interim regulations.

E.O. 12291, Federal Regulation

I have determined that this is not a major rule as defined under section 1(b) of E.O. 12291, Federal Regulation.

Regulatory Flexibility Act

I certify that these regulations will not have a significant economic impact on a substantial number of small entities because they affect only individuals who were hostages in Iraq, Kuwait, and Lebanon during a specific period of time.

List of Subjects

5 CFR Part 870

Administrative practice and procedure, Government employees, Hostages, Life insurance, Retirement.

5 CFR Part 890

Administrative practice and procedure, Government employees, Health facilities, Health insurance

Health professions, Hostages, Reporting and recordkeeping requirements, Retirement.

U.S. Office of Personnel Management.

Patricia W. Lattimore,

Acting Director.

Accordingly, under authority of 5 U.S.C. 8716 and 8913, OPM is adopting its interim regulations under 5 CFR parts 870 and 890 as published on September 18, 1992 (57 FR 43131) as final rules without change.

[FR Doc. 93–8021 Filed 4–7–93; 8:45 am]

BILLING CODE 6325–01–M

DEPARTMENT OF AGRICULTURE

Office of the Secretary

7 CFR Part 16

Restriction on Importation of Meat From Australia and New Zealand

AGENCY: Office of the Secretary, USDA.

ACTION: Final rule.

SUMMARY: This rule amends the section 204 Import Regulations to carry out the voluntary restraint agreements concerning the level of 1993 meat imports from Australia and New Zealand entered into by those countries with the United States pursuant to section 204 of the Agricultural Act of 1956, as amended.

EFFECTIVE DATE: April 8, 1993. See Supplementary Information.

FOR FURTHER INFORMATION CONTACT: Gerald Harvey, (202) 720–8031, Dairy, Livestock and Poultry Division, Foreign Agricultural Service, USDA, room 6616 South Building, Washington, DC 20250.

SUPPLEMENTARY INFORMATION: Pursuant to the authority of section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854), and Executive Order 11539, as amended, the Office of the United States Trade Representative has negotiated agreements with the Governments of Australia and New Zealand whereby those countries have voluntarily agreed to limit the quantity of certain meats exported to the United States during calendar year 1993. The Secretary of Agriculture, with the concurrence of the Secretary of State and the United States Trade Representative, is authorized to carry out such agreements and to implement such action.

Presently, title 7, part 16, subpart A entitled "Section 204 Import Regulations" contains provisions governing the entry or withdrawal from werehouse of certain meats imported from Australia and New Zealand during calendar year 1992. This rule amends subpart A to delete the provisions relating to Australia and New Zealand for calendar year 1992 which no longer are in effect and inserts new provisions to carry out the voluntary agreements entered into by Australia and New Zealand with the United States for calendar year 1993.

The definition of meat in the regulations encompasses the Harmonized Tariff Schedules of the United States (HTS) items which are the subject of the voluntary agreements with Australia and New Zealand. In order to prevent circumvention of the import limitations, the definitions also includes meat that would fall within such definition but for processing in Foreign-Trade Zones, territories, or possessions of the United States. In addition, the regulations impose transshipment restrictions which prevent the entry or withdrawal from warehouse for consumption of meat from Australia and New Zealand unless exported from those countries as direct shipments or on through bills of lading or, if processed in Foreign-Trade Zones, territories or possessions of the United States, shipped as direct shipments or on through bills of lading from such areas.

Effective Date

Meat released under the provisions of sections 448(b) and 484(a)(1)(A) of the Tariff Act of 1930 (19 U.S.C. 1448(b) (immediate delivery), and 19 U.S.C. 1484(a)(1)(A)(entry)), prior to April 8, 1993, shall not be denied entry.

The action taken herewith has been determined to involve foreign affairs functions of the United States. Therefore, this regulation falls within the foreign affairs exception to Executive Order 12291 and the provisions of 5 U.S.C. 553 with respect to proposed rulemaking. Further, the provisions of the Regulatory Flexibility Act do not apply to this rule since the proposed rulemaking provisions of 5 U.S.C. 553 do not apply.

List of Subjects in 7 CFR Part 16

Imports, Meat and Meat Products.

Accordingly, the Regulations at 7 CFR part 16, subpart A entitled "Section 204 Import Regulations" are amended to read as follows:

PART 16—LIMITATION ON IMPORTS OF MEAT

1. The authority citation for part 16 continues to read as follows:

Authority: 19 U.S.C. 2253 note, 7 U.S.C. 1854, and E.O. 11539, 35 FR 10733, 3 CFR 1966–1970 Comp. p. 937, as amended by E.O. 12188, 45 FR 989, 3 CFR 1980 Comp. p. 131

2. Section 16.4 is revised to read as follows:

§ 16.4 Transshipment restrictions.

During calendar year 1993, no meat of Australia or New Zealand origin may be entered or withdrawn from warehouse for consumption in the United States unless (a) it is exported into the Customs Territory of the United States as a direct shipment or on a through bill of lading from the country of origin or, (b) if processed in Foreign-Trade Zones, territories, or possessions of the United States, it is exported into the Customs Territory of the United States as a direct shipment on a through bill of lading from the Foreign-Trade Zone, territory or possession of the United States in which it was processed.

3. Section 16.5 is revised to read as follows:

§ 16.5 Quantitative restrictions.

(a) *Imports from Australia.* During calendar year 1993, no more than 694.9 million pounds of meat exported from Australia in the form in which it would fall within the definition of meat in Harmonized Tariff Schedule of the United States subheadings 0201.10.00, 0201.20.40, 0201.20.60, 0201.30.40, 0201.30.60, 0202.10.00, 0202.20.40, 0202.20.60, 0202.30.40, 0202.30.60, 0204.21.00, 0204.22.40, 0204.23.40, 0204.41.00, 0204.42.40, 0204.43.40, or 0204.50.00 may be entered or withdrawn from warehouse for consumption in the United States, whether shipped directly or indirectly from Australia to the United States.

(b) *Imports from New Zealand.* During calendar year 1993, no more than 425.0 million pounds of meat exported from New Zealand in the form in which it would fall within the definition of meat in Harmonized Tariff Schedule of the United States subheadings 0201.10.00, 0201.20.40, 0201.20.60, 0201.30.40, 0201.30.60, 0202.10.00, 0202.20.40, 0202.20.60, 0202.30.40, 0202.30.60, 0204.21.00, 0204.22.40, 0204.23.40, 0204.41.00, 0204.42.40, 0204.43.40, or 0204.50.00 may be entered or withdrawn from warehouse for consumption in the United States, whether shipped directly or indirectly from New Zealand to the United States.

Issued at Washington DC, this 31st day of March, 1993.

Mike Espy,

Secretary of Agriculture.

[FR Doc. 93–8260 Filed 4–7–93; 8:45 am]

BILLING CODE 3410–10–M

RESOLUTION TRUST CORPORATION

12 CFR Part 1627

RIN 3205–AA19

Service of Process Upon the Resolution Trust Corporation

AGENCY: Resolution Trust Corporation.

ACTION: Interim rule with request for comments.

SUMMARY: The Resolution Trust Corporation (RTC) hereby designates the officers upon whom service of process may be made when RTC is sued in its receivership, conservatorship, or corporate capacities. In the interest of providing prompt guidance in an area that has caused much confusion, RTC is publishing an interim rule. Comments received from the public will be considered in determining the form of a final rule.

DATES: This interim rule is effective April 8, 1993. Comments must be received on or before May 10, 1993.

ADDRESSES: Written comments concerning the rule should be addressed to John M. Buckley, Jr., Secretary, Resolution Trust Corporation, 801 17th Street, NW., Washington, DC 20434–0001. Comments may be hand-delivered to room 321 on business days between 9 a.m. and 5 p.m. Comments may also be inspected in the Public Reading Room, 801 17th Street, NW., between 9 a.m. and 5 p.m. on business days. (Phone number: 202–416–6940; FAX number: 202–416–4753. These are not toll-free numbers.)

FOR FURTHER INFORMATION CONTACT: Gregg H.S. Golden (Counsel), telephone 202–736–3042.

SUPPLEMENTARY INFORMATION: Section 501(a) of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (FIRREA) added a new section 21A to the Federal Home Loan Bank Act, 12 U.S.C. 1441a, establishing the RTC. RTC was authorized to sue and be sued in its corporate capacity (12 U.S.C. 1441a(b)(9), as amended by the Resolution Trust Corporation Refinancing, Restructuring, and Improvement Act of 1991, Public Law 102–233, sections 310 and 314(2)(B)(i), 105 Stat. 1761, 1769, 1771 (1991)). The provisions of the Federal Rules of Civil Procedure establishing the method for service of process upon a government corporation anticipate that the corporation will designate an agent for service.

By reference to sections 11, 12, and 13 of the Federal Deposit Insurance Act, 12 U.S.C. 1821, 1822, and 1823, FIRREA also granted RTC the same powers as the Federal Deposit Insurance Corporation when acting in its receivership or conservatorship capacity (12 U.S.C. 1441a(b)(4)(A), as amended). Inherent among these is the power to sue and be sued in such capacity, see 12 U.S.C. 1821(d)(2).

Because of the important differences among the capacities in which RTC functions, process is frequently served upon officers, employees, or temporary agents who have little or no connection with or responsibility for the component of RTC involved in the underlying lawsuit. Both RTC and the litigants are inconvenienced by the resulting confusion, delay, and expense. In the interest of reducing these costs to the public, RTC by this rule designates the agents who will accept service of process on behalf of RTC in its conservatorship, receivership, and corporate capacities.

Because RTC acts as conservator or receiver for a large number of savings associations, and because compulsory process (such as a subpoena for production of documents) does not always clearly identify the institution in question, the regulation provides that where process is served upon RTC in its capacity as conservator or receiver for a savings association, the savings association should be clearly identified on the face of the papers. This provision is intended to facilitate a prompt and constructive response to the papers.

RTC is involved in a large amount of litigation; consequently, it was determined that publication of an interim rule would confer an immediate and substantial benefit on the public and RTC with no corresponding cost or prejudice to the rights of any litigant.

Regulatory Flexibility Act Statement

Pursuant to section 605(b) of the Regulatory Flexibility Act, RTC hereby certifies that this proposal is not expected to have a significant economic impact on a substantial number of small entities. Accordingly, a regulatory flexibility analysis is not required.

List of Subjects in 12 CFR Part 1627

Administrative practice and procedure.

For the reasons set out in the preamble, the Resolution Trust Corporation adds part 1627 to title 12, chapter XVI, of the Code of Federal Regulations to read as follows:

PART 1627—SERVICE OF PROCESS UPON THE RESOLUTION TRUST CORPORATION

Sec.

1627.1 Service of process on RTC in its corporate capacity.

1627.2 Service of process on RTC as conservator or receiver.

Authority: 12 U.S.C. 1441a(b)(4)(A), 9(E), (11)(A), 1821(d)(2).

§ 1627.1 Service of process on RTC in its corporate capacity.

Any summons, complaint, subpoena, or other legal process issued against RTC in its corporate capacity shall be duly issued and served upon:

(a) The Assistant General Counsel (Litigation) and

(b) The Secretary, the address for both of whom is: 801 17th Street, NW., Washington, DC 20434–0001; and

(c) Upon such other persons as may be required by the provisions of the Federal Rules of Civil Procedure governing service of process upon an agency of the United States.

§ 1627.2 Service of process on RTC as conservator or receiver.

(a) Any summons, complaint, subpoena, or other legal process issued against RTC in its capacity as conservator or receiver for a savings association shall be duly issued and served upon RTC's Assistant General Counsel in the field office having jurisdiction over the state, Commonwealth, possession, territory, or district in which such savings association has its principal office. The name and principal office of such savings association should be stated on the face of the summons, complaint, subpoena, or other process. In addition, a copy of such process shall be delivered to the Secretary, Resolution Trust Corporation, 801 17th Street, NW., Washington, DC 20434–0001 (telephone: 202–416–6940).

(b) The addresses of RTC's field offices and the states over which each office has jurisdiction shall be published from time to time in the **Federal Register** and maintained by the Secretary, Resolution Trust Corporation, whose address and telephone number are given in paragraph (a) of this section.

By Order of the Chief Executive Officer of the Resolution Trust Corporation.

Dated at Washington, DC, this 2nd day of April, 1993.

Resolution Trust Corporation.

John M. Buckley, Jr.,

Secretary

[Editorial Note: This appendix will not appear in the Code of Federal Regulations.]

Appendix—Field Offices of the Resolution Trust Corporation Department of Legal Services

Resolution Trust Corporation, 100 Colony Square, Suite 2300 Atlanta. GA 30361.

Responsible for: Alabama, the District of Columbia, Florida, Georgia, Maryland, North Carolina, Puerto Rico, South Carolina, Tennessee, the Virgin Islands, Virginia, and West Virginia.

Resolution Trust Corporation, 3500 Maple Avenue, Suite 1500, Dallas, TX 75219.
Responsible for: Louisiana, Mississippi, and Texas.

Resolution Trust Corporation, 1225 17th Street, Suite 3200, Denver, CO 80202.
Responsible for: Arizona, Colorado, Nevada, New Mexico, and Utah.

Resolution Trust Corporation, 4000 MacArthur Boulevard, 5th Floor, P.O. Box 6210, Newport Beach, CA 92658–6210.
Responsible for: California, Guam, and Hawaii.

Resolution Trust Corporation, 7400 West 110th Street, Suite 500, Overland Park, KS 66210–2346.
Responsible for: Alaska, Arkansas, Idaho, Iowa, Illinois, Indiana, Kansas, Kentucky, Michigan, Minnesota, Missouri, Montana, Nebraska, North Dakota, Ohio, Oklahoma, Oregon, South Dakota, Washington, Wisconsin, and Wyoming.

Resolution Trust Corporation, Valley Forge Corporation Center, 1000 Adams Avenue, P.O. Box 1500, Valley Forge, PA 19482–1500.
Responsible for: Connecticut, Delaware, Maine, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, and Vermont.

Alabama	(Atlanta)
Alaska	(Overland Pk.)
Arizona	(Denver)
Arkansas	(Overland Pk.)
California	(Newport Beach)
Colorado	(Denver)
Connecticut	(Valley Forge)
Delaware	(Valley Forge)
D.C.	(Atlanta)
Florida	(Atlanta)
Georgia	(Atlanta)
Guam	(Newport Beach)
Hawaii	(Newport Beach)
Idaho	(Overland Pk.)
Illinois	(Overland Pk.)
Indiana	(Overland Pk.)
Iowa	(Overland Pk.)
Kansas	(Overland Pk.)
Kentucky	(Overland Pk.)
Louisiana	(Dallas)
Maine	(Valley Forge)
Maryland	(Atlanta)
Massachusetts	(Valley Forge)
Michigan	(Overland Pk.)
Minnesota	(Overland Pk.)
Mississippi	(Dallas)
Missouri	(Overland Pk.)
Montana	(Overland Pk.)
Nebraska	(Overland Pk.)
Nevada	(Denver)
New Hampshire	(Valley Forge)
New Jersey	(Valley Forge)
New Mexico	(Denver)
New York	(Valley Forge)
N. Carolina	(Atlanta)
N. Dakota	(Overland Pk.)
Ohio	(Overland Pk.)
Oklahoma	(Overland Pk.)
Oregon	(Overland Pk.)
Pennsylvania	(Valley Forge)
Puerto Rico	(Atlanta)
Rhode Island	(Valley Forge)
S. Carolina	(Atlanta)
S. Dakota	(Overland Pk.)
Tennessee	(Atlanta)
Texas	(Dallas)
Utah	(Denver)
Vermont	(Valley Forge)
Virgin Isls.	(Atlanta)
Virginia	(Atlanta)
Washington	(Overland Pk.)
W. Virginia	(Atlanta)
Wisconsin	(Overland Pk.)
Wyoming	(Overland Pk.)

[FR Doc. 93–8174 Filed 4–7–93; 8:45 am]
BILLING CODE 6714–01–M

SECURITIES AND EXCHANGE COMMISSION

17 CFR Parts 230 and 240

[Release No. 34–32100; File No. S7–37–92]

RIN 3235–AF71

Solicitation of Purchases on an Exchange to Facilitate Distribution of Securities

AGENCY: Securities and Exchange Commission.

ACTION: Rescission of rule.

SUMMARY: The Securities and Exchange Commission is rescinding Rule 10b–2 under the Securities Exchange Act of 1934. Rule 10b–2 generally prohibits any person participating or financially interested in a distribution of a security from paying compensation to induce the purchase on a national securities exchange of any security of the issuer whose security is the subject of the distribution. In view of the significant changes that have occurred in the securities markets since the rule's adoption and the coverage of other antifraud and anti-manipulation provisions of the federal securities laws, the Commission considers the rescission of Rule 10b–2 to be appropriate.

EFFECTIVE DATE: April 8, 1993.

FOR FURTHER INFORMATION CONTACT: Elizabeth P. Hensley or Thomas N. McManus at (202) 272–2848, Office of Trading Practices, Division of Market Regulation, Securities and Exchange Commission, 450 Fifth Street NW., Washington, DC 20549.

SUPPLEMENTARY INFORMATION:

I. Introduction and Background

The Securities and Exchange Commission ("SEC" or "Commission") is rescinding Rule 10b–2 ("Rule 10b–2" or "Rule")[1] under the Securities Exchange Act of 1934 ("Exchange Act").[2] In December 1992, the Commission published a release soliciting public comment on proposed rescission of the Rule.[3] The Commission received one comment letter, from the New York Stock Exchange ("NYSE"), supporting such action.[4] For the reasons discussed in the Proposing Release and below, the Commission believes that the Rule is obsolete and redundant.

Rule 10b–2 is an anti-manipulation rule that, subject to certain exceptions, prohibits any person participating or otherwise financially interested in a primary or secondary distribution of a security from: (i) Compensating anyone for soliciting a third person to purchase on a national securities exchange any security of the issuer whose security is the subject of the distribution, or for purchasing on a national securities exchange any such security, other than for the account of the person paying or agreeing to pay the compensation;[5] and (ii) selling, offering to sell, inducing offers to buy, or delivering after sale any such security if compensation prohibited by (i) above has been offered or paid.[6]

The Rule contains two exceptions from its broad prohibitions that permit payment of compensation. Under paragraph (c), a broker or dealer is permitted to pay to its regular employees a salary or usual and customary commissions for the solicitation of securities transactions (inferentially including transactions in the securities being distributed).[7] Paragraph (d) permits payment of compensation pursuant to the terms of a plan filed with the Commission by a national securities exchange and which has been declared effective by the Commission.[8] The Commission has approved "special offering" and "exchange distribution" plans for a number of exchanges, including the NYSE and the American Stock Exchange ("Amex").[9]

[1] 17 CFR 240.10b–2

[2] 15 U.S.C. 78a *et seq*

[3] See Securities Exchange Act Release No. 31520 (November 24, 1992), 57 FR 57397 ("Proposing Release").

[4] See Letter from James E. Buck, Senior Vice President and Secretary, NYSE, to Jonathan Katz, Secretary, SEC, dated December 29, 1992.

[5] 17 CFR 240.10b–2 (a)(1) and (b).

[6] 17 CFR 240.10b–2(a)(2).

[7] 17 CFR 240.10b–2(c).

[8] 17 CFR 240.10b–2(d).

[9] See, e.g., Securities Exchange Act Release No. 3153 (February 14, 1942), 7 FR 1054 (approval of NYSE's special offerings plan); see also, NYSE Rule 391, NYSE Guide (CCH) ¶ 2391 and Amex Rule 560, Amex Guide (CCH) ¶ 9524 (special offerings); NYSE Rule 392, NYSE Guide (CCH) ¶ 2392 and Amex Rule 570, Amex Guide (CCH) ¶ 9525 (exchange distributions).

Special offerings and exchange distributions have become obsolete. For example, there have been no special offerings and exchange distributions on the NYSE and Amex since 1982. See Fifty-Fourth Annual Report of the Securities and Exchange Commission 157 (1988)

II. Discussion

In its comment letter, the NYSE concurred with the Commission's view that Rule 10b–2 is obsolete, and that the activities with which the Rule is concerned are sufficiently addressed by the general antifraud and anti-manipulation provisions of the federal securities laws. The NYSE stated that, if Rule 10b–2 were rescinded, it also would rescind its two rules adopted under Rule 10b–2(d).[10]

Rule 10b–2 is duplicative in light of other securities law provisions that prohibit manipulative practices. The general antifraud provisions, including section 17(a)[11] of the Securities Act of 1933 ("Securities Act")[12] and sections 9(a),[13] 10(b),[14] and 15(c)[15] of the Exchange Act and Rule 10b–5[16] thereunder proscribe certain manipulative practices effected on and off exchanges, and have been found to apply to the practices covered by Rule 10b–2.[17] In addition, Rule 10b–6 under the Exchange Act addresses the manipulative activity covered by the Rule. Subject to certain exceptions, Rule 10b–6 prohibits persons who are participating in a distribution of securities, or their affiliated purchasers,[18] from, directly or indirectly, bidding for or purchasing, or inducing other persons to purchase, such securities or related securities (i.e., securities that have a significant price relationship), until they have completed their participation in the distribution. Rule 10b–6 is designed to prohibit distribution participants and their affiliated purchasers from stimulating the market to influence investors to purchase the security being distributed.

In light of the above, the Commission is of the view that Rule 10b–2 is obsolete and redundant.

III. Amendments to other Rules

Rule 461[19] under the Securities Act and Rules 10a–1[20] and 10b–6[21] under the Exchange Act contain references to Rule 10b–2. Appropriate amendments are being made to these rules to delete these references.

[10] Specifically, the NYSE stated that it intended to rescind NYSE Rules 391 and 392. See n.9 *supra*.

[11] 15 U.S.C. 77q(a).

[12] 15 U.S.C. 77a *et seq.*

[13] 15 U.S.C. 78i(a).

[14] 15 U.S.C. 77j(b).

[15] 15 U.S.C. 78*o*(c).

[16] 17 CFR 240.10b–5.

[17] See e.g., *SEC* v. *Torr*, 22 F. Supp. 602 (S.D.N.Y. 1938).

[18] See 17 CFR 240.10b–6(c)(6).

[19] 17 CFR 230.461(b)(7).

[20] 17 CFR 240.10a–1(e)(9).

[21] 17 CFR 240.10b–6(a)(4)(x).

IV. Statutory basis and text of rule amendments

Rule 10b–2 is rescinded, and amendments to Rules 10a–1 and 10b–6 are adopted, under the Exchange Act, 15 U.S.C. 78a *et seq.*, and particularly sections 2, 3(b), 10(a), 10(b), 15(c), and 23(a); 15 U.S.C. 78b, 78c(b), 78j(a), 78j(b), 78o(c), and 78w(a). The amendment to Rule 461 is adopted under the Securities Act, 15 U.S.C. 77 *et seq.*

List of Subjects in 17 CFR Parts 230 and 240

Brokers, Fraud, Reporting and recordkeeping requirements, Securities.

For the reasons set out in the preamble, title 17, chapter II of the Code of Federal Regulations is amended as follows:

PART 230—GENERAL RULES AND REGULATIONS, SECURITIES ACT OF 1933

1. The authority citation for part 230 continues to read in part as follows:

Authority: 15 U.S.C. 77b, 77f, 77g, 77h, 77j, 77s, 77sss, 78c, 78*l*, 78m, 78n, 78*o*, 78w, 78*ll*(d), 79t, 80a–8, 80a–29, 80a–30 and 80a–37, unless otherwise noted.

* * * * *

§ 240.10b–1 [Amended]

2. Section 230.461 is amended by removing the reference "240.10b–2," in paragraph (b)(7).

PART 240—GENERAL RULES AND REGULATIONS, SECURITIES EXCHANGE ACT OF 1934

3. The authority citation for part 240 continues to read in part as follows:

Authority: 15 U.S.C. 77c, 77d, 77g, 77j, 77s, 77eee, 77ggg, 77nnn, 77sss, 77ttt, 78c, 78d, 78i, 78j, 78*l*, 78m, 78n, 78*o*, 78p, 78s, 78w, 78x, 78*ll*(d), 79q, 79t, 80a–20, 80a–23, 80a–29, 80a–37, 80b–3, 80b–4 and 80b–11, unless otherwise noted.

* * * * *

§ 240.10a–1 [Amended]

4. Section 240.10a–1 is amended by removing and reserving paragraph (e)(9).

§ 240.10b–2 [Removed]

5. Section 240.10b–2 is removed and reserved.

§ 240.10b–6 [Amended]

6. Section 240.10b–6 is amended by removing and reserving paragraph (a)(4)(x).

By the Commission.

Dated April 2, 1993.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 93–8267 Filed 4–7–93; 8:45 am]

BILLING CODE 8010–01–M

DEPARTMENT OF THE TREASURY

Customs Service

19 CFR Part 10

[T.D. 93–25]

Reciprocal Privileges Extended to Aircraft Registered in Singapore

AGENCY: United States Customs Service, Department of the Treasury.

ACTION: Final rule.

SUMMARY: This document amends the Customs Regulations by adding Singapore to the list of countries whose registered commercial aircraft are entitled to certain privileges that exempt from Customs duties and internal revenue taxes their supplies and equipment that are withdrawn from Customs or internal revenue custody. Customs has been duly informed that the Government of Singapore allows exemption privileges to U.S.-registered aircraft in connection with international commercial operations that are substantially reciprocal to the exemption privileges that may be allowed under U.S. law to aircraft of foreign registry. Accordingly, Customs is extending reciprocal exemptions.

EFFECTIVE DATES: This amendment is effective April 8, 1993. These reciprocal privileges became effective June 1, 1992.

FOR FURTHER INFORMATION CONTACT: William G. Rosoff, Entry Rulings Branch (202) 482–7040.

SUPPLEMENTARY INFORMATION:

Background

Sections 309(a)(3) and (d) and 317, Tariff Act of 1930, as amended (19 U.S.C. 1309(a)(3) and (d) and 1317), provide that foreign-registered aircraft engaged in foreign trade may withdraw from Customs or Internal Revenue custody, free of customs duties and internal-revenue taxes imposed by reason of importation, articles of foreign or domestic origin for supplies (including equipment), ground equipment, maintenance, or repair of the aircraft. The privileges granted by these sections are allowed only if the Secretary of Commerce finds and advises the Secretary of the Treasury that the foreign country in question affords substantially reciprocal privileges to U.S.-registered aircraft. The

regulations implementing these reciprocal duty-free customs and internal-revenue tax exemptions are found at § 10.59(f), Customs Regulations (19 CFR 10.59(f)), which enumerates those countries entitled to reciprocal privileges and designates the extent of the exemptions allowed.

In accordance with 19 U.S.C. 1309(d), the Acting Deputy Assistant Secretary for Service Industries and Finance, International Trade Administration, Department of Commerce, has advised the Customs Service by letter dated February 23, 1993, that, following an appropriate investigation and based on Article 8 of the Singapore-United States Air Transport Agreement, dated March 31, 1978, the Government of Singapore allows U.S.-registered aircraft engaged in international commercial operations exemption privileges substantially reciprocal to those exemption privileges allowed to foreign-registered aircraft by §§ 309 and 317 of the Tariff Act of 1930, as amended. The effective date of these findings was June 1, 1992. This document amends the list in § 10.59(f), Customs Regulations (19 CFR 10.59(f)), by adding Singapore to the list of countries entitled to reciprocal privileges.

Authority to amend this section of the Customs Regulations has been delegated to the Chief, Regulations Branch.

Inapplicability of Public Notice and Comment Requirements, Delayed Effective Date Requirements, the Regulatory Flexibility Act, and Executive Order 12291

Because the subject matter of this document does not constitute a departure from established policy or procedures, but merely announces the granting of an exemption for which there is a statutory basis, it has been determined, pursuant to 5 U.S.C. 553(b)(B), that the notice and public comment procedures thereon are unnecessary. Further, for the same reasons and because Singapore has been found to be presently granting reciprocal exemption privileges to U.S.-registered aircraft, it has been determined, pursuant to 5 U.S.C. 553(d)(1) and (3), that a delayed effective date is not required. Since this document is not subject to the notice and public procedure requirements of 5 U.S.C 553, it is not subject to the provisions of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). This amendment does not meet the criteria for a "major rule" as defined in E.O. 12291; therefore, a regulatory impact analysis is not required.

Drafting Information

The principal author of this document was Gregory R. Vilders, Regulations Branch.

List of Subjects in 19 CFR Part 10

Aircraft, Customs duties and inspection, Exports, Imports, Reporting and recordkeeping requirements.

Amendment to the Regulations

To reflect the reciprocal privileges granted to aircraft registered in Singapore, part 10, Customs Regulations (19 CFR part 10), is amended as set forth below:

PART 10—ARTICLES CONDITIONALLY FREE, SUBJECT TO A REDUCED RATE, ETC.

1. The authority citation for part 10 continues to read, in part, as follows:

Authority: 19 U.S.C. 66, 1202, 1481, 1484, 1498, 1508, 1623, 1624; * * * * *

Section 10.59 also issued under 19 U.S.C. 1309, 1317; * * * * *

§ 10.59 [Amended]

2. In § 10.59, paragraph (f) is amended by adding, in appropriate alphabetical order, "Singapore" to the column headed "Country" and by adding "93–25" adjacent to "Singapore" in the column headed "Treasury Decision(s)".

Dated: April 2, 1993.

Harold M. Singer,

Chief, Regulations Branch.

[FR Doc. 93–8144 Filed 4–7–93; 8:45 am]

BILLING CODE 4820–02–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 579

[Docket Nos. 92F–0147 and 92F–0197]

Food Additives; Irradiation in the Production, Processing, and Handling of Animal Feed and Pet Food: Ionizing Radiation for Treatment of Laboratory Animal Diets

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the food additive regulations to permit the safe use of gamma or electron beam radiation for the treatment of the complete diets of guinea pigs and rabbits, in addition to the current use for the treatment of the complete diets of rats, mice, and hamsters, and for increasing the maximum absorbed dose from 2.5 to 5 megarads. This action is in response to petitions filed by Purina Mills, Inc., and Agway, Inc.

DATES: Effective April 8, 1993; written objections and requests for a hearing by May 10, 1993.

ADDRESSES: Submit written objections to the Dockets Management Branch (HFA–305), Food and Drug Administration, rm. 1–23, 12420 Parklawn Dr., Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Woodrow M. Knight, Center for Veterinary Medicine (HFV–226), Food and Drug Administration, 7500 Standish Pl., Rockville, MD 20855, 301–295–8731.

SUPPLEMENTARY INFORMATION: In a notice published in the **Federal Register** of April 2, 1992 (57 FR 11325), FDA announced that a food additive petition (FAP 2225) had been filed by Purina Mills, Inc., P.O. Box 66812, St. Louis, MO 63166–6812. In the **Federal Register** of June 5, 1992 (57 FR 24048), FDA published a second notice in response to a petition (FAP 2223) filed by Agway, Inc., P.O. Box 4933, Syracuse, NY 13221–4933. Both petitions proposed that § 579.22 *Ionizing radiation for treatment of laboratory animal diets* (21 CFR 579.22) be amended to provide for the addition of the complete diets of guinea pigs and rabbits to the list of those currently approved (rats, mice, and hampsters) for treatment and for increasing the maximum absorbed dose of ionizing radiation used for microbial disinfection of the complete laboratory animal diets from the currently approved level of 2.5 megarads to 4.5 or 5.0 megarads, respectively.

FDA received nine comments in response to the notices of filing. Comments were received from legislators and representatives of breeding and research facilities. All comments were favorable.

In addition, research has shown and information in the petitions also supports that irradiated animal feeds have reduced nutritional content. Therefore, FDA is adding an additional limitation to § 579.22(b) to provide that feeds treated by irradiation should be formulated to account for nutritional loss.

FDA has reviewed the data in the petitions and other relevant material and concludes that the irradiation of laboratory animal diets is safe when formulated to allow for nutritional loss and the regulations should be amended as set forth below.

In accordance with § 571.1(h) (21 CFR 571.1(h)), the petitions and the documents that FDA considered and

relied upon in reaching its decision to approve the petitions are available for inspection at the Center for Veterinary Medicine by appointment with the information contact person listed above. As provided in 21 CFR 571.1(h), the agency will delete from the documents any materials that are not available for public disclosure before making the documents available for inspection.

The agency has carefully considered the potential environmental effects of this action. FDA has concluded that the action will not have a significant impact on the human environment, and that an environmental impact statement is not required. The agency's finding of no significant impact and the evidence supporting that finding, contained in an environmental assessment, may be seen in the Dockets Management Branch (address above) between 9 a.m. and 4 p.m., Monday through Friday.

Any person who will be adversely affected by this regulation may at any time on or before May 10, 1993, file with the Dockets Management Branch (address above) written objections thereto. Each objection shall be separately numbered, and each numbered objection shall specify with particularity the provisions of the regulation to which objection is made and the grounds for the objection. Each numbered objection on which a hearing is requested shall specifically so state. Failure to request a hearing for any particular objection shall constitute a waiver of the right to a hearing on that objection. Each numbered objection for which a hearing is requested shall include a detailed description and analysis of the specific factual information intended to be presented in support of the objection in the event that a hearing is held. Failure to include such a description and analysis for any particular objection shall constitute a waiver of the right to a hearing on the objection. Three copies of all documents shall be submitted and shall be identified with the docket number found in brackets in the heading of this document. Any objections received in response to the regulation may be seen in the Dockets Management Branch between 9 a.m. and 4 p.m., Monday through Friday.

List of Subjects 21 CFR Part 579

Animal feeds, Animal foods, Radiation protection.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs, 21 CFR part 579 is amended as follows:

PART 579—IRRADIATION IN THE PRODUCTION, PROCESSING, AND HANDLING OF ANIMAL FEED AND PET FOOD

1. The authority citation for 21 CFR part 579 continues to read as follows:

Authority: Secs. 201, 402, 403, 409, 701 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321, 342, 343, 348, 371).

2. Section 579.22 is amended by revising the table in paragraph (b) to read as follows:

§ 579.22 Ionizing radiation for treatment of laboratory animals diets.

* * * * *

(b) * * *

Food for irradiation	Limitations	Use
Bagged complete diets for laboratory animals (mice, rats, hamsters, rabbits, and guinea pigs).	Absorbed dose: Not to exceed 50 kiloGrays (5 megarads). Feeds treated by irradiation should be formulated to account for nutritional loss.	Microbial disinfection.

Dated: April 2, 1993.

Michael R. Taylor,

Deputy Commissioner for Policy.

[FR Doc. 93–8254 Filed 4–7–93; 8:45 am]

BILLING CODE 4160–01–F

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

[T.D. 8471]

RIN 1545–AQ26

Section 597 Transitional Rules

AGENCY: Internal Revenue Service, Treasury.

ACTION: Final regulations.

SUMMARY: This document contains final regulations that provide a transitional rule under the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 for the tax treatment of federal financial assistance received by certain banks and domestic building and loan associations. The final regulations affect payments under certain assistance agreements executed before May 10, 1989.

EFFECTIVE DATE: These regulations are effective April 23, 1992.

FOR FURTHER INFORMATION CONTACT: Bernita L. Thigpen, 202–622–3920 (not a toll-free number).

SUPPLEMENTARY INFORMATION:

Background

On April 23, 1992, the Internal Revenue Service published a notice of proposed rulemaking, that by cross reference to temporary regulations, provided transitional rules under section 597 of the Internal Revenue Code of 1986 in the **Federal Register** (57 FR 14794). Only one written comment on those proposed regulations was received from the public and similar statements were made concerning those regulations at the public hearing that was held on July 17, 1992. After consideration of the written comment and statements made at the public hearing, the temporary regulations are adopted as final regulations.

Explanation of Provisions

Section 1.597–8T(b)(1) of the temporary regulations generally provides that the tax consequences of assistance payments received or accrued on or after May 10, 1989, pursuant to an acquisition of a domestic building and loan association or a bank before May 10, 1989, are governed by the applicable provisions of section 597 before that section was amended by the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (FIRREA). In order for this rule to apply, the payments must be made pursuant to an assistance agreement that was executed before May 10, 1989, and must be paid to a party to the agreement or such other party as the Commissioner may designate by letter ruling or other written guidance. Section 1.597–8T(b)(2) provides a similar rule for prepayments of (or payments in lieu of) assistance.

The only comment received on the regulations was that a taxpayer should not have to obtain a private letter ruling or other written determination to ensure that the transitional rules apply to

assistance provided to a person other than a party to the assistance agreement. Each transaction in which assistance is provided to a person that is not a party to the assistance agreement is complex and involves a unique set of facts. The determination of whether such a person is an appropriate recipient turns on all relevant facts and circumstances, such as whether the assistance agreement contemplated a transaction in which the assistance would be paid to a different party. Accordingly, the final regulations retain the rule provided by the temporary regulations.

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. It 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.

Drafting Information

The principal author of these regulations is Bernita L. Thigpen, Office of the Assistant Chief Counsel (Financial Institutions & Products), Internal Revenue Service. However, other personnel from the Service and Treasury Department participated in their development.

List of Subjects in 26 CFR 1.591–1 through 1.601–1

Banks, Banking, Income taxes, Reporting and recordkeeping requirements.

Adoption of Amendments to the Regulations

Accordingly, 26 CFR part 1 is amended as follows:

PART 1—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

Paragraph 1. The authority citation for part 1 is amended by removing the entry for "§ 1.597–8T" and adding the following citation in numerical order to read as follows:

Authority: 26 U.S.C. 7805 * * * Section 1.597–8 also issued under 26 U.S.C. 597.

Par. 2. Section 1.597–8T is redesignated as § 1.597–8 and the word "(temporary)" is removed from the section heading.

Michael P. Dolan,

Commissioner of Internal Revenue.

Approved: January 5, 1993.

Alan J. Wilensky,

Acting Assistant Secretary of the Treasury.

[FR Doc. 93–8148 Filed 4–7–93; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 938

Pennsylvania Regulatory Program; Regulatory Reform

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

ACTION: Final rule.

SUMMARY: OSM is announcing the approval, with certain exceptions, of 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 amendment modifies several Pennsylvania rules, including: Reclamation Fee Permit Conditions, Coal Exploration, Bond Liability Period, the Anthracite Emergency Bond Loan Program, Civil Penalties Assessments, Individual Civil Penalties, Civil Penalty Appeal Procedures, Surface Mining Operator's License, Definition of Affected Area, Revegetation, Siltation Structures and Impoundments, Roads and Support Facilities and Anthracite Mining, Backfilling and Grading.

EFFECTIVE DATE: April 8, 1993.

FOR FURTHER INFORMATION CONTACT: Robert J. Biggi, Director, Harrisburg Field Office, Office of Surface Mining Reclamation and Enforcement, Harrisburg Transportation Center, Third Floor, Suite 3C, 4th and Market Streets, Harrisburg, Pennsylvania 17101. Telephone: (717) 782–4036.

SUPPLEMENTARY INFORMATION:

I. Background on the Pennsylvania 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 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. Submission of Amendment

By letter dated December 18, 1991 (Administrative Record Number PA 803.00), Pennsylvania submitted a State program amendment to address four outstanding Part 732 Notifications, listed below:

1. *Historic Properties,* June 9, 1987, Administrative Record Number PA 651.
2. *Regulatory Reform Review II,* December 16, 1988, Administrative Record Number PA 723.
3. *Ownership and Control,* May 11, 1989, Administrative Record Number PA 773.
4. *Regulatory Reform Review III,* January 2, 1990, Administrative Record Number PA 787.03.

Other revisions are contained in the proposed amendment package to address provisions necessary for Pennsylvania to implement amendments to the Pennsylvania Surface Mining Conservation and Reclamation Act (Pub. L. 1570, Act 171 of December 12, 1986) and changes to clarify existing regulations.

OSM announced receipt of the proposed amendment in the April 13, 1992, **Federal Register** (57 FR 12785), 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. At the request of the Pennsylvania Coal Association, a public meeting was held on June 30, 1992.

To simplify the processing of the large amendment package, OSM separated the package into smaller amendments, according to subject matter, which then would be handled in individual final rules. This final rule addresses all the revisions proposed by Pennsylvania in response to the December 16, 1988, Part 732 Notification (Administrative Record No. PA–723) and the January 2, 1990, Part 732 Notification (Administrative Record No. PA–787.03). OSM's actions on the provision concerning Ownership and Control rule revisions were published in the December 30, 1992,

Federal Register (57 FR 62222) and final rule pertaining to Cultural and Historical Resources was published in the January 14, 1993, **Federal Register** (58 FR 4331).

III. Director's Findings

Set forth below, pursuant to SMCRA and the Federal regulations at 30 CFR 732.17, are the Director's findings concerning the proposed amendment to the Pennsylvania program. Nonsubstantive changes, which are proposed throughout these rules, to make grammatical corrections and to correct subsection letter notations are not specifically discussed.

The Director's findings are arranged according to subject matter, in the same general order as submitted by Pennsylvania in the program amendment package.

A. Revisions to Pennsylvania's Regulations That Are Substantively Identical to the Applicable Provisions of Counterpart Federal Regulations

State regulation 25 Pa. Code:	Subject	Federal counterpart 30 CFR
	Chapter 86. Surface and Underground Coal Mining: General	
86.132	Definition: Coal Exploration	701.5.
86.133(b)(3)	General Requirements/Map Contents	772.11(b)(3).
86.136(a)	Coal exploration compliance duties	772.13(a).
86.136(b)	Coal exploration compliance duties	772.13(b).
86.151(h)	Bonding: permittee liability	800.13(d)(2).
86.194(c)	Assessment of daily civil penalty	845.15(b).
	Chapter 87. Surface Mining of Coal	
87.112(c)(3)	Ponds: Foundation Investigation	816.49(a)(5)(i).
87.160(a)	Haul Roads and Access Roads	816.150(c).
87.160(b)	Haul Roads and Access Roads	816.150(d).
87.160(h)	Haul Roads and Access Roads	816.150(e)(2).
87.166	Roads: Restoration	816.150(f).
	Chapter 89. Underground Mining of Coal and Coal Preparation Facilities	
89.26(e)(1)	Haul Roads and Access Roads	817.150(c).
89.26(f)(2)	Haul Roads and Access Roads	817.150(d).
89.26(g)(3)	Haul Roads and Access Roads	817.150(e)(2).
89.90	Roads: Restoration	817.150(f).
89.111(c)(3)	Ponds: Foundation Investigation	817.49(a)(5)(i).
	Chapter 90. Coal Refuse Disposal	
90.112(c)(3)	Ponds: Foundation Investigation	816/817.49(a)(5)(i), 816/817.81(d).
90.134(a)	Haul Roads and Access Roads	816/817.150(c).
90.134(b)	Haul Roads and Access Roads	816/817.150(d).
90.134(h)	Haul Roads and Access Roads	816/817.150(e)(2).
90.140	Roads: Restoration	816/817.150(f).

B. Revisions to Pennsylvania's Rules That Are Not Substantively Identical to the Corresponding Federal Regulations

Reclamation Fee Permit Condition

1. Section 86.41 conditions of permits: general and right of entry. Pennsylvania proposes to add section 86.41(4) to require the permittee to pay all reclamation fees for coal produced under the permit. The proposed rule is similar to the counterpart Federal regulations at 30 CFR 773.17(g) except that the Federal regulations refer to the operator instead of the permittee as responsible for payment of the fee. The preamble to the Federal regulations (49 FR 27494, July 5, 1984) stated that the term operator is not limited to the party which actually removes the coal but is broad enough to include a party who controls or directs the removal, and the person or persons who stand to benefit directly from the sale, transfer or use of coal, such as the permittee. In addition, the proposal does not exclude the "operator" from liability, but merely requires the permittee to pay reclamation fees as a condition for obtaining a permit. Therefore, the Director finds that the State's proposed rule is no less effective than the cited Federal rules.

Areas Unsuitable for Mining

2. Section 86.101 definitions: publicly-owned park. Pennsylvania proposes to add a definition for "publicly-owned park" in subchapter D, Areas Unsuitable for Mining. The definition is substantively identical to the definition of "publicly-owned park" in the Federal regulations at 30 CFR 761.5, except that the State's rule uses the term "agency" where the Federal rule uses "entity" in defining who owns the park. Despite the fact that the terms "entity" and "agency" have different meanings and are different in scope, the Federal rules accompanying 30 CFR 761.5 substitute "agency" in related definitions, indicating that the Federal rules do not make a strict distinction between use of the terms. Therefore, the Director finds that the state's use of "agency" is similar and will not render its definition less effective than the Federal definition of "publicly-owned park."

3. Section 86.129 mineral exploration. Pennsylvania proposes to revise its rules concerning exploration operations on areas designated as unsuitable for surface mining activities to extend the rule to cover areas for which a petition has been submitted to declare an area

unsuitable for surface mining. The counterpart Federal regulations at 30 CFR 762.14 are similar to the proposed State rules, except that they do not extend the conditions which must be met before conducting exploration activities on areas designated as unsuitable for surface mining to those areas under petition for unsuitability designation. Since the State's rule includes areas under petition for designation as unsuitable for surface mining that are not included in the Federal rules in addition to those covered by the Federal regulations, the Director finds that the proposed rule is not inconsistent with the cited Federal regulation.

Coal Exploration

4. Section 86.132 definitions: substantially disturb. Pennsylvania proposes to revise the definition of substantially disturb to delete "drilling" from the list of those exploration activities categorically considered to cause substantial disturbance. In addition, the change adds "removal of topsoil and overburden" as exploration activities that constitutes a substantial disturbance. The Director finds the definition of substantial disturbance is substantively identical to the Federal definition at 30 CFR 701.5.

5. Section 86.133 general requirements. a. Pennsylvania proposes to revise 86.133(a) concerning the requirement to file with the regulatory authority a written notice of intent to explore, prior to initiation of exploration activity. The rule is revised to delete the provision that would exempt drilling from this requirement and add the requirement that the written notice be submitted at least 10 days prior to beginning the exploration. The Director finds that the revised rule is no less effective than the Federal counterpart regulation at 30 CFR 772.11(a).

b. Pennsylvania proposes to revise section 86.133(e) to require that the removal of 250 tons or more of coal during coal exploration requires a permit under Chapter 86. While similar, the counterpart Federal rules at 30 CFR 772.12(a) do not require the approval of a surface mining permit, but require the written approval of the regulatory authority in an exploration permit. Since the issuance of a surface mining permit constitutes written approval from the regulatory authority, the Director finds that the revision will not render the State rules less effective than the Federal counterpart rules.

c. Pennsylvania proposes to revise subsection 86.133(f) to require written approval from the regulatory authority before coal exploration may be initiated on lands where a petition to declare an area unsuitable for mining has been received by the Department of Environmental Resources. In addition, the section is revised to enable the regulatory authority to prescribe conditions and requirements it considers necessary to preserve the values sought to be protected in the petition before approving coal exploration in these areas.

The counterpart Federal regulation, 30 CFR 772.11(a), requires that exploration on lands designated as unsuitable for surface mining shall be subject to the exploration permit requirements at 30 CFR 772.12. Although Pennsylvania's proposal to require written approval by the regulatory authority for lands under petition for an unsuitability designation goes beyond the Federal requirements, the existing rule is less effective than the Federal counterpart because it does not require all exploration on lands designated as unsuitable be conducted only after approval of an exploration permit. Therefore, the Director is approving the revision to section 86.133(f), except to the extent that the State rules do not require that all exploration on lands designated as unsuitable for surface mining shall be subject to permit requirements for exploration comparable to 30 CFR 772.12. Accordingly, the Director is requiring Pennsylvania to further amend its rules to require that any person wishing to explore on areas designated as unsuitable for mining comply with permitting requirements no less effective than those at 30 CFR 772.12.

d. Pennsylvania proposes to revise its rules concerning the management of drill holes for exploration by moving the existing language from 86.134(8) to 86.133(g). The move is necessary as a result of the change in the definition of "substantially disturb" in section 86.132 which deleted drilling from those activities which are categorically considered to cause substantial disturbance to the land.

Section 86.134 is applicable only to those activities which substantially disturb the land surface. Although the reorganization is reasonable, the paragraph is also changed to delete the reference to sections 89.54 and 89.83 which pertain to the reclamation standards for drill holes. The counterpart Federal regulation at 30 CFR 815.15(g) requires that all such drill holes be reclaimed in accordance with the reclamation standards at 30 CFR 816.13 through 816.15. Therefore, the Director is approving the propose revision, except to the extent that the revised language in section 86.133(g) does not reference the drill hole reclamation standards at sections 89.54 and 89.83. Accordingly, the Director is requiring Pennsylvania to further amend its program to require drill holes to be reclaimed in accordance with sections 89.54 and 89.83.

6. Section 86.134 coal exploration performance and design standards. a. Pennsylvania proposes to revise section 86.134(3)(ii)(C) to change "and" to "or" which results in the requirement that roads significantly altered for exploration activities "or" roads which will remain as a permanent road must comply with the approved program's performance standards for roads. Since the revision expands the scope of this rule to include roads significantly altered for coal exploration activities and will not be retained as a permanent road, the Director finds that the modification will not render the State rules less effective than the counterpart Federal regulations at 30 CFR 815.15(b).

b. Pennsylvania proposes to add section 86.134(12) to require coal exploration activities be conducted so as to protect known historical resources from damage or destruction. The Federal counterpart regulations for coal exploration performance standards at 30 CFR 815.15 do not specifically reference protection of cultural and historic resources, instead they rely on exploration permitting requirements under 30 CFR 772.12(d)(2)(iii) for the protection of historical resources. The Director finds section 86.134(12) is substantively identical to 30 CFR 772(d)(2)(iii) and can, therefore, be approved.

Bond Liability Period

7. Section 86.151(a) period of liability. Pennsylvania proposes to revise this section concerning the liability of a bond posted for surface mining activity by deleting reference to noncoal surface mining activities. Since the proposed revision does not affect the approved program's period liability for coal mining activity, the Director is approving the proposed revision.

Anthracite Deep Mining Operators Emergency Bond Fund

8. Section 86.163 anthracite deep mine operators emergency bond fund. Pennsylvania proposes to add this section to implement the Anthracite Deep Mine Operators Emergency Bond Fund (the Fund) provisions contained in the December 12, 1986, amendment to Pennsylvania's surface mining statutes. The Fund provides loans to assist small underground anthracite coal operators who are unable to post a

conventional surety or collateral bond. Operators who use the fund to meet their bonding obligations will be required to post a $1000 down payment followed by payments of 25 cents for each ton of coal sold. Payments must be made until the loan amount has been paid in full, the operator secures a conventional bond to replace the collateral loan, or the operator satisfies the reclamation obligation on the permit.

The loan program does not alter the bonding requirements or the bond release and bond forfeiture requirements of the approved Pennsylvania program. In addition, the Fund is not a bond pool or alternative bonding program because it does not serve as a substitute for a bond. Instead, the Fund merely provides a no-interest loan to be used to guarantee a collateral bond posted by the operator.

In addition, the proposed rule provides that the regulatory authority may make bond collateral loans only as money is available in the Fund. Therefore, the Fund cannot be overextended and jeopardize the availability of the collateral if needed in the event of a bond forfeiture.

Therefore, the Director finds that the proposed rule will not affect Pennsylvania's approved bonding requirements for anthracite deep mining operations and is not inconsistent with Federal bonding regulations.

9. Section 86.165 failure to maintain proper bond. Pennsylvania proposes to revise section 86.165(a) to add language which requires each permittee participating in the Fund to make the scheduled payments to the Fund. If a permittee fails in this capacity, the regulatory authority shall issue him or her a notice of violation. If the permittee fails to make the necessary payments in order to correct the violation within 15 days of the notice, the regulatory authority will issue a cessation order for all the permittee's permit areas. Since the proposed revision is within Pennsylvania's authority under 30 CFR 800.4(g) and is consistent with the Federal requirement, the Director finds that it will not render the State program less effective than the Federal regulations.

Civil Penalties Assessments

10. Section 86.193 (e) & (f) assessment of penalty. Pennsylvania proposes to revise subsections (e) and (f) to clarify that operators who conduct surface mining activities on any part of an area not specifically approved by the permit will be assessed a penalty on a per-acre basis as if the entire acre had been disturbed. OSM noted during its review of the program amendment that the new language appeared to be incorrect. Specifically, OSM commented that the word "area" in the phrase, "For the purposes of this subsection, any part of an *area* disturbed * * *" should be "acre." OSM reasoned that since these subsections dealt with penalties that were to be assessed on a per-acre basis, that penalties assessed for mining on areas not approved in the permit should also be assessed on a per-acre basis. Pennsylvania agreed with the comment and stated that the term "area" was a typographical error which will be corrected upon finalization of the amendment (Administrative Record No. PA–803.14).

The Federal regulations in section 30 CFR part 845 do not contain a counterpart which imposes a similar per-acre civil penalty. Instead, the Federal regulations provide the State with discretion on the assessment of civil penalties under section 518(i) of SMCRA and 30 CFR part 845.

Therefore, the Director finds that the proposed revisions to section 86.193 (e) and (f) are no less effective than the Federal regulations at 30 CFR part 845, provided that Pennsylvania corrects the typographical error in the additional language by changing the term "area" to "acre."

11. Section 86.194 system for assessment of penalties. Pennsylvania is proposing to revise section 86.194 by, in addition to making numerous nonsubstantive grammatical changes, adding the phrase, "on the permit where the violation has occurred," to subsection (b)(6). This subsection applies to calculation of a penalty based on the history of violations. The Federal counterpart regulation at 30 CFR 845.13(b)(1) also specifies that for the purposes of determining the penalty according to the point system, the points shall be assigned for the history of previous violations with respect to a particular coal mining operation or surface coal mining operation. Therefore, the Director finds that the proposed revision is no less effective than the Federal regulation at 30 CFR 845.13(b)(1).

Individual Civil Penalties

12. Section 86.1 definition: participates. Pennsylvania proposes to add the following definition of "participates:"

To take part in an action or to instruct another person or entity to conduct or not to conduct an activity.

The definition is added for the purposes of implementing section 86.195(a) pertaining to the assessment of individual civil penalties. The corresponding Federal regulation at 30 CFR 846.12(a) uses the phrase "authorized, ordered or carried out" to reference those actions of a corporate officer, director, or agent which may participate in an individual civil penalty. The Director finds that for the purposes of implementing the State's proposed rules for assessing penalties against corporate officers at 86.195, the definition encompasses the authorization, ordering or carrying out of a violation, failure or refusal. Also, Pennsylvania proposes to allow individual civil penalties to be assessed without having a knowing and willful participation in the violation. In this respect, the State's proposal is no less stringent than its Federal counterpart. Therefore, the use of the term "participates" can be approved, pursuant to section 505(b) of SMCRA, in that it is not inconsistent with 30 CFR 846.12.

13. Section 86.195 penalties against corporate officers. Pennsylvania proposes to add section 86.195(a) to define the State's authority to assess individual civil penalties against corporate officers who either participate in a violation or whose misconduct or intentional neglect causes or allows a violation. Subsection (b) is added to require that whenever the regulatory authority issues an order to an operator for failure to abate a violation, it will send, by certified mail, to each corporate officer linked to the operator through ownership and control provisions, a copy of the order and notification of the officer's liability under this rule. The subsection also requires that, if the violations are not abated within 30 days of issuance of the order, the regulatory authority may assess a civil penalty against each officer receiving such notice.

The counterpart Federal regulations at 30 CFR 846.12, provide for the assessment of individual civil penalties against any corporate director, officer, or agent of a corporate permittee who knowingly and willfully authorized, ordered or carried out a violation. While similar, the proposed rule provides for assessment of individual civil penalties against corporate officers. Since the Pennsylvania program distinguishes a corporate officer from a corporate director or agent of the corporate permittee, Pennsylvania's proposed rule appears to limit the assessment of civil penalties to a more restrictive set of individuals than the corresponding Federal regulations.

Pennsylvania's proposal also differs from the Federal regulations by specifying that an individual penalty may be assessed against a corporate

permittee who "participates in a violation or whose misconduct or intentional neglect causes or allows a violation." Since "participates" has been defined to be consistent with the Federal terms "authorized, ordered or carried out" and is not modified by the knowing and willful standards applied to the Federal regulations, it provides for a broader application of this rule.

Lastly, the proposed rules under subsection (b) require the regulatory authority to send, by certified mail, to each corporate officer linked by ownership and control criteria to an operator who has failed to abate a violation contained in a previous order, a copy of the failure to abate order. If the violations contained in the order are not abated within 30 days of the issuance of the order, the rule enables the regulatory authority to assess a civil penalty against each officer receiving the notice as provided by this subsection. Although the proposed rule is similar to the Federal requirement concerning failures or refusals in response to failure to abate orders, the Federal rule authorizes the assessment of an individual civil penalty against the corporate director or agent of the corporate permittee for failure or refusal. Failure or refusal is defined in 30 CFR 846.5 to mean a failure or refusal to comply with any order issued under section 521 of the Act, or any order incorporated in a final decision issued by the Secretary under the Act. The State's proposal does not include a counterpart to the failure or refusal to comply with an order issued by the Secretary under the Act (such as an order to revise a permit).

Therefore, the Director finds that the language of section 86.195 is no less effective than the counterpart Federal regulations except to the extent that section 86.195 (a) and (b) do not specify that individual civil penalties may be assessed against corporate directors or agents of the corporate permittee. Moreover, sections 86.195 (a) and (b) do not contain language that would serve as a counterpart to 30 CFR 846.12(a), for failure or refusal to comply with an order incorporated in a final decision issued by the Secretary under the Act.

Accordingly, the Director is requiring Pennsylvania to further amend its rules to specify that individual civil penalties may be assessed against corporate directors or agents of the corporate permittee and to include provisions similar to the Federal regulations which enable the assessment of individual civil penalties for failure or refusal to comply with an order of the Secretary under the Act.

Civil Penalty/Appeal Procedures

14. Section 86.202 appeal procedures. Pennsylvania proposes to revise section 86.202 concerning civil penalty appeal procedures. The revisions delete the phrase "or the fact of the violation" from subsection (a) and adds the following at subsection (d):

A person may challenge either the fact of the violation or the amount of the penalty, once the appeal of that specific issue has been perfected. In either challenge, the appellant will be bound as to any actions of the Department which have become final under section 4 of the Environmental Hearing Board Act (35 P.S. section 7514). A final action includes a compliance order which has become final, even though the order addresses the same violation for which a civil penalty is assessed.

Under the proposed rule, failure to appeal a compliance order within 30 days of issuance would prevent the appeal of the fact of the violation at the time of penalty assessment.

The counterpart Federal regulation at 30 CFR 845.19(a) contain language which is substantially identical to the existing language in section 86.202. Additionally, section 518(c) of SMCRA contains language which is substantially identical to the provision in section 18.4 of the Pennsylvania Surface Mining Conservation and Reclamation Act (PA–SMCRA). The Federal language provides that a person may contest either the fact of the violation or the amount of penalty upon the assessment of the penalty. Pennsylvania's proposed change of section 86.202 would eliminate the chance to appeal the fact of the violation at the time of penalty assessment if the appeal of the compliance order had not been perfected, even though section 18.4 of PA–SMCRA still contained such a provision. As part of its review of the proposed rules, OSM expressed concern that this change to section 86.202 would render it inconsistent with section 18.4 of PA–SMCRA.

Pennsylvania explained that the proposed revisions are necessary to clarify the appeal procedures of 86.202 which implement section 1921–A (replaced by 35 P.S. section 7514(c)) of the Administrative Code, and incorporate the doctrine of administrative finality. Under 35 P.S. section 7514(c), "if a person has not perfected an appeal in accordance with regulations of the board, the department's action shall be final as to the person." According to Pennsylvania, if the person charged with a violation fails to contest the fact of the violation in the manner specified by the rules of the Environmental Hearing Board, that person loses the opportunity to subsequently appeal the fact of the violation at the time of penalty assessment. The result of the State's interpretation is to give precedence to the provisions of 35 P.S. section 7514(c) over section 18.4 of PA–SMCRA in establishing civil penalty procedures. Pennsylvania also provided documentation showing that the Pennsylvania Attorney General approved the proposed regulations in both form and legality on March 3, 1993. (Administrative Record No. PA–803.19)

In accordance with section 505(b) of SMCRA, which enables State laws or regulations to provide for more stringent environmental controls and regulations of surface mining activities than the Federal Counterpart, the Director is compelled to afford Pennsylvania with sufficient deference to reasonably interpret its statutes and regulations. Therefore, based on Pennsylvania's stated interpretation of its statutes and the Attorney General approval, the Director finds that the proposed revision contains procedures which are similar to the counterpart Federal regulations at 30 CFR 845.19(a) and can be approved.

Surface Mine Operator License

15. Section 87.11 definitions: surface mining. Pennsylvania proposes to revise the definition of surface mining under subchapter B of the Pennsylvania Surface Mining Rules concerning the Surface Mining Operator's License. The proposed revision removes reference to persons mining minerals other than coal. Pennsylvania revised its program to regulate noncoal mining under the Noncoal Surface Mining Conservation and Reclamation Act and 25 PA Code Chapter 77 regulations. Since there are no counterpart Federal regulations for licensing of noncoal mining activities, the Director finds that the deletion of these provisions from the State's rules will not render its program less effective than the Federal regulations.

16. Section 87.21 noncoal mining fees. Pennsylvania proposes to revise section 87.21 to delete reference to noncoal mining. The proposed revision also adds subsection (b) stating that the licensing fee is non-refundable upon the regulatory authority's final decision concerning issuance or denial of the mining license. Since the corresponding Federal rules do not impose a similar or related requirement, the Director finds deletion of the reference to noncoal mining will not render the State rules less effective than its Federal counterparts. Also, the Director finds that the new subsection (b) can be approved, because while neither

SMCRA nor the Federal regulations require a surface mining license, the proposed provision is not inconsistent with SMCRA or the Federal regulations.

Revegetation

17. Sections 87.151(d), 89.86(e)(2)(ii)(C), and 90.155(d) revegetation: species. Pennsylvania proposes to revise sections 87.151(d), 89.86(e)(2)(ii)(C), and 90.155(d) concerning the configuration and species composition of the woody and herbaceous cover necessary for reclaiming mine land to fish and wildlife habitat. The proposed rule requires that the species configuration and composition follow the guidelines established by the Pennsylvania Fish Commission and Pennsylvania Game Commission. While similar to the Federal regulations at 30 CFR 816/817.116(b)(3)(i), the proposed rules do not require that minimum stocking and planting arrangements be established upon consultation and approval by the State agencies responsible for the administration of the forestry program. In Pennsylvania, the Bureau of Forestry is responsible for the administration of the forestry program. Because of this omission, the State's proposed rules in section 87.151(d), 89.86(e)(2)(ii)(C), and 90.155(d) are less effective than the cited Federal counterpart.

Therefore, the Director is approving the proposed amendment except to the extent that it does not provide for consultation and approval by the Bureau of Forestry of the minimum stocking and planting arrangement of areas to be reclaimed to fish and wildlife habitat. Accordingly, the Director is requiring Pennsylvania to further amend sections 87.151(d), 89.86(e)(2)(ii)(C), and 90.155(d) to require the configuration and species composition of reclaimed forest land to be reviewed and approved by the Bureau of Forestry, either on a site-by-site basis or a program-wide basis.

18. Section 86.151(d) bonding: period of liability. Pennsylvania proposes to revise section 86.151(d) to add the following language:

"Augmented seeding, fertilization, irrigation and repair of rill and gullies performed at levels or degrees of management which exceed those normally applied in maintaining use or productivity of comparable unmined land in the surrounding area, would necessitate extending the period of liability."

The amendment is intended to clarify the extent to which approved husbandry practices may occur without extending the bond liability period.

While similar, the Federal regulation at 30 CFR 816/817.116(c)(4) specifically excludes "augmented" seeding, fertilization, or irrigation from those selective husbandry practices that may be performed without extending the period of responsibility for revegetation success and bond liability. Although the Director believes the intent of the proposed rule is no less effective than 30 CFR 816.116(c)(4), the language of section 86.151(d) is less stringent than section 515(b)(20) of SMCRA. Section 515(b)(20) of SMCRA prohibits all augmentative seeding, fertilization, irrigation or other work without restarting the liability period. Therefore, the Director is not approving the word "augmented" as used in the revised language of section 86.151(d).

In addition, the Federal regulation requires that before selected husbandry practices can be categorized as "normal husbandry practices" they must first be documented as being the usual or expected practice customarily performed to ensure vegetative success and then reviewed and approved through the State program amendment process in accordance with 30 CFR 732.17. This would include all management practices Pennsylvania wishes to categorize as "normal husbandry practices," such as seeding, fertilization, irrigation or the repair of rills and gullies, included in the proposed rule. Since the Pennsylvania program neither defines the point at which a listed activity becomes augmentative and ceases to be normal husbandry, nor requires that such practices undergo review and approval through the State amendment process, the proposed rule is less effective than the Federal regulations.

Therefore, the Director is approving the proposed revision to section 86.51(d), except to the extent that the proposed rule: (i) Includes the word "augmented," (ii) does not define the point at which a listed practice, including the repair of rills and gullies, becomes augmentative and ceases to be normal husbandry, and (iii) does not require that before such practices may be accepted as normal husbandry practices, they must be approved as part of the State program through its program amendment process.

Accordingly, the Director is requiring Pennsylvania to further amend its program to demonstrate what constitutes normal husbandry practices, including a definition of the extent of rill and gully repairs that may be considered a nonaugmentative normal husbandry practice, and to have such practices evaluated and approved in accordance with the State program amendment process and 30 CFR 732.17.

19. Sections 87.155, 89.86, and 90.159 revegetation, standards for successful revegetation. a. Pennsylvania proposes to revise sections 87.155 (a) and (c), 89.86(e)(1) and (3), and 90.159 (a) and (c) concerning standards for successful revegetation by requiring that determinations of the success of revegetation of pasture land be based on the existing crop productivity standards at 87.155(a), 89.86(e)(1) and 90.159(a) and the existing ground cover standards at 87.155(b), 89.86(e)(2) and 90.159(b). The counterpart Federal regulations at 30 CFR 816/817.116(b)(1) provide that for areas developed for use as pasture land, the ground cover and production of living plants shall be at least equal to that of a reference area or such other success standards approved by the regulatory authority. Because Pennsylvania's proposed pasture land standards are based on the program's existing cropland production standards and ground cover standards, the Director finds that they are no less effective than the counterpart Federal regulations.

b. Pennsylvania proposes to add section 87.155(b)(5) to require that trees and shrubs counted in determining revegetation success shall be healthy and have been in place for not less than two growing seasons. While similar, the Federal regulations at 816/817.116(b)(3)(ii) also stipulate that at the time of bond release, at least 80 percent of the trees used to determine success shall have been in place for 60 percent of applicable minimum period of responsibility, which in Pennsylvania would be three years. Because the proposed rule at section 87.155(b)(5) and Pennsylvania's existing rules at sections 89.86(e)(2)(iii)(B) and 90.159(b)(3) lack a similar requirement, final bonds could be released in situations where less than 80 percent of the trees and shrubs have been in place for three years.

Therefore, the Director is approving the addition of section 87.155(b)(5), except to the extent that the approved program fails to base the determination of the success of woody plant revegetation at the time of final bond release on the requirement that at least 80 percent of the trees used in evaluating success have been healthy and in place for at least three years. Accordingly, the Director is requiring Pennsylvania to further amend sections 87.155(b)(5), 89.86(e)(2)(iii)(B) and 90.159(b)(3) to require that for final bond release, at least 80 percent of the trees and shrubs used to determine success must have been in place for at least three years.

Siltation Structures and Impoundments

20. Sections 87.112(c), 89.111(c) and 90.112(c) hydrologic balance: dams, ponds, embankments and impoundments—design, construction and maintenance. Pennsylvania proposes to revise its rules to extend the minimum design standards for impounding structures to those facilities that are located where failure could cause loss of life or serious property damage. The Federal counterpart regulations at 30 CFR 816/817.49 also apply minimum design standards for impounding structures meeting the same criteria. However, Pennsylvania's regulations differ from the Federal counterparts in the design standards they apply to these impounding structures. Specifically, the Federal regulations require that these impounding structures shall meet a seismic safety factor of at least 1.2. Pennsylvania's regulations in sections 87.112(c) and 89.111(c) do not contain the 1.2 seismic safety factor. Section 90.113(d), Coal Refuse Disposal, does contain a 1.2 seismic safety factor. The absence of the minimum design standards in the Pennsylvania program could result in the design and construction of impoundments that do not provide the same level of stability and, therefore, protection of the public welfare as required by the minimum Federal design standards.

Therefore, the Director is approving the rules to extend the application of the minimum design standards to those impounding structures that are located where failure could cause loss of life or serious property damage, except to the extent that Pennsylvania's existing rules at sections 87.112(c) and 89.111(c) do not require such impoundments to have a 1.2 seismic safety factor. Accordingly, the Director is requiring Pennsylvania to further amend its program to require ponds which meet the criteria in 30 CFR 77.216(a) or are located where failure could cause loss of life or serious property damage to have a seismic safety factor of at least 1.2.

21. Section 90.112(c)(2) impoundments: design and construction. In the Regulatory Reform Review III, Part 732 Notification (Administrative Record No. PA–787.03), OSM noted that Pennsylvania's rules for large impounding structures either constructed of coal mine waste or which are intended to impound coal mine waste do not meet the Federal requirements at 30 CFR 816/817.84(b)(2). These Federal regulations require that such ponds have sufficient spillway and/or storage capacity to safely pass or control the runoff from the probable maximum precipitation (PMP) of a 6-hour or greater precipitation event. Pennsylvania's existing regulations at 90.112(c)(2) require that such structures have an appropriate combination of principal and emergency spillways to discharge the runoff from a 100-year, 24-hour precipitation event or a larger event specified and required by the Department. According to precipitation records published by the U.S. Department of Commerce, Technical Paper No. 40, for the coal mining regions of Pennsylvania, the amount of precipitation for the 6-hour PMP is greater than the amount for the 100-year, 24-hour event. Therefore, an impounding structure designed to meet the 100-year, 24-hour precipitation event will not provide the same level of safety to the public as the coal mining waste impounding structure constructed to the 6-hour PMP. Therefore, the Director is reiterating the requirement made in the original Part 732 Notification that Pennsylvania further amend its program to require that all impounding structures that meet the criteria of 30 CFR 77.216(a) and are either constructed of coal mine waste or intended to impound coal mine waste have sufficient spillway capacity and/or storage capacity to safely pass or control the runoff from the 6-hour PMP or greater precipitation event.

Roads and Support Facilities

22. Sections 87.1, 89.5, and 90.1 definition: affected area. a. Pennsylvania proposes to revise the definition of affected area in sections 87.1, 89.5 and 90.1 to include all lands affected by the construction of new roads or the improvement or substantial use of existing roads which are used as access or haul roads.The Federal regulations define affected area, in part, as all areas covered by new or existing roads used to gain access to, or for hauling coal to, or from the mining operation unless the road:

(1) Was designated as a public road pursuant to the laws of the jurisdiction in which it was located;

(2) Is maintained with public funds, and constructed in a manner similar to other public roads of the same classification within the jurisdiction; and

(3) There is substantial (more than incidental) public use.

The Federal rule was challenged in District Court and remanded on the basis that it improperly imposed the "more than incidental" test based on public use rather than on mining use to determine whether a public road is part of the "affected area." The District Court stated that the Federal rules excluded from the regulations some roads which are included in the statutory definition of "surface coal mining operation." While the court ruled that roads could not be excluded on the basis of public use, it did speak favorably of a test based on the impacts of mining-related use on the road. *In Re: Permanent Surface Mining Regulation Litigation (II),* No. 79–1144, Mem. op. at 143 (D.D.C. July 15, 1985).

Therefore, on November 20, 1986 (51 FR 41953), OSM suspended the definition of "affected area" to the extent that it excluded public roads which received substantial use by the mining activities. The result of the suspension is to include, as part of the affected area, all lands affected by the construction of new roads or the improvement or use of existing roads to gain access to the site of regulated activity or for haulage.

The proposed definition at sections 87.1, 89.5, and 90.1 includes existing roads that have substantial mining-related use. As part of the review of the proposed amendment, OSM asked Pennsylvania to clarify whether the term "substantial use" encompasses all roads on which mining-related use has a substantial impact. Pennsylvania responded by stating that "substantial use" includes all roads on which mining-related use has a substantial use or impact (Administrative Record No. PA–803.14).

Therefore, the Director finds that the proposed definitions of "affected area" in sections 87.1, 89.5 and 90.1 are no less effective than the Federal regulation, provided Pennsylvania interprets the term "substantial use" to include all roads on which mining-related use will have a substantial impact.

b. Pennsylvania also proposes to revise the definition of "affected area" in section 88.1 of the State's anthracite rules. Although similar to the revised definitions of "affected area" in sections 87.1, 89.5 and 90.1, this revision does not include existing roads which receive substantial use by the mining activity. Under this definition, only existing roads which are improved to gain access to the site are included under the affected area. This difference, for the reasons discussed in the preceding finding, renders the State definition less effective than the Federal counterpart at 701.5. Although anthracite mining activities are exempted from the performance standards in 30 CFR parts 816 and 817, 30 CFR 785.11(b)(1) requires all anthracite mining operations to comply with the

permitting requirements of chapter 7, subchapter G of the Federal regulations.

Therefore, the Director finds the proposed definition of "affected area" in section 88.1, is no less effective than the cited Federal rules, except to the extent that it does not include all roads which receive substantial use by the mining activity. Accordingly, the Director is requiring Pennsylvania to further amend section 88.1 to include in the definition of "affected area" all roads which receive substantial use and are substantially impacted by the mining activity.

23. Sections 87.1, 88.1, 90.1 access roads. a. Pennsylvania proposes to revise the definition of access roads under sections 87.1 and 90.1 to include those roads reconstructed, improved, or maintained for minimal and infrequent access to a mining site. Pennsylvania further revises the definition at section 87.1 to specify that the term includes the entire area within the right-of-way, including the roadbed, shoulders, parking and side areas, approaches, structures and ditches. The definition in section 90.1 already includes this right-of-way language.

The State's use of "access road" as it applies to roads that are used for minimal and infrequent use, is consistent with the Federal definition of "ancillary roads" at 30 CFR 816.150. Therefore, the Director finds that the proposed revision will not render the State's rules less effective than the cited Federal counterparts and is approving the amendment.

b. Pennsylvania proposes to revise the definition of "access road" in section 88.1 to include roads which are "reconstructed" for minimal and infrequent use to transport equipment and personnel to current and future activity sites. Unlike the revisions to this definition in sections 87.1 and 90.1, Pennsylvania did not amend its anthracite rules to include under this definition, roads that are "improved or maintained" for minimal and infrequent use. In addition, the anthracite rules do not define access road as the entire area within the right-of-way, including the roadbed, shoulders, parking and side areas, approaches, structures and ditches. Therefore, and in accordance with 30 CFR 785.11(b)(2), the Director finds that Pennsylvania's definition of "access roads" in section 88.1 is no less effective than the Federal definition in section 816.150(a), except to the extent that the amended language fails to include both access roads that are improved or maintained for minimal and infrequent use and the entire area within the right-of-way. Accordingly, the Director is requiring Pennsylvania to further amend section 88.1 to resolve the noted deficiencies.

24. Sections 87.1, 88.1, 90.1 definitions: haul roads. a. Pennsylvania proposes the following revisions to the definition of haul road in sections 87.1 and 90.1:

(1) To include those roads (including public roads) which are constructed, reconstructed, improved, maintained or substantially used as an integral part of the coal mining activity, including the transportation of spoil from a public road to points within the surface mine or between principal operations on the mine site or both,

(2) To delete the language that limited the definition to only those roads used for the life of the surface mining activities,

(3) To exclude from the definition, roads, in unreclaimed spoil areas, and

(4) To include as part of the haul road, the entire area within the right-of-way, including roadbed, shoulders, parking and side areas, approaches, structures and ditches.

The counterpart Federal regulations at 30 CFR 701.5 define roads to include haul roads consisting of the entire area within the right of way, constructed, used, reconstructed, improved, or maintained for use in surface mining operations. While similar, the State's definition of "haul roads" specifically includes public roads which are substantially used as a part of the coal mining activities. As explained in the Finding B–22 the proposed language conforms with the decision by the District Court in remanding the Federal definition of affected area as it applies to roads used in coal mining activities. *In Re: Permanent Surface Mining Regulation Litigation (II)*, No. 79–1144, Mem. op. at 143 (D.D.C. July 15, 1985).

Therefore, the Director finds that Pennsylvania's proposed definition of "haul roads" at sections 87.1 and 90.1, is no less effective than the cited Federal definition.

b. Pennsylvania also proposes to revise the definition of "haul roads" in section 88.1 pertaining to mining in the anthracite regions of Pennsylvania. This revision is similar to the revised definitions at sections 87.1 and 90.1 in that it includes roads which are reconstructed or improved as part of the mining activity. However, section 88.1 is less effective than the Federal definition of "road" because it does not include language which establishes that the term "haul road" includes all roads (including public roads) used as an integral part of the coal mining operation and does not specify that a haul road is comprised of the entire area within the right-of-way. Therefore, the Director is approving the proposed revisions to section 88.1, except to the extent that the proposed rule does not include public roads which are substantially used by the mining activity and does not specify that the road includes the entire area within the right-of-way.

Accordingly, the Director is requiring Pennsylvania to further amend its definition of "haul roads" under section 88.1, to include all roads (including public roads) that are used as an integral part of the coal mining activity and to clarify that the area of the road includes the entire area within the right-of-way, including roadbeds, shoulders, parking and side areas, approaches, structures, and ditches.

25. Sections 87.54(a)(22), 88.31(a)(22), 90.21(a)(24) maps, cross sections and related information. Pennsylvania proposes to add language in sections 87.54(a)(22), 88.31(a)(22), and 90.21(a)(24) to require that each permit application contain maps and plans showing the location of each access and haul road and all appropriate cross sections, design drawings and specifications for specific aspects of the proposed roads. The counterpart Federal regulations at 30 CFR 780.37(a) and 784.24(a) contain similar requirements except that they also specify that drawings and specifications must be provided for each low-water crossing. In response to concerns expressed by OSM that these rules lacked the requirement for maps and plans for low-water crossings, Pennsylvania cited that sections 87.160(b), 88.138(b), 88.231(b), 88.335(b), 88.381(b)(2), 88.493(6), and 90.134(b) prohibit low-water crossings of such streams by requiring crossings be made using bridges, culverts or similar structures (Administrative Record No. PA–803.14). Therefore, the Director finds that the proposed revisions to sections 87.54(a)(22), 88.31(a)(22) and 90.21(a)(24) are no less effective than the counterpart Federal regulations.

26. Sections 87.160, 89.26, 90.134 haul roads and access roads. Pennsylvania proposes to revise sections 87.160(c), 89.26(e)(2), and 90.134(c) to require that all roads be designed to safely pass the peak flow from a 10-year, 24-hour precipitation event. The Federal counterpart regulations at 30 CFR 816/817.151(d)(1) require that each road's drainage system be designed to safely pass, at a minimum, the peak flow from a 10-year, 6-hour precipitation event. A review of the precipitation records for the coal bearing regions of Pennsylvania, published by the Department of

Commerce in Technical Paper No. 40, show that the peak flow from the 10-year, 24-hour event is slightly greater than from the 10-year, 6-hour event. Therefore, the Director finds that Pennsylvania's proposed rule is no less effective than the counterpart Federal regulation.

27. Sections 87.160(g), 89.26(b), 90.134(g) haul roads and access roads: surfacing material. a. Pennsylvania proposes to add language to require that haul roads be surfaced with material sufficiently durable for the anticipated volume, speed, and weight of traffic using the road. Since Pennsylvania has defined "haul road" to be substantively identical to the definition of "primary road" as used in the counterpart Federal regulations, the Director finds that this revision is no less effective than the primary road performance standards at 30 CFR 816/817.151(e).

b. Section 89.26(b) is further amended to prohibit the use of acid- or toxic-forming material for surfacing or construction of roads. This revision makes section 89.26(b) consistent with existing provisions in sections 87.160(g) and 90.134(g). While similar to the Federal counterparts at 30 CFR 816/817.150(b)(7), OSM expressed concern that because of configuration of paragraphs 87.160(g), 89.26(b), and 90.134(g), the prohibition on the use of acid- or toxic-forming substances can be misinterpreted to apply only to the surfacing and construction of haul roads. Pennsylvania's response indicated that this result was unintentional and will be corrected in subsequent rule making (Administrative Record No. PA–803.14). In the interim, the Director finds that the proposed rule is no less effective than the Federal counterpart, provided that the prohibition against using acid- or toxic-forming materials be applied to all roads and not just haul roads.

28. Sections 87.160(i), 89.26(e)(3), and 90.134(i) haul and access roads: postmining land use engineering certification. Pennsylvania proposes to revise its rules by adding sections 87.160(i) and 90.134(i) and revising section 89.26(e)(3) to require that haul roads and roads approved as part of the postmining land use be certified by a qualified registered professional engineer or qualified registered professional land surveyor that the roads have been constructed or reconstructed as designed in accordance with the approved plan. While similar to the counterpart Federal regulations at 30 CFR 816/817.150(a), the State's rules do not specify that the land surveyor be experienced in the design and construction of roads. Under Pennsylvania's Professional Engineers and Professional Land Surveyors Registration Law (Act of 1945, Pub. L. 913, No. 367), a licensed (registered) professional land surveyor is prohibited under their code of ethics to "attempt to practice in any field of engineering or land surveying in which the registrant is not proficient" or "to use or permit the use of his professional seal on work, over which he was not in responsible charge." Since this requirement provides sufficient assurance that the qualified registered professional land surveyor will have the necessary experience, the Director finds that the State's rules are not inconsistent with the cited Federal counterparts.

b. Pennsylvania also proposes to further revise section 89.26(e)(3) by adding the requirement that the design and construction or reconstruction of roads be prepared by, or under the direction of, qualified registered professional engineers or qualified registered professional land surveyors. The Director finds the proposed rule is substantively identical and, therefore, no less effective than the Federal regulations at 30 CFR 784.24(b), when read in conjunction with the requirements of the Pennsylvania Professional Engineers and Professional Land Surveyors Registration Law.

29. Section 89.26(a) roads. Pennsylvania proposes to revise the definition of "roads" in section 89.26(a) by deleting the limitations of the definition to nonpublic roads and similarly by deleting the stipulation that the term "road" does not include pioneer or construction roadways. The revised definition is substantively identical to the Federal definition of "roads" in 30 CFR 701.5 except that the State rule specifically includes pioneer or construction roads in the definition. The preamble to the Federal definition states that pioneer roads are included in the definition of "roads" and, as such, are subject to the applicable performance standards (53 FR 45190, November 8, 1988). Therefore, the Director finds that section 89.26(a) is no less effective than the cited Federal counterpart.

Anthracite Mining, Backfilling and Grading

30. Section 88.1 definitions: bottom rock, highwall, contour mining, modified block-cut mining, open pit mining. Pennsylvania proposes to revise definitions in section 88.1 to clarify the meaning of bottom rock, highwall, contour mining, modified block cut-mining, and open-pit mining as used in the unique backfilling and grading requirements for anthracite mining at sections 88.115 and 88.116. Although there are no counterpart Federal definitions for anthracite mining, the Director finds that the proposed revisions are consistent with Pennsylvania's approved anthracite mining regulations and not inconsistent with any SMCRA provisions and, therefore, are approved.

31. Sections 88.115 and 88.116 backfilling and grading. Pennsylvania proposes to revise sections 88.115 and 88.116 to clarify requirements concerning backfilling and grading in anthracite mining operations. Although there are no Federal counterparts to these provisions, the revisions do not substantively change the State's approved program and are not inconsistent with 30 CFR 820.11. Therefore, the Director finds that the proposed revision will not render the State's rules at 88.115 and 88.116 inconsistent with SMCRA or the Federal regulations and can be approved.

IV. Summary and Disposition of Public Comments

Public Comment

The public comment period and opportunity to request a public hearing announced in the April 13, 1992, **Federal Register** ended on May 13, 1992. Written comments and a request for a public meeting were received from the Pennsylvania Coal Association (PCA). The public meeting was held on June 30, 1992, and comments were received from the PCA. The comments presented by the PCA reflect the same concerns expressed in their written comment submittal.

All substantive comments received during the comment period are discussed below.

1. The PCA commented that Pennsylvania's proposed individual civil penalty provisions are much broader than the counterpart Federal regulations and are inconsistent with SMCRA. Specifically, PCA commented that Pennsylvania's proposed rules do not contain the requisite showing of knowing and willful conduct that is expressly required by SMCRA and the counterpart Federal regulations. The PCA maintains that the proposed rules could result in the assessment of individual civil penalties in case where SMCRA and its implementing regulations would not. According to the PCA this change would result in the State rules being more stringent than SMCRA and the Federal regulations and would, in effect, have an adverse impact on the economic interests of the operator which is protected by SMCRA. In support of its position, the PCA cited

Pennsylvania Coal Mining Association v. *Watt 526 F. Supp. 741 (M.D.Pa.)*, in which the District Court ruled that Pennsylvania regulations governing bond release procedures were inconsistent with the bond release procedures in SMCRA, which were designed to protect the economic interests of the operator as well as the interests of the public.

The Director disagrees. As discussed in Finding B–13, although the Director agrees that the State's provisions for the assessment of individual civil penalties may be broader than the Federal regulations, he does not agree that this is inconsistent with the provisions of SMCRA. Unlike the bond release provisions addressed in *Watt*, the individual civil penalty provisions were enacted to promote rapid correction of violations, and not to protect the operator's economic interests. A central goal of SMCRA and its implementing regulations is the protection of the environment from the adverse effects of surface mining. In most cases, environmental damage is the result of a permittee's violation and failure to abate the violation in a timely and effective manner. To the extent that Pennsylvania's rules would ease a State's effort to pierce the corporate veil and increase the incentive to the corporate permittee to come into compliance with orders issued by the regulatory authority, the Director finds that the proposed revision is no less effective than the Federal rules and is consistent with section 505(b) of SMCRA which allows States to enact laws or regulations which provide "for more stringent land use or environmental controls * * *"

2. The PCA also commented that the proposed modification of Pennsylvania's civil penalty appeal procedures in section 86.202 is inconsistent with the Pennsylvania Surface Mining Conservation and Reclamation Act at section 18.4. The PCA stated that the right to contest the fact of the violation within 30 days of the penalty assessment is provided by section 18.4 of the State law and cannot be modified by changing section 86.202 of the implementing regulations. As discussed in Finding B–14, the Director finds that the proposed revision is similar to the provisions of 30 CFR 845.19(a) and section 518(c) of SMCRA.

Agency Comments

Pursuant to section 503(b) of SMCRA and the implementing regulations at 30 CFR 732.17(h)(ii)(i), comments were solicited from various Federal agencies with an actual or potential interest in the Pennsylvania program. Responses supporting the program amendment were received from the Department of Labor, Mine Safety and Health Administration, Districts 1 and 2; the Department of Interior, Bureau of Mines; and the Department of Agriculture, Soil Conservation Service.

V. Director's Decision

Based on the findings discussed above, the Director is approving, with the additional required amendments noted below, Pennsylvania's program amendment pertaining to issues identified in Regulatory Reform II and Regulatory Reform III as submitted on December 18, 1991.

The Director is requiring the following amendments at 30 CFR 938.16:

As discussed in Finding B–5(c), further revision to section 86.133(f) to require that any person wishing to explore on areas designated as unsuitable for mining, comply with permitting requirements no less effective than those at 30 CFR 772.12.

As discussed in Finding B–5(d), further revision of section 86.133(g) to require drill holes to be reclaimed in accordance with standards at 89.54 and 89.83.

As discussed in Finding B–13, further revision of sections 86.195 (a) and (b) to specify that individual civil penalties may be assessed against corporate directors or agents of the corporate permittee and include provisions for the assessment of an individual civil penalty for a failure or refusal to comply with any orders issued by the Secretary.

As discussed in Finding B–17, further revision of sections 87.151(d), 89.86(e)(2)(ii)(C), and 90.155(d) to require the configuration and species composition of reclaimed forest land to be reviewed and approved, either on a site-by-site basis or a program-wide basis, by the Bureau of Forestry.

As discussed in Finding B–18, further revision of section 86.151(d) to define the point at which seeding, fertilization, irrigation or the extent of rill and gully repairs may be considered a nonaugmentative normal husbandry practice. Morever, before such practices may be accepted as normal husbandry, they must be evaluated and approved in accordance with the state program amendment process and 30 CFR 732.17.

As discussed in Finding B–19(b), further revision of sections 87.155(b)(5), 89.86(e)(2)(iii)(B), and 90.159(b)(3) to require that at least 80 percent of the trees and shrubs to be used in determining the success of stocking and adequacy of planting, at the time of bond release, have been in place for at least 60 percent of the applicable minimum period of responsibility.

As discussed in Finding B–20, further revision of sections 87.112(c) and 89.111(c) to require a seismic safety factor of at least 1.2 for all impoundments that meet the size and location criteria of 87.112(c) and 89.111(c).

As discussed in Finding B–21, further revision of section 90.112(c)(2) to require that all impounding structures that meet the criteria of 30 CFR 77.216(a) and are either constructed of coal mine waste or intended to impound coal mine waste shall have sufficient spillway capacity and/or storage capacity to safely pass or control the runoff from the 6-hour PMP or greater precipitation event.

As discussed in Finding B–22(b), further revision of section 88.1 to define affected area to include all roads which receive substantial use and are substantially impacted by the mining activity.

As discussed in Finding B–23(b), further revision of section 88.1 to define access roads to include all roads that are improved or maintained for minimal and infrequent use and to delineate that access roads are comprised of the entire area within the right-of-way, including roadbeds, shoulders, parking and side areas, approaches, structures, and ditches.

As discussed in Finding B–24(b), further revision of section 88.1 to define haul roads to include all roads (including public roads) that are used as an integral part of the coal mining activity and to delineate that the area of a haul road includes the entire area within the right-of-way, including roadbeds, shoulders, parking and side areas, approaches, structures, and ditches.

Effect of the 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 the oversight of the Pennsylvania 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 Pennsylvania of only such provisions.

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 which 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 such provisions and that EPA concurrence is therefore unnecessary. However the Director notes that comments were solicited from EPA, and that the EPA concurred, without comment.

VI. Procedural Determinations

Executive Order 12291

On July 12, 1984, the Office of Management and Budget (OMB) granted the 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 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 938

Intergovernmental relations, Surface mining, Underground mining.

Dated: March 29, 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 938—PENNSYLVANIA

1. The authority citation for part 938 continues to read as follows:

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

2. Section 938.15, is amended by adding a new paragraph (y) to read as follows:

§ 938.15 Aprroval of regulatory program amendments.

* * * * *

(y) With the exception of those provisions identified herein, the amendment submitted to OSM on December 18, 1991 (pertaining to Regulatory Reform II and III), is approved effective April 8, 1993, provided Pennsylvania promulgates these regulations in a form identical to that submitted to OSM. The amendment consists of the following modifications to the Pennsylvania program (25 PA Code Section):

Reclamation Fee Permit Condition

86.41 Conditions of Permits.

Areas Unsuitable for Mining

86.101 Definition: Publicly Owned Park.

86.129 Mineral Exploration.

Coal Exploration

86.132 Definitions: Coal Exploration Substantially Disturb.

86.133 General Requirements (except to the extent that:

(i. 86.133(f) does not require that all exploration on lands designated as unsuitable for surface mining shall be subject to permit requirements comparable to 30 CFR 772.12, and

(ii. 86.133(g) does not reference the drill hole reclamation standards at 89.54 and 89.93).

86.134(3)(ii)(C) Coal Exploration Performance and Design Standards.

86.134(12) Coal Exploration Performance and Design Standards.

86.136 Coal Exploration Compliance Duties.

Bond Liability Period

86.151(a) Bonding: Period of Liability.

86.151(h) Bonding: Liability for Alternate Post Mining Land Use.

Anthracite Deep Mine Operators Emergency Bond Fund

86.163 Anthracite Deep Mine Operators Emergency Bond Fund.

86.165 Failure to Maintain Proper Bond.

Civil Penalty Assessments

86.193(3) and (f) When Penalty Will Be Assessed.

86.194 System for Assessment of Penalties.

Individual Civil Penalties

86.1 Definition: Participates.

86.195 Penalties Against Corporate Officers (except to the extent that:

86.195(a) and (b) do not specify that individual civil penalties may be assessed against corporate directors or agents of the corporate permittee;

86.195(a) and (b) do not specify that a corporate permittee may be assessed an individual civil penalty for failure or refusal to comply with an order incorporated in a final decision issued by the Secretary under the Act).

Civil Penalty/Appeal Procedures

86.202 Appeal Procedures.

Surface Mine Operator License

87.11 Definition: Surface Mining.
87.21 Noncoal Mining Fees.

Revegetation

87.151(d), 89.86(e)(2)(ii)(C), and 90.155(d) Revegetation: Species (except to the extent that it does not provide for consultation and approval by the Bureau of Forestry of the minimum stocking and planting arrangements for areas to be developed for fish and wildlife habitat, recreation, shelter belts, or forest products).

86.151(d) Bonding: Period of Liability (except to the extent that the proposed rule: (i) Contains the word "augmented," (ii) does not define the point at which a listed practice, including seeding, fertilization, irrigation, or the repair of rills and gullies, becomes augmentative and ceases to be normal husbandry, and (iii) does not require that all such practices categorized as normal husbandry practices be approved as part of the State program amendment process).

87.155, 89.86 and, and 90.159 Revegetation: Standards for Successful Revegetation (except to the extent that the approved program fails to base the determination of the success of woody plant revegetation on the requirement that at least 80 percent of the trees used in evaluating success have been healthy and in place for at least three years).

Siltation Structures and Impoundments

87.112(c), 89.111(c) and 90.112(c) Hydrologic Balance: Dams, Ponds, Embankments and Impoundments—Design, Construction and Maintenance (except to the extent that the rules do not require impounding structures which meet the criteria of 30 CFR 77.216(a) or located where failure could cause loss of life or serious property damage be designed to have a seismic safety factor of at least 1.2).

90.112(c) Coal Refuse Disposal: Impoundments (except to the extent that the rules do not require that all impounding structures that meet the criteria of 30 CFR 77.216(a) and are either constructed of coal mine waste or intended to impound coal mine waste have sufficient spillway capacity and/or storage capacity to safely pass or control the runoff from a 6-hour probable maximum precipitation event or greater).

Roads and Support Facilities

87.1, 88.1, 89.5 and 90.1 Definition: Affected Area (except to the extent that the definition of affected area in section 88.1 does not include all roads which receive substantial use by the mining activity).

87.1 and 90.1, Definition: Access Roads.

88.1 Definition: Access Road (except to the extent that the definition does not include access roads that are improved or maintained for minimal and infrequent use by the mining activity and does not specify that access road includes the entire area within the right-of-way, including the roadbed, shoulders, parking and side areas, approaches, structures and ditches).

87.1 and 90.1 Definition: Haul Road.

88.1 Definition: Haul Road (except to the extent that the proposed rule does not include public roads which are substantially used by the mining activity and does not specify by definition that the haul road includes the entire area within the right-of-way).

87.54(a)(22), 88.31(a)(22), and 90.21(a)(24) Maps, Cross Sections and Related Information.

87.160, 89.26, 90.134 Haul Roads and Access Roads (provided Pennsylvania clarifies that 87.160(g), 89.26(b), 90.134(g), concerning the prohibition against using acid- or toxic-forming materials as surfacing material is applied to both haul roads and access roads).

87.166, 89.90, 90.140 Roads: Restoration.

Anthracite Mining, Backfilling and Grading

88.1 Definitions: Bottom Rock, Highwall, Contour Mining, Modified Block-Cut Mining, Open Pit Mining.

88.115 and 88.116 Backfilling and Grading.

3. Section 938.16 is amended by adding new paragraphs (ccc) through (mmm) to read as follows:

§ 938.16 Required regulatory program amendments.

* * * * *

(ccc) By October 5, 1993, Pennsylvania shall submit a proposedamendment to § 86.133(f) to require that exploration on areas designated as unsuitable for mining shall be subject to permitting requirements no less effective than the Federal regulations at 30 CFR 772.12.

(ddd) By October 5, 1993, Pennsylvania shall submit a proposed amendment to § 86.133(g) to require drill holes to be reclaimed in accordance with standards at 89.54 and 89.83.

(eee) By October 5, 1993, Pennsylvania shall submit a proposed amendment to § 86.195 (a) and (b) to specify that individual civil penalties may be assessed against corporate directors or agents of the corporate permittee and to include provisions for the assessment of an individual civil penalty for a failure or refusal to comply with any orders issued by the Secretary.

(fff) By October 5, 1993, Pennsylvania shall submit a proposed amendment to §§ 87.151(d), 89.86(e)(2)(ii)(C), and 90.155(d) to require that the configuration and species composition for reclaimed forest land be reviewed and approved, either on a site-by-site basis or a program wide basis, by the Bureau of Forestry.

(ggg) By October 5, 1993, Pennsylvania shall submit a proposed amendment to § 86.151(d) to define the point at which seeding, fertilization, irrigation, or rill and gully repairs cease to be augmentative and may be considered nonaugmentative normal husbandry practices. Moreover, Pennyslvania shall submit a proposed amendment to require such practices be evaluated and approved in accordance with the state program amendment process and 30 CFR 732.17.

(hhh) By October 5, 1993, Pennsylvania shall submit a proposed amendment to §§ 87.155(b)(5), 89.86(e)(2)(iii)(B) and 90.159(b)(3) to require that at least 80 percent of the trees and shrubs to be used in determining the success of stocking and adequacy of planting, at the time of bond release, have been in place for 60 percent of the applicable minimum period of responsibility.

(iii) By October 5, 1993, Pennsylvania shall submit a proposed amendment to §§ 87.112(c) and 89.111(c) to require a seismic safety factor of at least 1.2 for all impoundments that meet the criteria of 30 CFR 77.216(a) or are located where failure could cause loss of life or serious property damage.

(jjj) By October 5, 1993, Pennsylvania shall submit a proposed amendment to § 90.112(c)(2) to require that all impounding structures that meet the criteria of 30 CFR 77.216(a) and are either constructed of coal mine waste or intended to impound coal mine waste have sufficient spillway capacity and/or storage capacity to safely pass or control the runoff from the 6-hour PMP or greater precipitation event.

(kkk) By October 5, 1993, Pennsylvania shall submit a proposed amendment to § 88.1 to require the definition of affected area to include all roads which receive substantial use and are substantially impacted by the mining activity.

(lll) By October 5, 1993, Pennsylvania shall submit a proposed amendment to § 88.1 to require that the definition of access road include all roads that are improved or maintained for minimal and infrequent use and that the area of the road is comprised of the entire area

within the right-of-way, including roadbeds, shoulders, parking and side areas, approaches, structures, and ditches.

(mmm) By October 5, 1993, Pennsylvania shall submit a proposed amendment to § 88.1 to require that the definition of haul road include all roads (including public roads) that are used as an integral part of the coal mining activity and to clarify that the area of the road includes the entire area within the right-of-way, including roadbeds, shoulders, parking and side areas, approaches, structures, and ditches.

[FR Doc. 93–8203 Filed 4–7–93; 8:45 am]

BILLING CODE 4310–05–M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[IN10–4–5787; IN10–3–5786; FRL–4611–2]

Approval and Promulgation of State Implementation Plans; Disapproval of Designation of Areas for Air Quality Planning Purposes; Indiana

AGENCY: Environmental Protection Agency (USEPA).

ACTION: Final rule.

SUMMARY: On February 9, 1993, USEPA proposed to approve a request from Indiana to redesignate several areas from nonattainment to attainment for Total Suspended Particulate (TSP). At that time, USEPA also proposed to approve Indiana's Group III Plan (plan) for PM (particulate matter with a nominal aerodynamic diameter of 10 microns or less) for the areas subject to the redesignation request. The proposal stated that before the redesignation request could be finally approved, however, the State would have to modify its rules to ensure that no TSP plan relaxation could occur automatically upon redesignation. The proposal also stated that the redesignation request would be disapproved if the State failed to make this necessary rule change. Public comments were solicited on the plan and redesignation request, and on USEPA's proposed action. This rule approves the plan, but disapproves the redesignation request. USEPA's action is based upon revision requests which were submitted by the State to satisfy the requirements of the Clean Air Act.

EFFECTIVE DATE: This final rulemaking becomes effective on May 10, 1993.

ADDRESSES: Copies of the plan, redesignation request, and other materials relating to this rulemaking are available for inspection at the following address: (It is recommended that you telephone David Pohlman at (312) 886–3299, before visiting the Region 5 Office.) U.S. Environmental Protection Agency, Region 5, Air and Radiation Division, 77 West Jackson Boulevard, Chicago, Illinois 60604.

A copy of this plan and redesignation request are available for inspection at: Jerry Kurtzweg (ANR–443), U.S. Environmental Protection Agency, 401 M Street SW., Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT: David Pohlman, Regulation Development Branch, Regulation Development Section (AR–18J), U.S. Environmental Protection Agency, Region 5, Chicago, Illinois 60604, (312) 886–3299.

SUPPLEMENTARY INFORMATION: On November 16, 1988, the Indiana Department of Environmental Management (IDEM) submitted to USEPA a request to redesignate several areas from nonattainment to attainment for TSP and a Group III Plan.

USEPA's notice of proposed rulemaking on the State's submissions was published in the **Federal Register** on February 9, 1993, (58 FR 7762). In the notice, USEPA proposed to approve both the Group III Plan and the redesignation. The proposal indicated, however, that before the redesignation request could be finally approved, the State would have to modify its rules to ensure that no TSP plan relaxation could occur automatically upon redesignation. USEPA also stated that the redesignation request would be disapproved if the State failed to make the necessary changes.

Response to Public Comments

The public comment period for the proposal closed on March 11, 1993. No comments were received, and the State did not submit the rule changes necessary for final approval of the redesignation request.

Rulemaking Action

Based on the February 9, 1993, notice of proposed rulemaking, the USEPA is approving Indiana's Group III Plan, but disapproving Indiana's redesignation request.

Nothing in this action should be construed as permitting, allowing or establishing a precedent for any future request for revision to any SIP. USEPA shall consider each request for revision to the SIP in light of specific technical, economic, and environmental factors and in relation to relevant statutory and regulatory requirements.

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

Under Section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by June 7, 1993. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (See Section 307(b)(2).)

List of Subjects in 40 CFR Part 52

Air pollution control, Intergovernmental relations, Particulate matter.

Dated: March 25, 1993.

Valdas V. Adamkus,

Regional Administrator.

For the reasons stated in the preamble, 40 CFR part 52, is amended as follows:

PART 52—[AMENDED]

1. The authority citation for part 52 continues to read as follows: 42 U.S.C. 7401–7671q.

Subpart P—Indiana

2. Section 52.776 is amended by adding paragraph (o) to read as follows:

§ 52.776 Control strategy: Particulate matter.

* * * * *

(o) Approval—On November 16, 1988 and September 10, 1992, Indiana submitted the following list of control measures for particulate matter (PM) already in its State Implementation Plan as a Group III Plan: 326 IAC 1–3–2, its air monitoring network, its list of possible additional sites for PM, its Prevention of Significant Deterioration rules and the following control measures which are part of 325 IAC: 2, Permit Review Rules; 5–1, Opacity Limitations; 6–1–1 to 6–1–6,

and Review Act of 1992 has expanded the applicability of the Act and increased the maximum penalty for violations of the Act.

EFFECTIVE DATE: The agency interpretation contained in this document has previously taken effect, as explained below.

FOR FURTHER INFORMATION CONTACT: Edward R. English, Director, Office of Safety Enforcement, Office of Safety, FRA, 400 Seventh Street, SW., Washington, DC 20590 (telephone: 202–366–9252); or David H. Kasminoff, Trial Attorney, Office of Chief Counsel, FRA, 400 Seventh Street, SW., Washington, DC 20590 (telephone: 202–366–0635).

SUPPLEMENTARY INFORMATION:

Public Participation

In this notice FRA states that it has acquiesced in a decision of the United States Court of Appeals for the Ninth Circuit concerning the treatment of time spent awaiting the arrival of deadhead transportation to the point of final release for purposes of the Act (45 U.S.C. 61–64b). Notice and comment procedures are unnecessary with regard to the general statement of policy and interpretation issued by this notice because such a statement is excepted from notice and comment procedure by virtue of 5 U.S.C. 553(b)(3)(A). Statements of policy are also an exception to the general requirement of publication at least 30 days prior to the effective date. See 5 U.S.C. 553(d)(2).

Effect of This Notice

On September 22, 1992, the United States Court of Appeals for the Ninth Circuit issued its decision in the related cases of *United Transportation Union* v. *Skinner* (No. 90–16741) ("*UTU*") and *Brotherhood of Locomotive Engineers* v. *Skinner* (Nos. 91–35911, 91–36061) ("*BLE*"). *United Transportation Union* v. *Skinner*, 975 F.2d 1421 (9th Cir. 1992). Those cases concern FRA's interpretation of the Act as it pertains to the status of train crew members waiting for deadhead transportation to their point of final release.

The Court of Appeals upheld the decision of the district court in Portland in *BLE*, which found that all time spent waiting for transportation is to be considered on-duty time. In the *UTU* case, which was an appeal from the district court in San Francisco, the Court of Appeals affirmed the district court's order of dismissal as to the claims for injunctive relief and mandamus, but reversed the district court's dismissal of the entire case and remanded the case to that court for further proceedings consistent with the appellate court's opinion on the interpretive issue.

FRA has traditionally considered an employee on duty during the time spent awaiting arrival of the deadhead vehicle only if the employee actually has duties to perform. If the railroad had relieved the employee of all responsibility, we had considered the time spent merely waiting for the deadhead vehicle to arrive as "limbo time" (i.e., neither on nor off duty) for hours of service purposes.

Although we do not agree with the court's legal rationale, we have decided to accept its decision and treat it as binding. Given the ambiguity of the Act's pertinent provisions, the issue has always been a close one. While we do not agree that the conclusion reached by the court is compelled by previous case law, we believe the court's reading of the statute, like the interpretation FRA has held until now, to be reasonable.

Our traditional interpretation was based on the assumption that some railroads might choose to continue crews in train operation if having the crews tie up the train and await deadhead transportation would itself constitute a violation. We did not wish to encourage the less safe alternative of having the crews continue train operation after expiration of their legally permissible hours. However, we had not seen evidence of such behavior in Oregon, where the interpretation of the district court had been in effect for more than a year. With increased penalties and individual liability now available for violations of the Act, we are more convinced that railroads will work to avoid violations and, if faced with an inevitable violation, choose the safer alternative.

Although awaiting deadhead transportation will now constitute time on duty and FRA will enforce the Act accordingly, FRA will, of course, continue to exercise its prosecutorial discretion, as it does in all areas, in deciding which cases warrant civil penalties or other enforcement action. Moreover, where civil penalties are assessed, FRA will treat more harshly the violations that are more likely to have a serious impact on safety, i.e., those violations involving actual train operation after the period permitted by the Act. In addition to the legal incentives to encourage compliance, it appears that railroads have an economic incentive to minimize time spent awaiting deadhead transportation, which is wholly unproductive time.

As our original interpretation made clear, we have long been concerned about the instances in which employees are held on trains for several hours awaiting deadhead transportation even in the absence of any valid emergency that might explain such an occurrence. To the extent the waiting periods are extremely lengthy, there is a chance that they could contribute to the cumulative exhaustion of the employee, despite the fact that the legally required rest period is provided upon arrival at the point of final release. In some cases, the railroads have "relieved" employees on the expiration of 11 hours and 59 minutes, which has meant that the employee was guaranteed as little as 8 hours off after having been involved in many hours of service for the carrier (e.g., almost 12 hours "on duty," several hours spent waiting, and potentially several hours in deadhead transportation to the point of "final release"). Thus, to the extent that application of the Ninth Circuit's decision reduces the frequency of such instances, it should contribute to safety.

It is not unreasonable to posit that the Congress considered the proportionality of work and rest periods, in addition to their absolute duration, when fashioning the Act. Application of the Act in the manner required by the Ninth Circuit is also generally consistent with contemporary learning with respect to maintaining the alertness of shift workers.

Accordingly, in the interest of uniform application of the Act and to promote the safety of railroad operations, we are treating the Ninth Circuit's opinion as binding in the entire nation. We have done so in two stages. We considered the court's reading of the Act binding within the Ninth Circuit beginning at 12:01 a.m. on November 1, 1992. The Ninth Circuit includes Alaska, Arizona, California, Guam, Hawaii, Idaho, Montana, Nevada, Oregon, and Washington. We chose November 1 because that date was likely to precede or be very close to the issuance of the mandate by the Court of Appeals and railroads within that circuit have had every reason to expect that its mandate would be honored.

This meant that, starting on November 1, all time spent awaiting the arrival of a deadhead vehicle for transportation to the point of final release, if it occurred within the territory of the Ninth Circuit, was to be treated as time on duty, and such time was to be recorded as such and reports of excess service filed, as necessary, under 49 CFR part 228, subpart B.

For the remainder of the nation, we believed that a period of adjustment was necessary in order to permit railroads to train their employees who will be responsible for implementation of the decision. Railroads with operations

Federal requirement	FR reference	FR promulgation date
Mining Waste Exclusion II	55 FR 2322	1/23/90
Modification of F019 Listing	55 FR 5340	2/14/90
Testing and Monitoring Activities; Technical Corrections	55 FR 8948	3/9/90
Criteria for Listing Toxic Wastes; Technical Amendment	55 FR 18726	5/4/90
Land Disposal Restrictions for Third Third Scheduled Wastes	55 FR 22520	6/1/90
Toxicity Characteristic; Hydrocarbon Recovery Operations	55 FR 40834	10/5/90
	56 FR 3978	2/1/91
	56 FR 13406	4/2/91
Petroleum Refinery Primary and Secondary Oil/Water Solids Separation Sludge Listings (F037 & F038)	55 FR 46354	11/2/90
	55 FR 51707	12/17/90
Land Disposal Restrictions for Third Wastes; Technical Amendments	56 FR 3864	1/31/91
Toxicity Characteristic; Chlorofluorocarbon Refrigerants	56 FR 5910	2/13/91
Removal of Strontium Sulfide from the List of Hazardous Wastes; Technical Amendment	56 FR 7567	2/25/91
Organic Air Emission Standards for Process Vents and Equipment Leaks	56 FR 19290	4/26/91
Mining Waste Exclusion III	56 FR 27300	6/13/91

Mississippi's applications for these program revisions meet all of the statutory and regulatory requirements established by RCRA. Accordingly, Mississippi is granted final authorization to operate its hazardous waste program as revised.

Mississippi now has responsibility for permitting treatment, storage, and disposal facilities within its borders and carrying out other aspects of the RCRA program, subject to the limitations of its program revision application and previously approved authorities. Mississippi also has primary enforcement responsibilities, although EPA retains the right to conduct inspections under section 3007 of RCRA and to take enforcement actions under sections 3008, 3013, and 7003 of RCRA.

Compliance with Executive Order 12291

The Office of Management and Budget has exempted this rule from the requirements of Section 3 of Executive Order 12291.

Certification Under the Regulatory Flexibility Act

Pursuant to the provisions of 5 U.S.C. 605(b), I hereby certify that this authorization will not have a significant economic impact on a substantial number of small entities. This authorization effectively suspends the applicability of certain Federal regulations in favor of Mississippi's program, thereby eliminating duplicative requirements for handlers of hazardous waste in the State. It does not impose any new burdens on small entities.

This rule, therefore, does not require a regulatory flexibility analysis.

List of Subjects in 40 CFR Part 271

Administrative practice and procedure, Confidential business information, Hazardous materials transportation, Hazardous waste, Indian lands, Intergovernmental relations, Penalties, Reporting and recordkeeping requirements, Water pollution control, Water supply.

Authority: This notice is issued under the authority of sections 2002(a), 3006, and 7004(b) of the Solid Waste Disposal Act as amended (42 U.S.C. 6912(a), 6926, 6974(b)).

Patrick M. Tobin,

Acting Regional Administrator.

[FR Doc. 93–8275 Filed 4–7–93; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

43 CFR Public Land Order 6962

[OR–943–4210–06; GP3–055; OR–48056 (WASH)]

Public Land Order No. 6952, Correction; Withdrawal of National Forest System Lands for the Peony, Pole Pick, and Frank Burge Seed Orchards; Washington

AGENCY: Bureau of Land Management, Interior.

ACTION: Public Land Order.

SUMMARY: This order will correct an error in the land description in Public Land Order No. 6952.

EFFECTIVE DATE: April 8, 1993.

FOR FURTHER INFORMATION CONTACT: Donna Kauffman, BLM Oregon State Office, P.O. Box 2965, Portland, Oregon 97208–2965, 503–280–7162.

By virtue of the authority vested in the Secretary of the Interior by section 204 of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1714 (1988), it is ordered as follows:

The land description in Public Land Order No. 6952, 57 FR 53587–53588, November 12, 1992, is hereby corrected as follows:

On page 53587, column 3, paragraph 1, prior to line 9 which reads "Frank Burge Seed Orchard" insert the lines "Willamette Meridian" and "Okanogan National Forest".

Dated: March 29, 1993.

Bruce Babbitt,

Secretary of the Interior.

[FR Doc. 93–8242 Filed 4–7–93; 8:45 am]

BILLING CODE 4310–33–M

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

49 CFR Part 228, Appendix A

Nationwide Applicability of a Decision of the United States Court of Appeals for the Ninth Circuit Concerning an Agency Interpretation of the Hours of Service Act; Miscellaneous Hours of Service Act Issues

AGENCY: Federal Railroad Administration (FRA), Department of Transportation (DOT).

ACTION: Statement of agency policy and interpretation.

SUMMARY: Notice is hereby given that, in acquiescence to the decision of the United States Court of Appeals for the Ninth Circuit in *United Transportation Union* v. *Skinner*, all time spent awaiting the arrival of a deadhead vehicle for transportation to the point of final release shall be treated by FRA as time on duty for purposes of the Hours of Service Act ("Act"), throughout the entire nation, and such time should be recorded as such and reports of excess service filed, as necessary, under the hours of service record keeping regulations. FRA is amending its current interpretive statement to reflect this policy change. In addition, FRA is amending the interpretive statement to reflect that the Rail Safety Enforcement

and Review Act of 1992 has expanded the applicability of the Act and increased the maximum penalty for violations of the Act.

EFFECTIVE DATE: The agency interpretation contained in this document has previously taken effect, as explained below.

FOR FURTHER INFORMATION CONTACT: Edward R. English, Director, Office of Safety Enforcement, Office of Safety, FRA, 400 Seventh Street, SW., Washington, DC 20590 (telephone: 202–366–9252); or David H. Kasminoff, Trial Attorney, Office of Chief Counsel, FRA, 400 Seventh Street, SW., Washington, DC 20590 (telephone: 202–366–0635).

SUPPLEMENTARY INFORMATION:

Public Participation

In this notice FRA states that it has acquiesced in a decision of the United States Court of Appeals for the Ninth Circuit concerning the treatment of time spent awaiting the arrival of deadhead transportation to the point of final release for purposes of the Act (45 U.S.C. 61–64b). Notice and comment procedures are unnecessary with regard to the general statement of policy and interpretation issued by this notice because such a statement is excepted from notice and comment procedure by virtue of 5 U.S.C. 553(b)(3)(A). Statements of policy are also an exception to the general requirement of publication at least 30 days prior to the effective date. See 5 U.S.C. 553(d)(2).

Effect of This Notice

On September 22, 1992, the United States Court of Appeals for the Ninth Circuit issued its decision in the related cases of *United Transportation Union* v. *Skinner* (No. 90–16741) (*"UTU"*) and *Brotherhood of Locomotive Engineers* v. *Skinner* (Nos. 91–35911, 91–36061) (*"BLE"*). *United Transportation Union* v. *Skinner*, 975 F.2d 1421 (9th Cir. 1992). Those cases concern FRA's interpretation of the Act as it pertains to the status of train crew members waiting for deadhead transportation to their point of final release.

The Court of Appeals upheld the decision of the district court in Portland in *BLE*, which found that all time spent waiting for transportation is to be considered on-duty time. In the *UTU* case, which was an appeal from the district court in San Francisco, the Court of Appeals affirmed the district court's order of dismissal as to the claims for injunctive relief and mandamus, but reversed the district court's dismissal of the entire case and remanded the case to that court for further proceedings consistent with the appellate court's opinion on the interpretive issue.

FRA has traditionally considered an employee on duty during the time spent awaiting arrival of the deadhead vehicle only if the employee actually has duties to perform. If the railroad had relieved the employee of all responsibility, we had considered the time spent merely waiting for the deadhead vehicle to arrive as "limbo time" (i.e., neither on nor off duty) for hours of service purposes.

Although we do not agree with the court's legal rationale, we have decided to accept its decision and treat it as binding. Given the ambiguity of the Act's pertinent provisions, the issue has always been a close one. While we do not agree that the conclusion reached by the court is compelled by previous case law, we believe the court's reading of the statute, like the interpretation FRA has held until now, to be reasonable.

Our traditional interpretation was based on the assumption that some railroads might choose to continue crews in train operation if having the crews tie up the train and await deadhead transportation would itself constitute a violation. We did not wish to encourage the less safe alternative of having the crews continue train operation after expiration of their legally permissible hours. However, we had not seen evidence of such behavior in Oregon, where the interpretation of the district court had been in effect for more than a year. With increased penalties and individual liability now available for violations of the Act, we are more convinced that railroads will work to avoid violations and, if faced with an inevitable violation, choose the safer alternative.

Although awaiting deadhead transportation will now constitute time on duty and FRA will enforce the Act accordingly, FRA will, of course, continue to exercise its prosecutorial discretion, as it does in all areas, in deciding which cases warrant civil penalties or other enforcement action. Moreover, where civil penalties are assessed, FRA will treat more harshly the violations that are more likely to have a serious impact on safety, i.e., those violations involving actual train operation after the period permitted by the Act. In addition to the legal incentives to encourage compliance, it appears that railroads have an economic incentive to minimize time spent awaiting deadhead transportation, which is wholly unproductive time.

As our original interpretation made clear, we have long been concerned about the instances in which employees are held on trains for several hours awaiting deadhead transportation even in the absence of any valid emergency that might explain such an occurrence. To the extent the waiting periods are extremely lengthy, there is a chance that they could contribute to the cumulative exhaustion of the employee, despite the fact that the legally required rest period is provided upon arrival at the point of final release. In some cases, the railroads have "relieved" employees on the expiration of 11 hours and 59 minutes, which has meant that the employee was guaranteed as little as 8 hours off after having been involved in many hours of service for the carrier (e.g., almost 12 hours "on duty," several hours spent waiting, and potentially several hours in deadhead transportation to the point of "final release"). Thus, to the extent that application of the Ninth Circuit's decision reduces the frequency of such instances, it should contribute to safety.

It is not unreasonable to posit that the Congress considered the proportionality of work and rest periods, in addition to their absolute duration, when fashioning the Act. Application of the Act in the manner required by the Ninth Circuit is also generally consistent with contemporary learning with respect to maintaining the alertness of shift workers.

Accordingly, in the interest of uniform application of the Act and to promote the safety of railroad operations, we are treating the Ninth Circuit's opinion as binding in the entire nation. We have done so in two stages. We considered the court's reading of the Act binding within the Ninth Circuit beginning at 12:01 a.m. on November 1, 1992. The Ninth Circuit includes Alaska, Arizona, California, Guam, Hawaii, Idaho, Montana, Nevada, Oregon, and Washington. We chose November 1 because that date was likely to precede or be very close to the issuance of the mandate by the Court of Appeals and railroads within that circuit have had every reason to expect that its mandate would be honored.

This meant that, starting on November 1, all time spent awaiting the arrival of a deadhead vehicle for transportation to the point of final release, if it occurred within the territory of the Ninth Circuit, was to be treated as time on duty, and such time was to be recorded as such and reports of excess service filed, as necessary, under 49 CFR part 228, subpart B.

For the remainder of the nation, we believed that a period of adjustment was necessary in order to permit railroads to train their employees who will be responsible for implementation of the decision. Railroads with operations

outside the Ninth Circuit have not had reason, until very recently, to believe those operations would be affected by the court's decision. We believed a period of 60 days would permit the necessary training to occur. Accordingly, we began to apply the Ninth Circuit's decision to operations outside that circuit at 12:01 a.m. on January 1, 1993.

In November 1992, FRA mailed copies of a letter to affected railroads that operate within the Ninth Circuit providing actual notice of the court's decision. At the same time, we wrote to the Association of American Railroads asking its cooperation in making known to its member railroads our intention to enforce the court's decision nationwide beginning January 1, 1993. This published notice is intended to further ensure that all concerned parties are in fact informed of our new policy.

On March 2, 1993, pursuant to 28 U.S.C. 2342(7), FRA was served with a Petition for Review of Agency Action filed in the United States Court of Appeals for the Seventh Circuit by The Atchison, Topeka, and Santa Fe Railway Company; the Burlington Northern Railroad Company; the Consolidated Rail Corporation; CSX Transportation, Inc.; the Illinois Central Railroad Company; the Norfolk Southern Railway Company; the Norfolk and Western Railway Company; the Southern Pacific Transportation Company; and the Union Pacific Railroad Company (Railroads). *Atchison, Topeka, and Santa Fe Railway Co.* v. *Peña* (No. 93–1505). The Railroads request that the court order FRA to rescind nationwide application of its new interpretation of the Act, provide notice to the public of its new interpretation, and provide interested parties with an opportunity to comment. In the alternative, the Railroads ask the court to interpret the Act as providing that time spent waiting by a train crew which has been relieved from further operating duties is not on-duty time for purposes of the Act.

FRA is amending its current interpretive statement in appendix A to 49 CFR part 228 to reflect the fact that although time spent in deadhead transportation from the final duty assignment of the work tour to the point of final release is not computed as either time on duty or time off duty, all time spent awaiting the arrival of a deadhead vehicle for transportation to the point of final release shall be treated by FRA as time on duty for purposes of the Act.

Miscellaneous Issues

FRA is also amending its current interpretive statement in appendix A to 49 CFR part 228 to reflect the fact that section 5(a)(1) of the Act was amended by section 4 of the Rail Safety Enforcement and Review Act of 1992, Public Law 102–365, by striking "penalty of up to $1,000 per violation, as the Secretary of Transportation deems reasonable," and inserting in lieu thereof "civil penalty, as the Secretary of Transportation deems reasonable, in an amount not less than $500 nor more than $10,000, except that where a grossly negligent violation or a pattern of repeated violations has created an imminent hazard of death or injury to persons, or has caused death or injury, a penalty of not to exceed $20,000 may be assessed," and by adding at the end the following sentence: "In compromising a civil penalty assessed under this section, the Secretary shall take into account the nature, circumstances, extent, and gravity of the violation committed, and, with respect to the person found to have committed such violation, the degree of culpability, any history of prior or subsequent offenses, ability to pay, effect on ability to continue to do business, and such other matters as justice may require."

In addition, section 5(a)(1) of the Act was amended by section 9 of the Rail Safety Enforcement and Review Act of 1992, Public Law 102–365, by striking the parenthetical clause and inserting, in lieu thereof, the following: "(including but not limited to a railroad; any manager, supervisor, official, or other employee or agent of a railroad; any owner, manufacturer, lessor, or lessee of railroad equipment, track, or facilities; any independent contractor providing goods or services to a railroad; and any employee of such owner, manufacturer, lessor, lessee, or independent contractor)."

List of Subjects in 49 CFR Part 228

Penalties, Railroad employees, Reporting and recordkeeping requirements.

In consideration of the foregoing, 49 CFR part 228 is amended as follows:

PART 228—[AMENDED]

1. The authority citation for 49 CFR part 228 is revised to read as follows:

Authority: 45 U.S.C. 61–64b, as amended; 45 U.S.C. 437 and 438, as amended; Public Law 102–365; 49 App. U.S.C. 655(e), as amended; 49 CFR 1.49(d) and (m).

2. Appendix A to part 228 is amended:

(a) By adding a new paragraph after the first paragraph of *Deadheading*, under the undesignated centerheading "Train and Engine Service," and

(b) By revising the paragraphs for *Penalty* under the undesignated center heading "General Provisions" to read as follows:

Appendix A to Part 228—Requirements of the Hours of Service Act: Statement of Agency Policy and Interpretation

* * * * *

Train and Engine Service

* * * * *

Deadheading. * * *

All time spent awaiting the arrival of a deadhead vehicle for transportation from the final duty assignment of the work tour to the point of final release is considered on-duty time, regardless of whether the employee is given specific responsibilities to perform during this time. Although awaiting deadhead transportation constitutes time on duty and FRA enforces the Act accordingly, FRA treats more harshly violations that are more likely to have a serious impact on safety, *i.e.*, those violations involving actual train operation after the period permitted by the Act.

* * * * *

General Provisions

(Applicable to all Covered Service)

* * * * *

Penalty. As amended by the Rail Safety Improvement Act of 1988 and the Rail Safety Enforcement and Review Act of 1992, the penalty provisions of the law apply to any "person (including but not limited to a railroad; any manager, supervisor, official, or other employee or agent of a railroad; any owner, manufacturer, lessor, or lessee of railroad equipment, track, or facilities; any independent contractor providing goods or services to a railroad; and any employee of such owner, manufacturer, lessor, lessee, or independent contractor), except that a penalty may be assessed against an individual only for a willful violation. See appendix A to 49 CFR part 209. For violations that occurred on or after September 3, 1992, a person who violates the Act is liable for a civil penalty, as the Secretary of Transportation deems reasonable, in an amount not less than $500 nor more than $10,000, except that where a grossly negligent violation or a pattern of repeated violations has created an imminent hazard of death or injury to persons, or has caused death or injury, a penalty not to exceed $20,000 may be assessed.

Each employee who is required or permitted to be on duty for a longer period than prescribed by law or who does not receive a required period of rest represents a separate and distinct violation and subjects the railroad to a separate civil penalty. In the case of a violation of section 2 (a)(3) or (a)(4) of the Act, each day a facility is in noncompliance constitutes a separate offense and subjects the railroad to a separate civil penalty.

In compromising a civil penalty assessed under the Act, FRA takes into account the nature, circumstances, extent, and gravity of the violation committed, and, with respect to the person found to have committed such violation, the degree of culpability, any history of prior or subsequent offenses,

ability to pay, effect on ability to continue to do business, and such other matters as justice may require.

* * * * *

Issued in Washington, DC, on April 2, 1993.

S. Mark Lindsey,

Acting Federal Railroad Administrator.

[FR Doc. 93–8145 Filed 4–7–93; 8:45 am]

BILLING CODE 4910–06–M

Proposed Rules

Federal Register
Vol. 58, No. 66
Thursday, April 8, 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.

NUCLEAR REGULATORY COMMISSION

10 CFR Part 50

Event Reporting Systems; Public Meeting

AGENCY: Nuclear Regulatory Commission.

ACTION: Public Meeting: Agenda and procedures.

SUMMARY: The NRC staff will hold a public meeting to discuss the issues raised by public comments received on a draft report, NUREG–1022, Revision 1, "Event Reporting Systems—10 CFR 50.72 and 50.73: Clarification of NRC Systems and Guidelines for Reporting." The agenda for the meeting appears in the Supplementary Information section. A description of the current status of the issues is presented as Appendix A to this document.

DATES: Public meeting is scheduled for May 6, 1993.

ADDRESSES: Public meeting will be held at the Holiday Inn—Bethesda, 8120 Wisconsin Avenue, Bethesda, MD, telephone (301) 652–2000. Copies of the draft report NUREG–1022, Revision 1, the public comments on the draft report, and the staff's summary of a previous meeting on May 7, 1992, are available for review in the NRC Public Document Room at 2120 L Street, NW. (Lower Level), Washington, DC, telephone (202) 634–3273.

FOR FURTHER INFORMATION CONTACT: Marcel Harper, Phone: (301) 492–4497, FAX: (301) 492–8931; Dennis Allison, Phone: (301) 492–4148, FAX: (301) 492–7142.

SUPPLEMENTARY INFORMATION: The availability of the draft report for public comment was announced on October 7, 1991 (56 FR 50598). The comment period, which was extended on November 25, 1991 (56 FR 59303), expired on January 31, 1992. The issues raised by public comments were discussed previously at a meeting on May 7, 1992, and consensus was reached for a number of the issues. The NRC staff's summary of the May 7, 1992, meeting is provided in a memorandum for T. Novak from P. Baranowsky, dated June 3, 1992, subject: Summary of Meeting with NUMARC, BWROG LER/JCO Committee, and Others on Comments on Draft NUREG–1022, Revision 1. The May 6, 1993, meeting will continue those discussions, with priority given to the major issues for which consensus was not reached on May 7, 1992.

Interested individuals may address relevant remarks or comments to the NRC staff at the meeting. To facilitate the scheduling of available time for speakers and orderly conduct of the meeting, members of the public who wish to speak at the meeting should request the opportunity to speak, in advance of the meeting.

To request the opportunity to speak at the public meeting, contact one of the cognizant NRC staff members listed in the **FOR FURTHER INFORMATION CONTACT** section. Indicate as specifically as possible the topic(s) of your comment. Provide your name and a telephone number at which you can be reached, if necessary, before the meeting. Registration will be available at the meeting for a limited number of additional speakers on a first come basis.

Agenda for Public Meeting on May 6, 1993, to Discuss Issues Raised by Public Comments on Draft Report NUREG–1022, Revision 1, "Event Reporting Systems—10 CFR 50.72 and 50.73: Clarification of NRC Systems and Guidelines for Reporting"

8:30 a.m. Introductory remarks by NRC staff

8:45 a.m. Discussion of issues raised by public comments

12:30 p.m. Adjournment

Note: In allocating discussion time at the meeting, priority will be given to the major issues for which consensus was not reached at the May 7, 1992 meeting, as identified below. Other matters, such as the minor issues, will also be discussed if time permits.

Dated at Bethesda, Maryland, this 30th day of March 1993.

Edward L. Jordan,

Director, Office for Analysis and Evaluation of Operational Data.

Appendix A—Current Status of the Issues Discussed in the NRC Staff's Summary of the May 7, 1992, Meeting

Table of Contents

Major Issues/Sub Issues

1.0 ESF (Including RPS) Actuation Reporting

1.1 ESF systems definition (Chapter 6 of FSAR).

1.2 Reporting of ESF component level versus system level actuation.

1.3 Reporting of all unnecessary ESF actuations.

1.4 Reporting of ATWS actuations.

2.0 Operating Plant in Degraded or Unanalyzed Condition

2.1 Reporting of plant versus component level for outside design basis.

2.2 Reporting of engineering design basis and licensing basis versus regulatory design basis.

2.3 Reporting of plant in condition not covered by procedures.

2.4 Use of "potential" in the definition of unanalyzed condition.

3.0 Event or Condition That Alone Could Prevent Fulfillment of a Safety Function

3.1 Reporting of multiple independent events or failures.

3.2 Reporting of loss of single-train safety system.

3.3 Reporting of loss of offsite power.

3.4 Use of "hypothetical events" or "potential conditions."

4.0 External Threat/Significant Hampering

4.1 Reporting of licensee responsive or precautionary action.

4.2 Reporting of potential threat rather than actual threat.

4.3 Reporting of encumbrance to normal work activities.

4.4 Clarification of what requires ENS and what requires an LER.

5.0 Internal Threat/Significant Hampering

5.1 Reportability of non-safety related systems or events.

5.2 Reportability of events that did not significantly hamper personnel (Control Room fires).

5.3 Reportability of conservative precautionary compensatory measures.

5.4 Reportability of internal threats that have the *potential* for hampering.

6.0 Tech Spec Prohibited Operation or Condition

6.1 Reportability of entry into STS 3.0.3.
6.2 Reportability of violations of administrative requirements of TS.
6.3 Reportability of missed surveillance (Non ASME Section XI surveillances).
6.4 Reportability of missed or deficient IST/ISI/ASME surveillance tests (ASME Section XI surveillances).

MINOR ISSUES

1. Time clocks for reporting.
2. Additional human factors data timing/impact.
3. Engineering judgment/generic implications for other plants.
4. Reporting concurrent component failures/common cause.
5. Conditions found during shutdown.
6. Voluntary reporting/indicator of complete reporting.
7. ENS content questions/requirements.
8. References to potential enforcement.
9. Design problem reportability if LCO entered.
10. Automatic follow-up ENS calls on entering or exiting LCOs.
11. Reporting an after-the-fact declaration of an emergency.
12. Major loss of emergency communications capability.

1.0 ESF (Including RPS) Actuation Reporting

1.1 ESF Systems Definition (Chapter 6 of FSAR).

Issue. Draft NUREG–1022, Revision 1, Section 3.3.2., stated the following guidance:

"ESFs are defined to be those nuclear power plant systems that function to mitigate the consequences of postulated accidents. Postulated accidents are generally identified in plant safety analysis (e.g., Chapter 15, "Accident Analysis," of a plant's final or updated safety analysis report (SAR)).

If components or systems are taken credit for in safety analysis, these components or systems are considered to be ESFs for reportability purposes. Many, but not necessarily all, ESF systems are identified in Chapter 6, "Engineered Safety Features," of an SAR * * *

Table 2 contains a partial listing of typical ESF systems that, if taken credit for in safety analysis, are subject to reportability * * *."

Public comments on this definition include the following questions and criticisms:

(1) Only those ESF systems identified in Chapter 6 of each plant-specific FSAR are reportable;

(2) Emergency diesel generators (EDGs) and other support systems are defined as essential auxiliary support systems in SRP 7.3;

(3) Table 2 in Draft NUREG–1022, Rev. 1 (page 82) should be deleted because it is inconsistent with most plant's licensing bases; and

(4) Safety analyses in Chapter 15 of the SAR identify alternative systems which are not ESFs but would be reportable under the guidance in Draft NUREG–1022, Revision 1.

Discussion. Sections 50.72 and 50.73 require reporting any event or condition that results in manual or automatic actuation of any ESF, including RPS.

No useful definition of ESF systems was found in 10 CFR Part 50. Part 50 does contain general reference to ESFs. For example, 10 CFR 50.34(b)(2) in describing the contents of a final safety analysis report, states:

"A description and analysis of the structures, systems, and components of the facility * * *

(i) For nuclear reactors, such items as the reactor core, reactor coolant system, instrumentation and control systems, electrical systems, containment system, other engineered safety features, auxiliary and emergency systems, power conversion systems, radioactive waste handling systems, and fuel handling systems shall be discussed insofar as they are pertinent * * *"

The preamble to the final rule discussing § 50.73(a)(2)(iv) [July 26, 1983; 48 FR 33854] contains a passage that states:

"This paragraph requires events to be reported whenever an ESF actuates. * * * It is based on the premise that the ESF's are provided to mitigate the consequences of a significant event and, therefore, (1) They should work properly * * *"

Several explicit or implied definitions of ESF's, including lists of examples, are provided in other documents, such as the Standard Review Plan, regulatory guides and IEEE standards, which were available and in wide use at the time 10 CFR 50.72 and 50.73 were issued. However, there are so many conflicts among these definitions that no single, universal definition can be inferred. See Attachment 1 to Issue 1.1 for a more detailed discussion of these definitions.

The staff's previous generic guidance on reportability in NUREG–1022, Supp. 1, February 1984, in discussing questions 6.1 and 6.2, states:

"6.1 There is a wide range of Engineered Safety Features (ESF) installed in the various plants and not defined for some plants. Is there a standard list of ESF?

Answer: There is no standard list of ESF. The criterion is based on each plant having defined systems as ESF (e.g., in the plant's FSAR). If there is uncertainty in this regard, the situation should be discussed with your NRC Regional Office.

6.2 My plant (BWR) has the Rod Block Monitor (RBM) as an ESF. Do I have to submit an LER every time there is a rod block or other action by the RBM?

Answer: If the rod block monitor (RBM) is not classified as a portion of the Reactor Protection System (RPS) or as an Engineered Safety Feature (ESF), rod blocks need not be reported. However, if the rod block monitor (RBM) is classified as a portion of the Reactor Protection System (RPS) or as an Engineered Safety Feature (ESF), rod blocks should be reported. The licensee may request an exemption under 50.73(f) if it can be shown that actuation of this system does not constitute an event of actual or potential safety significance."

Conclusion: Based on the factors described above, the staff has concluded that the previous guidance in NUREG–1022, Supplement 1 should stand. This guidance essentially states that ESF systems are those which have been identified as such by each licensee. However, this permits some degree of narrow or inconsistent reporting. In order to promote consistent reporting for a minimum set of systems, the staff will also request voluntary reporting of actuations for the systems listed in Table 1 (attached).

The revised section will express the following principles:

Position 1: There is no standard definition of ESF. The reporting criterion is based on each plant having defined systems as ESF (e.g., in the plant's FSAR). Actuation of a system would be reportable if that system is classified as an ESF or a portion of the RPS; if not, the actuation is not reportable under this criterion. [Note that under this guidance, ESFs are not necessarily limited to systems discussed or identified in Chapter 6 of the FSAR, or equivalent.]

Position 2: In addition, in order to promote consistent reporting for a minimum set of systems, the staff requests that licensees report actuations of the systems listed in Table 1 (attached). The reporting would be voluntary when (a) the system is not classified as an ESF or part of the RPS, and (b) the actuation and the associated events and conditions do not meet some other reporting criterion.

The list in Table 1 (attached) consists of the systems contained in Table 1 of the September 1991, Draft NUREG–1022, Supp. 1, with the following specific modifications:

1. The systems, for which voluntary reporting is requested, are no longer characterized as ESF's. As discussed above, the definition of ESF's, for the

purpose of reporting, is a plant-specific matter which depends upon which systems the licensee has defined as ESF's.

2. The phrase "associated valves, piping, instrumentation, interlocks, pumps, tanks and necessary heat tracing" has been deleted at several places. This phrase is no longer appropriate because the staff has concluded, in response to Issue 1.2, that actuation at the train level, rather than at the component level, is reportable.

3. The last separate category, entitled "Essential Auxiliary Support Systems" has been deleted. The staff has concluded that actuations of these systems are generally of lesser importance and, therefore, voluntary reporting should not be specifically requested for these systems. [Note, however, that emergency ac electric power systems remain on the list.]

4. A separate category, entitled, "Reactor Protection Systems" has now been added. This is a trivial editorial change; reactor protection system actuations are clearly reportable under this criterion.

5. A separate category entitled, "ATWS mitigating systems" has been added. The staff believes that actuations of these systems are likely to be significant and, therefore, voluntary reporting is specifically requested for these systems.

Position 1, discussed above, describes the reporting required by the rules; it is the same as the staff's previous generic guidance on this subject.

Position 2, discussed above, requests additional reports in specific circumstances; any such additional reporting, beyond the requirements of the rules, is strictly voluntary.

Number of reports. Position 1 should have no effect on the number of reports because it is the same as the staff's previous generic guidance on this subject.

Position 2 would request additional reports, on a voluntary basis, in specific circumstances. It is estimated that such additional voluntary reporting might increase the number of LER's on the order of 90 reports per year among 109 operating units. The primary basis for this estimate is an opinion survey performed by the BWR Owners Groups which estimated about 12 additional LER's per year among 28 plants, based on Table 1 in the Draft Revision 1. The same survey estimated about 10 additional LER's per year among 28 plants for reporting actuations of ATWS mitigation systems, which were not included in Table 1 in the draft Revision 1.

Attachments. 1. Discussion of ESF definition.

2. Table 1, Requested Reporting Systems.

Attachment 1 To Issue 1.1: Discussion of ESF Definition

Rules and preambles to the final rules. Sections 50.72(b)(2)(iii) and 50.73(a)(2)(iv) require reporting of the following:

"Any event or condition that results (resulted) in manual or automatic actuation of any Engineered Safety Feature (ESF) including the Reactor Protection System (RPS). However, * * *"

No useful definition of ESF was found in the rules. The rules contain general reference to ESFs. For example, 10 CFR 50.34(b)(2) in describing the contents of a final safety analysis report, states:

"A description and analysis of the structures, systems, and components of the facility * * *

(i) for nuclear reactors, such items as the reactor core, reactor coolant system, instrumentation and control systems, electrical systems, containment system, other engineered safety features, auxiliary and emergency systems, power conversion systems, radioactive waste handling systems, and fuel handling systems shall be discussed insofar as they are pertinent * * *"

The preamble to the final rule discussing § 50.73(a)(2)(iv) [July 26, 1983; 48 FR 33854] contains a passage that states:

"This paragraph requires events to be reported whenever an ESF actuates * * *. It is based on the premise that the ESF's are provided to mitigate the consequences of a significant event and, therefore, (1) They should work properly * * *."

Standard format and contact of SARs. Regulatory Guide 1.70 (Rev. 3, November 1978) in describing the standard format and contents of Chapter 6 of the safety analysis report, "Engineered Safety Features," states on page 6.1:

"Engineered safety features are provided to mitigate the consequence of postulated accidents in spite of the fact that these accidents are very unlikely. This chapter of the SAR should present information on the engineered safety features provided in the plant in sufficient detail to permit an adequate evaluation of the performance capability of these features. The information should include * * *.

The engineered safety features included in plant designs vary. The engineered safety features explicitly discussed in the sections of this chapter are those that are commonly used to limit the consequences of postulated accidents in light-water-cooled power reactors. They should be treated as illustrative of the engineered safety features that should be treated in this chapter of the SAR and of the kind of informative material that is needed. Where additional or different types of engineered safety features are used, they should be covered in a similar manner in separate added sections (see Section 6.X).

This section should identify and provide a brief summary of the types of engineered safety features provided in the plant. List each system of the plant that is considered to be an engineered safety feature."

Section 6 of Regulatory Guide 1.70 then goes on to discuss engineered safety features in the following major sections:

6.1 Engineered Safety Feature Materials.
6.2 Containment Systems.
6.3 Emergency Core Cooling System.
6.4 Habitability Systems.
6.5 Fission Product Removal and Control Systems.
6.6 Inservice Inspection of Class 2 and 3 Components.
6.7 Main Steam Isolation Valve Leakage Control System.
6.X Other Engineered Safety Features.

Section 6.X of Regulatory Guide 1.70 "Other Engineered Safety Features," states on page 6.59:

"The engineered safety features included in reactor plant designs vary from plant to plant. Accordingly, for each engineered safety feature, component, or system provided in a plant and not already referred to in this chapter of the Standard Format, the SAR should include separate sections (numbered 6.5 through 6.X) patterned after the above and providing information * * *"

Section 15 of Regulatory Guide 1.70, discussing accident analyses, states on page 15–4:

"2. Sequence of events and systems operation. The following should be discussed for each initiating event:

A. The step by step sequence * * *

B. The extent to which normally operating plant instrumentation and controls are assumed to function.

C. The extent to which plant and reactor protection systems are required to function.

D. The credit taken for the functioning of normally operating plant systems.

E. The operation of engineered safety systems that is required."

Standard Review Plan. NUREG–0800 (Rev. 2, July 1981) in describing the Standard Review Plan for Section 6.1.1, "Engineered Safety Features Materials," states:

"Engineered safety features (ESF) are provided in nuclear plants to mitigate the consequences of design basis or loss-of-coolant accidents, even though the occurrence of these accidents is very unlikely. The General Design Criteria (GDC) 1, 4, 14, 31, 35, 41, and appendix B of 10 CFR Part 50, and 10 CFR part 50, § 50.55a requires that certain systems be provided to serve as engineered safety features (ESF) * * * Containment systems, residual heat removal system, emergency core cooling systems, containment heat removal systems, containment atmosphere cleanup systems, and certain cooling water systems are typical of the systems that are required to be provided as ESF * * *

The emergency core cooling system, the containment heat removal system, the containment cleanup systems, and other ESF systems are described in Section 6 of the SAR and are reviewed in accordance with the SRP sections for the individual systems. The fluids compatibility and materials for these systems are reviewed in this SRP section.

The fluid and material compatibility for the auxiliary systems that directly support the ESF systems identified above, include systems such as the CCW, SW, ESF ventilation. These systems are reviewed in this SRP section upon request of the respective primary branch."

NUREG–0800, in describing the Standard Review Plan for Section 7.1, "Instrumentation and Controls—Introduction," also states:

"The instrumentation and control systems important to safety fall into the following categories and are addressed in detail in subsequent sections of Chapter 7 or other sections of the safety analysis report (SAR).

Protection Systems are those instrumentation and control systems which initiate safety actions to mitigate the consequences of design basis events. The protection systems include the Reactor Trip System (RTS) discussed in Section 7.2 and the engineered safety features actuation system (ESFAS) discussed in Section 7.3 of the SAR.

Engineered Safety Features (ESF) Control Systems are those control systems which regulate the operation of ESF systems following their initiation by the protection system. The ESF control systems are discussed in Section 7.3 of the SAR."

and

"Essential Auxiliary Supporting Systems are those systems that must function to assure the capability of the instrument and control systems important to safety to perform safety functions. Heating, ventilation and air conditioning systems, electrical power systems, and cooling water systems are typical examples of essential auxiliary supporting systems. Essential auxiliary supporting systems are discussed in other chapters of the SAR."

NUREG–0800, in describing the Standard Review Plan for Section 7.3, "Engineered Safety Features Systems," further states:

"This SRP section describes the review for the portion of the protection system used to initiate the operation of the engineered safety features (ESF) systems and essential auxiliary supporting (EAS) systems. This portion of the protection system is called the engineered safety features actuation system (ESFAS). The ESFAS includes both automatic and manual initiation of these systems. This SRP section also includes the review of control systems which regulates the operation of ESF systems following their initiation by the protection system. The ESF control systems include both the automatic and manual features which control the operation of ESF systems."

and

"The functional performance requirements of ESF and EAS systems are reviewed by other branches in accordance with the SRP sections which address these systems. The accident analysis described in Chapter 15 of the SAR establishes the bases for monitored variables and the values of monitored variables including associated time delays used to initiate protection system actions. The review certifies that the functional performance requirements of the ESFAS satisfy the design bases for the protection system actions consistent with the accident analysis described in Chapter 15."

and

"Typical ESF systems are:

Containment and Reactor Vessel Isolation Systems
Emergency Core Cooling Systems (ECCS)
Containment Heat Removal and Depressurization Systems
Pressurized Water Reactor (PWR) Auxiliary Feedwater Systems
Boiling Water Reactor (BWR) Standby Gas Treatment Systems
Containment Air Purification and Cleanup Systems
Containment Combustible Gas Control Systems

Typical EAS systems are:

Electric Power Systems
Diesel Generator Fuel Storage and Transfer Systems
Instrument Air Systems
Heating, Ventilating, and Air Conditioning (HVAC) Systems for ESF Areas
Essential Service Water and Component Cooling Water Systems"

NUREG–0800, in describing Standard Review Plan for Section 5.4.6, "Reactor core isolation cooling system (BWR)" states:

"If the RCIC system is used to control or mitigate the consequences of an accident, either by itself or as a backup to another system, it must meet the requirements of an engineered safety feature."

As an example of the application of this provision, the River Bend Station USAR at page 5.4–16, states:

"Should a design basis control rod drop accident occur, the RCIC system can be used in conjunction with the HPCS system, and together meets the single failure criteria in mitigating the consequences of this event. (The RCIC system is an engineered safety feature for this event.)"

IEEE standards. Regulatory Guide 1.32 endorses IEEE STD 308–1974 which defines engineered safety features as:

"Features of a unit, other than reactor trip or those used only for normal operation, that are provided to prevent, limit, or mitigate the release of radioactive material."

Regulatory Guide 1.153 endorses IEEE STD 603–1980 which distinguishes between engineered safety features and auxiliary supporting features and classifies electric power sources as support systems, similar to the principles expressed in the Standard Review Plan. In addition, the standard shows "indicators for operator action" as part of the reactor trip system and engineered safety features.

Previous staff guidance on reportability. Previous staff guidance in NUREG–1022, Supp. 1, February 1984, on page 7, in response to question 6.1, states:

"There is no standard list of ESF. The criterion is based on each plant having defined systems as ESF (e.g., in the plant's FSAR). If there is uncertainty in this regard, the situation should be discussed with your NRC regional office."

Previous staff guidance in NUREG–1022, Supp. 1 also states in response to question 6.2:

"If the rod block monitor (RBM) is not classified as a portion of the Reactor Protection System (RPS) or as an Engineered Safety Feature (ESF), rod blocks need not be reported. However, if the rod block monitor (RBM) is

classified as a portion of the Reactor Protection System (RPS) or as an Engineered Safety Feature (ESF), rod blocks should be reported * * *"

Previous staff guidance in NUREG–1022 has an example at page C–3 which involves the actuation of a diesel generator. The statement is made:

"The event is reportable because an engineered safety feature (i.e., a diesel) automatically actuated [50.73(a)(2)(iv)]."

Previous staff guidance in NUREG–1022, Supp. 1, in responding to question 6.4 at page 7 and 8 states:

"* * * would the starting of the diesel generators (ESF equipment) be reportable?

"Response. Yes. Actuation of any ESF is reportable."

Discussion of some of the conflicts. No useful definition of the term "Engineered Safety Feature" was found in 10 CFR 50, or the preambles to the final rules for 10 CFR 50.72 and 50.73. There are implied or explicit definitions of ESF systems in other widely used public documents available at the time the rule was issued. Section 6.1 of Regulatory Guide 1.70 would seem to limit ESF systems to those systems provided to mitigate the consequence of postulated accidents, while Section 15.0 of the same Regulatory Guide would seem to indicate a broader application of ESF systems to all events analyzed in Chapter 15, including anticipated operational occurrences. This broader application of ESF systems is consistent with IEEE 308–1974, which includes prevention as well as mitigation of the release of radioactive material in its definition of an ESF system. SRP 6.1.1 implies that the GDC and other parts of 10 CFR part 50 require certain systems to serve as ESF; however, we found no specific definition enunciated in 10 CFR part 50. Thus, there does not appear to be a universal definition of an ESF system based on its application.

SRP 7.3 distinguishes between ESF and essential auxiliary support systems. This is consistent with IEEE 603–1980. The staff has acknowledged that there is no standard list of ESF systems. In the absence of a standard list, only specific examples of ESF systems provide a useful basis for identifying an ESF. SRP 6.0 and 7.3 identify certain systems as examples of ESF. In addition, it is noted that the RCIC discussed in Section 5 of the FSAR may be an ESF at certain plants and AFW identified in SRP 7.3, but discussed elsewhere in the FSAR, is an ESF at PWRs. Although the ESF system list in SRP 7.3 excluded emergency power as an ESF, two examples previously cited in NUREG–1022 considered emergency power (diesel generators) reportable under this section of the rule. Furthermore, Section 15 of Regulatory Guide 1.70 implies that there are only two types of systems—normally operation plant systems and engineered safety features. This is consistent with IEEE 308–1974, which distinguished normal operating systems as those "only" used for normal operation. IEEE 603–1980 also implies that indicators (alarms) for operator action are also ESF systems.

Attachment 2 To Issue 1.1: Table 1, Requested Reporting Systems

Emergency Core Cooling Systems (ECCSs)

For pressurized water reactors (PWRs):

- Reactor coolant system accumulators
- Boron injection system
- High-, intermediate-, and low-head injection systems, including systems for charging using centrifugal charging pumps, safety injection, and residual (decay) heat removal and their water sources

For boiling water reactors (BWRs):

- High- and low-pressure core spray systems and their water sources
- High-pressure coolant injection system, feedwater coolant injection system, residual heat removal system, and their water sources
- Isolation condenser system, reactor core isolation cooling system
- Automatic depressurization system

Reactor Protection Systems

ATWS Mitigating Systems

Containment Systems

- Containment and reactor vessel isolation systems
- Containment heat removal and depressurization systems, including the containment spray and additive system and the fan cooler system
- Containment air purification and cleanup systems
- Containment combustible gas control systems, including hydrogen recombiners, igniters, nitrogen inerting systems, and containment atmospheric dilution systems
- BWR standby gas treatment systems

Heating, Ventilating and Air Conditioning (HVAC) Systems for the Control Room and Fuel Handling Areas

PWR Auxiliary Feedwater Systems

Electrical Systems

- Emergency ac electrical power systems, including emergency diesel generators (EDGs) and their associated support systems (even if classified as an essential auxiliary support in the plant's SAR), and BWR dedicated Division 3 EDGs and their associated support systems
- Actuation and control systems for engineered safety feature (ESF) systems

1.2 Reporting of ESF Component Level Versus System Actuation.

Issue. Draft NUREG–1022, Revision 1, Section 3.3.2, indicates that actuations of ESF components are reportable under § 50.72 (b)(2)(ii) and 50.73 (a)(2)(iv).

Some commentors indicate that ESF actuations are only reportable at the system level (i.e., completion of system actuation logic). They indicate that ESF component actuations are not reportable.

Discussion. Sections 50.72(b)(2)(ii) and 50.73(a)(2)(iv) require reporting of the following:

"Any event or condition that results(ed) in (a) manual or automatic actuation of any Engineered Safety Feature (ESF) including the Reactor Protection System (RPS). However, * * *"

The preamble to the final rule discussing § 50.73(a)(2)(iv) [July 26, 1983; 48 FR 33853], states:

"This paragraph requires events to be reported whenever an ESF actuates either manually or automatically, regardless of plant status. It is based on the premise that the ESFs are provided to mitigate the consequences of a significant event and, therefore: (1) they should work properly when called upon, and (2) they should not be challenged frequently or unnecessarily. The Commission is interested both in events where an ESF was needed to mitigate the consequences (whether or not the equipment performed properly) and events where an ESF operated unnecessarily."

This indicates an intent to require reporting actuations of features that mitigate the consequences of significant events.

The same discussion in the preamble to the final rule [July 26, 1983; 48 FR 33853], states:

"Actuation of multichannel ESF Actuation Systems is defined as actuation of enough channels to complete the minimum actuation logic (i.e., actuation of sufficient channels to cause activation of the ESF Actuation System). Therefore, single channel actuations, whether caused by failures or otherwise, are not reportable if they do not complete the minimum actuation logic."

This indicates an intent to require reporting actuation signals sufficient to complete the minimum actuation logic but not single channel actuations that do not satisfy the minimum actuation logic.

The preamble to the final rule for § 50.72(b)(2)(c) [August 29, 1983; 49 FR 39043] parallels the above discussion closely.

No specific discussion of this issue was found in the staff's previous generic guidance in NUREG–1022 and its supplements.

Two staff letters were found which indicate that, with respect to specific licensees, the staff has taken the position that actuations of single components such as pumps, valves and fans are reportable (see References).

Conclusion. As discussed above, the preamble to the final rule indicates an intent to require reporting actuations of features that "* * * mitigate the consequences of significant events * * *" Generally, this would not include single component actuations because single components of complex systems, by themselves, usually do not mitigate the consequences of significant events. Single trains do mitigate the consequences, and, thus, train level actuations are reportable.

In addition, as discussed above, the preamble to the final rule indicates an intent to require reporting actuation signals which are sufficient to satisfy the minimum actuation logic.

As indicated above, no specific discussion of this issue was found in the staff's previous generic guidance in NUREG–1022 and its supplements. On that basis, this guidance could possibly be considered a new generic staff position. However, it is not considered different from previous generic guidance because it is simply a straightforward interpretation of the preamble to the final rule.

Also, as indicated above, two staff letters were found which indicate that, with respect to specific licensees, the staff has taken the position that actuations of single components such as pumps, valves and fans are reportable. This current guidance is a relaxation relative to those positions.

Number of reports. This guidance might reduce the number of LER's by a small amount, on the order of 12 reports per year among 109 operating units. The basis for the estimate is provided below.

In 1991, about 609 LER's (involving 723 events) were submitted which indicated actuations of ESF's. About 366 of these LER's (involving 450 events) indicated actuation of only a single ESF system. Of these, only about 12 appear to involve actuation of a single component without development of an accompanying actuation signal from the ESF actuation system or its equivalent (for example, an event where a ruptured diaphragm caused an air operated valve to change position). The staff does not know if additional events of this type occurred but were not reported (because licensees did not consider them reportable).

These particular reports of single component actuations, without an accompanying actuation signal from the ESF actuation system or its equivalent, do not appear to involve safety significant events nor do they appear to be needed to support the NRC's screening and review activities. It is possible to postulate single component actuations, such as opening of a high pressure/low pressure interface valve, that could be considered significant. However, such events would usually be reportable under other criteria if they are significant.

References

1. Letter to W.G. Hairston, Georgia Power Company from L.A. Reyes, NRC, dated September 7, 1990.

2. Letter to W.L. Beckman, Consumers Power Company from R. Stransky, NRC, dated September 10, 1991.

1.3 Reporting of All Unnecessary ESF Actuations

Issue. Draft NUREG–1022, Revision 1, on pages 83 and 84, stated the following guidance:

"All ESF actuations, including actuations of the RPS, are reportable regardless of the plant operating mode or power level or the significance of the structure, system, or component that initiated the event or whether initiated manually or automatically. The fact that the safety analysis assumes that an ESF system will actuate automatically under certain plant conditions does not preclude the need to report such actuations.

The following exceptions apply:

(1) Actuations that result from and are part of the preplanned sequence during testing or reactor operation. This implies that the procedural step indicates that specific ESF or RPS actuation that will be generated and control room personnel are aware of the specific signal generation before its occurrence or indication in the control room.

However, if the ESF actuates during the planned operation or test in a way that is not part of the planned procedure, such as at the wrong step, that event is reportable.

(2) Invalid actuations that occur when a system has been properly removed from service if all requirements of plant procedures for removing equipment from service have been met. This would include required clearance documentation, equipment and control board tagging, and properly positioned valves and power supply breakers."

Comment (A). Some commentors state that only spurious (cause unknown) signal actuations are reportable.

Comment (B). Some commentors state that ESF actuations due to non-ESF signals are not reportable under the section of the rule.

Discussion. Sections 50.72(b)(2)(ii) and 50.73(a)(2)(iv) require reporting of the following:

"Any event or condition that results(ed) in (a) manual or automatic actuation of any Engineered Safety Feature (ESF) including the Reactor Protection System (RPS). However, * * *"

The preamble to the final rule discussing § 50.73(a)(2)(iv) [July 26, 1983; 48 FR 33853], states:

"This paragraph requires events to be reported whenever an ESF actuates either manually or automatically, regardless of plant status. It is based on the premise that the ESFs are provided to mitigate the consequences of a significant event and, therefore, (1) they should work properly when called upon, and (2) they should not be challenged frequently or unnecessarily. The Commission is interested both in events where an ESF was needed to mitigate the consequences (whether or not the equipment performed properly) and events where an ESF operated unnecessarily."

Previous staff guidance in NUREG–1022, Supp. 1, February 1984, states the following points:

"6.3 Two of our ESF systems, the toxic gas isolation system and a control room isolation system, are highly unreliable and often actuate when not needed (invalid actuation). Are spurious actuations reportable?

Answer: Yes. Spurious actuations of ESF are challenges to the system and are reportable.

6.4 In our plant, a turbine trip results in starting of the diesel generator(s), but does not give a reactor scram. Since a turbine trip can result from a variety of nonsafety-related causes, would the starting of the diesel generators (ESF equipment) be reportable?

Answer: Yes. Actuation of any ESF is reportable."

and

"6.7 Often we are in operating modes when automatic scrams are not required to be operable, or parts of the containment isolation system may actuate when the system is not required to be operable. Are such events reportable as LERs?

Answer: Yes. Actuations of ESF and RPS are reportable even if they are

spurious or unnecessary. However, if the actuation or trip is part of a preplanned sequence, or it is a controlled (e.g., documented) and expected result of the procedure (see question 6.8), it is not reportable under this criterion (see also question 6.9)."

and

"6.9 Is the spurious operation of a system that is not required to be operable reportable?

Answer: If the system is not required to be operable and it has been properly removed from service such that it can not perform its intended function (e.g., manual discharge valves are shut, breakers are open), then a spurious actuation of part of the system (e.g., the pump starts but the discharge valve remains shut) is not reportable. However, if the system actuates and performs its intended function, the actuation is reportable even if the system is not required to be operational."

"6.11 Some reactor scrams occur because of the actions of individuals (e.g., an I&C technician). For example, the plant may scram on low pressure because of a human error even though the reactor pressure is fine. Are such scrams reportable?

Answer: Yes. Spurious or unintended reactor scrams are reportable."

Two recent developments modify the previous guidance somewhat:

(1) A final rule entitled "Minor Modifications to Nuclear Power Event Reporting Requirements" was published in the **Federal Register** on September 10, 1992 (57 FR 41378). The preamble to that final rule states:

"Valid ESF actuations are those actuations that result from 'valid signals' or from intentional manual initiation, unless it is part of a preplanned test. Valid signals are those signals that are initiated in response to actual plant conditions or parameters satisfying the requirement for ESF Initiation;

"Invalid actuations are by definition those that do not meet the criteria for being valid * * *"

The same discussion also states:

"The NRC has determined that some events that involve only invalid ESF actuations are of little or no safety significance. However, not all invalid ESF actuations are being exempted from reporting through this rule. The relaxations in event reporting requirements contained in the final rule apply only to a narrow, limited set of specifically defined invalid ESF actuations. These events include invalid actuation, isolation, or realignment of a limited set of ESFs * * *. In addition, the final rule excludes invalid actuations of these ESFs (or their equivalent systems) from signals that originate from non-ESF circuitry.

However, invalid actuations of other ESFs would continue to be reportable. For example * * *."

This eliminates the requirement for reporting invalid actuations, including actuations coming from non-ESF sources, but only for a limited set of specific ESFs, such as the control room isolation system.

(2) In considering Issue 1.2, "Reporting of ESF component level versus system level actuation," the staff has concluded that actuations of single components are generally not reportable. Train level actuations and ESFAS actuations sufficient to satisfy the minimum actuation logic are reportable. (See the discussion of Issue 1.2.)

This eliminates the need to report actuations of single components such as isolation valves, which are part of more complex ESF systems and which, by themselves, do not mitigate the consequences of significant events.

Conclusion. As discussed above, the rules have been revised to eliminate the requirement to report invalid actuations of a limited set of specific ESF systems and the staff has concluded that ESF actuations are reportable at the train level rather than at the component level. The following conclusions apply for unnecessary ESF actuations that do not meet one of those conditions:

(1) Regarding Comment A, reporting of "non-spurious" unnecessary actuations, the staff has concluded that such actuations are reportable. The principal reasons are (a) the rules require reporting of any event or condition that results in manual or automatic actuation of any ESF and (b) the statement of considerations indicates that the Commission is interested in unnecessary actuations.

(2) Regarding Comment B, ESF actuations due to non-ESF signals (e.g., dual purpose pumps, identified as ESF's, start due to non-ESF signals) the staff has concluded that such actuations are reportable. The principal reasons are (a) the rules require reporting any event or condition that results in manual or automatic actuation of any ESF, and, (b) the preamble to the final rule for the recent minor rulemaking indicates that unless an invalid actuation is among those specifically excluded from the reporting requirements it is reportable.

These positions are consistent with the staff's previous generic guidance, as modified by the recent rule change and the staff's recent conclusion regarding component actuations, as discussed above.

Number of reports. This position (Issue 1.3) should not affect the number of reports because it is the same as the staff's previous generic guidance on this subject, as modified by the recent rule change and by the staff's recent conclusion regarding Issue 1.2.

Note that, with regard to the recent rule change, the staff estimated a reduction in the number of LER's of about 150 per year among the 109 operating units. Some respondents, in their comments on the proposed rule, estimated greater reductions.

Also note that, with regard to Issue 1.2, as discussed previously, it is estimated that the staff's conclusion might reduce the number of LERs by a small amount, on the order of 12 per year among 109 operating units.

1.4 Reporting of ATWS Actuations

Issue: Draft NUREG–1022, Revision 1, on page 84, stated the following guidance or condition:

"ATWS is defined as an expected operational transient accompanied by a failure of the RPS to shut down the reactor. ATWS accidents are a cause for concern because they could lead to severe core damage and release of radioactivity to the environment. Section 50.62 of 10 CFR requires that ATWS mitigation systems function as a backup for RPS and that they initiate specific ESF system operation, as needed, while minimizing inadvertent scrams or challenges to other safety systems. Therefore, ATWS actuations should be reported under these criteria. The guidance given above for RPS and ESF definitions, reportability, and exceptions, also applies to the reporting of ATWS system automatic manual, or inadvertent actuations or failures to actuate."

Some commentors stated that:

(1) The ATWS mitigation system is designed solely to address anticipated transients without scram, is not a safety-related system, is not subject to the single failure criteria and is not in Technical Specifications;

(2) ATWS systems are backup systems for the reactor trip system, they are not part of the RPS;

(3) Sections 50.72 and 50.73 do not address ATWS;

(4) ATWS is outside design basis of plants; and

(5) ATWS mitigation system is not an ESF; therefore, its actuation is not reportable unless ESF/RPS actuation results.

Discussion. See Issue 1.1.

Conclusion. See Issue 1.1.

Number of reports. See Issue 1.1.

2.0 Operating Plant in Degraded or Unanalyzed Condition

2.1 Reporting of Plant Versus Component Level for Outside Design Basis

Issue. 1. Draft NUREG–1022, Revision 1, Section 3.2.4, states on page 45:

"If one of the following conditions exists, the plant is considered to be outside the bounds of its design basis:

• A structure, system, or component is unable to perform its intended safety function(s)

• A structure, system, or component is exceeding the specific value or range of values that were chosen for controlling parameters as its reference bounds for design * * *."

Some commentors believe that this statement would reinterpret the rule to require additional reporting. For example, it may indicate reporting a component problem vs. reporting a condition that places the plant outside of its design basis.

Similar wording can be found in other parts of Section 3.2.1 and the issue crosses over into other criteria such as unanalyzed conditions.

2. In addition, the NRC staff's summary of the May 7, 1992, meeting states:

"Partial disagreement—NRC view is reporting is at system or major component level (Reference: § 50.2); e.g., a plant is in an unanalyzed condition if a component or system was found to be designed, manufactured or installed such that it does/did not meet minimum operability requirements for a period exceeding the allowed LCO and combined with an other single failure, it would cause the plant to be outside its design basis per FSAR. A single component failure that was handled within its TS LCOs would not be reportable here. Industry view is component level only reportable if by itself it results in plant being outside its design basis. Industry to consider NRC view that a design or equipment problem existed for a significant period of time."

Discussion. Sections 50.72(b)(1)(ii) and 50.73(a)(2)(ii) require reporting of the following:

"Any event or condition (during operation) that results (resulted) in the condition of the nuclear power plant, including its principal safety barriers, being seriously degraded; or results (that resulted) in the nuclear power plant being:

(A) In an unanalyzed condition that significantly compromises (compromised) plant safety;

(B) In a condition that is (was) outside the design basis of the plant; or

(C) In a condition not covered by the plant's operating and emergency procedures."

The preamble to the final rule in discussing § 50.72(b)(1)(ii) [August 29, 1983; 48 FR 39042] states:

"The Commission recognizes * * *. It is not intended that this paragraph apply to minor variations in individual parameters, or to problems concerning single pieces of equipment. For example, at any time, one or more safety-related components may be out of service due to testing, maintenance, or a fault that has not yet been repaired. Any trivial single failure or minor error in performing surveillance tests could produce a situation in which two or more often unrelated, safety-grade components are out-of- service. Technically, this is an unanalyzed condition. However, these events should be reported only if they involve functionally related components or if they significantly compromise plant safety * * *."

Conclusion. Based on the rule and preamble to the final rule, the staff has concluded:

Position 1: The wording on page 45, discussed above, and similar wording elsewhere in Section 3.2.4, could be taken to mean that reporting at the component, system, or structure level is required in and of itself. The section will be redrafted to make it clear that reporting at the component, system, and structure level is required under 10 CFR 50.72(b)(1)(ii) and 50.73(a)(2)(ii) only if the event or condition resulted in the plant being seriously degraded, in an unanalyzed condition that significantly compromises plant safety, outside the plant design bases or in a condition not covered by the plant's procedures, as described in the rule.

Position 2: With regard to the discussion in the meeting summary, cited above, an event or condition is reportable if a component or system was found to be designed, manufactured, or installed such that it does/did not meet minimum operability requirements for a period exceeding the allowed LCO and combined with an other single failure, it would cause the plant to be outside its design basis per FSAR. For example, if it is discovered that one train of a required two train safety system has been inoperable for an extended period of time during operation, exceeding the LCO allowed time, this would be considered operation outside the design basis because, for an extended period of time, the system could not perform its safety function, assuming a single failure in the operable train. Note that this is the same thing as operation in a condition prohibited by the technical specifications. Single component failure(s) that are handled within its TS LCOs would not be reportable here.

The revised section will express the principles discussed below.

The four criteria discussed here call for reporting of events or conditions based on a "plant effect", e.g., "the nuclear power plant being in a condition outside the design basis of the plant." Furthermore, the wording of the criteria and the guidance in the preamble to the final rule imply that the impact on plant safety should be at a fairly high level. Therefore, failures, specification problems, and loss of safety margins that apply to individual components (pieces/parts) are not reportable unless they affect the ability to satisfy plant safety functions (including the single failure criterion). However, individual component problems which do compromise the ability to satisfy safety functions may be reportable, as discussed in the guidance below.

The discussions below provide further guidance on reportability under these criteria.

1. The condition of the nuclear power plant, including its principal safety barriers, being seriously degraded.

The preamble to the final rule [August 29, 1983; 48 FR 39042] states:

"Finally, this paragraph also includes material (e.g., metallurgical or chemical) problems that cause abnormal degradation of the principal safety barriers (i.e., the fuel cladding, reactor coolant system pressure boundary, or the containment). Examples of this type of situation include:

(a) Fuel cladding failures in the reactor, or in the storage pool, that exceed expected values, or that are unique or widespread, or that are caused by unexpected factors, and would involve a release of significant quantities of fission products.

(b) Cracks and breaks in the piping or reactor vessel (steel or prestressed concrete) or major components in the primary coolant circuit that have safety relevance (steam generators, reactor coolant pumps, valves, etc).

(c) Significant welding or material defects in the primary coolant system.

(d) Serious temperature or pressure transients.

(e) Loss of relief and/or safety valve functions during operation.

(f) Loss of containment function or integrity including:

(i) Containment leakage rates exceeding the authorized limits.

(ii) Loss of containment isolation valve function during tests or operation.

(iii) Loss of main steam isolation valve function during test or operation, or

(iv) Loss of containment cooling capability."

Examples of events that the staff would consider reportable as reactor coolant system cracks or breaks include cracks or breaks that result in leakage.

Examples of events that the staff would consider reportable as significant reactor coolant system welding or material defects include items which cannot be found acceptable under ASME Section XI, IWB–3600, "Analytical Evaluation of Flaws" or items that exceed the standards in ASME Section XI, Table IWB–3410–1, "Acceptance Standards."

Examples of events that the staff would consider reportable as serious temperature or pressure transients include:

(1) Low temperature overpressure transients where the pressure temperature relationship violates required restrictions.

(2) Substantial and increasing power level oscillations such as occurred at LaSalle in 1989. These would have caused an automatic reactor trip, if not preempted by a manual trip, and would have been reported as the cause of a trip. In this case, the significance or seriousness was not in the specific temperature and pressure attained, which were modest, but in the implication that the previous understandings and safety analyses of BWR stability might be deficient.

Another type of reportable degradation would be loss of a normal barrier between the reactor coolant system and the environment. This can happen when one of the Event V isolation valves (valves between the reactor coolant system and a low pressure system outside containment) is opened.

2. The nuclear power plant being in an unanalyzed condition that significantly compromises plant safety.

The preamble to the final rule [August 29, 1983; 48 FR 39042] states:

"The Commission recognizes that the licensee may use engineering judgment and experience to determine whether an unanalyzed condition existed. It is not intended that this paragraph apply to minor variations in individual parameters, or to problems concerning single pieces of equipment. For example, at any time, one or more safety-related components may be out of service due to testing, maintenance, or a fault that has not yet been repaired. Any trivial single failure or minor error in performing surveillance tests could produce a situation in which two or more often unrelated, safety-grade components are out-of-service. Technically, this is an unanalyzed condition. However, these events should be reported only if they involve functionally related components or if they significantly compromise plant safety. When applying engineering judgment, and there is a doubt regarding whether to report or not, the Commission's policy is that licensees should make the report."

The same discussion also states:

"For example, small voids in systems designed to remove heat from the reactor core which have been previously shown through analysis not to be safety significant need not be reported. However, the accumulation of voids that could inhibit the ability to adequately remove heat from the reactor core, particularly under natural circulation conditions, would constitute an unanalyzed condition and would be reportable."

Finally, the same discussion also states:

"In addition, voiding in instrument lines that results in an erroneous indication causing the operator to misunderstand the true condition of the plant is also an unanalyzed condition and should be reported."

3. The nuclear power plant being in a condition that is outside the design basis of the plant.

Examples of reportable events or conditions include errors in the actual design, such as discovery that an ECCS design does not meet the single failure criterion. They also include hardware problems such as discovery that required high energy line break restraints are not installed. In cases such as this, a 10 CFR 50.72 report is sometimes made and then retracted, without submittal of an LER, because further analysis shows that the plant is actually within its design basis. For example, analysis might show that the particular restraints that are missing are not needed.

Another example of an event or condition that the staff considers reportable is discovery that one train of a required two train safety system has been inoperable for an extended period of time during operation, exceeding the LCO allowed time. This would be considered outside the design basis because, for an extended period of time, the system could not perform its safety function, assuming a single failure in the other train. Note that these events or conditions such as this would also be reportable as an operation or condition prohibited by the plant's technical specifications.

Some reports in this category are initiated by discovery of additional requirements from analysis of the effects of a postulated event for which a structure, system, or component must meet a functional goal not previously addressed. For example, while performing a design basis review, it was determined that a portion of the emergency service water system piping located in the turbine building, was not seismically qualified. During a seismic event, a failure in this portion of the piping could result in internal flooding affecting both Div. 1 and Div. 2 480VAC MCCs. [Note that reporting times are addressed in the discussion of Minor Issue 1.]

4. The nuclear power plant being in a condition not covered by the plant's operating and emergency procedures.

Essentially, this criterion points to events where the plant is in a condition outside the coverage of its operating and emergency procedures. A straightforward example of this type of event was the accident at Three Mile Island.

Recent examples of actual reports where licensees have reported events under this criterion appear to involve elements of errors or inadequacies in the procedures. For example, while investigating an NSSS vendor concern regarding boron precipitation during long-term cooling following a large break LOCA, it was determined that a boron dilution path must be established within 9 hours instead of 24 hours as previously allowed. This was discovered by the vendor who concluded that insufficient flow during natural circulation through the reactor internal vent valves could result in a buildup of boric acid interfering with long-term cooling.

With regard to the staff's previous generic guidance in NUREG–1022 and its supplements:

(1) The items above which are taken from the preambles to the final rule are the same as the previous generic guidance.

(2) No additional discussion specific to these points, beyond a repetition of the preamble to the final rule, was found in NUREG–1022 and its supplements. Accordingly, the items above which are not taken from the preambles to the final rule may be considered new generic guidance. They are not considered to be different because they are justified as straightforward interpretations of the rules (in essence, reports of the type described are required for compliance with the rules).

Number of reports. The NRC staff believes that the effect of these positions

on the number of reports should be small because many of the positions stated above are the same as the staff's previous guidance and the remaining items, although new, are considered justified as straightforward interpretations of the rules (in essence, required for compliance with the rules).

The BWR Owners Group conducted an opinion survey which estimated an increase of about 31 LER's per year among 28 units, apparently associated with the position regarding Item 3, outside design basis.

2.2 Reporting of Engineering Design Basis and Licensing Basis Versus Regulatory Design Basis

Issue. Draft NUREG–1022, Revision 1, Section 3.2.4, stated the following guidance:

"When evaluating the reportability of conditions that appear to be outside the design bases of the plant, 'engineering design bases' as defined in NUREG–1397 * * * should be used."

Some commentors believe that considering outside "design basis" to mean outside "engineering design basis" or "licensing basis" as defined in NUREG–1397 is a change in the reporting requirement and should more appropriately be addressed by rulemaking.

Other commentors, in general, questioned the applicability of the examples provided.

Discussion. Sections 50.72(b)(1)(ii) and 50.73(a)(2)(ii) require reporting the following:

"Any event or condition (during operation) that results (resulted) in the condition of the nuclear power plant, including its principal safety barriers, being seriously degraded; or results (that resulted) in the nuclear power plant being:

(1) In an unanalyzed condition that significantly compromises (compromised) plant safety;

(2) In a condition that is (was) outside the design basis of the plant; or

(3) In a condition not covered by the plant's operating and emergency procedures."

Section 50.2 provides a definition of design bases as described in the following:

"Design bases means that information which identifies the specific functions to be performed by a structure, system, or component of a facility, and the specific values or ranges of values chosen for controlling parameters as reference bounds for design. These values may be (1) restraints derived from generally accepted 'state of the art' practices for achieving functional goals, or (2) requirements derived from analysis (based on calculation and/or experiments) of the effects of a postulated accident for which a structure, system, or component must meet its functional goals."

NUREG–1397, "An Assessment of Design Control Practices and Design Reconstitution Programs in the Nuclear Power Industry," February 1991, states on page 45 that the 10 CFR 50.2 definition of design bases is used in determining immediate notification requirements under 10 CFR 50.72 and licensee event report requirements under 10 CFR 50.73.

Conclusion. Based on the definition in 10 CRF 50.2, the staff has accepted the comments. The section will be redrafted to indicate that the definition of design bases provided in 10 CFR 50.2 should be used.

This is consistent with previous statements published in NUREG–1397.

See the response to Issue 2.1 for a discussion of events or conditions reportable as being outside the plants' design basis.

Number of reports. The effect of this position on the number of reports should be nil because it is consistent with the rule, licensee comments, and previous staff statements in NUREG–1397.

2.3 Plant in Condition Not Covered by Procedures

Issue. The staff's summary of the May 7, 1992, meeting provides the following summary:

"Mostly agreement—personnel error in the use of approved procedure is reportable only if result is condition not covered by procedures, such as EOPs. Because this section of rule is not well understood and rarely used by industry, draft NUREG needs clarification."

Conclusion. The staff intends to clarify the section.

This position is, by its nature, not inconsistent with previous staff guidance.

See the response to Issue 2.1 for a discussion of events or conditions reportable as not covered by procedures.

Number of reports. The effect of this position on the number of reports should be nil because, by its nature, the position will clarify the report and make it consistent with licensee understandings of the requirements.

2.4 Use of "Potential" in the Definition of Unanalyzed Condition

This is an item where consensus was reached at the May 7, 1992, meeting. The staff's summary of the meeting states:

"Agreement—intent was not postulated conditions—potential failures not reportable under this criterion; draft NUREG will be clarified to limit to actual conditions; TS 3.0.3 not reportable under this section."

3.0 Event or Condition That Alone Could Prevent Fulfillment of a Safety Function

3.1 Reporting of Multiple Independent Events or Failures.

Issue. Draft NUREG–1022, Revision 1, Section 3.3.3, stated the following guidance:

"Multiple Independent Failures

Whenever there are a number of simultaneous independent events or conditions that cause two or more functionally redundant trains to be unable to perform their safety functions concurrently, they are reportable under these criteria."

Public (industry) comments assert that multiple independent failures do not meet the definition of "alone" in the criterion and, therefore, reporting is not required. Other comments indicate that, specifically, the passage, "* * * one or more personnel errors, equipment failures, and/or discovery of * * * inadequacies" in 10 CFR 50.73(a)(2)(vi) does not provide a basis for requiring reports of multiple independent failures.

Discussion. Sections 50.72(b)(2)(iii) and 50.73(a)(2)(v) require reporting the following:

"Any event or condition that alone could have prevented the fulfillment of the safety function of structures or systems that are needed to:

(A) Shutdown the reactor * * *

(B) Remove residual heat * * *

(C) Control the release * * *

(D) Mitigate the consequences * * *"

Section 50.73(a)(2)(vi) provides the following guidance on this subject:

"Events covered in paragraph(a)(2)(v) of this section may include one or more personnel errors, equipment failures, and/or discovery of design, analysis, fabrication, construction, and/or procedural inadequacies. However, individual component failures need not be reported pursuant to this paragraph if redundant equipment in the same system was operable and available to perform the required safety function."

The preamble to the final rule discussing § 50.72(b)(2)(iii) [August 29, 1983; 48 FR 39044], states:

"This reporting requirement is similar to one contained in Section 50.73, thus reflecting public comment identifying the need for closer coordination of reporting requirements between Sections 50.72 and 50.73."

The preamble to the final rule discussing § 50.73(a)(2)(v) [July 26, 1983; 48 FR 33854] states:

"This paragraph is also based * * * § 50.73(a)(2)(v) of this final rule covers an event or condition where redundant structures, components, or trains of a safety system could have failed to perform their intended function because of one or more personnel errors, including procedure violations; equipment failures; or design, analysis, fabrication, construction, or procedural deficiencies. The event must be reported regardless of the situation or condition that caused the structure or systems to be unavailable and regardless of whether or not an alternate safety system could have been used to perform the safety function."

The preamble to the final rule discussing § 50.72(b)(2)(iii) [August 29, 1983; 48 FR 39044] states:

"The words 'any instance of personnel error, equipment failure, or discovery of design or procedural inadequacies' that appeared in the proposed rule have been replaced by the words 'event or condition'."

Later on, the same preamble to the final rule states the following guidance:

"Paragraph 50.72(b)(2)(iii) covers an event where a safety system could have failed to perform its intended function because one or more personnel errors, including procedure violations, equipment failure; or design, analysis, fabrication, construction, or procedural deficiencies. The event should be reported regardless of the situation or condition that caused the system or structure to be unavailable."

The staff's previous guidance in NUREG–1022 at page C–42 provides an example of a two train overpressure mitigation system (OMS) failing to operate. The reasons for this system failing to operate were that one train was out of service for calibration (preventing its operation) and equipment failure occurred in the other train (preventing its operation) when the system was called upon. The staff guidance presented at the end of the discussion of the event stated:

"The event is reportable because the OMS failed to perform its intended function [50.73(a)(2)(v)]."

Conclusion. Based on the rules, the staff has concluded that the relevant paragraph on page 92 of draft NUREG–1022, Rev. 1, should be revised to read as follows:

Multiple equipment inoperability or unavailability.

Whenever an event or condition exists where the system could have been prevented from fulfilling its safety function because of one or more reasons for equipment inoperability or unavailability, it is reportable under these criteria.

This is consistent with the guidance provided in the preambles to the final rules for both 10 CFR 50.72(b)(2)(iii) and 50.73(a)(2)(v) as discussed above. This is also consistent with the previous staff guidance provided in NUREG–1022 as discussed above.

Number of reports. The NRC staff believes that the effect of this position on the number of reports should be nil because it is consistent with previous guidance in NUREG–1022, as well as with the preamble to the final rule.

3.2 Reporting of Loss of Single-Train Safety System

This is an item where consensus was reached at the May 7, 1992, meeting. The staff's summary of the meeting states:

"Agreement—RCIC not reportable if not taken credit for in safety analysis; HPCI reportable."

3.3 Reporting of Loss of Offsite Power

Issue. Draft NUREG–1022, Revision 1, Section 3.3.3., indicates that loss of offsite power is reportable under 10 CFR 50.72(b)(2)(iii) and 50.73(a)(2)(v).

Some commentors indicate that loss of offsite power should not be reported under these sections because their offsite power is not a safety system.

Other commentors note that offsite power is not assumed to be available during or following an accident and loss of offsite power would not alone prevent fulfillment of a safety function.

Discussion. Sections 50.72(b)(2)(iii) and 50.73(a)(2)(v) require reporting of the following:

"Any event or condition that alone could have prevented the fulfillment of the safety function of structures or systems that are needed to:

(1) Shutdown the reactor and maintain it in a safe shutdown condition;

(2) Remove residual heat;

(3) Control the release of radioactive material, or;

(4) Mitigate the consequences of an accident."

Part 50, appendix A, criterion 17, describes an offsite power system and an onsite power system that shall be provided. It states:

"The safety function for each system (assuming the other system is not functioning) shall be to provide sufficient capacity and capability to assure that (1) specified acceptable fuel design limits and design conditions of the reactor coolant pressure boundary are not exceeded as a result of anticipated operational occurrences and (2) the core is cooled and containment integrity and other vital functions are maintained in the event of postulated accidents."

The preamble for the final rule discussing § 50.72(b)(2)(iii) [August 29, 1983; 48 FR 39044] states:

"This reporting requirement is similar to one contained in 50.73, thus reflecting public comment identifying the need for closer coordination of reporting requirements between 50.72 and 50.73."

The preamble to the final rule discussing § 50.73(a)(2)(v) [July 26, 1983; 48 FR 33854] states:

"The intent of this paragraph is to capture those events where there would have been a failure of a safety system to properly complete a safety function, regardless of when the failures were discovered or whether the system was needed at the time."

In the same discussion, the preamble also provides the following guidance:

"The event must be reported regardless of the situation or condition that caused the structure or systems to be unavailable, and regardless of whether or not an alternate safety system could have been used to perform the safety function (e.g., high pressure cooling failed, but feed-and-bleed or low pressure cooling were available to provide the safety function of core cooling)."

The implications, if any, of previous staff guidance, provided in NUREG-1022, Supp. 1, page 14, are not clear with respect to this issue. At the end of the response to question 7.24, which involves a maintenance error while shutdown that would never occur at power and which results in a loss of offsite power, it states:

"In addition, the event would also be reportable if the offsite power that is lost is required for safety functions when shutdown."

Conclusion. Based on the rules and the preambles to the final rules, the staff has concluded that loss of offsite power is reportable under 10 CFR 50.72(b)(2)(iii) and 50.73(a)(2)(v). The principal reasons are as follows:

(1) The rules require reporting "any event or condition that alone could have prevented the fulfillment of the safety function of structures or systems that are needed to accomplish any of four defined functions.

(2) The offsite power system is required to provide a safety function as stated in GDC 17. The specific safety function defined in GDC 17 is consistent with the reporting criteria in 10 CFR 50.72(b)(2)(iii) and 50.73(a)(2)(v).

(3) The preamble to the final rule states that "the event must be reported * * * regardless of whether or not an alternate safety system could have been used to perform the safety function * * *." The preamble to the final rule

also indicates that "the intent is to capture those events where there would have been a failure, regardless of when the failures were discovered or whether the system was needed at the time."

As stated above, the implications of previous staff guidance in NUREG-1022, Supp. 1, are not clear with respect to this issue.

The staff intends to redraft the section accordingly.

Number of reports. In 1991, LER's were submitted for less than 60 events among 109 operating units involving a loss of offsite power. Notifications under 10 CFR 50.72 were made for a similar number of events. The effect of this position on the number of reports should be negligible because most events involving loss of offsite power are reported for other reasons anyway. Those other reasons include the following:

1. 10 CFR 50.72(b)(2)(ii) (Non-Emergency Class) and 50.73(a)(2)(iv):

a. A loss of offsite power will generally cause starting and loading of the diesel generators. This is often reported as an ESF actuation, either because of the emergency power system actuations or because of other system actuations. In addition, the staff plans to request voluntary reporting of emergency power system actuations for these cases where the licensee has not classified the emergency power system as an ESF and the event does not meet some other reporting criterion. (see the discussion of Issue 1.1).

b. If the plant is operating, loss of offsite power will generally cause a reactor trip, which is reportable as an RPS actuation (see Issue 1.1).

2. 10 CFR 50.72(a)(1)(i) (Emergency Class):

a. A loss of offsite power is generally reportable as an unusual event (or a higher emergency class) using either NUREG–0654, which provides staff guidance on emergency preparedness, or NUMARC NESP–007, which the staff has endorsed as a voluntary alternative to NUREG–0654, via Regulatory Guide 1.101, Revision 3.

3.4 Use of "Hypothetical Events" or "Potential Conditions"

This is an item where consensus was reached at the May 7, 1992, meeting. The staff's summary of the meeting states:

"Agreement—paragraph(s) will be clarified to remove references to hypothetical events."

4.0 External Threat/Significant Hampering

4.1 Reporting of Licensee Responsive or Precautionary Action

Issue. Draft NUREG–1022, Revision 1, Section 3.2.5, stated the following on this subject:

"* * * When significant preventive actions are taken, such as entering severe weather response procedures or having an extra operations shift on site, or evacuating buildings for personnel protection during a storm or tornado, or if there are serious concerns, then the situation is reportable under 50.72."

and

"* * * An actual threat generates an actual response. If the plant staff takes action to deal with the situation, an actual threat exists."

Commentors believe that reporting precautionary compensatory measures which licensees deem prudent significantly lowers the reporting threshold and is not consistent with the rule.

The staff's summary of the May 7, 1992, meeting provides the following description of the issue:

"Mostly agreement—Draft NUREG states if significant preventive action taken, report; agreement that routine precautionary measures alone do not determine reportability; NUREG needs better definition and examples."

Discussion. Sections 50.72(b)(1)(iii) and 50.73(a)(2)(iii) require reporting any natural phenomenon or other external condition that poses (posed) an actual threat to the safety of the nuclear power plant or significantly hampers (hampered) site personnel in the performance of duties necessary for the safety operational of the (nuclear power) plant.

The preamble to the final rule in discussing § 50.72(b)(1)(iii) [August 29, 1983; 48 FR 39042] states:

"* * * This paragraph covers those events involving an actual threat to the plant from an external condition or natural phenomenon, and where the threat or damage challenges the ability of the plant to continue to operate in a safe manner (including the orderly shutdown and maintenance of shutdown conditions). The licensee should decide if a phenomenon or condition actually threatens the plant. For example, a minor brush fire in a remote area of the site that is quickly controlled by fire fighting personnel and, as a result, did not present a threat to the plant should not be reported. However, a major forest fire, large-scale flood, or major earthquake that presents a clear threat to the plant should be reported. As another example, an industrial or transportation accident which occurs near the site, creating a plant safety concern, should be reported."

The preamble to the final rule discussing § 50.73(a)(2)(iii) [July 26, 1983; 48 FR 33856] states essentially the same thing.

Previous staff guidance in NUREG–1022, Supp. 1, February 1984, on pages 6–7, in response to questions 5.1, 5.2, and 5.3, states:

"5.1 For potential threats such as tornadoes, how close does it have to come before it constitutes an 'actual' threat to the plant?"

Answer: The licensee must use engineering judgment to determine if there was an actual threat. For example, with regard to tornadoes, the decision would be based on such factors as the size of the tornado, and its location and path. There are no prescribed limits, but in general, situations involving only monitoring by the plant's staff are not reportable, but when preventive actions are taken or if there are serious concerns, then the situation should be carefully reviewed for reportability.

5.2 Would a snowstorm that prevents people from entering or leaving the plant be reportable?

Answer: If the snow significantly hampered personnel in the conduct of their activities, the event is reportable. The licensee must use judgment based on the amount of snow, the extent to which personnel were hampered, the extent to which additional assistance could have been available in an emergency, the length of time the condition existed, etc. For example, if the snow prevented shift relief for several hours, the situation would be reportable.

5.3 There was a recent earthquake in New York which we reported to the NRC via the Emergency Notification System (ENS). Thirty days later, it was clear that there was no actual threat to the plant. Is an LER required?

Answer: No. An LER would not be required. However, the call on the ENS was appropriate because of the potential for further seismic activity and public interest."

Conclusion. Based on the rules and the preambles to the final rules, the staff has concluded that "actual" threats and events and conditions where site personnel are "significantly hampered" in the performance of safety-related activities, are reportable.

The section will be redrafted to emphasize these principles, along the lines discussed in the previous guidance.

The redrafted section will include the following principles:

(1) As indicated in the preamble to the final rule, the licensee should decide if a phenomenon or condition actually threatens the plant.

(2) As indicated in the preamble to the final rule, an event such as a major forest fire, large-scale flood, or major earthquake that presents a clear threat to the plant should be reported.

(3) With regard to responsive actions:

(a) As discussed above in the response to question 5.1, there are no prescribed limits. In general, situations involving only monitoring by the plant's staff are not reportable. When preventive actions are taken or if there are serious concerns, then the situation should be carefully reviewed for reportability.

(b) Responsive actions, by themselves, do not necessarily indicate actual threats. Those which are purely precautionary, such as placement of sandbags, even though flood levels are not expected to be high enough to require sandbags, do not necessarily trigger reporting.

(4) With regard to predicted threats:

(a) The staff would consider the following types of events to be reportable under 10 CFR 50.72(b)(1)(iii) as actual threats:

(i) Credible predictions of floods with a reasonable likelihood of exceeding flood control capabilities.

(ii) Tornadoes seen from the plant.

(iii) Earthquakes detected at the plant.

(b) As indicated in the response to question 5.3, discussed above, some items which are considered actual threats under 10 CFR 50.72(b)(1)(iii) will, after the passage of time, not be considered actual threats under 10 CFR 50.73(a)(2)(iii).

This position is consistent with the general thrust of the staff's previous generic guidance discussed above.

See Issue 5.3 for discussion of an essentially identical issue regarding internal threats.

Number of reports. The effect of this position on the number of reports is expected to be negligible because it is consistent with the general thrust of previous guidance.

4.2 Reporting of Potential Threat Rather Than Actual Threat

Issue. Draft NUREG–1022, Revision 1, Section 3.2.5, stated the following guidance:

"The credible prediction of a flood or severe weather that is expected to endanger the safety of the plant within a few days is sufficient cause to initiate emergency preparations, including an ENS notification within one-hour of receipt of the initial prediction."

Some commentors disagree about whether reporting is required if expected flooding is within the plant's flood control capabilities.

The staff's summary of the May 7, 1992, meeting provides the following summary of the issue:

"Minor disagreement on flooding if within flood control, early warning of flood, tornadoes seen from plant, earthquakes; agreement that draft NUREG needs better definitions and examples of when to make ENS call."

Discussion. See Issue 4.1.

Conclusion. See Issue 4.1.

Number of reports. See Issue 4.1.

4.3 Reporting of Encumbrance to Performing Normal Work Activities

This is an item where consensus was reached at the May 7, 1992, meeting. The staff's summary of the meeting states:

"Agreement—not reportable—draft NUREG needs clarification for normal work activities."

4.4 Clarification of What Requires ENS and What Requires an LER

This is an item where consensus was reached at the May 7, 1992, meeting. The staff's summary of the meeting states:

"Agreement—Draft NUREG intent was to receive ENS for potential threat and LER for actual threat; section needs better definitions and rewording (e.g., hurricane that passes by requires ENS, not LER, unless plant damage occurs)."

5.0 Internal Threat/Significant Hampering

5.1 Reportability of Non-Safety-Related Systems or Events

Issue. Draft NUREG–1022, Revision 1, Section 3.2.8, stated the following guidance:

"The scope of the regulation is broad, covering more than just safety systems. The regulation refers to 'the safety of the nuclear power plant' and 'safe operation of the nuclear power plant,' which covers not only many systems found in the reactor building, but also most of those systems in the turbine or auxiliary building."

Some commentors believe that only threats to safety-related systems are reportable; the Draft Rev. 1 could imply that threats to non-safety-related systems are also reportable.

Discussion. Sections 50.72(b)(1)(vi) and 50.73(a)(2)(x) require reporting of the following:

"Any event that poses (posed) an actual threat to the safety of the nuclear power plant or significantly hampers (hampered) site personnel in the performance of duties necessary for the safe operation of the nuclear power plant including fires, toxic gas releases, or radioactive releases."

The preamble to the final rule discussing § 50.72(b)(1)(vi) [August 29, 1983; 48 FR 39043] states:

"This provision requires reporting of events, particularly those caused by acts of personnel, which endanger the safety of the plant or interfere with personnel in performance of duties necessary for safe plant operation."

Conclusion. Based on the rule and the preamble to the final rule, the staff has accepted the comments. The section will be revised to place more emphasis on the reportability of "an actual threat to the safety of the nuclear power plant" as provided in the rule and to eliminate any implication that threats to non-safety-related systems are, in and of themselves, reportable.

With regard to the idea that only threats to safety-related systems are reportable, 10 CFR 50.72(b)(1)(vi) and 50.73(a)(2)(x) do not refer specifically to non-safety-related systems nor do they exclude them. It is expected that virtually all events that threaten plant safety, as discussed in the rule, could be considered to involve a threat to safety-related systems; nevertheless, if an event involving only non-safety-related systems were to pose an actual threat to the safety of the nuclear power plant, reporting would be required. (The staff has not identified any examples of such an event.)

This position is consistent with the preamble to the final rule, discussed above. No additional generic guidance on this subject was found in NUREG–1022 and its supplements.

Number of reports. The effect of this guidance/position on the number of reports is expected to be nil because it is consistent with the preamble to the final rule.

5.2 Reportability of Events That Did Not Significantly Hamper Personnel (Control Room Fires).

Issue. Draft NUREG–1022, Revision 1, Section 3.2.8, stated the following guidance:

"A fire in the control room is of special interest to the NRC and is usually reportable under these criteria for a variety of reasons. Control room operators may have to wear a breathing apparatus by procedure which hampers communications and operations. Control room fires may have safety significance which is not apparent or cannot be determined at the time of the event. Because of the close proximity of electrical equipment, control room fires may involve more than one train or system, which may be unknown to the

operators. Heat, combustion products, or fire fighting chemicals may significantly impair system operability by damaging nearby electrical equipment. Testing, replacement of electrical equipment, or cleaning of electrical contacts near the fire may be required to ensure continued operability."

Some commentors believe that control room fires lasting under 10 minutes are not reportable unless they require donning protective equipment.

Discussion. Sections 50.72(b)(1)(vi) and 50.73(a)(2)(x) require reporting the following types of events:

"Any event that poses (posed) an actual threat to the safety of the nuclear power plant or significantly hampers (hampered) site personnel in the performance of duties necessary for the safety operation of the nuclear power plant including fires, toxic gas releases, or radioactive releases."

The preamble for the final rule discussing § 50.72(b)(1)(vi) [August 29, 1983; 48 FR 39043] states:

"The licensee must exercise some judgment in reporting under this section. For example, a small fire on site that did not endanger any plant equipment and did not and could not reasonably be expected to endanger the plant, is not reportable."

The staff's previous guidance in NUREG–1022, Supp. 1, in response to question 9.3 regarding the reportability of a fire in the control room, states:

"A fire in the control room is considered reportable because it poses an actual threat to the plant and significantly hampers site personnel. To be reportable, the test is whether the plant is actually threatened or personnel are significantly hampered. A fire does not have to actually damage the plant or totally prevent site personnel duties necessary for the safe operation of the plant to be reportable."

Conclusion. Based on the above considerations, the staff has concluded that control room fires are generally reportable. A fire in this location generally threatens plant safety and significantly hampers the operators as stated in the staff's previous guidance. However, it is possible to have very small fires that do not significantly hamper the operators and do not and could not reasonably be expected to threaten the plant, and, thus, are not reportable under the provisions of the rule and the principles expressed in the statement of considerations. The section will be reworded somewhat to make this clear.

The revised section will express the principles regarding guidance on this subject:

1. Control room fires are generally considered reportable because they pose an actual threat to plant safety and they significantly hamper personnel in the performance of necessary duties. Among the reasons are:

a. Heat smoke or fire fighting chemicals may significantly hamper control room operators.

b. Control room operators may have to wear emergency breathing apparatus which significantly hampers communication.

c. Because of the close proximity of electrical equipment, more than one train or system may be involved.

d. Heat, smoke, or fire fighting chemicals may affect operability of nearby electrical equipment.

2. However, it is possible to have a control room fire which is discovered and extinguished so quickly that, even in this location, it does not significantly hamper the operators and did not and could not reasonably be expected to threaten plant safety and thus, is not reportable. Generally, the staff believes that control room fires with the following characteristics would fit in the non-reportable category:

a. No effect on plant systems;

b. No significant potential for propagation; and

c. No donning of respiratory equipment.

Examples could include:

a. Small paper fires in ash trays or trash cans; or

b. Cigarette burns of furniture or upholstery.

As discussed above, the staff's previous generic guidance indicated that all control room fires are reportable; this position represents a relaxation relative to the previous guidance.

Number of reports. The effect of this position should be to reduce the number of reports because it is a relaxation relative to previous guidance. However, the reduction is expected to be nil because there are very few reportable control room fires.

5.3 Reportability of Conservative Precautionary Compensatory Measures

Issue. Draft NUREG–1022, Revision 1, Section 3.2.8, stated the following guidance:

The phrase, "significantly hampers site personnel," ranges from hindering or interfering with (i.e., causing additional or unusual time-consuming precautionary measures, such as radiation work permits, protective or anti-contamination clothing, cool suits, bunker gear, and self-contained breathing apparatus in areas not normally so encumbered) to, and including, prohibiting or preventing automatic or manual actions.

Although generally not reportable, precautionary evacuations are reportable under § 50.72 if the causative condition is not fully investigated or understood within the one-hour reporting limit (e.g., radiation monitors alarm, but grab samples had not been processed).

Toxic gas releases may result in temporary evacuations of personnel. Evacuation of even a single room or a significant portion of a large area as a result of a gas release is reportable because of the potential of the gas to spread.

Operational compensatory measures are required, such as a power level decrease or equipment operation swap."

Commentors believe that reporting precautionary compensatory measures which licensees deem prudent significantly lowers the reporting threshold and is not consistent with the rule.

The summary of the May 7, 1992, public meeting provides the following summary of the issue:

"Mostly agreement—Draft NUREG states significantly hampering includes unusual precautionary measures. Agree minor radiation releases, single room evacuations, etc., are not reportable; section will be clarified to define threshold; NRC intent in internal/external threat area was not significant increase in reporting."

Discussion. Sections 50.72(b)(1)(vi) and 50.73(a)(2)(x) require reporting the following types of events:

"Any event that poses (posed) an actual threat to the safety of the nuclear power plant or significantly hampers (hampered) site personnel in the performance of duties necessary for the safe operation of the nuclear power plant including fires, toxic gas releases, or radioactive releases."

The preamble to the final rule in discussing § 50.72(b)(1)(vi) [August 29, 1983; 48 FR 39041 and 48 FR 39043] states:

"* * * The Commission is interested in real or actual threats as opposed to threats without credibility."

and

"This provision requires reporting of events, particularly those caused by acts of personnel, which endanger the safety of the plant or interfere with personnel in performance of duties necessary for safe plant operations."

Previous staff guidance in NUREG–1022, Supp. 1, February 1984, on page 17, in response to question 9.5, states:

"9.5 If we have a fire in the reactor building that forces contractor personnel who are doing a safety-related modification to leave, but the fire did

not hamper operations personnel or equipment, would that fire be reportable?

Answer: No. The fire would not be reportable if the fire was not severe enough that it posed an actual threat to the plant and the delay in completing the modification did not significantly threaten the safe operation of the plant."

Conclusion. Based on the rule and the preamble to the final rule, the staff has accepted the comments. The section will be redrafted to make it clear that only actual threats and events or conditions where site personnel are significantly hampered in the performance of duties necessary for the safe operation of the nuclear power plant need to be reported; this is the threshold.

The redrafted section will indicate the following guidance on this subject:

(1) The significant hampering criterion is pertinent to "the performance of duties necessary for safe operation of the nuclear power plant." One way to evaluate this is to ask if one could seal the room in question (or disable the function in question) for a very long time and still operate the plant safely.

(2) Significant hampering includes hindering or interfering (such as with protective clothing or radiation work permits as discussed in the draft revision) provided that the interference or delay is sufficient to significantly threaten the safe operation of the plant. Thus, for necessary actions that need to be taken within a few minutes, the need to process a radiation work permit and/or wear protective clothing would constitute significant hampering. However, for necessary actions where considerable time is available, the same factors may not constitute significant hampering.

(3) Actions such as room evacuations that are purely precautionary would not constitute significant hampering if the necessary actions can still be performed in a timely manner.

This position is consistent with the general thrust of the staff's previous generic guidance discussed above.

See Issue 4.1 for discussion of an essentially identical issue regarding external threats.

Number of reports. The effect of this position on the number of reports is expected to be nil because it is consistent with the general thrust of the staff's guidance, as discussed above.

5.4 Reportablity of Internal Threats That Have the Potential for Hampering

This is an item where consensus was reached at the May 7, 1992, meeting. The staff's summary of the meeting states:

"Agreement—not reportable—draft NUREG needs clarifications to delete potential conditions."

6.0 Tech Spec Prohibited Operation or Condition

6.1 Reportability of Entry into TS 3.0.3

This is an item where consensus was reached at the May 7, 1992, meeting. The staff's summary of the meeting states:

"Agreement—Entry into TS 3.0.3 for any reason is reportable under 10 CFR 50.73."

6.2 Reportability of Violations of Administrative Requirements of TS

Issue. Draft NUREG–1022, Revision 1, Section 3.2.2, on page 36 stated the following guidance:

"Section 6 of STS, or its equivalent, has a number of administrative requirements such as organizational structure; the required number of personnel on shift; the maximum hours of work permitted during a specified interval of time; and the requirement to have to maintain and implement certain specified procedures. Failure to meet such administrative requirements is prohibited by the TS. Whether it is reportable as an LER depends upon whether it results in a condition covered by the LER rule. If a variance from the administrative requirements of TS results in operation or conditions prohibited by the TS, the variance is reportable."

Example (4) on page 38 of the draft Revision 1 to the NUREG states, in part:

"* * * However, if a requirement is only administrative and does not affect plant operation, then an LER is not required.

If a change in the plant's organizational structure is made that has not yet been approved as a TS change, an LER is required. Implementation of TS changes before NRC approval, such as deletion of a shift technical advisor position, is clearly operating in a condition prohibited by TS and would be reportable."

Some commentors state that this guidance, particularly the sentence, "If a change in the plant's organizational structure is made that has not yet been approved as a TS change, an LER is required," is not consistent with previous guidance and will result in additional reporting.

The summary of the May 7, 1992, public meeting provides the following summary of this issue:

"Mostly agreement—reportable if affecting safety or operations—draft NUREG needs substantial rewording, with better definitions, radiation protection guidance, and examples of what not to report."

Discussion. Section 50.73(a)(2)(i)(b) requires reporting, "Any operation or condition prohibited by the plant's Technical Specifications * * *"

Section 50.36(c)(5) states that administrative controls within Technical Specifications are the provisions related to organization and management, procedures, recordkeeping, review and audit, and reporting necessary to assure operations of the facility in a safe manner.

The preamble to the final rule for 10 CFR 50.73 is silent regarding administrative Technical Specifications.

Previous guidance in NUREG–1022, Supp. 1, at page 5, question 2.9, states in response to a question regarding reporting of failures to meet administrative requirements that although failure to meet the administrative requirements of the Technical Specifications is a violation, whether it is reportable as an LER depends upon whether it results in a condition covered by 10 CFR 50.73. If the violation of the Technical Specifications results in operation prohibited by the Technical Specifications, then the event or condition is reportable. For example, operation with less than the required number of people on shift or operation with a procedure that had not been properly approved would constitute operation prohibited by the Technical Specification. However, if the requirement is only administrative and does not affect plant operation, then an LER is not required; for example, a change in the plant's organizational structure that has not yet been approved as a Technical Specification change.

Conclusion. The staff has concluded that the previous guidance should stand. Consistent with that guidance, the staff believes that the requirement to report, "Any operation or condition prohibited by the plant's Technical Specifications" goes to matters affecting plant operation more substantially and directly than do purely administrative matters which can include, for example, simple recordkeeping violations.

The revised text will express the following guidance with regard to this subject:

1. Discussion on page 36:

(5) Administrative Requirements, Required by Section 6 of the STS, or Equivalent

Section 6 of the STS, or its equivalent, has a number of administrative requirements such as organizational

structure; the required number of personnel on shift; the maximum hours of work permitted during a specified interval of time; and the requirement to have, maintain, and implement certain specified procedures. Failure to meet such administrative requirements is prohibited by the TS. Whether it is reportable as an LER depends upon whether it results in a condition covered by the LER rule. If the violation of the administrative requirements of TS results in operations prohibited by the TS, then it is reportable.

For example, operation with less than the required number of people on shift would clearly constitute operation prohibited by the Technical Specifications, or operation with a procedure that had not been properly approved would constitute operation prohibited by the Technical Specifications. However, if the requirement is only administrative and does not affect plant operation, then an LER is not required; for example, a change in the plant's organizational structure that has not yet been approved as a Technical Specification change.

Note that radiological conditions and events are generally reportable under the requirements of 10 CFR 20.403 and 20.405. Sections 20.403 and 20.405 use the reporting methodology contained in 10 CFR 50.72 and 50.73. Redundant reporting is not required.

2. Discussion on page 38:

(4) Administrative Requirements, Required by Section 6 of the STS, or Equivalent

Operation with less than the required number of people on a shift or operation with a procedure that had not been properly approved would constitute operation prohibited by the Technical Specifications. However, if the requirement is only administrative and does not affect plant operation, then an LER is not required; for example, a change in the plant's organizational structure that has not yet been approved as a Technical Specification change.

During a plant startup, a reactor water cleanup (RWCU) system isolation was initiated by a sensed high-differential flow. This condition is identified in the plant's TS as a required isolation during the plant's present operational mode. While trying to restore the RWCU system to operation, the system continually isolated from high temperature to the RWCU system demineralizer bed. This RWCU system high temperature isolation was another isolation required by TS during the plant's operational mode. The shift supervisor determined that reactor chemistry would deteriorate and eventually place the plant in an LCO action statement. Therefore, the shift supervisor directed the RWCU system high-temperature isolation be bypassed, even though such action was not covered by approved procedures. The supervisor reasoned that the TS LCO for inoperable RWCU system high-temperature isolation permitted up to one-hour before the instrumentation must be placed in the tripped condition. Within one-hour after the shift supervisor's decision, the jumpers were installed, the system was returned to operation (once the system was started, the hot water causing the high-temperature isolation was pumped to the feedwater system), and the jumpers were removed.

The installation without approved procedures of jumpers which bypass a TS required actuation during modes when the actuation is required is an action prohibited by TS and an LER is required.

This position is consistent with the staff's previous generic guidance in NUREG–1022, Supp. 1, as discussed above.

Number of reports. The effect of this position on the number of reports should be nil because it is consistent with the previous guidance.

6.3 Reportability of Missed Surveillance (Non ASME Section XI Surveillances)

This is an item where consensus was reached at the May 7, 1992, meeting. The staff's summary of the meeting states:

"Agreement on reporting when missed surveillance + allowable extension + LCO action time are exceeded; draft NUREG will be revised."

6.4 Reportability of Missed or Deficient IST/ISI/ASME Surveillance Tests (ASME Section XI Surveillances)

Issue. Draft NUREG–1022, Revision 1, at page 36, stated the following guidance on this subject:

"Section 50.55a(g) of 10 CFR requires the implementation of an IST/ISI program in accordance with the applicable edition of the ASME Code for those pumps and valves whose function is required for safety. STS Section 4.0.5 (or an equivalent) covers these testing requirements. If an IST or ISI is not performed when required, or if ASME Section XI tests or inspections (examinations) show that components fail to meet requirements, the failures are reportable when they cause the associated systems required for safety to be declared inoperable."

In addition, on page 39 of the draft NUREG, the following is stated as Example (5):

"Missed or deficient tests required by ASME Section XI IST and ISI, and by STS 4.0.5, or equivalent.

"Examples of reportable conditions are failures to perform required activities within specified times for those components governed by code (i.e., ASME BPV Section and the licensees' ISI and IST program) and TS. Such activities include stroke testing valves, testing valves in the position required for the performance of their safety function, verifying motor-operated valve stroke times for both (open and closed) directions, using the proper test pressures to properly classify and test active valves and to increase test frequency subsequent to obtaining test results that were below certain threshold values. Not performing a required IST or ISI, or performing a deficient IST or ISI is reportable when the associated systems required for safety must be declared inoperable because of the missed or deficient IST or ISI. This condition requires an LER."

There are two issues raised by commentors. These are (1) the discussion implies that surveillances which produce unsatisfactory results (i.e., the system is inoperable) are reportable without consideration of affected systems or LCO allowed outage times and (2) in order to be reportable, the systems involved must be covered by TS and be inoperable in excess of TS LCO time limits and surveillance extensions.

The staff's summary of the May 7, 1992, meeting provides the following summary of the issue:

"Probable agreement on this issue—draft NUREG will be revised to tie to operability, limit to safety systems, and add LCO action times."

Discussion. Section 50.73(a)(2)(i)(B) requires reporting "Any operation or condition prohibited by the plant's Technical Specifications."

Technical Specification Section 4.0.5, or equivalent, provides surveillance requirements for inservice inspection (ISI) of ASME Class 1, 2, and 3 components and inservice testing (IST) of Class 1, 2, and 3 pumps and valves in accordance with Section XI of the ASME Boiler and Pressure Vessel Code. In connection with these ASME Section XI surveillances, Technical Specification 4.0.5 specifically provides that the allowed extension times in TS 4.0.2 are applicable to ASME Section XI surveillances. However, Technical Specification 4.0.5 does not state that LCO action times or operability determinations are applicable to missed

or deficient ASME Section XI surveillances.

Therefore, in the case of a missed ASME Section XI surveillance, when the surveillance interval plus the allowed extension time has been exceeded, the component or system may not automatically be considered inoperable and the plant may not automatically be placed under the provisions of an LCO action statement. In the case of an ASME Section XI surveillance which is performed on time but which indicates marginal or unsatisfactory system or component performance, the associated test results may not automatically require entry into an LCO action statement. The licensee would evaluate the situation and declare the associated system or component inoperable if warranted and then make a determination as to whether or not entry into an LCO action statement is required.

As discussed in response to Issue 6.1 above, a consensus was reached at the May 7, 1992, meeting indicating that entry into Technical Specification 3.0.3 for any reason is reportable as an "operation or condition prohibited by the plant's Technical Specifications." This occurs within one hour of the time when, as a result of entry into Technical Specification 3.0.3, initiation of a plant shut down or mode change is required.

As discussed in response to Issue 6.3 above, with regard to non-ASME Section XI surveillances, a consensus was reached at the May 7, 1992, meeting indicating that missed surveillances become reportable as an "operation or condition prohibited by the plant's Technical Specifications" when the surveillance interval plus the allowed extension time plus the LCO action time has been exceeded. This means that the missed surveillance becomes reportable under this criterion at the time when, as a result of the missed surveillance, initiation of a plant shut down or mode change is required.

Conclusion. Based on the factors discussed above, the staff has concluded that missed or deficient ASME Section XI surveillances are reportable under Section 50.73(a)(2)(i)(B) as an "operation or condition prohibited by the plant's Technical Specifications" if and when, as a result of the missed or deficient surveillance, a Technical Specification controlled system or component is declared inoperable and the LCO action time for that system or component has been exceeded. That is, the matter becomes reportable when initiation of a plant shut down or mode change is required as a result of the missed or deficient surveillances. This is consistent with the guidance provided in response to Issues 6.1, 6.2, and 6.3, as discussed above.

The staff will revise the text accordingly.

No previous generic guidance specific to this issue was found in NUREG–1022 and its supplements.

Number of Reports. The effect of this position on the number of reports is expected to be small because it appears to be consistent with licensee understandings of the requirements as expressed in the comments. It should decrease the number of LER's because some reports of missed ASME Section XI surveillances are currently being submitted.

Minor Issues

1. Time Clocks for Reporting

The staff's summary of the May 7, 1992, public meeting provides the following summary of the issue:

"Mostly agreement—BWROG proposed new definitions for event, discovery, and reportability dates/times; both BWROG and draft NUREG definitions require minor rewrite."

Comments included: "A section on time clocks associated with reporting should be inserted at the appropriate point in Section 2 of the NUREG." Industry believes that this guidance is necessary because at present guidance on time clocks is scattered throughout the draft Revision 1. They believe new definitions of event, discovery, and reportability time are needed.

Industry comments also stated that licensee management concurrence was necessary for classifying a condition as reportable. They objected to the use of the term "reasonable belief" that a condition exists used in Section 3.2.4 for beginning the time clock for reporting, instead of determination or confirmation of reportability.

Industry comments also pointed to a staff report, NUREG–1397, "An Assessment of Design Control Practices and Design Reconstitution Programs in the Nuclear Power Industry," February 1991. This report states on page 45: "The reporting requirements specified in 10 CFR 50.9, 50.72, and 50.73 apply equally to discrepancies discovered during DDR programs. Therefore, there is no regulatory basis to treat discrepancies discovered during the conduct of a DDR program differently than any other reportable item. Consequently, reporting suspected but unsubstantiated discrepancies discovered during a DDR program should be handled by the utility in the same manner as other potentially reportable items. While it may be prudent for licensees to informally apprise the NRC of potentially reportable items of high safety significance, formal reporting is not required by the existing regulations until the determination is made by the licensee. As discussed above, the operability and reportability evaluations are closely linked. Therefore, the operability and reportability judgments for each open item could be made in the same timeframe and that timeframe should be commensurate with the perceived safety significance of the item. Generally, once sufficient information becomes available to make the operability determination, the reportability determination should be straightforward."

However, the staff's previous generic guidance on reportability in NUREG–1022, Supplement 1, February 1984, in discussing question 14.5, states:

"14.5 Suppose a technician sees a problem but a delay occurs before an engineer or supervisor has a chance to review the situation. When does the clock start and what is the difference between 'event date' and 'discovery date?'

Answer: The discovery date (which starts the 30-day clock) is the date that the technician sees a problem. Therefore, as a single event or condition, it is possible to have as many as four applicable dates:

a. The Event Date when the event actually occurred (entered in Item 5).

b. The Discovery Date when someone in the plant recognizes that the event has occurred starts the 30-day clock and should be entered in Item 5 if the event date cannot be clearly defined).

c. The "Reportability" Date when someone decides or "discovers" that the event is reportable.

d. The Report Date when the LER is submitted (entered in Item 7).

If there is a significant length of time (>30 days) between event date and either the discovery or "reportability" date. The reason for the delay should be discussed in the LER text."

The staff plans to add a new Section 2.11, "Time Limits for Reporting," to include the following:

10 CFR 50.73 requires submittal of an LER "within 30 days after the discovery" of a reportable event. Many reportable events are discovered when they occur. However, if the event is discovered at some later time, the discovery date is when the reportability clock starts under 10 CFR 50.73.

Discovery date is generally the date when the event was discovered rather than the date when an evaluation of the event is completed. This is illustrated by the following guidance, taken from

NUREG–1022, Supplement 1, February 1984:

"14.5 Suppose a technician sees a problem but a delay occurs before an engineer or supervisor has a chance to review the situation. When does the clock start and what is the difference between "event date" and "discovery date?"

Answer: The discovery date (which starts the 30-day clock) is the date that the technician sees a problem * * *."

Section 50.72(a)(3) requires ENS notification of the declaration of an Emergency Class "* * * immediately after notification of the appropriate State or local agencies and not later than one-hour after the time the licensee declares one of the Emergency Classes."

Section 50.72(b)(1) requires ENS notification for specific types of events and conditions "* * * as soon as practical and in all cases, within one-hour of the occurrence of any of the following: * * *."

Section 50.72(b)(2) requires ENS notification for specific types of events and conditions "* * * as soon as practical and in all cases, within four hours of the occurrence of any of the following: * * *."

The staff also plans to clarify, simplify, or eliminate additional discussions of time clocks which are contained in other sections. For example, the following discussions will be deleted:

a. The sixth paragraph in the discussion part of Section 3.2.4 at the bottom of page 42.

b. The first paragraph of Section 4.3.2, on page 137.

c. The first paragraph of Section 4.3.3, on page 145.

2. Additional Human Factors Data Timing/Input

This is an item where consensus was reached at the May 7, 1992, meeting. The staff's summary of the meeting states:

"Agreement—Commentors not present at meeting; most of industry has no objections to draft NUREG (not new requirement); minor editing required."

3. Engineering Judgment/Generic Implications for Other Plants

This is an item where consensus was reached at the May 7, 1992, meeting. The staff's summary of the meeting states:

"Agreement—Draft NUREG will be clarified to minimize discussion of generic implications for other plants; agreement that engineering judgment may be used to determine reportability of events or conditions where the requirements are not adequately covered by reporting guidance, but it must be used judiciously."

4. Reporting Concurrent Component Failures/Common Cause

This is an item where consensus was reached at the May 7, 1992, meeting. The staff's summary of the meeting states:

"Agreement—draft NUREG will be rewritten to correspond to previous guidance on reporting, including when to use an LER and when to use an LER revision."

5. Conditions Found During Shutdown

The staff's summary of the May 7, 1992, meeting provides the following summary:

"Minor disagreement—Industry objects to assumption in example that degradation found during test probably existed during entire operating cycle. Draft NUREG will be rewritten to clarify that rule is for real conditions only and to clarify examples; will be consistent with rule and previous guidance."

The staff plans to clarify or replace examples 4, 5, and 6 in Section 3.3.1, as necessary, to make it clear that the rule is for real conditions.

6. Voluntary Reporting/Indicator of Complete Reporting

The staff's summary of the March 7, 1992, meeting provides the following summary:

"Mostly agreement—draft NUREG will be modified to delete voluntary reporting as indicator of complete reporting (NUMARC concern)."

The staff intends to make the following revisions with regard to this subject:

a. In Section 2.6, on page 17, delete the statement to the effect that licensees not submitting information in accordance with the reporting rules are subject to enforcement action.

b. Revise Section 2.9, on page 19, to read as follows:

The preamble to the final rule for 10 CFR 50.73 specifically addresses the use of voluntary LERs [July 26, 1983; 48 FR 33853]. It states that "* * * licensees are permitted and encouraged to report any event or condition that does not meet the criteria contained in § 50.73(a), if the licensee believes that the event or condition might be of safety significance or of generic interest or concern. Reporting requirements aside, assurance of safe operation of all plants depends on accurate and complete reporting by each licensee of all events having potential safety significance." Voluntary reporting of LERs is further discussed in Section 5.1.5 of this report. In addition, voluntary reporting is encouraged under 10CFR 50.72, as discussed in Section 4.2.3 of this report.

c. In Section 4.2.3, on page 130, delete the following two paragraphs:

"However, some licensees have incorrectly reported significant events as voluntary notifications because of very narrow interpretations in their reporting procedures or expired ENS notification time limits. Voluntary reporting cannot be used to avoid NRC enforcement. Following the guidelines in this NUREG should minimize such problems. Also see Section 2.9.

"There may be a legitimate variance in declaring emergencies among licensees as a result of differences in licensees' emergency operating procedures and the criteria used for declaring emergencies. Nevertheless, such events are reportable under 10 CFR 50.72(b)."

d. In Section 5.1.5, on page 155, delete the statements to the effect that the NRC believes submittal of voluntary LER's is a strong indicator of a licensee's commitment to complete reporting and is an effective way to share operational experience, thus worthy of specific credit and mention in any appraisal involving operational data.

7. ENS Content Question/Requirements

The summary of the May 7, 1992, public meeting stated the following on this subject:

"Mostly agreement—draft NUREG will be clarified; questions are not requirements; questions will be reduced to minimum number; NUMARC would prefer deletion."

The staff intends to clarify the NUREG to ensure industry understands that questions are not requirements. The revisions will include the following:

a. Add an explicit statement in Section 4.3 indicating that the listed questions, which licensees may typically be asked to address, are not reporting requirements.

b. Move the many detailed questions in Sections 4.3.2, 4.3.3., and 4.3.4 to an Appendix.

c. Reduce the number of questions in the new Appendix to the extent feasible.

8. References to Potential Enforcement

The staff's summary of the May 7, 1992, meeting stated the following on this subject:

"Mostly agreement—Discussion in draft NUREG will be deleted."

The staff plans to revise the text as described in the response to Issue 6, above.

9. Design Problem Reportability if LCO Entered

This is an item where consensus was reached at the May 7, 1992, meeting.

The staff's summary of the meeting states:

"Agreement—for ENS, LCO entry should not make design problem reportable (NUMARC concern); references to LCO will be deleted in this section."

10. Automatic Follow-Up ENS Calls on Entering or Exiting LCOs

This is an item where consensus was reached at the May 7, 1992, meeting. The staff's summary of the meeting states:

"Agreement—delete LCO in this section (NUMARC concern)."

11. Reporting an After-the-Fact Declaration of an Emergency

This is an item where consensus was reached at the May 7, 1992, meeting. The staff's summary of the meeting states:

"Agreement that declaration itself is not necessary, but notification upon discovery of condition is required."

12. Major Loss of Emergency Communications Capability

This is an item where consensus was reached at the May 7, 1992, meeting. The staff's summary of the meeting states:

"Agreement—clarify examples for loss of emergency communications and assessment; ENS loss is reportable."

[FR Doc. 93–7946 Filed 4–7–93; 8:45 am]

BILLING CODE 7590–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Chapter I

[Docket No. RM93–11–000]

Revisions to Oil Pipeline Regulations Pursuant to the Energy Policy Act of 1992

Issued April 2, 1993.

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Informal conference on commission staff proposal.

SUMMARY: On March 18, 1993, the Federal Energy Regulatory Commission Staff made available to the public a Staff proposal for revisions of the regulation of oil pipelines to implement the requirements of Title XVIII of the Energy Policy Act of 1992. (58 FR 15,816, March 24, 1993). The instant notice provides for an informal conference to be held among interested persons to discuss Staff's proposal in advance of formal comments being submitted.

DATES: The Informal Conference will be held April 20, 1993. Written comments are due on the Staff proposal on or before May 3, 1993.

ADDRESSES: The Informal Conference will be held at the offices of the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC, in a meeting room to be designated later.

FOR FURTHER INFORMATION CONTACT: Harris S. Wood, Office of the General Counsel, Federal Energy Regulatory Commission, 825 North Capitol Street, NW., Washington, DC 20426, Telephone: (202) 208–0696.

SUPPLEMENTARY INFORMATION: At the conference, the Staff will be available to discuss its proposal and to answer questions concerning such proposal. The Staff would like to receive informal input from interested persons. Accordingly, there will be no formal presentations or written comments submitted before or during the conference. This will be an opportunity for interested persons and the Staff to discuss informally the proposal. It is expected that such an informal conference will help to sharpen the formal comments on Staff's proposal which are due to be submitted by May 3, 1993.

It is emphasized that the purpose of this conference is informational only. Arguments on the merits of the proposal are to be submitted in the May 3 comments.

Lois D. Cashell,

Secretary.

[FR Doc. 93–8255 Filed 4–7–93; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 301

[FI–55–91]

RIN 1545–AP98

Taxable Mortgage Pools; Hearing Cancellation

AGENCY: Internal Revenue Service, Treasury.

ACTION: Cancellation of notice of public hearing on proposed regulations.

SUMMARY: This document provides notice of cancellation of a public hearing on proposed Income Tax Regulations relating to taxable mortgage pools.

DATES: The public hearing originally scheduled for Monday, April 12, 1993, beginning at 10 a.m. is cancelled.

FOR FURTHER INFORMATION CONTACT: Mike Slaughter of the Regulations Unit, Assistant Chief Counsel (Corporate), 202–622–7190 (not a toll-free number).

SUPPLEMENTARY INFORMATION: The subject of the public hearing is proposed regulations under section 7701(i) of the Internal Revenue Code of 1986. A notice of public hearing appearing in the **Federal Register** for Wednesday, December 23, 1992 (57 FR 61035) announced that the public hearing on proposed amendments under section 7701(i) of the Internal Revenue Code of 1986 would be held on Monday, April 12, 1993, beginning at 10 a.m., in the Internal Revenue Service Building, 1111 Constitution Avenue NW., Washington, DC.

The public hearing scheduled for Monday, April 12, 1993, has been cancelled.

Dale D. Goode,

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

[FR Doc. 93–8147 Filed 4–7–93; 8:45 am]

BILLING CODE 4830–01–M

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 935

Ohio Permanent Regulatory and AML Programs; Reduction and Reorganization of Staff

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

ACTION: Proposed rule.

SUMMARY: OSM is announcing the receipt of proposed Program Amendment Number 63 to the Ohio permanent regulatory and AML programs (hereinafter referred to as the Ohio programs) under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). The amendment was initiated by Ohio and is intended to reduce the staffing on the Ohio programs in response to recent drops in Ohio coal production. The amendment would abolish 28 Ohio staff positions and would reorganize the remaining staff positions to assume the existing job duties. Program Amendment Number 63 does not propose any revisions to Ohio's coal mining law or rules.

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 May 10, 1993. If requested, a public hearing on the proposed amendments will be held at 1 p.m. on May 3, 1993. Requests to present oral testimony at the hearing must be received on or before 4 p.m. on April 23, 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 March 15, 1993 (Administrative Record No. OH–1845), the Ohio Department of Natural Resources, Division of Reclamation (Ohio) submitted proposed Program Amendment Number 63. In this amendment, Ohio proposes to reduce the staff of the Ohio programs by abolishing 28 existing positions. Ohio also proposes to reorganize the remaining staff positions to assume the existing job duties.

Program Amendment Number 63 includes seven attachments intended to describe Ohio's proposal for the staffing reduction and reoganization and to provide the rationale for those actions. The amendment contains no proposed revisions to Ohio's coal mining law in the Ohio Revised Code or coal mining rules in the Ohio Administrative Code.

The seven attachments to Program Amendment Number 63 are summarized briefly below:

(1) *December 29, 1992, Proposed reorganization of the Ohio Department of Natural Resources, Division of Reclamation:* This document describes a 14-percent drop in Ohio coal production between 1987 and 1992 and describes the resultant 20-percent drop in the number of active Ohio mining permits, 57-percent drop in the number of permit applications processed, and 18-percent drop in the number of required mine inspections. The document also describes corresponding reductions in incoming revenues to the Ohio programs from mine permit fees, coal severance taxes, and Federal AML grants.

To offset these reductions in workload and funding, Ohio proposes a four-part reorganization of its permanent regulatory and AML programs:

(a) Decentralization of the bond forfeiture program;

(b) Streamlining of engineering design work for Federally funded AML reclamation projects;

(c) Abolishment of 22 positions, including two construction project specialists, two project engineer, one environmental engineer, one project engineer intern, two design specialists, one geologist, two environmental specialists, four reclamation inspectors, five environmental technicians, one natural resource administrator, one computer operator; and

(d) Creation of a Computer Services section.

Each of these four proposed changes is discussed and explained in greater detail in this attachment to the amendment;

(2) *January 21, 1993, Addendum to the proposed reorganization:* This document describes and explains six additional positions to be abolished as part of the reorganization of the Ohio programs: One environmental specialist, two reclamation inspectors, two word processing specialists, and one account clerk;

(3) *Updated tables of organization pursuant to the reorganization;*

(4) *Tables of organization prior to the reorganization;*

(5) *Position descriptions of 28 positions to be abolished;*

(6) *Position descriptions of 30 positions which will assume the duties of the abolished positions;* and

(7) *Position descriptions of 51 positions retained pursuant to the reorganization.*

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 23, 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 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 of 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: March 26, 1993.

Carl C. Close,

Assistant Director, Eastern Support Center.

[FR Doc. 93–8201 Filed 4–7–93; 8:45 am]

BILLING CODE 4310–05–M

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30 CFR Part 944

Utah Permanent Regulatory Program

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

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

SUMMARY: OSM is announcing receipt of additional explanatory information and revisions pertaining to a previously proposed amendment to the Utah permanent regulatory program (hereinafter, the "Utah program") under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). The additional explanatory information and revisions for Utah's proposed rules pertain to the definitions of "affected area," "road," and "public road." The amendment is intended to revise the Utah program to be consistent with the corresponding Federal regulations.

This document sets forth the times and locations that the Utah program and proposed amendment to that program are available for public inspection and the reopened comment period during which interested persons may submit written comments on the proposed amendment.

DATES: Written comments must be received by 4 p.m., m.d.t. April 23, 1993.

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

Copies of the Utah 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 requester may receive one free copy of the proposed amendment by contacting OSM's Albuquerque Field Office.

Robert H. Hagen, Director, Albuquerque Field Office, Office of Surface Mining Reclamation and Enforcement, 505 Marquette, NW., suite 1200, Albuquerque, NM 87102, Telephone: (505) 766–1486.

Utah Division of Oil, Gas and Mining, 355 West North Temple, 3 Triad Center, Ste. 350, Salt Lake City, UT 84180–1203, Telephone: (801) 538–5340.

FOR FURTHER INFORMATION CONTACT: Robert H. Hagen, Telephone: (505) 766–1486.

SUPPLEMENTARY INFORMATION:

I. Background on the Utah Program

On January 21, 1981, the Secretary of the Interior conditionally approved the Utah program. General background information on the Utah program, including the Secretary's findings, the disposition of comments, and the conditions of approval of the Utah program can be found in the January 21, 1981, **Federal Register** (46 FR 5899). Subsequent actions concerning Utah's program and program amendments can be found at 30 CFR 944.15, 944.16, and 944.30.

II. Proposed Amendment

By letter dated September 17, 1992, Utah submitted a proposed amendment to its program pursuant to SMCRA (administrative record No. UT–782). Utah submitted the proposed amendment in response to a September 4, 1992 settlement agreement between OSM and the Utah Division of Oil, Gas and Mining (administrative record No. UT–778) and in response to the required program amendments at 30 CFR 944.16 (n) and (o). The provisions of the Utah Coal Mining Rules that Utah proposed to amend are the definitions of "affected area," "road," and "public road" at Utah Administrative Rule (Admin. R.) 645–100–200.

OSM published a notice in the November 16, 1992, **Federal Register** (57 FR 54032) announcing receipt of the amendment and inviting public

comment on its adequacy (administrative record No. UT–800). The public comment period ended December 16, 1992.

During its review of the amendment, OSM identified concerns regarding the definitions of "affected area," "road," and "public road" at Utah Admin. R. R645–100–200. OSM notified Utah of the concerns by letter dated January 21, 1993 (administrative record No. UT–817).

Utah responded in a letter dated March 24, 1993, by submitting additional explanatory information and a revised amendment (administrative record No. UT–827). Utah proposes additional revisions to the definitions of the terms "affected area," "road," and "public road" at Utah Admin. R. R645–100–200.

Utah proposes to revise the definition of "affected area" to include every road used for purposes of access to, or for hauling coal to or from, coal mining and reclamation operations, unless the road (1) was designated as a public road pursuant to the laws of the jurisdiction in which it is located; (2) is maintained with public funds, and constructed, in a manner similar to other public roads of the same classification within the jurisdiction; and (3) there is substantial (more than incidental) public use.

Utah also proposes an editorial note suspending a portion of the proposed definition of "affected area." Utah incorporates the Federal definition of "affected area" that was suspended insofar as it excludes roads which are included in the definition of "surface coal mining operations" at 30 CFR 700.5 (51 FR 41960, November 20, 1986). In addition, Utah proposes to suspend the definition of "affected area" insofar as it excludes roads which are included in Utah's definition of "coal mining and reclamation operations" at Utah Admin. R. 645–100–200.

Utah proposes to revise the definition of "road" to include a surface right-of-way for purposes of travel by land vehicles used in coal exploration. The revised definition includes access and haulroads constructed, used, reconstructed, improved, or maintained for use in coal mining and reclamation operations or coal exploration, including use by coal hauling vehicles to and from transfer, processing, or storage areas. The revised definition does not include ramps and routes of travel within the immediate mining area or within spoil or coal mine waste disposal areas.

Utah proposes to revise the definition of "public road" by restricting its applicability to the provisions of Utah Admin. R. 645–103–200, R645–301–521.123, and R645–301–521.133, where the term is used in the context of determinations of whether lands are unsuitable for mining. Utah also proposes to revise the definition of "public road" to include roads (1) for which there is substantial (more than incidental) public use; and (2) which meet road construction standards for other public roads of the same classification in the local jurisdiction.

III. Public Comment Procedures

OSM is reopening the comment period on the proposed Utah program amendment to provide the public an opportunity to reconsider the adequacy of the proposed amendment in light of the additional materials submitted. In accordance with the provisions of 30 CFR 732.17(h), OSM is seeking comments on whether the proposed amendment satisfies the applicable program approval criteria of 30 CFR 732.15. If the amendment is deemed adequate, it will become part of the Utah program.

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 Albuquerque Field Office will not necessarily be considered in the final rulemaking or included in the administrative record.

VI. Procedural Determinations

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 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 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 the Federal regulations at 30 CFR 730.11, 732.15, and 732.17(h)(10), decisions on proposed State regulatory programs and program amendments submitted by the States must be based solely on a determination of whether the submittal is consistent with SMCRA and its implementing Federal regulations and whether the other requirements of 30 CFR Parts 730, 731, and 732 have been met.

National Environmental Policy Act

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

Paperwork Reduction Act

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

Regulatory Flexibility Act

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

List of Subjects in 30 CFR Part 944

Intergovernmental relations, Surface mining, Underground mining.

Dated: March 31, 1993.

Raymond L. Lowrie,

Assistant Director, Western Support Center.

[FR Doc. 93–8202 Filed 4–7–93; 8:45 am]

BILLING CODE 4310–05–M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 165

[CGD1 93-011]

Safety Zone Regulations: Fairfield, CT Fireworks Display

AGENCY: Coast Guard, DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Coast Guard proposes to establish a safety zone in Long Island Sound, 1200 feet east of Jennings Beach, Fairfield, CT from 8:45 p.m. to 9:30 p.m. on July 5, 1993. This safety zone will be needed to protect the maritime community from possible navigation hazards associated with a fireworks display. Entry into this zone will be prohibited unless authorized by the Captain of the Port, Long Island Sound.

DATES: Comments must be received on or before May 24, 1993.

ADDRESSES: Comments may be mailed to the Captain of the Port, 120 Woodward Avenue, New Haven, CT 06512 or may be delivered to the Port Operations office at the above address between 8 a.m. and 4 p.m., Monday through Friday, except federal holidays. The telephone number is (203) 468-4464.

The Captain of the Port maintains the public docket for this rulemaking. Comments will become part of this docket and will be available for inspection or copying at the Port Operations office at the above address.

FOR FURTHER INFORMATION CONTACT: Lieutenant Commander D. D. Skewes, Chief of Port Operations, Captain of the Port, Long Island Sound at (203) 468-4464.

SUPPLEMENTARY INFORMATION:

Request for Comments

The Coast Guard encourages interested persons to participate in this rulemaking by submitting written data, views, or arguments. Persons submitting comments should include their name and address, identify this rulemaking (CGD1 93-011) and the specific section of this proposal to which each comment applies, and give a reason for each comment. 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. It may change this proposal in view of the comments.

The Coast Guard plans no public hearing. Persons may request a public hearing by writing to the Project Manager at the address under "ADDRESSES." If it determines that the opportunity for oral presentations will aid this rulemaking, the Coast Guard will hold a public hearing at a time and place announced by a later notice in the Federal Register.

Drafting Information

The principal persons involved in drafting this document are LCDR D. D. Skewes, Project Manager, Captain of the Port, Long Island Sound, and LCDR J. Stieb, Project Counsel, First Coast Guard District, Legal Office.

Background and Purpose

On February 23, 1993 the sponsor, Fairfield Park Commission, Fairfield, CT requested that a fireworks display be permitted in the vicinity of Jennings Beach, Fairfield, CT from 8:45 p.m. to 9:30 p.m. on July 5, 1993.

Discussion of Proposed Amendments

The Coast Guard proposes to establish a safety zone within a 1200 foot radius of the Barges C-33 and Alchemist, which will be located east of Jennings Beach, Fairfield, CT. This zone is required to protect the maritime community from the dangers and potential hazards to navigation associated with this fireworks display which is occurring over Long Island Sound, a navigable waterway. Entry into or movement within this zone is prohibited unless authorized by the Captain of the Port or his on scene representative.

Regulatory Evaluation

This proposal is not major under Executive Order 12291 and not significant under the Department of Transportation Regulatory Policies and Procedures (44 FR 11040; February 26, 1979). Due to the limited duration of the fireworks display, the small size of the safety zone and low level or nonexistent commercial vessel traffic expected in the area during the effective time of the zone, the Coast Guard expects the economic impact of this proposal to be so minimal that a Regulatory Evaluation is unnecessary. Marine safety advisories will be broadcast during the day of the event.

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), the Coast Guard must consider whether this proposal 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).

Because it expects the impact of this proposal to be minimal, the Coast Guard certifies under 5 U.S.C. 605(b) that this proposal, if adopted, will not have a significant economic impact on a substantial number of small entities.

Collection of Information

This proposal contains no collection of information requirements under the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*).

Federalism

The Coast Guard has analyzed this proposal in accordance with the principles and criteria contained in Executive Order 12612 and has determined that this proposal does not raise sufficient federalism implications to warrant the preparation of a Federalism Assessment.

Environment

The Coast Guard considered the environmental impact of this proposal and concluded that under section 2.B.2.C. of Commandant Instruction M16475.1B, it is an action under the Coast Guard's statutory authority to protect public safety, and thus is categorically excluded from further environmental documentation.

List of Subjects in 33 CFR Part 165

Harbors, Marine safety, Navigation (water), Reporting and recordkeeping requirements, Security measures, Waterways.

Proposed Regulations

In consideration of the foregoing, the Coast Guard proposes to amend part 165 of title 33, Code of Federal Regulations as follows:

1. The authority citation for part 165 continues to read as follows:

Authority: 33 U.S.C. 1231; 50 U.S.C. 191; 49 CFR 1.46 and 33 CFR 1.05-1(g), 6.04-1, 6.04-6, and 160.5.

2. A temporary section 165.T01-011 is added to read as follows:

PART 165—[AMENDED]

§ 165.T01-011 Fairfield CT fireworks display.

(a) *Location.* The following area has been declared a safety zone: All waters of the Long Island Sound within a 1200 foot radius of the barges C-33 and Alchemist, the fireworks launching platforms, which will be located approximately 1200 feet east of Jennings Beach, Fairfield, CT in approximate position 41°08'22"N 073°14'02"W.

(b) *Effective date.* This regulation becomes effective at 8:45 p.m. July 5, 1993. It terminates at 9:30 p.m. July 5, 1993 unless terminated sooner by the Captain of the Port. The rain date for this project is July 11, 1993 at the same times.

(c) *Regulations.* In accordance with the general regulations in 165.23 of this part, entry into or movement within this zone is prohibited unless authorized by the Captain of the Port or his on scene representative.

Dated: March 29, 1993.

H. Bruce Dickey,

Captain, U.S. Coast Guard, Captain of the Port, Long Island Sound.

[FR Doc. 93–8271 Filed 4–7–93; 8:45 am]

BILLING CODE 4910–14–M

POSTAL SERVICE

39 CFR Part 111

Purchasing of NDCBUs and Parcel Lockers

AGENCY: Postal Service.

ACTION: Proposed rule.

SUMMARY: The proposed rule change would modify regulations on centralized delivery receptacles by eliminating the regulation, Domestic Mail Manual § 151.4, that requires procurements of neighborhood delivery and collection box units (NDCBUs) and parcel lockers to be handled at the local level in lots not to exceed 100 units. The proposed change would not modify Postal Service regulations for installing, maintaining and replacing NDCBUs and parcel lockers nor place any additional requirements on mailers for recipients of mail.

DATES: Comments must be received on or before May 10, 1993.

ADDRESSES: Written comments should be addressed to the Approved Sources Program Manager, Procurement Quality Assurance, U.S. Postal Service, 475 L'Enfant Plaza SW, N. Bldg. Suite 4000, Washington, DC 20260–6204. Copies of written comments will be available for public inspection between 9 a.m. and 4 p.m., Monday through Friday, in Suite 4000, 955 L'Enfant Plaza SW., Washington, DC.

FOR FURTHER INFORMATION CONTACT: Mark Nepi (202) 268–4642.

SUPPLEMENTARY INFORMATION: The proposed rule change would delete Domestic Mail Manual § 151.4, because purchasing units in lots of 100 at the local level is not efficient or practical, and does not serve the purpose for which it was adopted. See 46 FR 14263 (March 5, 1981). When the Postal Service recently restructured the number of field procurement offices decreased from 89 to 10, making local purchases impractical. Also, at the time of the original rule the Postal Service bought under 20,000 units yearly, while it now buys about 100,000 NDCBUs and parcel lockers yearly. These purchases are made directly from preapproved suppliers. The current rule burdens the Postal Service with excessive administrative, quality control, and purchasing costs. It also places extensive costs upon suppliers who choose to participate in numerous procurements. The many small contracts (at least 1,000 per year) have also made it difficult to ensure consistent, acceptable product quality. In 1981 some companies and organizations voiced concerns that the procurement of central delivery equipment would negatively impact suppliers and distributors of related products, including apartment mail receptacles. These concerns never materialized. The change will not affect the approval of currently authorized manufacturers.

Although exempt from the requirements of the Administrative Procedure Act (5 U.S.C. 553 (b), (c)) regarding proposed rulemaking by 39 U.S.C. 410(a), the Postal Service invites comment on the following proposed revision of the Domestic Mail Manual, which is incorporated by reference in the **Federal Register**, 39 CFR 111.1.

List of Subjects in 39 CFR Part 111

Postal Service.

PART 150—COLLECTION AND DELIVERY

1. The authority citation for 39 CFR part 111 continues to read as follows:

Authority: 5 U.S.C. 552(a); 39 U.S.C. 101, 401, 403, 404, 3001–3011, 3201–3219, 3403–3406, 3621, 5001.

§ 151.4 [Removed]

2. Delete § 151.4, which reads as follows:

151.4 Receptacles TO BE purchased by the Postal Service.

Neighborhood delivery and collection box units (NDCBUs) and parcel lockers to be purchased by the Postal Service must be procured in lots not exceeding 100 units. Amendments to the provisions of this section may be made only after notice is published in the **Federal Register** with opportunity for public comment.

An appropriate amendment to 39 CFR 111.3 to reflect this change will be published if the proposal is adopted.

Stanley F. Mires,

Chief Counsel, Legislative Division.

[FR Doc. 93–8250 Filed 4–7–93; 8:45 am]

BILLING CODE 7710–12–M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[NM–12–1–5456; FRL–4612–1]

Approval and Promulgation of Air Quality Implementation Plans; New Mexico; Revision to the State Implementation Plan Addressing PM–10 for Anthony

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rulemaking.

SUMMARY: This action proposes approval of a revision to the New Mexico State Implementation Plan (SIP) addressing PM–10 for Anthony, New Mexico, including a request from the State, per section 188(f) of the amended Clean Air Act (Act), for a waiver of the attainment date for Anthony. EPA may grant such a waiver where EPA determines that anthropogenic sources do not contribute significantly to violations of the PM–10 National Ambient Air Quality Standards (NAAQS) in the area. PM–10 is defined as particulate matter with an aerodynamic diameter less than or equal to a nominal 10 micrometers.

DATES: Comments on this proposed action must be received in writing on or before May 10, 1993.

ADDRESSES: Written comments on this action should be addressed to Mr. Thomas H. Diggs, Chief, Planning Section, at the EPA Regional Office listed below. Copies of the documents relevant to this proposed action are available for public inspection during normal business hours at the following locations. The interested persons wanting to examine these documents should make an appointment with the appropriate office at least twenty-four hours before the visiting day.

U.S. Environmental Protection Agency, Region 6, Air Programs Branch (6T–AP), 1445 Ross Avenue, Dallas, Texas 75202–2733.

New Mexico Environment Department, Air Quality Bureau, 1190 St. Francis Drive, room So. 2100, Santa Fe, New Mexico 87503.

FOR FURTHER INFORMATION CONTACT: Mr. Mark Sather, Planning Section (6T–AP), Air Programs Branch, U.S. EPA Region

6, 1445 Ross Avenue, Dallas, Texas 75202–2733, Telephone (214) 655–7258.

SUPPLEMENTARY INFORMATION:

I. Background

Anthony, New Mexico, was designated nonattainment for PM–10 and classified as moderate under sections 107(d)(4)(B) and 188(a) of the Act, upon enactment of the Clean Air Act Amendments (CAAA) of 1990.[1] Please reference 56 **Federal Register** (FR) 56694 (November 6, 1991) and 57 FR 13498, 13537 (April 16, 1992). The air quality planning requirements for moderate PM–10 nonattainment areas are set out in subparts 1 and 4 of part D, title I of the Act. Subpart 1 contains provisions generally applicable to all nonattainment areas and subpart 4 contains provisions specifically applicable to PM–10 nonattainment areas. At times, subparts 1 and 4 overlap or conflict. The EPA has attempted to clarify the relationship among these various provisions in the General Preamble and, as appropriate, in today's notice.

The EPA has issued a "General Preamble" describing the EPA's preliminary views on how the EPA intends to review SIPs and SIP revisions submitted under title I of the Act, including those State submittals containing moderate PM–10 nonattainment area SIP requirements (see generally 57 FR 13498 (April 16, 1992) and 57 FR 18070 (April 28, 1992)). The reader should refer to the General Preamble for a more detailed discussion of the interpretations of title I advanced in today's proposal and the supporting rationale. In today's rulemaking action on the Anthony, New Mexico, moderate PM–10 SIP, the EPA is proposing to apply its interpretations, taking into consideration the specific factual issues presented. Thus, the EPA will consider any timely submitted comments before taking final action on today's proposal.

By cover letter dated November 8, 1991, the Governor of New Mexico submitted to EPA the SIP revision for PM–10 concerning Anthony, New Mexico that was intended to satisfy certain Clean Air Act requirements due on November 15, 1991. As outlined below, the State of New Mexico's SIP revision for PM–10 concerning Anthony, a moderate PM–10 nonattainment area, was reviewed against the applicable requirements. The Act also specifies that those moderate PM–10 nonattainment areas designated nonattainment under section 107(d)(4) of the Act were to submit SIPs to EPA by November 15, 1991, and outlined certain required items to be included in the SIPs. These required items, due November 15, 1991, unless otherwise noted, include: (1) A comprehensive, accurate, and current inventory of actual emissions from all sources of PM–10 in the nonattainment area (section 172(c)(3) of the Act); (2) a permit program to be submitted by June 30, 1992, which meets the requirements of section 173 for the construction and operation of new and modified major stationary sources of PM–10 (section 189(a)(1)(A)); (3) a demonstration (including air quality modeling) that the plan provides for attainment of the PM–10 National Ambient Air Quality Standards (NAAQS) as expeditiously as practicable but no later than December 31, 1994, or a demonstration that attainment by that date is impracticable (section 189(a)(1)(B)); (4) provisions to assure that Reasonably Available Control Measures (RACM), including Reasonably Available Control Technology (RACT), for control of PM–10 will be implemented no later than December 10, 1993 (sections 172(c)(1) and 189(a)(1)(C)). For sources emitting insignificant (*de minimis*) quantities of PM–10, the EPA's policy is that it would be unreasonable and would not constitute RACM to require controls on the source (please reference 57 FR 13540). Also, when evaluating RACM and RACT, technical and economical feasibility determinations are to be conducted (57 FR 13540–44); (5) quantitative emission reduction milestones which are to be achieved every three years until the area is redesignated attainment and which demonstrate reasonable further progress (RFP) toward attaining the PM–10 NAAQS (section 189(c)); (6) contingency measures due November 15, 1993 (please reference 57 FR 13543), that are to be implemented if EPA determines that the area has failed to make RFP or to attain the primary standards by the applicable date (section 172(c)(9)); and (7) control requirements for major stationary sources of PM–10 precursors, unless the EPA determines inappropriate. The Act, in section 189(e), states that control requirements applicable to major stationary sources of PM–10 will also be applicable to major stationary sources of PM–10 precursors, except where the Administrator determines that such sources do not significantly contribute to PM–10 levels that exceed the PM–10 ambient standards in the area. As outlined below, the State of New Mexico's SIP revision for PM–10 concerning Anthony, a moderate PM–10 nonattainment area, was reviewed against the applicable requirements. The reader is referred to the Anthony PM–10 SIP submittal and EPA's supporting technical information for pertinent details regarding each requirement. These items are available for public review at the addresses indicated above.

II. Today's Action

Section 110(k) of the Act sets out provisions governing EPA's review of SIP submittals (see 57 FR 13565–13566). In today's action, EPA is proposing to grant approval of the plan revision, including waiver of the moderate area attainment date, submitted to EPA on November 12, 1991, for Anthony, New Mexico because it meets all of the applicable requirements of the Act.

Analysis of State Submission

1. Procedural Background

The Act requires States to observe certain procedural requirements in developing implementation plans and plan revisions for submission to EPA. Section 110(a)(2) of the Act provides that each implementation plan submitted by a State must be adopted after reasonable notice and public hearing.[2] See also section 110(l) of the Act. Also, the EPA must determine whether a submittal is complete and therefore warrants further EPA review and action (see Section 110(k)(1) and 57 FR 13565). The EPA's completeness criteria for SIP submittals are set out at 40 Code of Federal Regulations (CFR) part 51, appendix V (1991), as amended by 56 FR 42216 (August 26, 1991). The EPA attempts to make completeness determinations within 60 days of receiving a submission. However, a submittal is deemed complete by operation of law if a completeness determination is not made by EPA six months after receipt of the submission.

After providing adequate notice, the State of New Mexico held a public hearing on November 8, 1991, to entertain public comment on the implementation plan for Anthony. Following the public hearing, the plan was adopted by the State and signed by the Governor on November 8, 1991. The plan was submitted to EPA on November 12, 1991, as a proposed revision to the SIP.

[1] The 1990 Amendments to the Clean Air Act made significant changes to the air quality planning requirements for areas that do not meet (or that significantly contribute to ambient air quality in a nearby area that does not meet) the PM–10 national ambient air quality standards (see Pub. L. No. 101–549, 104 Stat. 2399). References herein are to the Clean Air Act, as amended, 42 U.S.C. 7401 *et seq.*

[2] Section 172(c)(7) of the Act requires that plan provisions for nonattainment areas meet the applicable provisions of section 110(a)(2).

The SIP revision was reviewed by EPA to determine completeness shortly after its submittal, in accordance with the completeness criteria referenced above. A letter dated December 30, 1991, was forwarded to the Governor indicating the completeness of the submittal and the next steps to be taken in the review process. As noted, in today's action, EPA proposes to approve the New Mexico PM–10 SIP submittal for Anthony and invites public comment on the action.

2. PM–10 Emission Inventory

Section 172(c)(3) of the Act requires that nonattainment plan provisions include a comprehensive, accurate, and current inventory of actual emissions from all sources of relevant pollutants in the nonattainment area.

The SIP revision submitted for Anthony includes a PM–10 emission inventory for point and area sources for both the Anthony nonattainment area and for Dona Ana County. The Anthony nonattainment area is located in Dona Ana County. In the Anthony nonattainment area, the State calculated 0 tons/year of PM–10 emissions from point sources, and 37.4 tons/year from certain area sources (36.7 tons/year from unpaved roads and 0.7 tons/year from paved roads). For Dona Ana County, the State calculated 72.1 tons/year of PM–10 emissions from point sources, and 502,584 tons/year of nonanthropogenic emissions from the desert and well-managed rangelands (hereafter "rangelands/desert"). However, the State estimation of PM–10 emissions from rangelands/desert in Dona Ana County is a significant underestimate due to calculation errors. These calculation errors, though, do not significantly affect the overall evaluation of the State's submittal. In any event, EPA has recalculated these emission estimates correcting the errors. The nonanthropogenic emissions from rangelands/desert in Dona Ana County are estimated to range between 628,032 tons/year–3.2 million tons/year. For an area the size of the Anthony nonattainment area, these nonanthropogenic emissions are estimated to range between 246–1,229 tons/year. Please refer to the technical support document for a detailed discussion of the PM–10 emission inventory for Anthony.

To summarize, the inventory identified nonanthropogenic area source PM–10 emissions from surrounding rangelands/desert as the overwhelmingly dominant source of PM–10 ambient concentrations in the Anthony nonattainment area. Point source impacts, within a 50 kilometer radius of Anthony, on ambient PM–10 emissions were considered insignificant, as shown by dispersion modeling discussed later in this notice. Point sources and all other anthropogenic sources, such as paved and unpaved roads, are insignificant sources of PM–10.

3. Nonattainment New Source Review Permit Program

The State of New Mexico has revised Air Quality Control Regulation (AQCR) 709 in order to meet requirements found in sections 173 and 189(a)(1)(A) of the Act for the construction and operation of new and modified major stationary sources of PM–10. These revisions, filed with the State Records and Archives Center on June 25, 1992, were due independent of the November 15, 1991, moderate PM–10 nonattainment area SIP requirements addressed in today's action and will be addressed in detail in a separate **Federal Register** Notice.

4. Demonstration that Attainment of the PM–10 NAAQS by December 31, 1994, is Impracticable/Waiver Discussion

As noted, the initial moderate PM–10 nonattainment areas must submit a demonstration (including air quality modeling) showing that the plan will provide for attainment as expeditiously as practicable but no later than December 31, 1994 (See section 189(a)(1)(B)(i) of the Act). Alternatively, the State must show that attainment by December 31, 1994, is impracticable (section 189(a)(1)(B)(ii)).

The State of New Mexico has demonstrated that timely attainment of the PM–10 NAAQS in Anthony is not practicable. The implementation of reasonably available PM–10 SIP control measures for Anthony cannot prevent possible future violations of the PM–10 NAAQS. The overwhelmingly dominant sources of PM–10 impacting the Anthony area are nonanthropogenic and not feasibly controllable.

The dominant source of PM–10 in Dona Ana County (which contains Anthony) is nonanthropogenic windblown soil from partially vegetated areas such as well-managed rangelands and desert, as indicated in the emission inventory. Moreover, anthropogenic sources as a whole, after the implementation of reasonable controls (described below), do not contribute significantly to violation of the PM–10 NAAQS in the Anthony nonattainment area. The State therefore has requested in the SIP a waiver of the attainment date for Anthony.

Section 188(f) in the Act, entitled "Waivers for Certain Areas", states that the Administrator may "waive a specific date for attainment of the standard where the Administrator determines that nonanthropogenic sources of PM–10 contribute significantly to the violation of the PM–10 standard in the area." Section 188(f) also provides that the Administrator may waive any requirement applicable to serious PM–10 nonattainment areas "where the Administrator determines that anthropogenic sources of PM–10 do not contribute significantly to the violation of the PM–10 standard in the area." EPA has issued draft guidance addressing the implementation of section 188(f). See 57 FR 49705 (November 3, 1992). The draft guidance advances a legal interpretation of section 188(f) that attempts to reconcile the two legal tests set out in that provision and cited above.

In particular, EPA noted that certain interpretations of section 188(f) could lead to an absurd result. If, for example, a moderate area was granted a potentially permanent attainment date waiver because nonanthropogenic sources contribute significantly to violation of the PM–10 NAAQS, the area would not be reclassified for the foreseeable future. If EPA waives a specific attainment date under section 188(f), the attainment date applicable to the area will be vacated. Thus, the moderate area would not be subject to reclassification under section 188(b) because there simply would not be an applicable attainment date that the area cannot practicably attain or that the area fails to meet.

The effect would be to relieve a moderate area from the serious area requirements without having applied the more stringent test that Congress very specifically and expressly required for a waiver of serious area requirements. That is, a determination that anthropogenic sources do not contribute significantly to violation of the PM–10 NAAQS. A central rule of statutory construction counsels against construing statutes in a way that would render a provision meaningless or a nullity.

Therefore, in its preliminary guidance, EPA advanced an interpretation of section 188(f) to avoid this result, to give meaning to both legal standards in section 188(f) and to ensure that a potentially enduring waiver of a moderate area attainment date (and, therefore, serious area requirements) was granted consistent with the specific legal standard set out in the Act. Under this interpretation, a moderate area seeking a potentially permanent attainment waiver could qualify only if it also qualified for a waiver of the serious area requirements. Thus, in addition to determining that

nonanthropogenic sources contribute significantly to violation of the PM–10 standard, EPA must also determine that anthropogenic sources in the area do not contribute significantly to violation of the PM–10 NAAQS before granting such an attainment date waiver for a moderate area. If such a determination is made, then the attainment date for such a moderate area could be waived and the area would not be reclassified as serious.[3]

The contribution of reasonably controlled anthropogenic emissions to exceedances of the PM–10 NAAQS in Anthony were estimated considering, among other things, emissions inventory information, dispersion modeling and particulate analysis of filters from air quality sampling. Filters from 1989 and 1990, including 1989 PM–10 exceedances of the 24-hour NAAQS (greater than 150 $\mu g/m^3$), were analyzed by the State. The analyses showed that the particulates on the filters, for both high and low wind days, were characteristic of the local soil compositions. The filters had a large crustal component, indicating that airborne soil was the dominant contributor to the ambient PM–10 concentrations, including the 1989 24-hour PM–10 exceedances.

The State also conducted a point source modeling analysis. The analysis included point sources within a 50 kilometer radius of Anthony, including some point sources within the State of Texas. The Industrial Source Complex Short-term (ISCST) model was used in the evaluation, and the maximum predicted 24-hour impact from all historical and current point sources was 2.86 $\mu g/m^3$ of PM–10. The cumulative annual average was predicted to be 0.69 $\mu g/m^3$ of PM–10. The modeling shows that industrial PM–10 point source emissions insignificantly affect the Anthony nonattainment area.

The PM–10 emission inventory for Anthony further shows that anthropogenic sources as a whole (e.g. point source emissions, unpaved road emissions) contribute less than 40 tons per year to the Anthony area ambient air. In terms of ambient air quality impact, EPA estimates that anthropogenic sources as a whole contribute less than 5 $\mu g/m^3$ to the violation of the 24-hour PM–10 NAAQS in Anthony and less than 1 $\mu g/m^3$ to the violation of the annual NAAQS.

[3] Note, however, that an area already reclassified as serious could qualify for a waiver of the applicable serious area attainment date by meeting the attainment date waiver test alone. That is, demonstrating that nonanthropogenic sources contribute significantly to the violation of the standard in the area.

Accordingly, EPA believes that anthropogenic sources do not contribute significantly to the violation of the PM–10 NAAQS in the Anthony nonattainment area and that the imposition of serious attainment requirements would not advance the statute's PM–10 attainment objective in any significant way. Therefore, EPA is proposing to waive the moderate area attainment date for this area as authorized under section 188(f) of the Act. Further technical information supporting EPA's proposed action is available at the U.S. EPA address indicated above.

5. RACM and RACT for Control of PM–10

As noted, the initial moderate PM–10 nonattainment areas must submit provisions to assure that RACM (including RACT) are implemented no later than December 10, 1993 (see sections 172(c)(1) and 189(a)(1)(C)). The General Preamble contains a detailed discussion of EPA's interpretation of the RACM (including RACT) requirement (see 57 FR 13539–13545 and 57 FR 13560–13561). The EPA's interpretation of this requirement is set out here only in broad terms.

The State should first identify available control measures, evaluating them for their reasonableness in light of the feasibility of the controls and the attainment needs of the area. A State may reject an available control measure if the measure is technologically infeasible or the cost of the control is unreasonable. The SIP must demonstrate attainment of the NAAQS as expeditiously as practicable but no later than December 31, 1994 (unless the State demonstrates that attainment by that date is impracticable). Therefore, if a State adopts less than all available measures but demonstrates, adequately and appropriately, that RFP and attainment of the PM–10 NAAQS is assured, and application of all such available measures would not result in attainment any faster, then a plan which requires implementation of less than all available measures may be approved as meeting the RACM requirement. As a suggested starting point for determining RACM, EPA has identified available control measures for sources of fugitive dust, residential wood combustion, and prescribed burning (see 57 FR 18072–18074 (April 28, 1992)). The State should add to the list of available measures in an area any measures that public commenters demonstrate may well be reasonably available in a particular circumstance.

The RACT for a particular source is similarly determined. The EPA's longstanding definition of RACT is the lowest emission limitation that a particular source is capable of meeting by the application of control technology that is reasonably available considering technological and economic feasibility (see 57 FR 13541). Thus, EPA recommends that available control technology be applied to those existing sources in the area that are reasonable to control in light of the attainment needs of the area and the feasibility of controls.[4]

A State should submit a reasoned justification for partial or full rejection of any available control measure (including any available control technology) that explains, with appropriate documentation, why each rejected control measure is infeasible or otherwise unreasonable and, therefore, does not constitute RACM (or RACT) for the area. In those PM–10 nonattainment areas where mobile sources significantly contribute to the PM–10 air quality problem, States also must address the section 108(f) transportation control measures (see 57 FR 13561).

The State of New Mexico in the Anthony SIP reviewed RACM and RACT for control of PM–10, considering the guidance put forth by EPA in the April 2, 1991, Memorandum from John Calcagni to the Regional Air Division Directors entitled "PM–10 Moderate Area SIP Guidance: Final Staff Work Product". This guidance was largely incorporated into the General Preamble. Following is an analysis of the measures employed to control PM–10 in Anthony, New Mexico.

a. Unpaved roads. About one third of the streets in Anthony (about 10 miles) are unpaved. Current control measures to suppress road dust include priming (oil spraying) roads and double penetrating roads (grading followed by treatment with oil and large aggregate, followed by treatment with oil and small aggregate). Priming roads helps suppress dust for about a year and double penetration helps suppress dust for about five years. In 1990, four streets were primed in Anthony and other streets were treated by double penetration in conjunction with the installation of new sewer lines. These measures will continue until funds are available for paving the remaining unpaved public roads in Anthony. With Dona Ana County and State funds, two road projects are conducted per year in each State Road Commissioner District,

[4] The EPA has issued technological and economic parameters that should be considered in determining RACT for a particular source (see 57 FR 18073–18074).

and Anthony shares its district (District 2) with five other communities.

In addition, it should be noted that most developers are required to pave newly established private roads per the recently revised (December 11, 1990) Land Subdivision Regulations of Dona Ana County. It is also important to note that in a letter dated October 29, 1991, from Judith M. Price, Dona Ana County Planning Director and Assistant Manager, to Judith M. Espinosa, Secretary of the New Mexico Environment Department, the County committed to implementing and enforcing all Dona Ana County rules, regulations, policies and practices, including those identified in the draft PM–10 SIP which reduce airborne dust in the Anthony area (Appendix F of Anthony PM–10 SIP). Further, the County rules, regulations, policies and practices identified in the draft Anthony PM–10 SIP are identical to those identified in the final Anthony PM–10 SIP. Thus, the State of New Mexico has received a commitment from Dona Ana County that the road dust control measures cited above for Anthony will continue to be implemented and enforced.

The State also demonstrated that it would be economically infeasible to pave all of the remaining unpaved roads in Anthony at one time. Assuming a road width of 24 feet, the State estimated that it would cost over $600,000 to pave the remaining unpaved roads in Anthony. The State also estimated that only 36.7 tons per year of PM–10 emissions come from the unpaved roads in the Anthony nonattainment area. As indicated in previous discussion, EPA believes that emissions from unpaved and paved roads, as well as anthropogenic sources as a whole, do not contribute significantly to the PM–10 air quality problem in Anthony. Please reference the technical support document for a discussion on the insignificant ambient air impact of unpaved road and other anthropogenic PM–10 emissions in the Anthony nonattainment area. Where sources of PM–10 contribute insignificantly to the PM–10 problem in the area, EPA believes that it would be unreasonable, and would not constitute RACM, for EPA to require the State to implement potentially available control measures for such sources (57 FR 13540). Nevertheless, the State of New Mexico, through Dona Ana County, is implementing control measures for unpaved roads in the Anthony nonattainment area as discussed above. The State, through the County, has authority under section 116 of the Act to require these controls, and EPA proposes to approve the County commitments regarding unpaved road control measures as control measures beyond RACM which strengthen the New Mexico SIP.

b. Paved roads. The State estimated that only about 0.7 tons per year of PM–10 emissions in the Anthony nonattainment area were due to re-entrained dust from about 20 miles of paved roads, a de minimis quantity of PM–10. As discussed above, RACM does not require the implementation of otherwise available controls for insignificant PM–10 sources. Nevertheless, the Dona Ana County Road Department maintains the paved public roads in Anthony, including cleanup of roads after heavy rains or winds have deposited soil on pavement. Again, the State of New Mexico has received a commitment from Dona Ana County that road dust control measures cited in the Anthony SIP, including maintenance and cleanup of paved roads, will continue to be implemented and enforced. EPA proposes to approve the County commitments regarding paved road control measures as control measures beyond RACM which strengthen the New Mexico SIP.

c. Haul trucks. The State considers current actual PM–10 emissions from haul trucks to be de minimis. Anthony is a small rural area (the nonattainment area measures about three kilometers by one kilometer) containing about 5,000 to 6,000 people, and has minimal haul truck activity. Again, RACM does not require controls on insignificant PM–10 sources. Nevertheless, New Mexico State policy requires all haul trucks to be covered, and the State has received a commitment from the County that all rules, regulations, policies and practices found in the Anthony PM–10 SIP, including the covering of haul trucks, will continue to be implemented and enforced. EPA proposes to approve the County commitments regarding haul truck policy as control measures beyond RACM which strengthen the New Mexico SIP.

d. Unvegetated areas. Dona Ana County receives on average less than 9 inches of precipitation per year, and as a result, there are many dry, dusty yards and vacant lots in Anthony. In close vicinity to the Anthony PM–10 monitor is a vacant lot (across the street, southwest of the monitor), a partially vegetated lot (east of the monitor) and a ballfield (about 1000 feet southwest of the monitor). The parking area and adjacent road to the unvegetated, well used, ballfield are unpaved. The monitor itself stands on a portion of a parking lot, the surface of which has been ground to dust/gravel or is covered with dust/gravel. In addition, there are no curbs, sidewalks or lawns in the area of the monitor. The State demonstrates that it would be technologically infeasible to vegetate the surrounding area with ground cover because the area water resources could not sustain the necessary ground cover to prevent wind erosion.

e. Trash burning. Current actual PM–10 emissions due to trash burning are reasonably controlled. Any residual emissions from trash burning are de minimis. The New Mexico Air Quality Control Regulation (AQCR) 301, entitled "Regulation to Control Open Burning", prohibits the burning of refuse in towns the size of Anthony. Also, by County ordinance, it is illegal to burn trash in Dona Ana County. AQCR 301 was approved in the New Mexico SIP on May 31, 1972, at 37 FR 10881. In 1983, the State added a definition of "open burning" to the regulation. EPA views the State's Regulation, approved in the SIP over twenty years ago, as reasonable, enforceable, and responsible for maintaining the de minimis PM–10 emissions from trash burning. EPA is proposing to approve in today's action, the revised AQCR 301 to include the definition of "open burning" in order to strengthen the New Mexico SIP. Also, by its letter to the State dated October 29, 1991, the County committed to the continuing implementation and enforcement of its trash burning ordinance. EPA is proposing to approve the County's commitment regarding the implementation and enforcement of its trash burning ordinance as a control measure beyond RACM which strengthens the New Mexico SIP.

f. Wood burning (home heating). The State considers, and EPA agrees, that PM–10 emissions due to wood burning (home heating) are de minimis. As discussed earlier, RACM does not require controls on insignificant PM–10 sources. Filter analyses of the PM–10 24-hour exceedance days from 1989 (including a low wind day, December 24, 1989), indicate that wood smoke was not a significant contributor to any of the 1989 exceedances. Analyses of additional filters from 1989 and 1990 (through March of 1990) also indicate that wood smoke was not a significant contributor to the PM–10 concentrations measured on those filters. Extensive documentation on this filter analysis, consisting of x-ray fluorescence studies of both PM–10 filters and soil samples, is presented in Appendix B of the Anthony SIP.

g. Off-road recreational vehicles. The State considers, and EPA agrees, that PM–10 emissions due to off-road recreational vehicles also are *de*

minimis. Due to low income levels, off-road recreational vehicles are uncommon in or around Anthony. Aerial photographs did not portray any areas near Anthony with the distinctive patterns of off-road vehicle use. Again, RACM does not require controls on insignificant PM–10 sources.

h. Agricultural lands. The State considers, and EPA agrees, that PM–10 emissions from croplands are insignificant. No agricultural tilling takes place in the Anthony nonattainment area. Further, most farmlands in Dona Ana County are located along the Rio Grande river flood plain, an area containing more rich and well developed soils. As discussed earlier in this notice, RACM does not require controls on insignificant sources of PM–10 emissions. Please reference the technical support document for additional information regarding the insignificant amount of PM–10 emissions from agricultural lands affecting the Anthony nonattainment area. In addition, work by the soil conservation service has shown that essentially all of the Dona Ana County croplands are in compliance with the Food Security Act (please reference Appendix F of the Anthony SIP).

i. Rangelands/Desert. The Anthony nonattainment area consists of the township limits (about three kilometers by one kilometer). Rangelands/desert are a very significant contributor to PM–10 emissions in the Anthony area, an area surrounded by sandy, dry and partially vegetated terrain. Anthony is located in a Chihuahuan desert grassland ecosystem. About 86% of Dona Ana County is classified as rangeland, and the State estimated Dona Ana County PM–10 emissions from rangelands/desert at 502,584 tons per year (please note that this is an underestimate due to calculation errors as detailed above and in the technical support document. The corrected estimate should be at least 628,032 tons per year). These estimates of PM–10 emissions were derived from the Modified Windblown Dust Equation detailed in the EPA document Control of Open Fugitive Dust Sources (EPA–450/3–88–008), and reflect a reasonable estimate of nonanthropogenic PM–10 emissions from the open rangeland and desert areas in Dona Ana County.

The desert portion of what EPA has categorized as rangelands/desert is in a natural, largely undisturbed state. Thus, any PM–10 emissions from these lands are reasonably considered to be of nonanthropogenic origin. For the reasons set out below (and in supporting technical information), EPA also believes that PM–10 emissions from the surrounding rangelands are also reasonably viewed as being of nonanthropogenic origin.

Livestock grazing in the Anthony area (Mimbres Resource Area) is managed under Federal law. The relevant law includes the Taylor Grazing Act of 1934, the Federal Land Policy and Management Act of 1976 and the Public Rangelands Improvement Act of 1978. The Bureau of Land Management (BLM) is the Federal Agency charged with managing the rangelands. The BLM emphasizes prevention of deterioration, and conservation of, soil resources. BLM management practices rely on rotational, seasonal grazing of the area. Ongoing multi-year studies point to proper rotational grazing as helping to produce improved rangeland. In addition, a minimal amount of animals are allowed to graze per section (640 acres) under BLM lease agreements. The allotments around Anthony average about three to four animals per section. As managed under Federal law, these animals do not generate significant amounts of airborne particulate matter and, if anything, have the effect of stabilizing the soil. The technical support document contains detailed information on the improvement in the rangeland condition in Southwestern New Mexico over the last 40 years. This shows that over the last 40 years grazing activity managed consistent with Federal law has improved Dona Ana County rangeland condition, which helps reduce wind erosion and PM–10 emissions. Removing all animals and all anthropogenic influence from the rangelands around the Anthony area would most likely result in a deteriorated rangeland condition, resulting in increased soil erosion and increased airborne particulate matter (Please reference the technical support document). The reasonable management of the rangeland allotments around the Anthony area has largely, and perhaps entirely, eliminated airborne particulate matter from these rangelands that is attributable to cattle grazing and related activities. Therefore, the remaining PM–10 emissions from rangelands are attributable to nonanthropogenic sources and, as indicated, these residual emissions are the dominant contributor to PM–10 violations in Anthony.

Even though the Dona Ana County rangelands are being managed as recommended and required by the BLM, the soil compositions are such that the Dona Ana County rangelands/desert are inherently (naturally) susceptible to wind erosion. Therefore, even being properly managed and actually improved, the rangelands/desert in the Anthony area constitute a dominant source of PM–10 emissions.

Please reference the technical support document for additional information regarding the dominant amount of nonanthropogenic PM–10 emissions from rangelands/desert affecting the Anthony nonattainment area. Again, the technical support document also contains detailed information on how reasonable rangeland management in Southwestern New Mexico over the last 40 years has resulted in improved rangeland condition in Dona Ana County. The technical support document also references published research substantiating the benefits of properly managed rangeland grazing.

j. Point sources. As discussed previously, an assessment of point sources revealed that such sources have a *de minimis* impact on PM–10 air quality in Anthony. Statutory requirements for RACM (including RACT) do not require the imposition of potentially available controls on such sources in such circumstances.

RACM (Including RACT) for Control of PM–10 Summary

EPA is proposing to find that the State of New Mexico's PM–10 SIP for the Anthony nonattainment area includes adequate RACM/RACT as discussed in detail above. EPA views the State's open burning regulation (AQCR 301), previously approved by EPA, as reasonable, enforceable, and responsible for maintaining the PM–10 emissions from trash burning at lower than de minimis levels. EPA proposes to approve the revised AQCR 301 to include the definition of "open burning" in order to strengthen the New Mexico SIP. Remaining anthropogenic sources as a whole are de minimis and statutory requirements for RACM (including RACT) do not require the implementation of further controls. EPA is also proposing to approve the County's commitment to implementing and enforcing all Dona Ana County rules, regulations, policies and practices, including those identified in the PM–10 SIP which reduce airborne dust in the Anthony area (October 29, 1991, letter from the County to the State discussed in detail above). These commitments regarding County control measures are being approved as measures beyond RACM which serve to strengthen the New Mexico (Anthony PM–10) SIP. The State of New Mexico also stated in the adopted Anthony PM–10 SIP (page 10) that it "remain[s] committed to the dust control measures implemented by Dona Ana County", as well as the "moderate area control strategies as agreed to in [the] SIP

submittal and the established air quality monitoring schedule." The State ratified its commitment in a November 21, 1991, letter from Cecilia Williams, Chief, Air Quality Bureau, to Gerald Fontenot, Chief, Air Programs Branch, EPA Region 6. EPA today is also proposing to approve the State's commitment found in the Anthony SIP and in the November 21, 1991, letter. The dominant sources of PM–10 concentrations in the Anthony area, nonanthropogenic sources, are the surrounding rangelands/desert which are not feasibly controllable.

6. Milestones and Reasonable Further Progress

Section 189(c) of the Act requires that plan revisions for moderate PM–10 nonattainment areas contain quantitative milestones which are to be achieved every three years until the area is redesignated to attainment. The milestones must also demonstrate to EPA that reasonable further progress (RFP) toward attainment of the PM–10 NAAQS is being met (see 57 FR 13539).

EPA has attempted to reconcile the quantitative milestones and periodic reporting called for in section 189(c) with EPA's proposed decision under section 188(f) to waive the moderate area attainment date for Anthony. EPA has indicated that at this time the anthropogenic and feasibly controllable PM–10 source contribution is insignificant. Therefore, significant emission reduction progress in Anthony is not feasible. In light of these circumstances, EPA believes it is reasonable for Anthony to satisfy section 189(c) by reporting every three years, beginning on November 15, 1994, information addressing a potential change in circumstances in the area (including, for example, a change in the anthropogenic/nonanthropogenic source mix) that may, in turn, warrant further air quality protection efforts. Specifically, the State should report to EPA every three years the following information regarding the Anthony nonattainment area: (1) The status and effectiveness of the existing controls, (2) significant changes in the inventory due to new source growth or other activities, and (3) an evaluation of any additional controls which may be feasible to reduce exposures and/or bring the area into attainment.

Reasonable further progress is defined in section 171(1) of the Act as such annual incremental reductions in emissions of the relevant air pollutant as are required by part D or may reasonably be required by the Administrator for the purpose of ensuring attainment of the applicable NAAQS by the applicable date. Since part D does not dictate annual incremental reductions for moderate PM–10 areas, EPA has broad discretion in determining RFP under section 171(1). For the reasons stated above, EPA is proposing to conclude at this time that annual incremental reductions in emissions are not reasonably required for the purpose of ensuring timely attainment of the PM–10 NAAQS in the Anthony nonattainment area.

7. Contingency Measures

As per section 172(c)(9) of the Act, all nonattainment SIPs must contain contingency measures (due November 15, 1993) that are to be implemented if the area fails to make RFP or to attain the NAAQS by the applicable date. These contingency measures are to be implemented immediately after EPA determines failure of RFP or attainment of standards. Again, for reasons explained in the "Milestones and Reasonable Further Progress" discussion above, contingency measures are not applicable to the Anthony nonattainment area.

8. PM–10 Precursors

Section 189(e) of the Act states that control requirements applicable to major stationary sources of PM–10 are also applicable to major stationary sources of PM–10 precursors, except where the Administrator determines that such sources do not significantly contribute to PM–10 levels that exceed the PM–10 ambient standards in the area. The General Preamble contains guidance addressing how EPA intends to implement section 189(e) (see 57 FR 13539–13540 and 57 FR 13541–13542).

The Anthony nonattainment area does not contain any major stationary sources of PM–10 precursors or any significant minor stationary sources of PM–10 precursors, and stationary sources as a whole (i.e. within a 50 kilometer radius of Anthony) provide an insignificant contribution to Anthony's ambient PM–10 concentrations as demonstrated through dispersion modeling. Thus, ambient PM–10 precursor concentrations in the Anthony nonattainment area do not significantly contribute to PM–10 levels that exceed the PM–10 NAAQS in the area, and EPA is proposing to grant the Anthony area the exclusion from control requirements as authorized under section 189(e) of the Act.

9. Enforceability Issues

All required measures and other elements in the SIP must be enforceable by the State and EPA. See sections 172(c)(6), 110(a)(2)(A) and 57 FR 13556. The EPA criteria addressing the enforceability of SIPs and SIP revisions were stated in a September 23, 1987, memorandum (with attachments) from J. Craig Potter, Assistant Administrator for Air and Radiation, et al. (see 57 FR 13541). In addition to enforceable requirements, nonattainment area plan provisions must contain a program that provides for enforcement of the control measures and other elements in the SIP (see section 110(a)(2)(C)).

The State of New Mexico has a program that will ensure that certain control measures contained in the Anthony PM–10 SIP (i.e. Air Quality Control Regulation 301) are adequately enforced. The State has also received documentation in the form of a letter from Dona Ana County dated October 29, 1991, that the County is committed to implementing and enforcing all County rules, regulations, policies and practices, including those identified in the Anthony PM–10 SIP.

III. Implications of Today's Action

Proposed Action

The EPA today is proposing to approve the Anthony, New Mexico moderate PM–10 SIP. All required SIP items have been adequately addressed as discussed in this **Federal Register** Notice, and the State of New Mexico has conducted a comprehensive RACM/RACT analysis. The EPA is also proposing to approve the State's request, per section 188(f) of the Act, for a waiver of the attainment date for Anthony. EPA has determined that anthropogenic sources do not contribute significantly to the PM–10 NAAQS violations in the Anthony nonattainment area. This proposed action is non-precedent setting, and the proposed decision to grant a waiver is based on a current reading of the law and on facts specific to the Anthony, New Mexico nonattainment area. As EPA refines its policy concerning waivers, areas may face different procedural and substantive showings.

Based on the above evaluation, the EPA proposes to approve the Anthony, New Mexico, moderate PM–10 nonattainment SIP, including the waiver of the attainment date for Anthony per section 188(f) of the Act.

Request for Public Comments

EPA requests comments on all aspects of today's proposal including EPA's proposal to waive the attainment date for this area as authorized under section 188(f) of the Act. As indicated at the outset of this notice, EPA will consider any comments received by May 10, 1993.

Regulatory Process

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

SIP approvals under section 110 and subchapter I, part D, of the Act do not create any new requirements, but simply approve requirements that the State is already imposing. Therefore, because the Federal SIP-approval does not impose any new requirements, I certify that it does not have a significant impact on any small entities affected. Moreover, due to the nature of the Federal-State relationship under the Act, preparation of a regulatory flexibility analysis would constitute Federal inquiry into the economic reasonableness of State action. The Act forbids the EPA to base its actions concerning SIPs on such grounds. *Union Electric Co.* v. *U.S. E.P.A.*, 427 U.S. 246, 256–66 (S. Ct. 1976); 42 U.S.C. 7410(a)(2).

Executive Order 12291

The Office of Management and Budget has exempted this rule from the requirements of Section 3 of Executive Order 12291.

List of Subjects in 40 CFR Part 52

Air pollution control, Hydrocarbons, Intergovernmental relations, Nitrogen dioxide, Particulate matter, Reporting and recordkeeping requirements, Sulfur dioxide, Volatile organic compounds.

Authority: 42 U.S.C. 7401–7671q.

Dated: March 12, 1993.

W.B. Hathaway,

Acting Regional Administrator (6A).

[FR Doc. 93–8276 Filed 4–7–93; 8:45 am]

BILLING CODE 6560–50–P

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40 CFR Parts 260, 261, 262, 264, 265, 268, 270, and 273

[FRL–4611–8]

RIN 2050–AD19

Hazardous Waste Management System; Modification of the Hazardous Waste Recycling Regulatory Program

AGENCY: Environmental Protection Agency.

ACTION: Proposed rule; extension of comment period.

SUMMARY: In response to several requests, the Environmental Protection Agency (EPA) is granting a 30-day extension to the comment period for the "universal" wastes proposed rule published on February 11, 1993 (58 FR 8102).

DATES: Comments on the February 11, 1993 notice of proposed rulemaking (58 FR 8102) must be submitted on or before May 12, 1993.

ADDRESSES: Persons who wish to comment on the February 11, 1993 notice must provide an original and two copies of their comments, include the docket number (F–93–SCSP–FFFFF), and send them to: EPA RCRA Docket (OS–305), U.S. EPA, 401 M Street SW., Washington, DC 20460. The RCRA Docket is located at room M2427, U.S. Environmental Protection Agency, 401 M Street SW., Washington, DC 20460. The docket is open from 9 a.m. to 4 p.m., Monday through Friday, excluding federal holidays. To review docket materials, the public must make an appointment by calling (202) 260–9327. The public may copy a maximum of 100 pages from any regulatory docket at no cost. Additional copies cost $0.15 per page.

FOR FURTHER INFORMATION CONTACT: For general information, contact the RCRA/ Superfund Hotline toll free at (800) 424–9346. In the Washington, DC metropolitan area, call (703) 412–9810. For information regarding specific aspects of this notice, contact Charlotte Mooney, Office of Solid Waste (OS–332), U.S. EPA, 401 M Street SW., Washington, DC 20460, telephone (202) 260–6926.

SUPPLEMENTARY INFORMATION: Several parties, including one state agency and the Association of State and Territorial Solid Waste Management Officials, have requested that EPA extend the comment period on the February 11, 1993 universal wastes proposal (58 FR 8102). Additional time is requested to allow coordinated discussion of the issues within and among state agencies (and other organizations) in order to develop comprehensive comments on the proposal. Because EPA believes that the quality of a final universal wastes rule may be greatly improved if implementing agencies and the regulated community are able to fully explore the many issues raised in the proposal prior to submitting comments, the Agency has determined that an extension of 30 days is appropriate.

Dated: April 2, 1993.

Richard J. Guimond,

Assistant Surgeon General, USPHS, Acting Assistant Administrator.

[FR Doc. 93–8204 Filed 4–7–93; 8:45 am]

BILLING CODE 6560–50–P

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40 CFR Part 300

[FRL–4609–3]

National Oil and Hazardous Substances Pollution Contingency Plan; National Priorities List Update

AGENCY: Environmental Protection Agency.

ACTION: Notice of intent to delete Hydro-Flex Corporation Site from the National Priorities List; request for comments.

SUMMARY: The Environmental Protection Agency (EPA) Region VII announces its intent to delete the Hydro-Flex Corporation Site from the National Priorities List (NPL) and requests public comment on this action. The NPL constitutes appendix B to the National Oil and Hazardous Substances Pollution Contingency Plan (NCP), which EPA promulgated pursuant to section 105 of the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (CERCLA), as amended. This action is being taken because EPA and the State of Kansas have determined that no fund-financed remedial action is appropriate at this Site, and that actions taken to date are protective of public health, welfare and the environment.

DATES: Comments concerning this site may be submitted on or before May 10, 1993.

ADDRESSES: Comments may be mailed to Catherine Barrett, Waste Management Division/ Superfund Branch, U.S. Environmental Protection Agency, Region VII, 726 Minnesota Avenue, Kansas City, Kansas 66101.

FOR FURTHER INFORMATION CONTACT: Comprehensive information on this site is available for public review at the EPA Region VII Waste Management Division Records Center located at the above address and at the Topeka Public Library, 1515 SW 10th Street, Topeka, Kansas.

To obtain copies of documents in the public docket contact: Barry Thierer, U.S. Environmental Protection Agency, Region VII, 726 Minnesota Avenue, Kansas City, Kansas 66101, (913) 551–7515.

SUPPLEMENTARY INFORMATION:

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I. Introduction
II. NPL Deletion Criteria
III. Deletion Procedures

IV. Basis for Intended Site Deletion

I. Introduction

The Environmental Protection Agency (EPA) Region VII announces its intent to delete the Hydro-Flex Corporation Site, Topeka, Kansas, from the National Priorities List (NPL), appendix B of the National Oil and Hazardous Substances Pollution Contingency Plan (NCP), 40 CFR part 300 as amended, and requests comments on this deletion. The EPA identifies sites that appear to present a significant risk to public health, welfare or the environment and maintains the NPL as the list of those sites. Sites on the NPL may be the subject of remedial actions financed by the Hazardous Substances Response Trust Fund (Fund). Pursuant to § 300.425(e)(3) of the NCP, any site deleted from the NPL remains eligible for fund-financed remedial actions if conditions at the site warrant such action.

EPA will accept comments on the proposed de-listing of this Site for thirty days after publication of this notice in the **Federal Register.**

Section II of this notice explains the criteria for deleting sites from the NPL. Section III discusses procedures that EPA is using for this action. Section IV discusses the Hydro-Flex Corporation Site and explains how the Site meets the deletion criteria.

II. NPL Deletion Criteria

The NCP establishes the criteria that the Agency uses to delete sites from the NPL. In accordance with 40 CFR 300.425(e), sites may be deleted from the NPL where no further response is appropriate. In making this determination, EPA will consider, in consultation with the State, whether any of the criteria in § 300.425(e)(1) (i) through (iii) have been met:

Before deciding to delete a site, EPA must first determine that actions taken at the site are protective of public health, welfare and the environment and that no further fund-financed actions are appropriate. In addition, the NCP at § 300.425(e)(2) requires State concurrence for deleting a site from the NPL.

In addition to the above, for all remedial actions which result in hazardous substances, pollutants, or contaminants remaining at the site above levels that allow unlimited use and unrestricted access, it is EPA's policy to review the site at least every five years to ensure that the remedy remains protective of human health and the environment. A 5-year review is appropriate for Hydro-Flex and will be conducted in 1997. At that time EPA, in consultation with the State, will determine whether human health and the environment remain protected.

Deletion of a site from the NPL does not preclude eligibility for subsequent fund-financed actions if future conditions warrant such actions. (40 CFR 300.425(e)(3)).

EPA Region VII will accept and evaluate public comments before making the final decision to delete. The Agency believes that deletion procedures should focus on notice and comment at the local level. Comments from the local community are often the most pertinent to deletion decisions. The following procedures were used for the intended deletion of this site:

1. EPA Region VII has recommended deletion and has prepared the relevant documents.

2. The State of Kansas has concurred with the deletion decision.

3. Concurrent with this National Notice of Intent to Delete, a local notice has been published in the local newspaper and has been distributed to appropriate federal, state and local officials and other interested parties. This local notice announces a thirty (30) day public comment period on the deletion package, which starts April 8, 1993 and will conclude on May 10, 1993.

4. EPA has made all relevant documents available in the Regional Office and local site information repository (local library).

Deletion of sites from the NPL does not itself create, alter or revoke any individual's rights or obligations.

The comments received during the notice and comment period will be evaluated before the final decision to delete. EPA will prepare a Responsiveness Summary, which will address any comments received during the public comment period.

A deletion occurs after an EPA Regional Administrator places a final notice of deletion in the **Federal Register.** The NPL will reflect any deletions in the next final update. Public notices and copies of the Responsiveness Summary will be made available by Region VII.

IV. Basis for Intended Site Deletion

The U.S. EPA and the Kansas Department of Health and Environment (KDHE) intend to delete the Hydro-Flex Corporation Site from the National Priorities List (NPL) because Superfund activities at the site have been completed.

The Site is located in northwest Topeka, Kansas and encompasses 2.9 acres. The City of Topeka Water Department utilizes two concrete surface water intake structures along the Kansas River which are located approximately 6,200 feet southeast of the Hydro-Flex Site. Concern for impact on this water supply is the reason the Site was added to the NPL on March 30, 1989. The Kansas Department of Health and Environment (KDHE) completed a Preliminary Assessment/Site Investigation in March 1987. KDHE installed and sampled three monitoring wells, they also sampled five private wells. The investigation indicated onsite ground water was contaminated with chromium and copper, although results of offsite private well sampling indicated chromium levels below detection limits and copper levels between non-detectabe levels and 720 micrograms/liter (µg/1). These values meet State and Federal drinking water standards and do not reflect contaminant levels of public health concern.

In 1990, a Consent Agreement between KDHE with Hydro-Flex Corporation, Inc. was signed for the Hydro-Flex site in order to conduct a Remedial Investigation/Feasibility Study (RI/FS). Based on the information and data obtained by the Remedial Investigation and the KDHE sampling, chromium and copper concentrations met drinking water standards.

In a Record of Decision signed March 9, 1992, the Regional Administrator for EPA Region VII selected the No Action alternative as the final remedy for the Hydro-Flex Site. The EPA, in consultation with KDHE, had determined that the Site did not pose a significant threat to public health, welfare and the environment.

Community relations activities conducted included development and implementation of a community relations plan for the RI activities and publication in the local newspaper of a notice informing the public of the Public Comment Period and the availability of the Proposed Plan.

EPA, with concurrence of KDHE, has determined that the Hydro-Flex Site poses no significant threat to public health or the environment and, therefore, taking of further remedial measures is not appropriate.

Dated: March 22, 1993.

William Rice,

Acting Regional Administrator, USEPA Region VII.

[FR Doc. 93–8206 Filed 4–7–93; 8:45 am]

BILLING CODE 6560–50–M

Notices

Federal Register
Vol. 58, No. 66
Thursday, April 8, 1993

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Forms Under Review by Office of Management and Budget

April 2, 1993.

The Department of Agriculture has submitted to OMB for review the following proposal for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. chapter 35) since the last list was published. This list is grouped into new proposals, revisions, extension, or reinstatements. Each entry contains the following information:

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

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

Revision

- Agricultural Marketing Service
  Almonds Grown in California
  Marketing Order No. 981
  Recordkeeping; on occasion; monthly; semi-monthly; every 6 years
  Businesses or other for-profit; 6,419 responses; 2,564 hours
  Patricia Petrella (202) 720–3610

Extension

- Forest Service
  State and Private Forestry Accomplishment Reporting
  FS–3100–8, 3200–6, 3400–5, 3600–2, 3500–5
  Annually
  State or local governments; 256 responses; 524 hours
  Leah Bowanko (202) 205–1434
- Forest Service
  Baseline and Trend Information on Wilderness Use and Users
  On Occasion
  Individuals or households; 1,000 responses; 416 hours
  Dr. Alan E. Watson (406) 721–5694
- Cooperative State Research Service
  Assurance of Compliance with the Department of Agriculture Regulations Under Title VI of the Civil Rights Act of 1964 (as amended)
  Forms CSRS–665 and 666
  On occasion
  Individuals or households; Businesses or other for-profit; Non-profit institutions; Small businesses or organizations; 135 responses; 1,147 hours
  Sondra R. Watkins (202) 401–5050
- Animal Plant and Health Inspection Service
  Scrapie Flock Certification, Animal Identification, and Indemnification Procedures
  VS 5–18, VS 5–21, VS 5–22, VS 5–23
  Recordkeeping—on occasion
  State or local governments; Farms; Businesses or other for-profit; Federal agencies or employees; Small businesses or organizations; 40,416 responses; 125,375 hours
  Dr. Daniel E. Harpster (301) 436–6954
- Animal and Plant Health Inspection Service
  Animal Welfare—Part 3 Subparts B & C (Guinea Pigs, Hamsters, and Rabbits)
  Recordkeeping—on occasion
  Businesses or other for-profit; Small businesses or organizations; 2,625 responses; 288 hours
  R.L. Crawford (301) 436–7833

New Collection—Expedited Review Requested

- Packers and Stockyards Administration
  Economic Research and Analysis of Concentration in the Red Meat Packing Industry
  On occasion
  Businesses or other for-profit; 51 responses; 3,120 hours
  Warren P. Preston (202) 720–7455

New Collection

- Food and Nutrition Service
  WIC Dietary Assessment Validation Study
  On occasion
  Individuals or households; 3,000 responses; 1,670 hours
  Michele Lawler (703) 305–2554
- Farmers Home Administration
  7 CFR 1965–E, Prepayment and Displacement Prevention of Multiple Family Housing Loans
  Recordkeeping—on occasion
  Individuals or households; State or local governments; Farms; Businesses or other for-profit; Non-profit institutions; 420 responses; 547 hours
  Jack Holston (202) 720–9736

Reinstatement

- Farmers Home Administration
  7 CFR 1965–B, Security Servicing for Multiple Family Housing Loans
  FmHA 1944–33A, 1944–34A, 1944–35A, and 1965–16
  On occasion
  Individuals or households; State or local governments; Farms; Businesses or other for-profit; Non-profit institutions; Small businesses or organizations; 945 responses; 1,587 hours
  Jack Holston (202) 720–9736

Donald E. Hulcher,
Deputy Department Clearance Officer.
[FR Doc. 93–8259 Filed 4–7–93; 8:45 am]
BILLING CODE 3410–01–M

Forest Service

Southern Region; Exemption From Appeal of Salvage Timber Sale Projects on the Ocala National Forest

AGENCY: Forest Service, USDA.

ACTION: Notice; exemption of decision from administrative appeal.

SUMMARY: Pursuant to 36 CFR 217.4(a)(11), the Regional Forester for the Southern Region has determined that good cause exists and notice is hereby given to exempt from administrative appeal the decision to salvage trees from suitable forest land which were damaged by a windstorm and to reforest the damaged areas on the Lake George Ranger District of the Ocala National Forest. Warm weather has

created conditions suitable for the rapid spread of insects and blue stain in the dead trees. If not salvaged quickly, these trees will not be suitable for commercial use and the insect infestations may spread to otherwise healthy stands of trees.

EFFECTIVE DATE: April 8, 1993.

FOR FURTHER INFORMATION CONTACT: Questions about this exemption should be directed to Jean P. Kruglewicz, Appeals and Litigation Group Leader, Southern Region, Forest Service—USDA, 1720 Peachtree Road, NW., Atlanta, GA 30367 (404) 347–4867.

SUPPLEMENTARY INFORMATION: On March 12 and 13, 1993, a violent windstorm damaged timber stands scattered across the western half of the Lake George Ranger District of the Ocala National Forest. An estimated 1500 acres of sand pine and 500 acres of mixed slash/loblolly/longleaf pine were affected to the extent salvage is planned.

Many sand pine stands are damaged to the extent that they are very susceptible to insect and disease attack. Also, the remaining standing trees will not survive another windstorm. The affected sand pine stands will be harvested and will be regenerated artificially if insufficient natural regeneration occurs.

The mixed slash/loblolly/longleaf pine which will be harvested are scattered individuals or small groups of trees. Like the sand pine, these trees, once damaged, are susceptible to insect and blue stain attack. Removing the damaged trees will reduce the threat to the remaining live trees. Since the damage in these stands is less severe no entire stands of these trees will be harvested and natural regeneration is expected to fill in any small openings created by the storm. No effort will be made to harvest damaged individual sand pines which are scattered all over the district.

Analyses are currently underway on proposed actions salvaging downed or severely damaged trees and to rehabilitate the damaged stands. The analyses include the methods of harvest, site preparation and reforestation. The environmental documents and biological evaluations being prepared will disclose the effects of the proposed actions on the environment, document public involvement and address the issues raised by the public.

Given the current condition of the damaged timber and the current and expected weather conditions in the area, the need for action is critical. The season when catastrophic fires often occur in sand pine is approaching and the large amount of fuel resulting from this storm will increase the difficulty of controlling such fires. Any delay in salvaging the damaged timber will result in losses to presently merchantable timber, will threaten more damage to remaining stands, and will make rehabilitation efforts more difficult.

Dated: April 1, 1993.

Ralph F. Mumme,

Acting Deputy Regional Forester.

[FR Doc. 93–8200 Filed 4–7–93; 8:45 am]

BILLING CODE 3410–11–M

Soil Conservation Service

Main Branch Meduxnekeag River Watershed, Aroostook County, ME

AGENCY: Soil Conservation Service, USDA.

ACTION: Notice of a finding of no significant impact.

SUMMARY: Pursuant to section 102(2) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Regulations (40 CFR part 1500); and the Soil Conservation Service Regulations (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 Main Branch Meduxnekeag River Watershed, Aroostook County, Maine.

FOR FURTHER INFORMATION CONTACT: David L. Mussulman, State Conservationist, Soil Conservation Service, 5 Godfrey Drive, Orono, Maine 04473. Telephone (207) 866–7241.

SUPPLEMENTARY INFORMATION: The 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, David L. Mussulman, State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this project.

The project purposes are: Water quality improvement and protection of the soil resource base. The planned works of improvement include: Land treatment measures; road ditch stabilization; waste management systems; pest, nutrient, and pasture management; nutrient and sediment control systems; and forest management.

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

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

(This activity is listed in the Catalog of Federal Domestic Assistance under No. 10.904—Watershed Protection and Flood Prevention)

David L. Mussulman,

State Conservationist.

[FR Doc. 93–8234 Filed 4–7–93; 8:45 am]

BILLING CODE 3410–16–M

COMMISSION ON CIVIL RIGHTS

Agenda and Notice of Public Meeting of the Kentucky Advisory Committee

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights, that a meeting of the Kentucky Advisory Committee to the Commission will convene at 1 p.m. and adjourn at 5 p.m. on Wednesday, May 5, 1993, at the Louisville Urban League, Small Conference Room, 1535 W. Broadway, in Louisville. The meeting will include: (1) A discussion of the status of the Commission, SACs, personnel changes, etc.; (2) a discussion and update of the current project; and (3) a session to review and discuss plans for the report on Bigotry and Related Violence in Kentucky.

Persons desiring additional information, or planning a presentation to the Committee, should contact Committee Chairperson Thelma Clemons, 502–893–1055, or Robert L. Knight, Civil Rights Analyst, Southern Regional Office, 404–730–2476 (TDD 404–730–2481). Hearing-impaired persons who will attend the meeting and require the services of a sign language interpreter should contact the Regional Office at least five (5) working days before the scheduled date of the meeting.

The meeting will be conducted pursuant to the provisions of the rules and regulations of the Commission.

Dated at Washington, DC, March 31, 1993.

Carol-Lee Hurley,

Chief, Regional Programs Coordination Unit

[FR Doc. 93–8248 Filed 4–7–93; 8:45 am]

BILLING CODE 6335–01–P

Agenda and Notice of Public Meeting of the Nebraska Advisory Committee

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights, that the Nebraska Advisory Committee to the U.S. Commission on Civil Rights will meet on April 28–30, 1993, from 6 p.m. until 9 p.m., 9 a.m. until 5 p.m., and 9 a.m. until 2 p.m., respectively, in the Board Room at Western Nebraska Community College, 1601 East 27th Street, Scottsbluff, Nebraska. The purpose of the meeting is to collect information on race relations in western Nebraska.

Persons desiring additional information, or planning a presentation to the Committee, should contact Melvin L. Jenkins, Director of the Central Regional Office, 816–426–5253 (TTY 816–426–5009). Hearing-impaired persons who will attend the meeting and require the services of a sign language interpreter should contact the Regional Office at least five (5) working days before the scheduled date of the meeting.

The meeting will be conducted pursuant to the provisions of the rules and regulations of the Commission.

Dated at Washington, DC, March 31, 1993.

Carol-Lee Hurley,

Chief, Regional Programs Coordination Unit.

[FR Doc. 93–8247 Filed 4–7–93; 8:45 am]

BILLING CODE 6335–01–P

Agenda and Notice of Public Meeting of the Utah Advisory Committee

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights, that a meeting of the Utah Advisory Committee to the Commission will be held from 6:30 p.m. until 8:30 p.m. on Thursday, April 29, 1993, at the Quality Inn City Center, 154 West 600 South, in Salt Lake City. The purpose of the meeting is to brief Advisory Committee members on Commission and regional activities, discuss current civil rights issues, and plan for future activities.

Persons desiring additional information should contact Committee Chairperson Mary Stovall Richards or William F. Muldrow, Director of the Rocky Mountain Regional Office, 303–866–1040 (TDD 303–866–1049). Hearing-impaired persons who will attend the meeting and require the services of a sign language interpreter should contact the Regional Office at least five (5) working days before the scheduled date of the meeting.

The meeting will be conducted pursuant to the provisions of the rules and regulations of the Commission.

Dated at Washington, DC, March 31, 1993.

Carol-Lee Hurley,

Chief, Regional Programs Coordination Unit.

[FR Doc. 93–8246 Filed 4–7–93; 8:45 am]

BILLING CODE 6335–01–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–351–814, A–351–815, A–351–816, and A–351–817]

Certain Hot-Rolled Carbon Steel Flat Products, et al.; Correction to Postponement of Final Antidumping Duty Determinations and Notice of Rescheduling of Public Hearing

In the matter of certain hot-rolled carbon steel flat products, certain cold-rolled carbon steel flat products, certain corrosion-resistant carbon steel flat products, and certain cut-to-length carbon steel plate from Brazil.

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

EFFECTIVE DATE: April 8, 1993.

FOR FURTHER INFORMATION CONTACT: Bruce Harsh or Alain Letort, Office of Agreements Compliance, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230; Telephone: (202) 482–3793.

POSTPONEMENT: This is to correct the date of the final determinations in these investigations as published in the **Federal Register** on February 4, 1993 (58 FR 7080). The correct date of the final determinations is June 21, 1993.

PUBLIC COMMENT: The date of the public hearing in these investigations is rescheduled from the date originally published in the **Federal Register** on March 9, 1993 (58 FR 13056). The new date is May 13, 1993, at 9 a.m., in room 1411. The brief due dates are also changed. The case briefs are now due May 6, 1993, and the rebuttal briefs are May 11, 1993.

This notice is published pursuant to sections 735(d) and 774(b) of the Tariff Act of 1930, as amended, and 19 CFR 353.20(b)(2).

Dated: March 31, 1993.

Joseph A. Spetrini,

Acting Assistant Secretary for Import Administration.

[FR Doc. 93–8139 Filed 4–7–93; 8:45 am]

BILLING CODE 3510–DS–M

[A–122–006]

Steel Jacks From Canada; Intent To Revoke Antidumping Finding

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

ACTION: Notice of intent to revoke antidumping finding.

SUMMARY: The Department of Commerce is notifying the public of its intent to revoke the antidumping finding on steel jacks from Canada. Interested parties who object to this revocation must submit their comments in writing no later than thirty days from April 8, 1993.

EFFECTIVE DATE: April 8, 1993.

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

SUPPLEMENTARY INFORMATION:

Background

On September 13, 1966, the Treasury Department published an antidumping finding on steel jacks from Canada (31 FR 11974). The Department of Commerce (the Department) has not received a request to conduct an administrative review of this finding for the most recent five consecutive annual anniversary months.

In accordance with 19 CFR 353.25(d)(4), the Secretary of Commerce will conclude that a finding is no longer of interest to interested parties and will revoke the finding if no interested party objects to revocation or requests an administrative review by the last day of the fifth anniversary month. On September 11, 1992, the Department published an "Opportunity to Request Administrative Review" for the period September 1, 1991 through August 31, 1992 (57 FR 41725). We received no request for review by the last day of the fifth anniversary month. Accordingly, as required by 19 CFR 353.25(d)(4)(i), we are notifying the public of our intent to revoke this finding.

Opportunity to Object

No later than thirty days from April 8, 1993, interested parties, as defined in § 353.2(k) of the Department's regulations, may object to the Department's intent to revoke this antidumping finding.

Seven copies of any such objections should be submitted to the Assistant Secretary for Import Administration, room B–099, U.S. Department of Commerce, Washington, DC 20230.

Since no interested party requested an administrative review by September 30, 1992, in accordance with the Department's notice of opportunity to request administrative review, if no interested party objects to this intent to revoke within thirty days from April 8, 1993, we shall conclude that the finding is no longer of interest to interested parties and shall proceed with revocation.

This notice is in accordance with 19 CFR 353.25(d).

Dated: April 2, 1993.

Joseph A. Spetrini,

Deputy Assistant Secretary for Compliance.

[FR Doc. 93–8282 Filed 4–7–93; 8:45 am]

BILLING CODE 3510–DS–M

[A–588–020]

Titanium Sponge From Japan; Final Results of Antidumping Duty Administrative Review

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

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

SUMMARY: On November 27, 1992, the Department of Commerce published the preliminary results of its administrative review of the antidumping duty order on titanium sponge from Japan. We have now completed this review and found no dumping margins for either manufacturer/exporter during the period November 1, 1990 to October 31, 1991.

EFFECTIVE DATE: April 8, 1993.

FOR FURTHER INFORMATION CONTACT: Cameron Cardozo, Anne D'Alauro, or Maria MacKay, Office of Countervailing Compliance, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230; telephone: (202) 482–2786.

SUPPLEMENTARY INFORMATION:

Background

On November 27, 1992, the Department of Commerce (the Department) published in the **Federal Register** (57 FR 56324) the preliminary results of its administrative review of the antidumping duty order on titanium sponge from Japan (49 FR 47053; November 30, 1984). The Department has now completed this administrative review in accordance with section 751(a) of the Tariff Act of 1930, as amended (the Act).

Scope of Review

Imports covered by the review are shipments of unwrought titanium sponge. Titanium sponge is a porous, brittle metal which has a high strength-to-weight ratio and is highly ductile. It is an intermediate product used to produce titanium ingots, slabs, billets, plates, and sheets. During the review period, such merchandise was classified under subheading 8108.10.50.10 of the *Harmonized Tariff Schedule* (HTS). The HTS number is provided for convenience and customs purposes. The written description remains dispositive.

The review covers two manufacturers/exporters of the subject merchandise to the United States, Showa Denko K.K. (Showa) and Toho Titanium Co., Ltd. (Toho), and the period November 1, 1990 through October 31, 1991.

Analysis of Comments Received

We gave interested parties an opportunity to comment on the preliminary results. We received written comments from one respondent, Showa.

Comment 1: Respondent argues that, in the preliminary calculation of cost of production (COP) for determining if sales were made below cost, the Department incorrectly included the imputed credit expense for home market sales, as well as an adjusted finance expense, for interest expense attributable to accounts receivable. Showa had reported these figures for purposes of constructed value. Instead, the COP should include Showa's actual interest expense.

Department's Position: We agree with the respondent. The credit expense total utilized in our cost of production calculation reflected an imputed amount relating to home market sales as well as the actual interest expense amount after adjusting for accounts receivable. Because, in determining sales below cost, we are comparing COP to home market prices, there is no need to measure the actual differences existing between home market selling expenses and U.S. selling expenses. Therefore, the methodology which leads us to impute interest expenses when making fair value comparisons is simply not applicable when calculating COP. *See Final Determination of Sales at Less than Fair Value: Certain All-Terrain Vehicles from Japan* (54 FR 4864, January 31, 1989). As a result, we have recalculated Showa's COP using their actual interest expense.

Comment 2: Respondent claims that the Department did not include the correct payment dates in its database for Showa's U.S. sales. In an August 26, 1992 letter, Showa provided actual invoice numbers, invoice dates, payment dates and credit expense amounts for U.S. sales observation numbers 5, 6 and 7, which had previously been estimated.

Department's Position: We agree and have used the correct information for Showa's U.S. sales.

Final Results of Review

As a result of this review, we determine the dumping margins to be:

Manufacturer/exporter	Time period	Margin (percent)
Showa Denko K.K.	11/1/90–10/31/91	Zero (0).
Toho Titanium Co., Ltd.	11/1/90–10/31/91	Zero (0).

The Department will instruct the Customs Service to liquidate, without regard to antidumping duties, all shipments of this merchandise entered by Showa and Toho on or after November 1, 1990 and on or before October 31, 1991.

Further, the following deposit requirements will be effective upon publication of the notice of final results of administrative review for all shipments of the subject merchandise, entered, or withdrawn from warehouse, for consumption on or after the publication date, as provided by section 751(a)(1) of the Act: (1) The cash deposit rate for the reviewed companies will be zero percent; (2) for previously reviewed or investigated companies not listed above, the cash deposit rate will continue to be the company-specific rate published for the most recent period; (3) if the exporter is not a firm covered in this review, a prior review, or the original less-than-fair-value investigation, but the manufacturer is, the cash deposit rate will be the rate established for the most recent period for the manufacturer of the merchandise; and (4) the cash deposit rate for all other manufacturers or exporters will be zero percent. This rate represents the highest rate for any firm with shipments in this administrative review, other than those firms receiving a rate based entirely on best information available.

These deposit requirements, when imposed, shall remain in effect until publication of the final results of the next administrative review.

This notice also serves as a final reminder to importers of their responsibility under 19 CFR 353.26 to file a certificate regarding the

reimbursement of antidumping duties prior to liquidation of the relevant entries during the review period. Failure to comply with this requirement could result in the Secretary's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of double antidumping duties.

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

Dated: March 31, 1993.

Joseph A. Spetrini,

Acting Assistant Secretary for Import Administration.

[FR Doc. 93–8138 Filed 4–7–93; 8:45 am]

BILLING CODE 3510–DS–P

[A–559–502]

Certain Welded Carbon Steel Small Diameter and Light-Walled Rectangular Pipes and Tubes From Singapore; Determination Not To Revoke Antidumping Duty Order

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

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

SUMMARY: The Department of Commerce is notifying the public of its determination not to revoke the antidumping duty order on Certain Welded Carbon Steel Small Diameter and Light-Walled Rectangular Pipes and Tubes from Singapore because it continues to be of interest to interested parties.

EFFECTIVE DATE: April 8, 1993.

FOR FURTHER INFORMATION CONTACT: Debbie Crumbie, Office of Antidumping Compliance, International Trade Administration, U.S. Department of Commerce, Washington, DC 20230; Telephone: (202) 482–5253.

SUPPLEMENTARY INFORMATION:

Background

The Department of Commerce (the Department) may revoke an antidumping duty order, pursuant to § 353.25(d)(4) of the Department's regulations, if no interested party has requested an administrative review for four consecutive annual anniversary months and no interested party objects to the revocation (19 CFR 353.25(d)(4) (1992)). We have not received a request to conduct an administrative review of the antidumping duty order on certain welded carbon steel small diameter and light-walled rectangular pipes and tubes from Singapore (51 FR 41142, November 13, 1986) for the last four consecutive annual anniversary months. Therefore, pursuant to the Department's regulations, on November 5, 1992, we published in the **Federal Register** a notice of intent to revoke the order and served written notice of the intent to revoke to each interested party on the Department's service list.

Scope of the Order

The products covered by the order are as follows: "Small diameter welded carbon steel pipes and tubes" are pipes and tubes of circular cross-section, 0.375 inch or more, but not over 16 inches in outside diameter. At the time of the final determination, these products were classifiable in the Tariff Schedules of the United States Annotated (TSUSA), under items 610.3231 and 610.3234, 610.3241, 610.3242, 610.3243, 610.3252, 610.3254, 610.3256, 610.3258, and 610.4925. These products are commonly referred to in the industry as standard pipes or tubes produced to various ASTM specifications, most notably A–120, A–53, or A–135. "Light-walled rectangular pipes and tubes" are mechanical pipes and tubes, or welded carbon steel pipes and tubes of rectangular (including square) cross-section, having a wall thickness of less than 0.156 inch as provided for in item 610.4928 of the TSUSA.

Determination Not To Revoke

The Department stated in the notice that no later than November 30, 1992, interested parties, as defined in § 353.2(k) of the Department's regulations, might object to the Department's intent to revoke the antidumping order. On November 24, 1992, five interested parties, Western Tube and Conduit, Maruichi American Corporation, Hannibal Industries, Searing Industries, and Vest Incorporated, filed written objections to our intent to revoke the order. Therefore, because interested parties object to the revocation, the Department has determined not to revoke this order.

Dated: January 29, 1993.

Joseph A. Spetrini,

Deputy Assistant Secretary for Compliance.

[FR Doc. 93–8281 Filed 4–7–93; 8:45 am]

BILLING CODE 3510–DS–M

[C–201–810]

Rescheduling of Public Hearing: Certain Corrosion-Resistant Carbon Steel Flat Products and Certain Cut-to-Length Carbon Steel Plate From Mexico

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

ACTION: Notice of rescheduling of a public hearing.

EFFECTIVE DATE: April 8, 1993.

FOR FURTHER INFORMATION CONTACT: Norbert Gannon or Thomas McGinty, Office of Countervailing Compliance, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., room 4012, Washington, DC 20230; telephone (202) 482–2786.

NOTICE OF RESCHEDULING: In accordance with 19 CFR 355.38(f) (1992), we will hold a public hearing to afford interested parties an opportunity to comment on arguments raised in case or rebuttal briefs. The hearing will be held at the U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., room 1412, Washington, DC, on May 12, 1993 at 1 p.m. in room 3708. Parties should confirm, by telephone, the time, date and place of the hearings 48 hours prior to the scheduled time.

Due to the rescheduling of the hearing, case and rebuttal briefs will be due not later than May 5 and May 10, 1993, respectively. All briefs should be submitted in accordance with the guidelines specified in 58 FR 12935 (March 8, 1993).

This notice is published pursuant to 19 CFR 355.20(b).

Dated: March 31, 1993.

Joseph A. Spetrini,

Acting Assistant Secretary for Import Administration.

[FR Doc. 93–8140 Filed 4–7–93; 8:45 am]

BILLING CODE 3510–DS–M

Minority Business Development Agency

Business Development Center Applications: Savannah, GA

AGENCY: Minority Business Development Agency, Commerce.

ACTION: Notice.

SUMMARY: In accordance with Executive Order 11625, the U.S. Department of Commerce's Minority Business Development Agency (MBDA) is soliciting competitive applications

under its Minority Business Development Center (MBDC) program to operate an MBDC for approximately a 3-year period, subject to Agency priorities, recipient performance, and the availability of funds. The cost of performance for the first budget period (12 months) is $169,125 in Federal funds and a minimum of $29,846 in non-Federal (cost-sharing) contributions. This Federal amount includes $4,125 for an annual audit. Cost-sharing contributions may be in the form of cash contributions, client fees, in-kind contributions or combinations thereof. The period of performance will be from September 1, 1993 to August 31, 1994. The MBDC will operate in the Savannah, Georgia geographic service area.

The award number for this MBDC will be 04–10–93009–01.

The funding instrument for MBDC will be a cooperative agreement. Competition is open to individuals, non-profit and for-profit organizations, State and local governments, American Indian tribes and educational institutions.

The MBDC program is designed to provide business development services to the minority business community for the establishment and operation of viable minority business. To this end, MBDA funds organizations that can identify and coordinate public and private sector resources on behalf of minority individuals and firms; offer a full range of management and technical assistance; and serve as a conduit of information and assistance regarding minority businesses.

Applications will be evaluated initially by regional staff on the following criteria; The experience and capabilities of the firm and its staff in addressing the needs of the business community in general and, specifically, the special needs of minority businesses, individuals and organizations (50 points); the resources available to the firm in providing business development services (10 points); the firm's approach (techniques and methodologies) to performing the work requirements included in the application (20 points); and the firm's estimated cost for providing such assistance (20 points). An application must receive at least 70% of the points assigned to any one evaluation criteria category to be considered programmatically acceptable and responsive. The selection of an application for further processing by MBDA will be made by the Director based on a determination of the application most likely to further the purpose of the MBDC program. The application will then be forwarded to the Department for final processing and approval, if appropriate. The Director will consider past performance of the applicant on previous Federal awards. Unsatisfactory performance under prior Federal awards may result in an application not being considered for funding.

MBDCs shall be required to contribute at least 15% of the total project cost through non-Federal contributions. To assist them in this effort, MBDCs may charge client fees for management and technical assistance (M&TA) rendered. Based on a standard rate of $50 per hour, MBDCs will charge client fees at 20% of the total cost for firms with gross sales of $500,000 or less, and 35% of the total cost for firms with gross sales of over $500,000. A false statement on an application is grounds for denial or termination of funds and grounds for possible punishment by a fine or imprisonment as provided in 18 U.S.C. 1001.

MBDCs performing satisfactorily may continue to operate after the initial competitive year for up to 2 additional budget periods. MBDCs with year-to-date "commendable" and "excellent" performance ratings may continue to be funded for up to 3 or 4 additional budget periods, respectively. Under no circumstances shall an MBDC be funded for more than 5 consecutive budget periods without competition. Periodic reviews culminating in year-to-date quantitative and qualitative evaluations will be conducted to determine if funding for the project should continue. Continued funding will be at the discretion of MBDA based on such factors as an MBDC's performance, the availability of funds and Agency priorities. If an application is selected for funding, DOC has no obligation to provide any additional future funding in connection with that award. Renewal of an award to increase funding or extend the period of performance is at the total discretion of DOC.

Awards under this program shall be subject to all Federal laws and Federal and Departmental regulations, policies, and procedures applicable to Federal assistance awards. If applicants incur any costs prior to an award being made, they do so solely at their own risk of not being reimbursed by the Government. Notwithstanding any verbal assurance that an applicant may have received, there is no obligation on the part of DOC to cover pre-award costs.

Consistent with OMB Circular A–129, "Policies for Federal Credit Programs and Non-tax Receivables," no award of Federal funds shall be made to an applicant who has an outstanding delinquent Federal debt until either the delinquent account is paid in full, a negotiated repayment schedule is established and at least one payment is received, or other arrangements satisfactory to DOC are made.

The Departmental Grants Officer may terminate any grant/cooperative agreement in whole or in part at any time before the date of completion whenever it is determined that the MBDC has failed to comply with the conditions of the grant/cooperative agreement. Examples of some of the conditions which can cause termination are failure to meet cost-sharing requirements; unsatisfactory performance of MBDC work requirements; and reporting inaccurate or inflated claims of client assistance or client certification. Such inaccurate or inflated claims may be deemed illegal and punishable by law.

All non-profit and for-profit applicants are subject to a name check review process. Name checks are intended to reveal if any key individuals associated with the applicant have been convicted of or are presently facing, criminal charges such as fraud, theft, perjury, or other matters which significantly reflect on the applicant's management honesty or financial integrity.

Primary Applicant Certifications—All primary applicants must submit a completed Form CD–511, "Certifications Regarding Debarment, Suspension and Other Responsibility Matters; Drug-Free Workplace Requirements and Lobbying."

Nonprocurement Debarment and Suspension—Prospective participants (as defined at 15 CFR part 26, section 105) are subject to 15 CFR part 26, "Nonprocurement Debarment and Suspension" and the related section of the certification form prescribed above applies.

Drug-Free Workplace—Grantees (as defined at 15 CFR part 26, section 605) are subject to 15 CFR part 26, subpart F, "Governmentwide Requirements for Drug-Free Workplace (Grants)" and the related section of the certification form prescribed above applies.

Anti-Lobbying—Persons (defined at 15 CFR part 28, section 105) are subject to the lobbying provisions of 31 U.S.C. 1352, "Limitation on use of appropriated funds to influence certain Federal contracting and financial transactions," and the lobbying section of the certification form prescribed above applies to applications/bids for grants, cooperative agreements, and contracts for more than $100,000, and loans and loan guarantees for more than $150,000, or the single family maximum

mortgage limit for affected programs, whichever is greater.

Anti-Lobbying Disclosures—Any applicant that has paid or will pay for lobbying using any funds must submit an SF–LLL, "Disclosure of Lobbying Activities," as required under 15 CFR 28 part 28, appendix B.

Lower Tier Certifications—Recipients shall require applicants/bidders for subgrants, contracts, subcontracts, or other lower tier covered transactions at any tier under the award to submit, if applicable, a completed Form CD–512, "Certifications Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion—Lower Tier Covered Transactions and Lobbying" and disclosure Form SF–LLL, "Disclosure of Lobbying Activities." Form CD–512 is intended for the use of recipients and should not be transmitted to DOC. SF–LLL submitted by any tier recipient or subrecipient should be submitted to DOC in accordance with the instructions contained in the award document.

CLOSING DATE: The closing date for submitting an application is May 17, 1993. Applications must be postmarked on or before May 17, 1993. Proposals will be reviewed by the Atlanta Regional Office. The mailing address for submission of RFA responses is: U.S. Department of Commerce, Atlanta Regional Office, Minority Business Development Agency, 401 West Peachtree Street, NW., suite 1715, Atlanta, Georgia 30308–3516.

A pre-application conference to assist all interested applicants will be held on April 28, 1993, 9 a.m. at the following address: U.S. Department of Commerce, Minority Business Development Agency, 401 West Peachtree Street, NW., room 1715, Atlanta, Georgia 30308–3516.

SUPPLEMENTARY INFORMATION: Anticipated processing time of this award is 120 days. Executive Order 12372, "Intergovernmental Review of Federal Programs," is not applicable to this program. To order a Request for Application (RFA) and to receive additional information, contact: Carlton L. Eccles, Regional Director of the Atlanta Regional Office on (404) 730–3300 or U.S. Department of Commerce, Minority Business Development Agency, 401 West Peachtree Street, NW., room 1715, Atlanta, Georgia 30308–3516.

11.800 Minority Business Development (Catalog of Federal Domestic Assistance)

Dated: April 2, 1993.

Carlton L. Eccles,

Regional Director, Atlanta Regional Office.

[FR Doc. 93–8279 Filed 4–7–93; 8:45 am]

BILLING CODE 3510–21–M

National Oceanic and Atmospheric Administration

Endangered Species; Permits

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

ACTION: Issuance of 4 Permits.

On September 14, 1992, notice was published (57 FR 41922) that an application had been filed by the U.S. Fish and Wildlife Service (P45K), to take listed Snake River fall and spring/summer chinook salmon (*Oncorhynchus tshawytscha*).

On September 2, 1992, notice was published (57 FR 40173) that an application had been filed by the Idaho Cooperative Fish and Wildlife Research Unit (P497), to take listed Snake River spring/summer chinook salmon (*O. tshawytscha*).

On September 14, 1992 notice was published (57 FR 41922) that an application had been filed by the University of Idaho Department of Fish and Wildlife (P498), to take listed Snake River spring/summer chinook salmon (*O. tshawytscha*).

On February 17, 1993 notice was published (58 FR 8740) that an application had been filed by the Idaho Department of Fish and Game (P503C), to take listed Snake River fall and spring/summer chinook salmon (*O. tshawytscha*) and listed Snake River sockeye salmon *(O. nerka)*.

The above applications were submitted for the purposes of scientific research and enhancement as authorized by the Endangered Species Act of 1973 (16 U.S.C. 1531–1543) and the regulations governing endangered fish and wildlife (50 CFR parts 217–222).

Notice is hereby given that on April 1, 1993 as authorized by the provisions of the Endangered Species Act of 1973 (16 U.S.C. 1531–1543), the National Marine Fisheries Services issued Permits for the above taking subject to certain conditions set forth therein.

Issuance of these Permits, as required by the Endangered Species Act of 1973, was based on a finding that such Permits: (1) Were applied for in good faith; (2) will not operate to the disadvantage of the endangered species which are the subject of these Permits; (3) are consistent with the purposes and policies set forth in section 2 of the Endangered Species Act of 1973. These Permits were also issued in accordance with and are subject to parts 220–222 of title 50 CFR, the National Marine Fisheries Service regulations governing endangered species permits.

The applications, Permits and supporting documentation are available for review by interested persons in the following offices by appointment:

Office of Protected Resources, National Marine Fisheries Service, 1335 East-West Highway, Suite 8268, Silver Spring, MD 20910 (301/713–2322); and

Environmental and Technical Services Division, National Marine Fisheries Service, 911 North East 11th Ave., Room 620, Portland, OR 97232 (503/230–5400).

Dated: April 1, 1993.

Herbert W. Kaufman,

Acting Director, Office of Protected Resources, National Marine Fisheries Services.

[FR Doc. 93–8243 Filed 4–7–93; 8:45 am]

BILLING CODE 3510–22–M

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Adjustment of Import Limits for Certain Cotton, Wool, Man-Made Fiber, Silk Blend and Other Vegetable Fiber Textiles and Textile Products Produced or Manufactured in Indonesia

April 2, 1993.

AGENCY: Committee for the Implementation of Textile Agreements (CITA).

ACTION: Issuing a directive to the Commissioner of Customs increasing limits.

EFFECTIVE DATE: April 5, 1993.

FOR FURTHER INFORMATION CONTACT: Ross Arnold, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 482–4212. For information on the quota status of these limits, refer to the Quota Status Reports posted on the bulletin boards of each Customs port or call (202) 927–6704. For information on embargoes and quota re-openings, call (202) 482–3715.

SUPPLEMENTARY INFORMATION:

Authority: Executive Order 11651 of March 3, 1972, as amended; section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854).

The current limits for certain categories are being increased for carryforward.

A description of the textile and apparel categories in terms of HTS

numbers is available in the CORRELATION: Textile and Apparel Categories with the Harmonized Tariff Schedule of the United States (see **Federal Register** notice 57 FR 54976, published on November 23 1992). Also see 57 FR 24597, published on June 10, 1992; and 58 FR 17208, published on April 1, 1993.

The letter to the Commissioner of Customs and the actions taken pursuant to it are not designed to implement all of the provisions of the bilateral agreement, but are designed to assist only in the implementation of certain of its provisions.

J. Hayden Boyd,

Acting Chairman, Committee for the Implementation of Textile Agreements.

Committee for the Implementation of Textile Agreements

April 2, 1993.

Commissioner of Customs,
Department of the Treasury, Washington, DC 20229.

Dear Commissioner: This directive amends, but does not cancel, the directives issued to you on June 5, 1992 and March 26, 1993, by the Chairman, Committee for the Implementation of Textile Agreements. Those directives concern imports of certain cotton, wool, man-made fiber, silk blend and other vegetable fiber textiles and textile products, produced or manufactured in Indonesia and exported during the periods beginning on July 1, 1992 and March 30, 1993 and extending through June 30, 1993.

Effective on April 5, 1993, you are directed to increase the limits for the following categories, as provided under the terms of the current bilateral agreement between the Governments of the United States and Indonesia:

Category	Adjusted limit [1]
Levels in Group I	
300/301	3,107,500 kilograms.
314	45,711,694 square meters.
334/335	177,428 dozen.
336/636	464,000 dozen.
338/339	1,039,360 dozen.
340/640	1,237,000 dozen.
341	757,182 dozen.
347/348	1,243,000 dozen.
351/651	360,750 dozen.
369–S [2]	650,673 kilograms.
613/614/615	19,153,500 square meters.
634/635	226,000 dozen.
847	305,773 dozen.
Sublevel in Group II	
350/650	24,728 dozen.
In Group II Subgroup	
447	3,900 dozen.

[1] The limits have not been adjusted to account for any imports exported after March 29, 1993 (Categories 350/650 and 447); and June 30, 1992 (remaining categories).

[2] Category 369–S: only HTS number 6307.10.2005.

The Committee for the Implementation of Textile Agreements has determined that these actions fall within the foreign affairs exception of the rulemaking provisions of 5 U.S.C. 553(a)(1).

Sincerely,

J. Hayden Boyd,

Acting Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 93–8227 Filed 4–7–93; 8:45 am]

BILLING CODE 3510–DR–F

COMMODITY FUTURES TRADING COMMISSION

New York Cotton Exchange: Proposed Resolution Prohibiting Cotton From Simultaneously Being Certified for Delivery on the Cotton No. 2 Futures Contract and Part of Commodity Credit Corp. Loan Stocks

AGENCY: Commodity Futures Trading Commission.

ACTION: Notice of proposed contract market rule changes.

SUMMARY: The New York Cotton Exchange ("NYCE" or "Exchange") has submitted a proposed resolution applicable to its cotton No. 2 futures contract that would prohibit the certification for delivery on the cotton No. 2 futures contract of any cotton that is part of Commodity Credit Corporation ("CCC") loan stocks.

In accordance with section 5a(a)(12) of the Commodity Exchange Act and acting pursuant to the authority delegated by Commission Regulation 140.96, the Director of the Division of Economic Analysis ("Division") of the Commodity Futures Trading Commission ("Commission") has determined, on behalf of the Commission, that the proposed resolution is of major economic significance. On behalf of the Commission, the Division is requesting comment on this proposal.

DATES: Comments must be received on or before May 10, 1993.

ADDRESSES: Interested persons should submit their views and comments to Jean A. Webb, Secretary, Commodity Futures Trading Commission, 2033 K Street NW., Washington, DC 20581. Reference should be made to the proposed resolution prohibiting the certification of cotton that is part of CCC loan stocks, applicable to the New York Cotton Exchange's cotton No. 2 futures contract.

FOR FURTHER INFORMATION CONTACT: Frederick V. Linse, Division of Economic Analysis, Commodity Futures Trading Commission, 2033 K Street NW., Washington, DC 20581, telephone (202) 254–7303.

SUPPLEMENTARY INFORMATION: The cotton No. 2 futures contract's existing terms provide that any cotton that meets the contract's quality requirements and that is stored in NYCE-licensed warehouses located at the contract's delivery points may be delivered on the futures contract. In this respect, all cotton eligible for delivery on the contract must first be evaluated and a certificate issued to the deliverer attesting to the fact that the cotton meets the contract's quality requirements. The deliverer is then required to tender the certificate for the delivery cotton to the receiver at the time of delivery.

As noted, the proposed resolution would specify that cotton intended for delivery may not be simultaneously certified for delivery on the futures contract and part of CCC loan stocks. The NYCE proposes to apply the proposed resolution to all existing and newly certified cotton commencing on August 1, 1994.

According to the NYCE, the proposed resolution is being adopted in order to preserve the status quo and thereby promote economic competition. The NYCE notes specifically that the proposed resolution is necessary to alleviate certain advantages, such as the possible waiving of storage and interest costs for certificated stocks, that cotton producers currently may receive under CCC price support loans. The NYCE further indicates that it is concerned that the recent advantages afforded to producer groups may produce disruptive price effects in the futures market by artificially depressing or squeezing futures prices.

According to the NYCE, participants in the futures market have traditionally traded on a level playing field subject to the same obstacles and risks. The NYCE states that:

> [w]ith the adoption of the 1985 and 1990 Food and Security Acts, however, the status quo has been altered. Pursuant to the 1985 Act, the United States government instituted the USDA marketing loan program, offering producers a fixed loan amount per bale of cotton using their cotton as collateral. Additionally, the Secretary of Agriculture was given authority to waive interest and storage costs. The 1990 Act expanded the benefits offered to loan participants providing that when producers redeem their cotton any time during the initial ten month loan period, their interest and storage charges will be waived whenever the adjusted world price ("AWP") is below the established loan rate * * *.
>
> The CCC marketing loan program is only available to producers and those agents appointed to act in their behalf who participate in the government loan program. To participate, the producer must retain a "beneficial interest" in the cotton. This is[, the producer must] control risk and title to the cotton until it is redeemed or relinquished to the government. It has been

suggested that others acting as agents of producers or in contract with producers may also avail themselves of the same advantages of certificating loan stocks. Since the advantages accrue only to cotton in a producer's possession, it still excludes any cotton which has passed into second hands or entered channels of distribution. The Exchange's resolution is designed to prohibit this exceptional practice. There is nothing in the resolution to prohibit or discourage *bona fide hedging* by the producer or a producer's ability to certificate cotton which has been redeemed from the loan program just exactly as any other participant is free to do so and as producers have always done in the past.

In practice, the loan program gives producers the option for eighteen months to resell their cotton for a price better than the loan proceeds. If the producer is unsuccessful, he may forfeit the cotton to the government at the end of this time. It is not a commercial loan; CCC loans are non-recourse and do not require a credit line or demand notes. * * *

Late in 1991, it first became apparent to market participants and the [Exchange] that these newly created conditions will come into play disturbing, or at least threatening, the long standing status quo of interacting market forces. The [Exchange] is concerned with both the advantages afforded to producers as well as the available supply of tenderable cotton. The present crop produced about 10,000,000 bales of tenderable quality, almost half of which is grown in the Memphis Territory. Without the proper functioning of the price mechanism, the futures market could become swamped with certifications, creating a mammoth spot market that would render the futures market ineffectual as a price risk market. * * *

* * * [A] cotton futures contract should function as a price discovery mechanism for all market participants and, if cotton under CCC loan is allowed to be certificated, * * * a new and separate class of certificated stock [will be created]. In this market, the Secretary of Agriculture will determine the value of this stock every week. * * * Allowing the New York futures market to become more of a spot market with two classes of certificated stock, one reacting to normal conditions and the other impervious to normal conditions, could be fatal to [the] critical confidence [of market participants].

The Exchange also submits that: (1) The certification or subsequent decertification of stocks under loan represents a threat to orderly trading and delivery in the futures market; (2) implementation of the proposed resolution will not reduce deliverable supplies to levels which would make the futures contract readily susceptible to manipulation or price distortion; and (3), in accordance with section 15 of the Commodity Exchange Act (Act), the proposed resolution is the least anti-competitive means of accomplishing the objectives of the Act, because it would promote competition by alleviating advantages in storage and interest costs for certificated stocks in CCC price support loans and thereby restoring to all participants the same competitive footing that formerly existed.

The Commission is specifically requesting comments regarding the proposed resolution with respect to: (1) Consistency with cash market practices at the contract's delivery points, including the arrangements of those merchants who are acting as agents for producers with cotton under CCC loan; (2) the potential impact on the economically deliverable supply of cotton available for the futures contract at the contract's delivery points, including costs and convenience of certification; (3) the extent to which certification of stocks under CCC loan represents a threat to orderly trading and delivery in the futures market or may otherwise cause the contract not to reflect conditions in the cash market; and (4) whether Commission approval of the proposed resolution's prohibition of the use of a means of financing certificated cotton, which is used for other inventories in the cash market, would be consistent with section 15 of the Act which requires that, in approving proposed rules or resolutions of an Exchange, the Commission take into consideration the public interest to be protected by the antitrust laws and endeavor to take the least anti-competitive means of accomplishing the objectives of the Act.

Copies of the proposed amendments will be available for inspection at the Office of the Secretariat, Commodity Futures Trading Commission, 2033 K Street NW., Washington, DC 20581. Copies of the amended terms and conditions can be obtained through the Office of the Secretariat by mail at the above address or by telephone at (202) 254–6314.

The materials submitted by the NYCE in support of the proposed amendments may be available upon request pursuant to the Freedom of Information Act (5 U.S.C. 552) and the Commission's regulations thereunder (17 CFR part 145 (1987)). Requests for copies of such materials should be made to the FOI, Privacy and Sunshine Act Compliance Staff of the Office of the Secretariat at the Commission's headquarters in accordance with CFR 145.7 and 145.8.

Any person interested in submitting written data, views or arguments on the proposed amendments should send such comments to Jean A. Webb, Secretary, Commodity Futures Trading Commission, 2033 K Street NW., Washington, DC 20581 by the specified date.

Issued in Washington, DC on April 5, 1993.

Gerald Gay,

Director.

[FR Doc. 93–8224 Filed 4–7–93; 8:45 am]

BILLING CODE 6351–01–M

DEPARTMENT OF DEFENSE

Department of the Air Force

USAF Scientific Advisory Board; Meeting

The Architecture & Assessment Panel of the USAF Scientific Advisory Board's Committee on Options for Theater Air Defense will meet on 5–6 May 1993, at The Pentagon, room 5D982, Washington, DC from 8 a.m. to 5 p.m.

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

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

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

Patsy J. Conner,

Air Force Federal Register Liaison Officer.

[FR Doc. 93–8178 Filed 4–7–93; 8:45 am]

BILLING CODE 3910–01–M

USAF Scientific Advisory Board; Meeting

The Cruise Missile Panel of the USAF Scientific Advisory Board's Committee on Options for Theater Air Defense will meet on 28–29 April 1993, at The Space & Missile Systems Center, Los Angeles, CA from 8 a.m. to 5 p.m.

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

The meeting will be closed to the public in accordance with section 5529b(c) of title 5, United States Code, specifically subparagraphs (1) and (4) thereof.

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

Patsy J. Conner,

Air Force Federal Register Liaison Officer.

[FR Doc. 93–8177 Filed 4–7–93; 8:45 am]

BILLING CODE 3910–01–M

Department of the Air Force

USAF Scientific Advisory Board; Meeting

The USAF Scientific Advisory Board's Air Force Intelligence

Command Mission Panel (AFIC MP), Foreign Aerospace Science and Technology Center Advisory Group (FASTC AG) will meet on 29 April 1993 from 0800 to 1600 and 30 April 1993 from 0800 to 1200 at FASTC, Wright Patterson AFB, Ohio.

The purpose of this meeting is to review recent developments in FASTC scientific and technical intelligence production practices.

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

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

Patsy J. Conner,

Air Force Federal Register Liaison Officer.

[FR Doc. 93–8179 Filed 4–7–93; 8:45 am]

BILLING CODE 3910–01–M

Department of the Air Force

USAF Scientific Advisory Board; Meeting

The Pre-Launch Panel of the USAF Scientific Advisory Board's Committee on Options for Theater Air Defense will meet on 28 April 1993, at The Pentagon, room 4C1000, Washington, DC, from 9 a.m. to 5 p.m.

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

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

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

Patsy J. Conner,

Air Force Federal Register Liaison Officer.

[FR Doc. 93–8176 Filed 4–7–93; 8:45 am]

BILLING CODE 3910–01–M

Department of the Navy

CNO Executive Panel; Closed Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (5 U.S.C. App. 2), notice is hereby given that the Chief of Naval Operations (CNO) Executive Panel Emerging Technologies Task Force will meet April 26–27, 1993, from 8 a.m. to 5 p.m., at 4401 Ford Avenue, Alexandria, Virginia. This session will be closed to the public.

The purpose of this meeting is to address naval technological response to changes in military warfare. The entire agenda for the meeting will consist of discussion of key issues regarding direction of technology and technologies necessary for Naval Forces in the role envisioned for them by . . . From the Sea. These matters constitute classified information that is specifically authorized by Executive order to be kept secret in the interest of national defense and are, in fact, properly classified pursuant to such Executive order. Accordingly, the Secretary of the Navy has determined in writing that the public interest requires that all sessions of the meeting be closed to the public because they will be concerned with matters listed in section 552b(c)(1) of title 5, United States Code.

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

Dated: March 29, 1993.

Michael P. Rummel,

LCDR, JAGC, USN, Federal Register Liaison Officer.

[FR Doc. 93–8241 Filed 4–7–93; 8:45 am]

BILLING CODE 3810–AE–F

CNO Executive Panel; Closed Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (5 U.S.C. App. 2), notice is hereby given that the CNO Executive Panel Future Naval Forces Task Force will meet April 22–23, 1993, from 9 a.m. to 5 p.m., at 4401 Ford Avenue, Alexandria. This session will be closed to the public.

The purpose of this meeting is to develop a framework for the place of naval forces in U.S. national defense. The entire agenda will consist of discussion of key issues regarding the future weapons and command and control system. These matters constitute classified information that is specifically authorized by Executive order to be kept secret in the interest of national defense and are, in fact, properly classified pursuant to such Executive order. Accordingly, the Secretary of the Navy has determined in writing that the public interest requires that all sessions of the meeting be closed to the public because they concern matters listed in section 552b(c)(1) of title 5, United States Code.

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

Dated: March 29, 1993.

Michael P. Rummel,

LCDR, JAGC, USN, Federal Register Liaison Officer.

[FR Doc. 93–8240 Filed 4–7–93; 8:45 am]

BILLING CODE 3810–AE–F

DEPARTMENT OF ENERGY

Determination of Noncompetitive Financial Assistance

AGENCY: Department of Energy (DOE).

ACTION: Notice.

SUMMARY: DOE announces that pursuant to 10 CFR 600.7(b)(2)(i) it intends to renew on a noncompetitive basis a cooperative agreement with Manufacturing and Technology Conversion International, Inc. (MTCI) for field testing an Indirectly Fired Thermochemical Reactor Technology. This Technology employs multiple resonance tubes pulse combustors for providing endothermic heat to a fluid-bed steam reformer. The scope of the field test is in chemical and energy recovery from Kraft black liquor produced from a pulp mill. The renewal award is to be in the amount of $1,645,000 to continue the project for twenty-four months. The MTCI process and apparatus technology was initially introduced by MTCI under the DOE Small Business Innovative Research Program. MTCI has since obtained a U.S. Letter Patent Number 5,059,404 covering the Technology under its rights provided by DOE to Small Businesses conducting R&D programs for DOE. A large portion of the hardware has been built, and all that remains to be done is to complete the field installation and operation of the system in the proposed industrial environment. Eligibility for this award is, therefore, restricted to MTCI pursuant to 10 CFR 600.7(b)(2)(i)(A) and (D).

FOR FURTHER INFORMATION CONTACT: Stanley Sobczynski, Conservation and Renewable Energy, U.S. Department of Energy, Washington, DC 20585, 202–586–1878.

Issued in Oak Ridge, Tennessee, on April 1, 1993.

Peter D. Dayton,

Director, Procurement and Contracts Division, Oak Ridge Field Office.

[FR Doc. 93–8277 Filed 4–7–93; 8:45 am]

BILLING CODE 6450–01–M

Federal Energy Regulatory Commission

[Docket Nos. ER93–479–000, et al.]

Puget Sound Power & Light Co., et al.; Electric Rate, Small Power Production, and Interlocking Directorate Filings

March 31, 1993.

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

1. Puget Sound Power & Light Co.

[Docket No. ER93–479–000]

Take notice that on March 24, 1993, Puget Sound Power & Light Company (Puget) tendered for filing, as an initial rate schedule, "Agreement for Firm Power Purchase" (the Agreement) between Puget and Tenaska Washington, Inc. The Agreement contains provisions for construction of facilities, power purchase by Puget and parallel operation of facilities. A copy of the filing was served upon Tenaska Washington Partners, L.P., as assignee of Tenaska Washington, Inc. (Tenaska). In connection with the Agreement, Puget also tendered for filing (i) Amendment to Agreement for Firm Power Purchase between Puget and Tenaska, dated as of October 12, 1992; (ii) Letter Agreement between Puget and Tenaska, dated October 12, 1992, regarding costs relating to interconnection; (iii) Letter Agreement between Puget and Tenaska, dated October 12, 1992, regarding clarification of Agreement for Firm Power Purchase; and (iv) Consent and Agreement between Puget and The Chase Manhattan Bank, N.A., as Agent, dated as of October 12, 1992.

Comment date: April 14, 1993, in accordance with Standard Paragraph E at the end of this notice.

2. Northern Electric Power Co., L.P.

[Docket No. ER93–496–000]

Take notice that on March 26, 1993, Northern Electric Power Co., L.P. ("Northern Electric Power Co.") tendered for filing, pursuant to 18 CFR 35.12, proposed Northern Electric Power Co., L.P. Rate Schedule FERC No. 1, under which Northern Electric Power Co. will sell the power and energy to be produced by the 36.1 MW hydroelectric Project (Project No. 5276) to Niagara Mohawk Power Corporation ("Niagara Mohawk"), a New York utility. The Project is a qualifying small power production facility. Northern Electric Power Co. asserts that the rates set forth in the proposed Rate Schedule are at or below Niagara Mohawk's avoided costs as determined by the New York Public Service Commission.

In connection with its filing, Northern Electric Power Co. requests waiver of the Commission's regulations regarding the filing of cost support information and regarding all or part of the Commission's accounting, reporting, property transfer, and interlocking director regulations. Northern Electric Power Co. requests that the Commission make the Rate Schedule effective on the date of which sales under the Rate Schedule commence, which is expected to occur in January, 1995.

Comment date: April 16, 1993, in accordance with Standard Paragraph E at the end of this notice.

3. Arizona Public Service Co.

[Docket No. ER93–483–000]

Take notice that on March 24, 1993, Arizona Public Service Company (APS or Company) tendered for filing revised Exhibit II to the Wholesale Power Agreement between APS and Electrical District No. 6 (ED–6) (APS–FERC Rate Schedule No. 126) and revised Exhibit II to the Wholesale Power Agreement between APS and Electrical District No. 7 (ED–7) (APS–FERC Rate Schedule No. 128) (collectively Exhibits). The Exhibits list estimated loads which are used for planning purposes only.

Current rate levels are unaffected, revenue levels are unchanged from those currently on file with the Commission, and no other change in service to these or any other customer results from the revisions proposed herein. No new or modifications to existing facilities are required as a result of these revisions. The Company requests waiver of the Commission's Notice Requirements in 18 CFR 35.3 and 35.11 in order to allow for an effective date of January 1, 1993.

A copy of this filing has been served on ED–6, ED–7 and the Arizona Corporation Commission.

Comment date: April 14, 1993, in accordance with Standard Paragraph E at the end of this notice.

4. Puget Sound Power & Light Co.

[Docket No. ER93–477–000]

Take notice that on March 24, 1993, Puget Sound Power & Light Company (Puget) tendered for filing, as an initial rate schedule, "Agreement for Firm Power Purchase" (the Agreement) between Puget and Encogen Northwest, L.P. (Encogen). The Agreement contains provisions for construction of facilities, power purchase by Puget and parallel operation of facilities. A copy of the filing was served upon Encogen. In connection with the Agreement, Puget also tendered for filing (i) Amendment to Agreement for Firm Power Purchase between Encogen and Puget, dated as of July 11, 1991; (ii) Memorandum of Termination between Encogen and Puget, dated August 31, 1992; (iii) Agreement Regarding Security between Encogen and Puget, dated as of August 31, 1992; (iv) Consent and Agreement among Encogen, Puget and The First National Bank of Chicago, as Collateral Agent, dated as of December 15, 1992; (v) Subordination Agreement among Encogen, Puget, Rolls-Royce & Partners Finance Limited and The First National Bank of Chicago, as Agent and Collateral Agent, dated as of December 17, 1992; (vi) Guaranty of ENSERCH Corporation in favor of Puget, dated as of December 15, 1992; and (vii) Letter Agreement between Encogen and Puget, dated December 18, 1992.

Comment date: April 14, 1993, in accordance with Standard Paragraph E at the end of this notice.

5. PSI Energy, Inc.

[Docket No. ER92–653–000]

Take notice that PSI Energy, Inc. (PSI) on March 26, 1993, tendered for filing amended Service Schedules to the FERC Filing in Docket No. ER92–653–000 to comply with a FERC Staff request.

Copies of the filing were served on Indianapolis Power and Light Company and the Indiana Utility Regulatory Commission.

Comment date: April 14, 1993, in accordance with Standard Paragraph E at the end of this notice.

6. The United Illuminating Co.

[Docket No. ER93–365–000]

Take notice that on March 26, 1993, The United Illuminating Company (UI) tendered for filing supplemental information relating to UI's filing of an agreement to modify and extend the term of a capacity exchange agreement between UI and The Connecticut Light and Power Company (CL&P).

UI states that the amendment was filed in response to a request by Commission Staff for additional information and that a copy of this filing has been mailed to CL&P.

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

Comment date: April 14, 1993, in accordance with Standard Paragraph E at the end of this notice.

7. Consolidated Edison Co. of New York, Inc.

[Docket No. ER93–213–000]

Take notice that on March 25, 1993, Consolidated Edison Company of New York, Inc. (Con Edison), in response to a deficiency letter herein, tendered for filing additional information relative to a Rate Schedule and Supplement providing for the construction,

operation and maintenance of the interconnection between Astoria No. 6 Generating Unit and the East 13th Street Substation.

Con Edison states that a copy of this filing has been served by mail upon the Power Authority of the State of New York.

Comment date: April 14, 1993, in accordance with Standard Paragraph E at the end of this notice.

8. Wisconsin Power and Light Co.

[Docket No. ER93–354–000]

Take notice that on March 26, 1993, Wisconsin Power and Light Company tendered for filing with the Federal Energy Regulatory Commission further information concerning certain aspect of the Agreements between Wisconsin Power and Light Company (WP&L) and Wisconsin Public Power, Inc. System (WPPI) in this docket.

WP&L requests expedited consideration of the filing. WP&L also requests waiver of the Commission's notice requirements, to the extent necessary, to allow the filing to be posted more than 120 days prior to the initial date of service and 60 days after the initial filing of February 4, 1993.

Comment date: April 14, 1993, in accordance with Standard Paragraph E at the end of this notice.

9. Consolidated Edison Co. of New York, Inc.

[Docket No. ER93–209–000]

Take notice that on March 25, 1993, Consolidated Edison Company of New York, Inc. (Con Edison), in response to a deficiency letter herein, tendered for filing additional information relative to a Rate Schedule and three Supplements constituting an agreement for the construction and operation of the Sprain Brook Substation Expansion for the Power Authority of the State of New York (the Authority).

Con Edison states that a copy of this filing has been served by mail upon the Authority.

Comment date: April 14, 1993, in accordance with Standard Paragraph E at the end of this notice.

10. Consolidated Edison Co. of New York, Inc.

[Docket No. ER93–210–000]

Take notice that on March 25, 1993, Consolidated Edison Company of New York, Inc. (Con Edison), in response to a deficiency letter herein, tendered for filing additional information relative to an agreement for the construction, operation, maintenance and ownership of certain facilities at its East Substation for Central Hudson Gas & Electric Corporation (Central Hudson).

Con Edison states that a copy of this filing has been served by mail upon Central Hudson.

Comment date: April 14, 1993, in accordance with Standard Paragraph E at the end of this notice.

11. Consolidated Edison Co. of New York, Inc.

[Docket No. ER93–215–000]

Take notice that on March 25, 1993, Consolidated Edison Company of New York, Inc. (Con Edison), in response to a deficiency letter herein, tendered for filing additional information relative to a Rate Schedule and four Supplements constituting an agreement for the construction and operation of the East Fishkill Substation for the Power Authority of the State of New York (the Authority).

Con Edison states that a copy of this filing has been served by mail upon the Authority.

Comment date: April 14, 1993, in accordance with Standard Paragraph E at the end of this notice.

12. Idaho Power Co.

[Docket No. ER93–491–000]

Take notice that on March 25, 1993, Idaho Power Company (IPC) tendered for filing Service Agreements under Idaho Power's FERC Electric Tariff Volume No. 1 executed by Snohomish Public Utility District and the City of Tacoma Department of Public Utilities Light Division.

IPC has requested waiver of the notice provisions of § 35.3 of the Commission's regulations in order to permit the Service Agreements to become effective on March 18, 1993 and March 19, respectively.

Comment date: April 14, 1993, in accordance with Standard Paragraph E at the end of this notice.

13. The Montana Power Co.

[Docket No. ER93–422–000]

Take notice that on March 25, 1993, The Montana Power Company (Montana) tendered for filing with the Federal Energy Regulatory Commission an Amendment No. 1 to its original filing under this docket. This amended filing provides additional information requested by Commission staff.

A copy of the filing was served upon the Bonneville Power Administration.

Comment date: April 14, 1993, in accordance with Standard Paragraph E at the end of this notice.

14. The Connecticut Light and Power Co. and Public Service Company of New Hampshire

[Docket No. ER93–482–000]

Take notice that on March 19, 1993, Northeast Utilities Service Company (NUSCO), on behalf of The Connecticut Light and Power Company (CL&P) and Public Service Company of New Hampshire (PSNH), submitted an Addendum to a Short Term Agreement with New York Power Authority (NYPA).

NUSCO states that copies of its submission have been mailed or delivered to New York Power Authority.

Comment date: April 14, 1993, in accordance with Standard Paragraph E at the end of this notice.

Standard Paragraphs

E. Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All such motions or protests should be filed on or before the comment date. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 93–8180 Filed 4–7–93; 8:45 am]

BILLING CODE 6717–01–M

[Project No. 11181–000]

Energy Storage Partners; Intent To Conduct Public Scoping Meetings

April 2, 1993.

The Federal Energy Regulatory Commission (FERC or Commission) will hold public and agency scoping meetings on April 29, 1993, pursuant to its preparation of an Environmental Impact Statement (EIS) under the National Environmental Policy Act (NEPA) for the Lorella Pumped Storage Project No. 11181 near the Lost River in Klamath County, Oregon.

The meetings will be joint meetings with the potential license Applicant, Energy Storage Partners, who will be soliciting comments and recommendations on the need for

additional resource studies in the development of their final license application.

FERC's NEPA Process

In the February 25, 1993, **Federal Register**, the Commission published a notice of its intent to prepare—under Third Party Contracting provisions of section 2403(a) of the National Energy Policy Act of 1992—an EIS for the Lorella project.

Energy Storage Partners will prepare an application for a FERC license for the project. The draft license application and a "First Draft EIS" will be issued together and circulated for review by all interested parties. All comments filed on the First Draft EIS will be analyzed by the staff and considered in a final Draft EIS ("the Draft EIS"). The license Applicant will finalize its application after receiving comments and recommendations on its proposed project. A final application will then be filed with the Commission together with the Draft EIS. The Draft EIS and final license application will be circulated for review by all interested parties. All comments on the Draft EIS will be considered in the Final EIS. The staff's conclusions and recommendations will then be presented for the consideration of the Commission in reaching its final licensing decision.

Scoping Meetings

The FERC staff will conduct two scoping meetings. The evening scoping meeting is primarily for public input while the morning meeting will focus primarily on government agency concerns. All interested individuals, organizations, and agencies are invited to attend and assist staff in identifying the scope of environmental issues that should be analyzed in the EIS, and assist the Applicant in identifying the need for additional studies.

The scoping meetings will be held on Thursday, April 29, 1993 at the Klamath County Commissioners' Hearing Room, 305 Main Street, Courthouse Annex, Klamath Falls, Oregon. The agency meeting will commence at 1 p.m. The public scoping meeting will begin at 7 p.m.

To help focus discussion, a preliminary EIS scoping document ("Scoping Document 1") that outlines the subject areas to be addressed at the meeting will be distributed by mail to all parties on the FERC mailing list. Copies of the preliminary scoping document will also be available at the meetings.

Objectives

At the meeting, staff will: (1) Summarize the environmental issues tentatively identified for analysis in the planned EIS; (2) determine the relative depth of analysis for issues to be addressed in the EIS; (3) identify resource issues that are *not* important and do not require detailed analysis; (4) solicit from the meeting participants all available information, especially quantified data, on the resources at issue; and (5) encourage statements from experts and the public on issues that should be analyzed in the EIS, including points of view in opposition to, or in support of, the staff's preliminary views.

Staff will also solicit comments and recommendations on additional scientific studies needed in the Applicant's development of its final application.

Procedures

The meetings will be recorded by a stenographer and all statements (oral and written) will thereby become a part of the formal record of the Commission proceedings on the Lorella Project. Individuals presenting statements at the meeting will be asked to clearly identify themselves.

Individuals, representatives of organizations, and agencies with environmental expertise are encourage to attend the meetings and to assist staff in defining and clarifying the issues to be addressed in the EIS.

Participants at the public meetings are asked to keep oral comments to five minutes.

Persons choosing not to speak at the meetings, but who have views on the issues or information relevant to the issues, may submit written statements at the meeting for inclusion in the public record.

In addition, written scoping comments may be filed with the Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE, Washington, DC 20426, until May 21, 1993. All correspondence should clearly show the following caption on the first page: Lorella Project No. 11181, Oregon.

For further information, please contact Sabina Joe at (202) 219–1648.

Lois D. Cashell,

Secretary.

[FR Doc. 93–8182 Filed 4–7–93; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. RP93–99–000]

Colorado Interstate Gas Company; Proposed Changes In FERC Gas Tariff

April 2, 1993.

Take notice that on March 31, 1993. Colorado Interstate Gas Company (CIG) tendered for filing proposed changes in its FERC Gas Tariff, Original Volume Nos. 1, 2 and 3, which it has designated as the "Primary Case". The proposed base tariff rates will result in an annual revenue increase of $26 million. CIG requested an effective date of May 1, 1993 for these revised tariff sheets and rates. CIG notes that the revenue deficiency underlying the "Primary Case" is $42.1 million, $15.6 million greater than the revenue that CIG will recover by applying the proposed rates to the billing determinants because it has voluntarily agreed to forego one-third of the increase in each rate in recognition of existing market factors.

CIG notes that it is also filing as an alternative to the "Primary Case", proposed changes in its FERC Gas Tariff, Original Volume No. 50. These alternative tariff sheets embody the rates for the services under CIG's Docket No. RS92–4 compliance proposal under Order No. 636 ("Order No. 636" tariff sheets). CIG states that it is filing both primary and alternative tariff sheets for its Order No. 636 compliance rates. CIG requests an October 1, 1993 effective date for these tariff sheets, or such other date as CIG's Order No. 636 compliance tariff is accepted and becomes effective in Docket No. RS92–4. CIG states that like the "Primary Case" rates, the revenue deficiency underlying the "Order No. 636" rates is greater than the revenue that CIG will recover by applying the proposed rates to the billing determinants because CIG has also voluntarily agreed to forego one-third of the increase in each rate, based upon the increase from the rates filed on a *Pro-Forma* basis on February 2, 1993 in Docket No. RS92–4, in recognition of existing market factors.

CIG states that the increase in its rates relates in part to the need to discount certain of its rates for competitive reasons, and in part to an increase in its costs. CIG further notes that its unilateral agreement to forego collection of one-third of the indicated increase in each rate does not relate to any specific issue or line-item in its filing.

CIG states that copies of this filing are being served on each person designated on the Commission's official service in this proceeding, and are otherwise available for public inspection at CIG's offices in Colorado Springs, Colorado.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Sections 385.211 of the Commission's Rules and Regulations. All such motions or protests should be filed on or before April 9, 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 in the Public Reference Room.

Lois D. Cashell,

Secretary.

[FR Doc. 93–8186 Filed 4–7–93; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. TQ93–4–1–000]

Alabama-Tennessee Natural Gas Co.; Proposed PGA Rate Adjustment

April 2, 1993.

Take notice that on March 31, 1993, Alabama-Tennessee Natural Gas Company ("Alabama-Tennessee"), Post Office Box 918, Florence, Alabama 35631, tendered for filing as part of its FERC Gas Tariff, First Revised Volume No. 1, the following tariff sheet with a proposed effective date of April 1, 1993:

40th Revised Sheet No. 4

Alabama-Tennessee states that this filing is an out-of-cycle purchased gas adjustment ("PGA") filing, the purpose of which is to correlate more accurately Alabama-Tennessee's projected gas costs with the rates of its upstream pipeline supplier, Tennessee Gas Pipeline Company ("Tennessee"). Alabama-Tennessee states that current spot market prices indicate that Tennessee's Transition Gas Inventory Charge ("TGIC") sales commodity rates, which are based on a spot index, will increase unexpectedly and substantially from those projected by Alabama-Tennessee in its quarterly PGA filing that it submitted on February 26, 1993 in Docket No. TQ93–3–1. In addition to the increase in Tennessee's TGIC commodity sales rates, Alabama-Tennessee states that its filing reflects its use of the revised demand cost allocation ratio for computing the rates for jurisdictional sales customers that was agreed upon in the Joint Settlement filed on December 29, 1992 by Alabama-Tennessee and the Tennessee Valley Municipal Gas Association in Docket Nos. TQ92–5–1, *et al.*, which the Commission approved by Letter Order dated February 24, 1993.

In addition to a waiver of § 154.22 of the Commission's Regulations so that its revised tariff sheet can be made effective as of April 1, 1993, Alabama-Tennessee has requested any other waivers of the Commission's Regulations that may be necessary to permit the tariff sheet to become effective as proposed.

Alabama-Tennessee states that copies of the tariff filing have been mailed to all of its jurisdictional sales and transportation customers and affected state regulatory commissions.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rule 211 or Rule 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214. All such motions or protests should be filed on or before April 9, 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 to the proceeding 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. 93–8187 Filed 4–7–93; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. TM93–4–48–000]

ANR Pipeline Co.; Proposed Changes in FERC Gas Tariff

April 2, 1993.

Take notice that ANR Pipeline Company ("ANR"), on March 31, 1993 tendered for filing as part of its FERC Gas Tariff, six copies of the following tariff sheets which ANR proposes to be effective May 1, 1993:

First Revised Volume No. 1

Fourth Revised Sheet No. 6

First Revised Volume No. 1–A

Fourth Revised Sheet No. 4

Original Volume No. 2

1st Revised Twentieth Revised Sheet No. 16
1st Revised Twentieth Revised Sheet No. 17
1st Revised Twentieth Revised Sheet No. 18
1st Revised Twentieth Revised Sheet No. 19
1st Revised Twenty-Second Revised Sheet No. 20
1st Revised Twenty-First Revised Sheet No. 21
1st Revised Nineteenth Revised Sheet No. 22

Original Volume No. 3

Seventeenth Revised Sheet No. 5

ANR states that the referenced tariff sheets are being submitted as required in §§ 17.7 and 18.3 of ANR's FERC Gas Tariff First Revised Volume No. 1 to adjust the Volumetric Buyout Buydown Surcharge and Upstream Pipeline Surcharge, commencing May 1, 1993.

ANR states that each of its Volume Nos. 1, 1–A, 2 and 3 customers and interested State Commissions has been apprised of this filing via U.S. Mail.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Commission, 825 N. Capitol Street, NE., Washington, DC 20426 by April 9, 1993, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this application are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 93–8190 Filed 4–7–93; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. TQ93–5–23–000]

Eastern Shore Natural Gas Co.; Proposed Changes in FERC Gas Tariff

April 2, 1993.

Take notice that Eastern Shore Natural Gas Company (ESNG) tendered for filing on March 30, 1993 certain revised tariff sheets included in Appendix A attached to the filing. Such sheets are proposed to be effective April 1, 1993.

ESNG states that the tariff sheets are being filed to implement an out-of-cycle Purchased Gas Adjustment ("PGA") to reflect increased and decreased gas costs resulting from: (1) higher prices being paid to producers/suppliers under ESNG's market-responsive gas supply contracts, and (2) the updating of ESNG's pipeline supplier demand rates payable to Transcontinental Gas Pipe Line Corporation and Columbia Gas Transmission Corporation.

ESNG states that copies of the filing have been served upon its jurisdictional customers and interested state commissions.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with 18 CFR 385.214 and 385.211 of the Commission's Rules and Regulations. All such motions or protests should be filed on or before April 9, 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 in the public reference room.

Lois D. Cashell,

Secretary.

[FR Doc. 93–8195 Filed 4–7–93; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. TQ93–4–2–000]

East Tennessee Natural Gas Co.; Rate Filing

April 2, 1993

Take notice that on March 31, 1993, East Tennessee Natural Gas Company ("East Tennessee"), submitted for filing copies each of Thirty-fourth Revised Sheet Nos. 4 and 5 to First Revised Volume No. 1 of its FERC Gas Tariff to be effective April 1, 1993.

East Tennessee Natural Gas Company states that the purpose of the instant filing is to implement an out-of-cycle PGA rate adjustment to East Tennessee's current rate, to be effective from April 1 through June 30, 1993. East Tennessee states that due to an unexpected increase in gas prices, it is currently unable to purchase gas at or below the rates reflected in its previous quarterly filing in Docket No. TQ93–3–2, filed on February 26, 1993 to be effective April 1, 1993. The increase in the current adjustment is necessary to prevent substantial underrecoveries of gas costs.

East Tennessee further states that copies of the filing have been mailed to all affected customer and state regulatory commissions.

Any person desiring to be heard or to protest such filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, DC 20425, in accordance with rules 211 and 214 of the Commission's Rules of Practice and Procedure. All such petitions or protests should be filed on or before April 9, 1993. Protests will be considered by the Commission in determining appropriate action but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene; provided, however, that any person who had previously filed a petition or intervene in this proceeding is not required to file a further petition. Copies of this filing are on file with the Commission and are available for public inspection.

Lois Cashell,

Secretary.

[FR Doc. 93–8191 Filed 4–7–93; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. TQ93–6–23–000]

Eastern Shore Natural Gas Company; Proposed Changes In FERC Gas Tariff

April 2, 1993.

Take notice that Eastern Shore Natural Gas Company (ESNG) tendered for filing on March 30, 1993 certain revised tariff sheets included in appendix A attached to the filing. Such sheets are proposed to be effective May 1, 1993.

ESNG states that the tariff sheets are being filed to implement ESNG's quarterly Purchased Gas Adjustment ("PGA") pursuant to § 154.308 of the Commission's regulations and Sections 21.2 and 21.4 of the General Terms and Conditions of ESNG's FERC Gas Tariff to reflect changes in ESNG's jurisdictional rates. ESNG states that the sales rates set forth thereon reflect a decrease of $.2463 per dt in the Commodity Charge and an increase of $.0036 per dt in the Demand Charge, all as measured against ESNG's Out-of-Cycle Purchased Gas Adjustment in Docket No. TQ93–5–23–000, as filed on March 30, 1993 and requested to be effective April 1, 1993.

ESNG states that copies of the filing have been served upon its jurisdictional customers and interested state commissions.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with 18 CFR 385.214 and 385.211 of the Commission's Rules and Regulations. All such motions or protests should be filed on or before April 9, 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 in the public reference room.

Lois D. Cashell,

Secretary.

[FR Doc. 93–8193 Filed 4–7–93; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. CP93–276–000]

Equitrans, Inc.; Notice of Request Under Blanket Authorization

April 2, 1993.

Take notice that on March 29, 1993, Equitrans, Inc. 3500 Park Lane, Pittsburgh, PA 15275, filed in Docket No. CP93–276–000, a request pursuant to §§ 157.205 and 157.211 of the Commission's Regulations for authorization under its blanket certificate issued in Docket No. CP83–508–000, to install one sales tap in Washington County, PA, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Equitrans proposes to install one sales tap on its transmission Line H–127 in the City of Monongahela Township, Washington County, PA, to provide gas service to Equitable Gas Company, a division of Equitable Resources, Inc. (Equitable), which in turn, will provide gas service to Victor Zeni of Monongahela, PA. Equitrans projects that the proposed service will be offered under its Rate Schedule PLS and that, through this tap, approximately 1 Mcf of natural gas on a peak day will be delivered. Equitrans contends that it will charge Equitable the applicable rate contained in Equitrans' tariff on file with and approved by the Commission.

Any person or the Commission's staff may, within 45 days after issuance of the instant notice by the Commission, file pursuant to Rule 214 of the Commission's Procedural Rules (18 CFR 385.214) a motion to intervene or notice of intervention and pursuant to § 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) a protest to the request. If no protest is filed within the time allowed therefor, the proposed activity shall be deemed to be authorized effective the day after the time allowed for filing a protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request shall be treated as an application for authorization pursuant to section 7 of the Natural Gas Act.

Lois D. Cashell,

Secretary.

[FR Doc. 93–8183 Filed 4–7–93; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. CP85–221–014]

Frontier Gas Storage Co.; Compliance Filing

April 2, 1993.

Take notice that on March 30, 1993, Frontier Gas Storage Company (Frontier), % Reid & Priest, Market Square, 701 Pennsylvania Ave., NW., Washington, DC 20004, in compliance with the provisions of the Commission's February 13, 1985 Order in Docket No. CP82–487–000 *et al.*, submitted an executed Service Agreement under Rate Schedule LVS–1 providing for the possible sale of up to 1 Bcf of Frontier's gas storage inventory on an "as metered" basis to UNIGAS Corporation (UNIGAS). The Service Agreement, dated March 25, 1993, contemplates the possible sale to commence April 1, 1993.

Under Subpart (b) of Ordering Paragraph (F) of the Commission's February 13, 1985 Order, Frontier is "authorized to commence this sale of its inventory under such an executed service agreement fourteen days after the filing of the agreement with the Commission and may continue making such sale unless the Commission issues an order either requiring Frontier to stop selling and setting the matter for hearing or permitting the sale to continue and establishing other procedures for resolving the matter."

Frontier makes the request that a waiver of the fourteen-day notice requirement of subpart (b) above be granted to permit Frontier to commence service under the agreement on April 1, 1993. Frontier notes that it has filed this service agreement at its earliest opportunity—only several days after the service agreement was executed. Frontier will proceed in accordance with the requested waiver, unless it receives a notification to the contrary from the Commission.

Any person desiring to be heard or to make a protest with reference to said tariff sheet filing should, on or before April 23, 1993, file with the Federal Energy Regulatory Commission (825 North Capitol Street, NE., Washington, DC 20426) a motion to intervene or protest in accordance with the requirements of the Commission's Rules of Practice and Procedures, 18 CFR 385.214 or 385.211. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 93–8184 Filed 4–7–93; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. TC93–6–000]

Mississippi River Transmission Corporation; Proposed Tariff Change

April 2, 1993.

Take notice that Mississippi River Transmission Corporation (MRT) has submitted for filing as part of its FERC Gas Tariff, Second Revised Volume No. 1, the tariff sheets listed below to become effective April 15, 1993:

Fourth Revised Sheet No. 93
Fourth Revised Sheet No. 95
Fifth Revised Sheet No. 96

The filing is being made to reflect changes in the Index of Essential Agricultural Use (Step 10) and the Index of High Priority (Step 11) Entitlements to be effective during the period April 15, 1993 through October 31, 1993, pursuant to paragraph 8.2 (a)(i) of MRT's curtailment plan.

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 St, NE., Washington, DC 20426, in accordance with § 385.211 and 385.214 of the Commission's rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before April 12, 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. 93–8181 Filed 4–7–93; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. TA93–1–55–000]

Questar Pipeline Company; Rate Change

April 2, 1993.

Take notice that on March 31, 1993, Questar Pipeline Company tendered for filing and acceptance Twenty-Fifth Revised Sheet No. 12 to its FERC Gas Tariff, Original Volume No. 1, to be effective June 1, 1993.

Questar states that the purpose of this filing is to adjust the purchased gas cost under its sale-for-resale Rate Schedule CD–1 effective June 1, 1993.

Questar states that Twenty-Fifth Revised Sheet No. 12 shows a commodity base cost of purchased gas as adjusted of $3.34594/Dth which is $0.80302/Dth higher than the currently effective rate of $2.54292/Dth. The demand base cost of purchased gas as adjusted remains unchanged at $0.00000/Dth. The negative surcharge adjustment is changed ($0.17567)/Dth from ($0.18520)/Dth to ($0.36087)/Dth, effective June 1, 1993.

Questar states that it has provided a hard copy of this filing to Mountain Fuel Supply Company and interested state public service commissions.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20002, in accordance with Rules 214 and 211 of the Commission's Rules of Practice and Procedure (18 CFR 385.214, 385.211 (1991)). All such protests should be filed on or before April 19, 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. 93–8194 Filed 4–7–93; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. TM93–3–7–000]

Southern Natural Gas Co.; Proposed Changes in FERC Gas Tariff

April 2, 1993.

Take notice that on March 31, 1993, Southern Natural Gas Company (Southern) tendered for filing the following revised sheets to its FERC Gas Tariff, Sixth Revised Volume No. 1:

One Hundred Twenty-Sixth Revised Sheet No. 4A
Thirty-Ninth Revised Sheet No. 4B
Twelfth Revised Sheet No. 4B.01
Twelfth Revised Sheet No. 4B.02
Twelfth Revised Sheet No. 4B.03
Fourth Revised Sheet No. 4B.04
Fourth Revised Sheet No. 4B.05
Fourth Revised Sheet No. 4B.06
Forty-Fifth Revised Sheet No. 4J
Twelfth Revised Sheet No. 45P

Southern states that the above-referenced tariff sheets are being filed

with a proposed effective date of May 1, 1993, in compliance with the requirements of the Stipulation and Agreement approved by Commission order of March 23, 1989 in Docket Nos. RP83–58–000, *et al.*

The proposed tariff sheets reflect adjustments to Southern's fixed take-or-pay surcharge in order to reconcile projected interest recovered during the past twelve-month period with Commission prescribed interest rates in effect during the period, and to adjust the projected interest for the twelve-month period commencing May 1, 1993 to conform to the currently effective Commission interest rate. The proposed tariff sheets also reflect a revised volumetric take-or-pay surcharge of 7.801¢ per MMBtu, resulting from the reconciliation of projected interest rates in effect during that period, and the recomputation of the surcharge to reflect an interest projection consistent with the currently effective Commission prescribed interest rate.

Southern states that copies of the filing were served upon all of Southern's jurisdictional purchases and interested state commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rules 214 and 211 of the Commission's Rules of Practice and Procedure (Section 385.214 and 211 of the Commission's Rules of Practice and Procedure (Section 385.214, 385.211). All such petitions or protests should be filed on or before April 9, 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 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. 93–8196 Filed 4–7–93; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. TM93–5–18–000]

Texas Gas Transmission Corp.; Proposed Changes in FERC Gas Tariff

April 2, 1993.

Take notice that on March 31, 1993, Texas Gas transmission Corporation (Texas Gas) tendered for filing the revised tariff sheets contained in appendix A to the filing.

Texas Gas states that the proposed tariff sheets reflect changes to its Base Tariff Rates pursuant to the Transportation Cost Adjustment provisions contained in section 32 of its FERC Gas Tariff Original Volume No. 1 and section 27 of its FERC Gas Tariff First Revised Volume No. 2–A, and are proposed to be effective May 1, 1993.

Texas Gas states that copies of the filing have been served upon Texas Gas's jurisdictional sales customers, all parties on the Commission's official restricted service list in the consolidated proceedings, and interested state commissions.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with §§ 385.214 and 385.211 of the Commission's Rules and Regulations. All such protests or motions should be filed on or before April 9, 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 in the Public Reference Room.

Lois D. Cashell,

Secretary.

[FR Doc. 93–8189 Filed 4–7–93; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. TQ93–4–18–000]

Texas Gas Transmission Corporation; Proposed Changes FERC Gas Tariff

April 2, 1993.

Take notice that Texas Gas Transmission Corporation (Texas Gas), on March 31, 1993, tendered for filing the following revised tariff sheets to its FERC Gas Tariff, Original Volume No. 1:

Seventy-second Revised Sheet No. 10
Seventy-first Revised Sheet No. 10A
Fifty-third Revised Sheet No. 11
Forty-third Revised Sheet No. 11A
Forty-second Revised Sheet No. 11B

Texas Gas states that these tariff sheets reflect changes in purchased gas costs pursuant to a Quarterly PGA Rate Adjustment and are proposed to be effective May 1, 1993. Texas Gas further states that the proposed tariff sheets reflect a commodity rate decrease of $(.2484) per MMBtu, a D–1 demand rate decrease of $(.05) per MMBtu, and a $(.0040) to $(.0042) decrease in SGN Standby rates from the rates set forth in the Annual PGA filed December 1, 1992 (Docket No. TA93–1–18).

Texas Gas states that copies of the filing were served upon Texas Gas's jurisdictional customers and interested state commissions.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, DC 20426, in accordance with Sections 385.214 and 385.211 of the Commission's Rules and Regulations. All such protests or motions should be filed on or before April 9, 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 in the Public Reference Room.

Lois D. Cashell,

Secretary.

[FR Doc. 93–8192 Filed 4–7–93; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. TA93–1–56–000, TM93–2–56–000]

Valero Interstate Transmission Company; Proposed Changes in FERC Gas Tariff

April 2, 1993.

Take notice that Valero Interstate Transmission Company ("Vitco"), on March 31, 1993 tendered for filing the following tariff sheet as required by orders 483 and 483–A containing changes in Purchased Gas Cost Rates pursuant to such provisions:

FERC Gas Tariff, First Revised Volume No. 2

9th Revised Sheet No. 6

Vitco states that this filing reflects changes in its purchased gas cost rates pursuant to the requirements of Orders 483 and 483–A.

The change in rates to Rate Schedule S–3 includes an increase in purchased gas cost of $0.2494 per MMBtu, a surcharge on Account 191 of $0.2062 per MMBtu and a surcharge of $0.2883 per MMBtu applicable to take-or-pay settlement costs.

The proposed effective date of the above filing is June 1, 1993. Vitco requests a waiver of any Commission order or regulations which would prohibit implementation by June 1, 1993.

Any person desiring to be heard or protest said filing should file a motion

to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with §§ 385.214 and 385.211 of the Commission's Rules and Regulations. All such motions or protests should be filed on or before April 19, 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 proceedings. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room.

Lois D. Cashell,

Secretary.

[FR Doc. 93–8185 Filed 4–7–93; 8:45 am]

BILLING CODE 6717–01–M

[Docket Nos. TQ93–3–49–000 and TM93–5–49–000]

Williston Basin Interstate Pipeline Co.; Purchased Gas Adjustment Filing

April 2, 1993.

Take notice that on March 31, 1993, Williston Basin Interstate Pipeline Company (Williston Basin), 200 North Third Street, suite 300, Bismarck, North Dakota 58501, tendered for filing as part of its FERC Gas Tariff the following revised tariff sheets:

First Revised Volume No. 1

Forty-eighth Revised Sheet No. 10

Original Volume No. 1–A

Fortieth Revised Sheet No. 11
Forty-fifth Revised Sheet No. 12
Twenty-fifth Revised Sheet No. 97A

Original Volume No. 1–B

Thirty-sixth Revised Sheet No. 10
Thirty-sixth Revised Sheet No. 11

Original Volume No. 2

Forty-seventh Revised Sheet No. 10
Forty-second Revised Sheet No. 11B

The proposed effective date of the tariff sheets is May 1, 1993.

Williston Basin states that Forty-eight Revised Sheet No. 10 (First Revised Volume No. 1) reflects an increase in the Current Gas Cost Adjustment applicable to Rate Schedules G–1, SGS–1 and E–1 of 40.829 cents per dkt as compared to that contained in the Company's December 31, 1992 filing in Docket Nos. TQ93–2–49–000 and TM93–4–49–000 which became effective February 1, 1993.

Williston Basin further states that Fortieth revised Sheet No. 11, Forty-fifth Revised Sheet No. 12 and Twenty-fifth Revised Sheet No. 97A (Original Volume No. 1–A), Thirty-sixth Revised Sheet Nos. 10 and 11 (Original Volume No. 1–B), Forty-seventh Revised Sheet No. 10 and Forty-second Revised Sheet No. 11B (Original Volume No. 2) reflect revisions to the fuel reimbursement charge and percentage components of the Company's relevant gathering, transportation and storage rates as compared to that contained in the Company's December 31, 1992 filing in Docket Nos. TQ93–2–49–000 and TM93–4–49–000.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All such motions or protests should be filed on or before April 9, 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 to the proceeding must file a motion to intervene. Copies of the filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 93–8188 Filed 4–7–93; 8:45 am]

BILLING CODE 6717–01–M

ENVIRONMENTAL PROTECTION AGENCY

[FRL–4611–9]

Agency Information Collection Activities Under OMB Review

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (44 U.S.C. 3501 et seq.), this notice announces that the Information Collection Requests (ICR) abstracted below have been forwarded to the Office of Management and Budget (OMB) for review and comment. The ICRs describe the nature of the information collection and their expected costs and burdens; where appropriate, they include the actual data collection instruments.

DATE: Comments must be submitted on or before May 10, 1993.

FOR FURTHER INFORMATION CONTACT: Sandy Farmer at EPA, (202) 260–2740.

SUPPLEMENTARY INFORMATION:

Office of Air and Radiation

Title: Vehicle Emission Control Defect Survey (EPA ICR #0184.04; OMB #2060–0047). This ICR requests renewal of the existing clearance.

Abstract: EPA surveys vehicle owners and dealerships to establish a common factor in vehicle's emission control defects. Vehicle owners and new and used car dealers provide EPA with information describing motor vehicle performance and maintenance. EPA uses these data to determine compliance with Federal emission standards, and to substantiate the need for a recall action.

Burden Statement: The public reporting burden for this collection of information is estimated to average 45 minutes per response, including time for listening to instructions, and answering questions.

Respondents: Vehicle owners and vehicle dealerships.

Estimated Number of Respondents: 400.

Estimated Total Annual Burden on Respondents: 167 hours.

Frequency of Collection: On occasion.

Title: Emission Recall Audit Program Owner Questionnaire (EPA ICR #180.04; OMB #2060–0046). This ICR requests renewal of the existing clearance.

Abstract: EPA contacts individuals who own a vehicle which is subject to a particular emission recall campaign. Vehicle owners answer questions providing information on whether they chose to participate in the recall campaign; ease or difficulty encountered in participating; ease or difficulty encountered in obtaining remedial action. The data are used to evaluate the effectiveness of an emission recall and, if necessary, to initiate enforcement actions against manufacturers.

Burden Statement: The public reporting burden for this collection of information is estimated to average 15 minutes per response, including time for reviewing instructions, searching existing data sources, gathering the data needed, and completing and reviewing the collection of information.

Respondents: Individual vehicle owners.

Estimated Number of Respondents: 1000.

Estimated Total Annual Burden on Respondents: 250 hours.

Frequency of Collection: On occasion.

Send comments regarding the burden estimate, or any other aspect of this information collection, including suggestions for reducing the burden, to: Sandy Farmer, U.S. Environmental Protection Agency, Information Policy Branch (PM–223Y), 401 M Street, SW.,

Washington, DC 20460 and Troy Hillier, Office of Management and Budget, Office of Information and Regulatory Affairs, 725 17th Street, NW., Washington, DC 20530.

Dated: April 2, 1993.

Paul Lapsley,

Director, Regulatory Management Division.

[FR Doc. 93–8205 Filed 4–7–93; 8:45 am]

BILLING CODE 6560–50–M

[OPP–00354; FRL–4575–5]

Hydroxytetracycline Monohydrochloride and Oxytetracycline Calcium; Pesticide Reregistration Eligibility Document; Availability for Comment

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of availability of reregistration eligibility documents; opening of public comment period.

SUMMARY: This Notice announces the availability of the Reregistration Eligibility Document (RED) for Hydroxytetracycline Monohydrochloride and Oxytetracycline Calcium and opens a public comment period. The RED is the Agency's formal regulatory assessment of the health and environmental data base for hydroxytetracycline monohydrochloride and oxytetracycline calcium and presents the Agency's determination regarding which uses of hydroxytetracycline monohydrochloride and oxytetracycline calcium are eligible for reregistration.

DATES: Written comments on the RED must be submitted by June 7, 1993.

ADDRESSES: Three copies of comments identified with the docket number "OPP–00354" should be submitted by mail to: Public Response and Program Resources Branch, Field Operations Division (H7506C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. In person, deliver comments to: Rm. 1132, CM #2, 1921 Jefferson Davis Highway, Arlington, VA.

Information submitted as a comment in response to this Notice may be claimed confidential by marking any part or all of that information as "Confidential Business Information" (CBI). Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2. A copy of the comment that does not contain CBI must be submitted for inclusion in the public docket. Information not marked confidential will be included in the public docket without prior notice. The public docket and docket index will be available for public inspection in rm. 1132 at the address given above, from 8 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays.

FOR FURTHER INFORMATION CONTACT: Benjamin C. Chambliss for questions concerning product-specific data requirements and labeling at (703) 305–6900. Questions on the generic database should be directed to Mario F. Fiol at (703) 308–8049. To request a copy of the RED or a RED Fact Sheet contact the Public Response and Program Resources Branch in rm. 1132, CM #2 at the address given above ((703) 305–5805).

SUPPLEMENTARY INFORMATION: The Agency has issued a RED for Hydroxytetracycline Monohydrochloride and Oxytetracycline Calcium. Under the Federal Insecticide, Fungicide and Rodenticide Act, as amended in 1988, EPA is conducting an accelerated reregistration program to reevaluate most existing pesticides to make sure they meet current scientific and regulatory standards. The Agency has determined that the registered uses do not cause unreasonable adverse effects to people or the environment. EPA has determined that all products containing hydroxytetracycline monohydrochloride and oxytetracycline calcium as an active ingredient are eligible for reregistration. However, some product chemistry information will be necessary in order to fulfill the generic data base.

All registrants of hydroxytetracycline monohydrochloride and oxytetracycline calcium have been sent the appropriate RED and must respond to the labeling requirements and the product specific data requirements (if applicable) within 8 months of receipt.

EPA is issuing the hydroxytetracycline monohydrochloride and oxytetracycline calcium RED as a final document with a 60–day comment period. The reregistration program is being conducted under congressionally mandated timeframes, and EPA is mindful of the need to make both timely reregistration decisions and involve the public. Although it does not affect the registrants' response due date, the 60–day public comment period provides an opportunity for public input and a mechanism for initiating any necessary amendments to the RED.

Dated: March 3, 1993.

Peter Caulkins,

Acting Director, Special Review and Reregistration Division, Office of Pesticide Programs.

[FR Doc. 93–8274 Filed 4–7–93; 8:45 am]

BILLING CODE 6560–50–F

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

Agency Information Collection Under OMB Review

AGENCY: Administration for Children and Families, Department of Health and Human Services.

ACTION: Notice.

Under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35), we have submitted to the Office of Management and Budget (OMB) a request for approval of new information collection titled: "Study of the Effects of Homelessness on Administration on Children, Youth and Families (ACYF) Programs".

ADDRESSES: Copies of the information collection request may be obtained from Steve Smith, Office of Information Systems Management, Administration for Children and Families, by calling (202) 401–6964.

Written comments and questions regarding the requested approval for information collection should be sent directly to: Kristina Emanuels, OMB Desk Officer for ACF, OMB Reports Management Branch, New Executive Office Building, Room 3002, 725 17th Street, NW., Washington, DC 20503, (202) 395–7316.

Information on Document

Title: Study of the Effects of Homelessness on Administration on Children, Youth and Families (ACYF) Programs.

OMB No.: 0980—New request.

Description: The objective of this study is to assess the extent and effect of homelessness among children, youth, and families on programs funded by the Administration on Children, Youth and Families and, determine how the Administration for Children and Families can best serve the needs of this target population in its service areas. In addition, the study will identify and prepare a directory of public and privately funded programs that serve the homeless across the nations.

This study is to specifically accomplish the following:

1. Identify and describe the types of public and privately funded programs that serve homeless children, youth, and families across the nation.
2. Identify and describe potential model programs of service delivery for homeless children, youth, and

families.

3. Determine the responsiveness of ACYF programs in addressing homelessness among children, youth, and families.
4. Determine how ACYF program services and policies can be improved to increase their responsiveness to the needs of homeless children, youth, and families.

Annual Number of Respondents: 3,160.
Frequency: 1.2.
Average Burden Hours Per Response: .54.
Total Burden Hours: 1,920.

Dated: March 10, 1993.

Larry Guerrero,

Deputy Director, Office of Information Systems Management.

[FR Doc. 93–8229 Filed 4–7–93; 8:45 am]

BILLING CODE 4130–01–M

Food and Drug Administration

[Docket No. 92D–0296]

Guidance Manual for Submitting Computer-Assisted New Drug Applications; Procedures for Revisions

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing the procedures that it will take to revise the guidance manual that assists applicants in submitting computer-assisted new drug applications (CANDA's). Periodic revisions to the guidance manual will keep the document current as information and procedures within the agency change.

ADDRESSES: The revised guidance manual is available via Internet and BITNET by sending an electronic mail message to DOC00003@FDACD.BITNET. The sole purpose of this address is to automatically distribute the notice and report by return electronic mail. Therefore, no other correspondence should be sent to this address, and there is no need to include text in the body or subject of the request message. So that the reader does not have to request the complete guidance manual, FDA is also making available a page that will contain a cumulative list of the dates of each revision and where the revision appears. This will permit the reader to determine whether he or she needs the complete guidance manual. To access this page through Internet and BITNET, send an electronic message to DOC00005@FDACD.BITNET.

FOR FURTHER INFORMATION CONTACT: Robert A. Bell, Center for Drug Evaluation and Research (HFD–10), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–0845.

SUPPLEMENTARY INFORMATION: In the **Federal Register** of October 9, 1992 (57 FR 46565), FDA published a notice announcing the availability of a draft guidance manual for submitting CANDA's. The agency gave interested persons 90 days to comment on the draft guidance manual, which is entitled "CANDA Guidance Manual." FDA made the manual available in hard copy and by electronic mail via Internet and BITNET. The manual is intended to facilitate the use of computers in the drug approval process by giving applicants and other interested parties guidance on the factors FDA considers in accepting CANDA's. Computerized submissions will enable FDA to expedite its new drug approval process. This manual was developed by FDA, the Pharmaceutical Manufacturers Association, and the Health Protection Branch of the Canadian Department of National Health and Welfare. FDA's goal is to have virtually all new drug application submissions computerized by 1995.

FDA's long-range plans commit the agency to explore the use of new strategies and technical approaches in the development of its overall CANDA policy. Over time, FDA envisions the need to revise its guidance manual to reflect these new strategies and changes in technology. Therefore, FDA is announcing the procedures it intends to use to update the hard copy and electronic mail versions of the guidance manual.

The agency will update the electronic mail version as needed. The agency started revising the electronic mail version on February 25, 1993.

In October 1993, the entire guidance manual will be reprinted in hard copy. The revised hard copy will contain all changes made electronically as of August 1993. A notice of availability of the revised hard copy will be published in the **Federal Register.**

The agency will continue to update the electronic mail version as needed, and publish the hard copy annually until the end of 1995, the estimated date that virtually all submissions to the agency will either be full CANDA's or have major automated components. After 1995, the agency will reassess the need for the hard copy version, but intends, except in unusual circumstances, to make available only the electronic mail version.

Dated: April 1, 1993.

Michael R. Taylor,

Deputy Commissioner for Policy.

[FR Doc. 93–8137 Filed 4–7–93; 8:45 am]

BILLING CODE 4160–01–F

Food and Drug Industry Exchange Meeting Concerning Food Labeling Requirements; Notice of Public Meeting

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice of public meeting.

SUMMARY: The Food and Drug Administration (FDA), Office of Small Business, Scientific and Trade Affairs, Center for Food Safety and Applied Nutrition, and the Southwest Regional Office are cosponsoring an industry exchange. New food labeling requirements will be discussed.

DATES: The industry exchange meeting will be held on Tuesday, April 27, 1993, 7 a.m. to 5 p.m.

ADDRESSES: The industry exchange meeting will be held at the Kansas City Airport Marriott, 775 Brasilia, Kansas City, MO 64153.

FOR FURTHER INFORMATION CONTACT: Jeanne White or Sharon Schneider, Office of Small Business, Scientific and Trade Affairs (HF–50), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–6776, or Marie Falcone, Food and Drug Administration, Southwest Region, 7920 Elmbrook Dr., suite 102, Dallas, TX 75247, 214–655–8100, extension 28. Those persons interested in attending this meeting should fax their registration to 214–655–8130, including name, firm name, address, and telephone number. This is a free meeting, but advance registration is required.

SUPPLEMENTARY INFORMATION: The new food labeling regulations change the requirements for food label content effective May 1994, with some ingredient changes effective May 1993. Topics to be discussed include new requirements regarding health claims, nutrient descriptors, daily reference values, and information on how to prepare a nutrition facts panel.

Dated: April 2, 1993.

Michael R. Taylor,

Deputy Commissioner for Policy.

[FR Doc. 93–8252 Filed 4–7–93; 8:45 am]

BILLING CODE 4160–01–F

Scientific Workshop; Clinical Trial Issues of Topical Wound Healing Biologics

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA), Center for Biologics Evaluation and Research (CBER) is announcing a scientific workshop entitled "Clinical Trial Issues of Topical Wound Healing Biologics." This workshop will examine regulatory and scientific issues relating to preclinical models and the design of clinical trials for evaluation of the safety and efficacy of biologics for soft tissue wound healing.

DATES: The workshop will be held on Thursday, April 22, 1993, 8 a.m. to 5 p.m.; and Friday, April 23, 1993, 8:30 a.m. to 5 p.m. There is no workshop fee. Because seating space is limited, early preregistration is required.

ADDRESSES: The workshop will be held in the Masur Auditorium, Warren Grant Magnuson Clinical Center, Bldg. 10, National Institutes of Health, 9000 Rockville Pike, Bethesda, MD.

FOR FURTHER INFORMATION CONTACT: For information on the meeting, registration, hotel, and travel: Pamela S. Milan, KRA Corp., 1010 Wayne Ave., suite 950, Silver Spring, MD 20910, 301–495–1591; fascimile 301–495–2919.

For information regarding this notice: Stephen Ripley, Center for Biologics Evaluation and Research (HFM–635), Food and Drug Administration, 1401 Rockville Pike, Rockville, MD 20852–1448, 301–295–9074.

SUPPLEMENTARY INFORMATION: FDA, CBER is sponsoring a workshop to examine regulatory and scientific issues relating to preclinical models and the design of clinical trials for evaluation of the safety and efficacy of biologics for soft tissue wound healing.

Speakers and panelists will address the following topics: (1) Biology and bioassay of biologics; (2) preclinical models of acute and chronic soft tissue wounds; (3) pharmacology and toxicology of relevant growth factors; (4) overview of biologics for hard tissue wound healing; and (5) review of clinical trials using biologics for pressure ulcers, venous stasis ulcers, diabetic foot ulcers, thermal burns, ophthalmologic indications, and future concerns.

Dated: April 2, 1993.

Michael R. Taylor,

Deputy Commissioner for Policy.

[FR Doc. 93–8253 Filed 4–7–93; 8:45 am]

BILLING CODE 4160–01–F

National Institutes of Health

National Institute of Diabetes and Digestive and Kidney Diseases; Notice of Meeting of the Board of Scientific Counselors

Pursuant to Public Law 92–463, notice is hereby given of the meeting of the Board of Scientific Counselors, National Institute of Diabetes and Digestive and Kidney Diseases (NIDDK), May 5, 6 and 7, 1993, National Institutes of Health, Building 5, first floor conference room, Bethesda, Maryland 20892. This meeting will be open to the public on May 5 from 8:50 p.m. to 9:30 p.m., May 6 from 9 a.m. to 12 noon and again from 2 p.m. to 4:30 p.m., and May 7 from 8:30 a.m. to 10 a.m. The open portion of the meeting will be devoted to scientific presentations by various laboratories of the NIDDK Intramural Research Program. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in sec. 552b(c)(6), title 5, U.S.C. and sec. 10(d) of Public Law 92–463, the meeting will be closed to the public on May 5 from 8:20 p.m. to 8:50 p.m., May 6 from 12 noon to 2 p.m. and again from 4:30 p.m. to recess, and May 7 from 10 a.m. to adjournment for the review, discussion and evaluation of individual intramural programs and projects conducted by the NIDDK, including consideration of personnel qualifications and performance, the competence of individual investigators, and similar items, disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Summaries of the meeting and rosters of the members will be provided by the Committee Management Office, National Institute of Diabetes and Digestive and Kidney Diseases, Building 31, Room 9A19, Bethesda, Maryland 20892. For any further information, and for individuals who plan to attend and need special assistance, such as sign language interpretation or other reasonable accommodations, please contact Dr. Allen Spiegel, Scientific Review Administrator, Board of Scientific Counselors, National Institutes of Health, Building 10, Room 9N–222, Bethesda, Maryland 20892, (301) 496–4128. Please note, if you plan to request special assistance, you must do so two weeks prior to the meeting date.

(Catalog of Federal Domestic Assistance Program No. 93.847–849, Diabetes, Endocrine and Metabolic Diseases; Digestive Diseases and Nutrition; and Kidney Diseases, Urology and Hematology Research, National Institutes of Health)

Dated: March 30, 1993.

Susan K. Feldman,

Committee Management Officer, NIH.

[FR Doc. 93–8173 Filed 4–7–93; 8:45 am]

BILLING CODE 4140–01–M

National Institutes of Health

National Heart, Lung, and Blood Institute; Meeting

Pursuant to Public Law 92–463, notice is hereby given of the meeting of the following Heart, Lung, and Blood Special Emphasis Panel.

The meeting will be closed in accordance with the provisions set forth in section 552b(c)(4) and 552b(c)(6), title 5, U.S.C. and section 10(d) of Public Law 92–463, for the review, discussion and evaluation of individual grant applications, contract proposals, and/or cooperative agreements. These applications and/or proposals and the discussions could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the applications and/or proposals, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Panel: NHLBI SEP on Collaborative Projects on Women's Health (ROI).

Dates of Meeting: April 20/21, 1993.

Time of Meeting: 8 p.m.

Place of Meeting: Bethesda Marriott, Bethesda, Maryland.

Agenda: To review and evaluate grant applications.

Contact Person: Carl A. Ohata, Ph.D., 5333 Westbard Avenue, rm. 5A09, Bethesda, Maryland 20892. (301) 496–8184.

(Catalog of Federal Domestic Assistance Program Nos. 93.837, Heart and Vascular Diseases Research; 93.838, Lung Diseases Research; and 93.839, Blood Diseases and Resources Research, National Institutes of Health.)

Dated: March 30, 1993.

Susan K. Feldman,

Committee Management Officer, NIH.

[FR Doc. 93–8170 Filed 4–7–93; 8:45 am]

BILLING CODE 4140–01–M

National Institutes of Health

National Heart, Lung, and Blood Institute; Meeting

Pursuant to Public Law 92–463, notice is hereby given of the meeting of the following Heart, Lung, and Blood Special Emphasis Panel.

The meeting will be closed in accordance with the provisions set forth in section 552b(c)(4) and 552b(c)(6), title 5, U.S.C. and section 10(d) of Public Law 92–463, for the review, discussion and evaluation of individual grant applications, contract proposals, and/or cooperative agreements. These applications and/or proposals and the discussions could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the applications and/or proposals, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Panel: NHLBI SEP on Collaborative Projects (ROIs) on Women's Health.

Dates of Meetings: April 21–22, 1993.

Time of Meeting: 7:30 p.m.

Place of Meeting: Bethesda Holiday Inn, Bethesda, Maryland.

Agenda: To review and evaluate grant applications.

Contact Person: Dr. Dennis Lang, 5333 Westbard Avenue, room 5A10, Bethesda, Maryland 20892. (301) 496–7965.

(Catalog of Federal Domestic Assistance Program Nos. 93.837, Heart and Vascular Diseases Research; 93.838, Lung Diseases Research; and 93.839, Blood Diseases and Resources Research, National Institutes of Health.)

Dated: March 30, 1993.

Susan K. Feldman,

Committee Management Officer, NIH.

[FR Doc. 93–8169 Filed 4–7–93; 8:45 am]

BILLING CODE 4140–01–M

National Library of Medicine; Meeting of the Board of Scientific Counselors

Pursuant to Public Law 92–463, notice is hereby given of the meeting of the Board of Scientific Counselors, National Library of Medicine, on May 13 and May 14, 1993, in the Board Room of the National Library of medicine, Building 38, 8600 Rockville Pike, Bethesda, Maryland.

The meeting will be open to the public from 8:30 a.m. to 12:45 p.m. and from 1:45 to 4:45 p.m. on May 13 and from 8:30 a.m. to approximately 12 noon on May 14 for the review of research and development programs and preparation of reports of the Lister Hill National Center for Biomedical Communications. Attendance by the public will be limited to space available. Individuals who plan to attend and need special assistance, such as sign language interpretation or other reasonable accommodations, should contact Ms. Jackie Duley at 301–496–4441 in advance of the meeting.

In accordance with provisions set forth in section 552b(c)(6), title 5, U.S.C., and section 10(d) of Public Law 92–463, the meeting will be closed to the public on May 13, from approximately 12:45 p.m. to 1:45 p.m. for the consideration of personnel qualifications and performance of individual investigators and similar items, the disclosure of which would constitute an unwarranted invasion of personal privacy.

The Executive Secretary, Dr. Daniel R. Masys, Director, Lister Hill National Center for Biomedical Communications, National Library of Medicine, 8600 Rockville Pike, Bethesda, Maryland 20894, telephone (301) 496–4441, will furnish summaries of the meeting, rosters of committee members, and substantive program information.

Dated: March 30, 1993.

Susan K. Feldman,

Committee Management Officer, NIH.

[FR Doc. 93–8171 Filed 4–7–93; 8:45 am]

BILLING CODE 4140–01–M

National Institute of Environmental Health Sciences; Meeting of Board of Scientific Counselors, NIEHS

Pursuant to Public Law 92–463, notice is hereby given of the meeting of the Board of Scientific Counselors, NIEHS, May 17–18, 1993 in Building 101 Conference Room, South Campus, NIEHS, Research Triangle Park, North Carolina.

This meeting will be open to the public 9 a.m. to 12 noon on May 17, for the purpose of presenting an overview of the organization and conduct of research in the Laboratory of Molecular Genetics. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in sec. 552b(c)(6) of Title 5 U.S. Code and sec. 10(d) of Public Law 92–463, the meeting will be closed to the public on May 17 from approximately 1 p.m. to recess and on May 18 from 9 a.m. to adjournment, for the evaluation of the programs of the laboratory of Molecular Genetics, including consideration of personnel qualifications and performance, the competence of individual investigators, and similar items, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

The Executive Secretary, Dr. John McLachlan, Scientific Director, Division of Intramural Research, NIEHS, Research Triangle Park, N.C. 27709, telephone (919) 541–3205, will furnish summaries of the meeting, rosters of committee members and substantive program information. Individuals who plan to attend and need special assistance, such as sign language interpretation or other reasonable accommodations, should contact the Executive Secretary in advance of the meeting.

Dated: March 30, 1993.

Susan K. Feldman,

Committee Management Officer, NIH.

[FR Doc. 93–8172 Filed 4–7–93; 8:45 am]

BILLING CODE 4140–01–M

Office of Community Services

Fiscal Year (FY) 1994 State Median Income Estimates for Use Under the Low Income Home Energy Assistance Program Administered by the Administration for Children and Families, Office of Community Services, Division of Energy Assistance

AGENCY: Administration for Children and Families (ACF), DHHS.

ACTION: Notice of estimated state median income for Fiscal Year (FY) 1994.

SUMMARY: This notice announces the estimated median income for four-person families in each state and the District of Columbia for FY 1994. This listing of estimated state median incomes concerns maximum income levels for households to which the states may make payments under the Low Income Home Energy Assistance Program (LIHEAP).

EFFECTIVE DATE: The estimates are effective as of October 1, 1993.

FOR FURTHER INFORMATION CONTACT: Leon Litow, Administration for Children and Families, HHS, Office of Community Services, Division of Energy Assistance, 5th Floor West, 370 L'Enfant Promenade, SW., Washington, DC 20447, Telephone: (202) 401–5304.

SUPPLEMENTARY INFORMATION: Under the provisions of section 2603(7) of title XXVI of the Omnibus Budget Reconciliation Act of 1981 (Pub. L. 97–35, as amended) we are announcing the estimated median income of a four-person family for each state, the District of Columbia, and the United States for

the period of October 1, 1993, through September 30, 1994. Section 2605(b)(2)(B)(ii) of the statute provides that 60 percent of the median income for each state, as annually established by the Secretary of Health and Human Services, is one of the income criteria that states can use in determining a household's eligibility for LIHEAP. The purpose of this announcement is to provide estimates of state median income for use in FY 1994.

LIHEAP is currently authorized through the end of FY 1994 by provisions of title VII of the Augustus F. Hawkins Human Services Reauthorization Act of 1990, Public Law 101–501, enacted on November 3, 1990. Under this Act, the current income eligibility provisions relating to state median income remain unchanged.

Estimates of the median income of four-person families for each state and the District of Columbia for FY 1994 were developed by the Bureau of the Census of the U.S. Department of Commerce, using the most recent available income data. In developing the median income estimates for FY 1994, the Bureau of the Census used the following three sources of data: (1) The March 1992 Current Population Survey; (2) the 1990 Decennial Census of Population; and (3) 1991 per capita personal income estimates, by state, from the Bureau of Economic Analysis of the U.S. Department of Commerce.

The estimating method for FY 1994 is similar to that used in previous years. These are the first estimates to use the 1990 Decennial Census as their base. Previous estimates used the 1980 Decennial Census as their base. For further information on the effect of using the 1990 Decennial Census, contact Edward Welniak, Chief of the Income Statistics Branch, Housing and Household Economic Statistics Division, at the Bureau of the Census (301–763–8576).

A state-by-state listing of median income, and 60 percent of median income, for a four-person family for FY 1994 follows. The listing describes the method for adjusting median income for families of different sizes as specified in 45 CFR 96.85(b), which was published in the **Federal Register** on March 3, 1988 at 53 FR 6824.

Dated: February 18, 1993.

Jacqueline G. Lemire,

Acting Director, Office of Community Services.

ESTIMATED STATE MEDIAN INCOME FOR 4-PERSON FAMILIES, BY STATE, FISCAL YEAR 1994 [1] [2]

States	Estimated state median income 4-person families	60 percent of estimated state median income 4-person families
Alabama ...	$37,638	$22,583
Alaska	49,721	29,833
Arizona	39,364	23,618
Arkansas ..	34,566	20,740
California ..	46,643	27,986
Colorado ...	43,136	25,882
Connecticut	54,479	32,687
Delaware ..	48,531	29,119
District of Columbia	43,994	26,396
Florida	40,484	24,290
Georgia	41,274	24,764
Hawaii	49,367	29,620
Idaho	36,789	22,073
Illinois	45,707	27,424
Indiana	41,850	25,110
Iowa	39,763	23,858
Kansas	40,682	24,409
Kentucky ...	36,255	21,753
Louisiana ..	36,105	21,663
Maine	40,251	24,151
Maryland ...	51,103	30,662
Massachusetts	51,135	30,681
Michigan ...	44,605	26,763
Minnesota .	44,785	26,871
Mississippi	33,941	20,365
Missouri	40,285	24,171
Montana ...	36,094	21,656
Nebraska ..	39,845	23,907
Nevada	42,418	25,451
New Hampshire	47,646	28,588
New Jersey	54,374	32,624
New Mexico	34,736	20,842
New York ..	46,649	27,989
North Carolina	39,934	23,960
North Dakota	37,186	22,312
Ohio	42,201	25,321
Oklahoma .	36,285	21,771
Oregon	40,272	24,163
Pennsylvania	43,213	25,928
Rhode Island	46,190	27,714
South Carolina	39,134	23,480
South Dakota	36,406	21,844
Tennessee	38,552	23,131
Texas	39,204	23,522
Utah	39,526	23,716
Vermont	41,940	25,164
Virginia	44,488	26,693
Washington	43,982	26,389
West Virginia	35,163	21,098
Wisconsin .	42,746	25,648
Wyoming ..	40,175	24,105

[1] In accordance with 45 CFR 96.85, each state's estimated median income for a 4-person family is multiplied by the following percentages to adjust for family size: 52% for one person, 68% for two persons, 84% for three persons, 100% for four persons, 116% for five persons, and 132% for six persons. For family sizes greater than six persons, add 3% to 132% for each additional family member and multiply the new percentage by the state's estimated median income for a 4-person family.

[2] Prepared by the Bureau of the Census from the March 1992 Current Population Survey, 1990 Decennial Census of Population and Housing, and 1991 per capita personal income estimates, by state, from the Bureau of Economic Analysis.

NOTE.—The estimated median income for 4-person families living in the United States is $43,056 for the period of October 1, 1993, through September 30, 1994.

[FR Doc. 93–8249 Filed 4–7–93; 8:45 am]

BILLING CODE 4130–01–M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Administration

[Docket No. N–93–3608]

Submission of Proposed Information Collection to OMB

AGENCY: Office of Administration, HUD.

ACTION: Notice.

SUMMARY: The proposed information collection requirement described below has been submitted to the Office of Management and Budget (OMB) for review, as required by the Paperwork Reduction Act. The Department is soliciting public comments on the subject proposal.

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and should be sent to: Angela Antonelli, OMB Desk Officer, Office of Management and Budget, New Executive Office Building, Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: Kay F. Weaver, Reports Management Officer, Department of Housing and Urban Development, 451 7th Street, Southwest, Washington, DC 20410, telephone (202) 708–0050. This is not a

toll-free number. Copies of the proposed forms and other available documents submitted to OMB may be obtained from Ms. Weaver.

SUPPLEMENTARY INFORMATION: The Department has submitted the proposal for the collection of information, as described below, to OMB for review, as required by the Paperwork Reduction Act (44 U.S.C. chapter 35).

The Notice lists the following information: (1) The title of the information collection proposal; (2) the office of the agency to collect the information; (3) the description of the need for the information and its proposed use; (4) the agency form number, if applicable; (5) what members of the public will be affected by the proposal; (6) how frequently information submissions will be required; (7) an estimate of the total number of hours needed to prepare the information submission including number of respondents, frequency of response, and hours of response; (8) whether the proposal is new or an extension, reinstatement, or revision of an information collection requirement; and (9) the names and telephone numbers of an agency official familiar with the proposal and of the OMB Desk Officer for the Department.

Authority: Section 3507 of the Paperwork Reduction Act, 44 U.S.C. 3507; section 7(d) of the Department of Housing and Urban Development Act, 42 U.S.C. 3535(d).

Dated: March 26, 1993.

Kay Weaver,

Acting Director, IRM Policy and Management Division.

Proposal: Choice in Public Housing Management (FR–3464)

Office: Public and Indian Housing

Description of the Need for the Information and its Proposed Use: The purpose of this rule is to authorize funding to enable residents of severely distressed public housing owned or operated by troubled public housing agencies to hire alternative managers to operate and rehabilitate their projects. Applicants will provide HUD with information on certain selection criteria and enter into a management contract with HUD.

Form Number: None

Respondents: State or Local Governments and Non-Profit Institutions

Frequency of Submission: One-Time

Reporting Burden:

	Number of respondents	×	Frequency of response	×	Hours per response	=	Burden hours
Application submission	50		1		40		2,000
Bonding and insurance	50		1		2		100

Total Estimated Burden Hours: 2,100

Status: New

Contact: Roger Braner, HUD, (202) 708–1380; Angela Antonelli, OMB, (202) 395–6880.

[FR Doc. 93–8264 Filed 4–7–93; 8:45 am]

BILLING CODE 4210–01–M

[Docket No. N–93–3606]

Notice of Submission of Proposed Information Collection to OMB

AGENCY: Office of Administration, HUD.

ACTION: Notice.

SUMMARY: The proposed information collection requirement described below has been submitted to the Office of Management and Budget (OMB) for review, as required by the Paperwork Reduction Act. The Department is soliciting public comments on the subject proposal.

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and should be sent to: Angela Antonelli, OMB Desk Officer, Office of Management and Budget, New Executive Office Building, Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: Kay F. Weaver, Reports Management Officer, Department of Housing and Urban Development, 451 7th Street, SW., Washington, DC 20410, telephone (202) 708–0050. This is not a toll-free number. Copies of the proposed forms and other available documents submitted to OMB may be obtained from Ms. Weaver.

SUPPLEMENTARY INFORMATION: The Department has submitted the proposal for the collection of information, as describe below, to OMB for review, as required by the Paperwork Reduction Act (44 U.S.C. chapter 35).

The Notice lists the following information: (1) The title of the information collection proposal; (2) the office of the agency to collect the information; (3) the description of the need for the information and its proposed use; (4) the agency form number, if applicable; (5) what members of the public will be affected by the proposal; (6) how frequently information submissions will be required; (7) an estimate of the total number of hours needed to prepare the information submission including number of respondents, frequency of response, and hours of response; (8) whether the proposal is new or an extension, reinstatement, or revision of an information collection requirement; and (9) the names and telephone numbers of an agency official familiar with the proposal and of the OMB Desk Officer for the Department.

Authority: Section 3507 of the Paperwork Reduction Act, 44 U.S.C. 3507; Section 7(d) of the Department of Housing and Urban Development Act, 42 U.S.C. 3535(d).

Dated: March 22, 1993.

John T. Murphy,

Director, IRM Policy and Management Division.

Notice of Submission of Proposed Information Collection to OMB

Proposal: Flexible Subsidy/Capital Improvement Loan Programs, 24 CFR Parts 219 and Application Form

Office: Housing

Description of the Need for the Information and its Proposed Use: The form HUD–9826 is used as an application for the Flexible Subsidy Program. HUD assisted owners will need it when applying for operating and capital improvement loans.

Form Number: HUD–9826

Respondents: State or Local Governments, Businesses or Other For-Profit, Non-Profit Institutions, and Small Businesses or Organizations

Frequency of Submission: On Occasion

Reporting Burden:

	Number of respondents	×	Frequency of response	×	Hours per response	=	Burden hours
HUD–9826	150		1		.5		75

Total Estimated Burden Hours: 75
Status: New
Contact: James J. Tahash, HUD, (202) 708–3944; Angela Antonelli, OMB, (202) 395–6880.

Dated March 22, 1993.

[FR Doc. 93–8262 Filed 4–7–93; 8:45 am]
BILLING CODE 4210–01–M

[Docket No. N–93–3607]

Submission of Proposed Information Collection to OMB

AGENCY: Office of Administration, HUD.

ACTION: Notice.

SUMMARY: The proposed information collection requirement described below has been submitted to the Office of Management and Budget (OMB) for review, as required by the Paperwork Reduction Act. The Department is soliciting public comments on the subject proposal.

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and should be sent to: Angela Antonelli, OMB Desk Officer, Office of Management and Budget, New Executive Office Building, Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: Kay F. Weaver, Reports Management Officer, Department of Housing and Urban Development, 451 7th Street, Southwest, Washington, DC 20410, telephone (202) 708–0050. This is not a toll-free number. Copies of the proposed forms and other available documents submitted to OMB may be obtained from Ms. Weaver.

SUPPLEMENTARY INFORMATION: The Department has submitted the proposal for the collection of information, as described below, to OMB for review, as required by the Paperwork Reduction Act (44 U.S.C. chapter 35).

The Notice lists the following information: (1) The title of the information collection proposal; (2) the office of the agency to collect the information; (3) the description of the need for the information and its proposed use; (4) the agency form number, if applicable; (5) what members of the public will be affected by the proposal; (6) how frequently information submissions will be required; (7) an estimate of the total number of hours needed to prepare the information submission including number of respondents, frequency of response, and hours of response; (8) whether the proposal is new or an extension, reinstatement, or revision of an information collection requirement; and (9) the names and telephone numbers of an agency official familiar with the proposal and of the OMB Desk Officer for the Department.

Authority: Section 3507 of the Paperwork Reduction Act, 44 U.S.C. 3507; section 7(d) of the Department of Housing and Urban Development Act, 42 U.S.C. 3535(d).

Dated: March 25, 1993.

John T. Murphy,
Director, IRM Policy and Management Division.

Proposal: Lead-Based Paint Hazard Elimination Program and Annual Reporting
Office: Public and Indian Housing
Description of the Need for the Information and Its Proposed Use: Public and Indian Housing Agencies are required to maintain records on tenant notification, testing by location and abatement by location and method. These agencies are also required to provide tenants and purchasers a copy of all positive lead-based paint test results.
Form Number: HUD–52850 and 52850–B
Respondents: State or Local Governments and Non-Profit Institutions
Frequency of Submission: Recordkeeping and Annually
Reporting Burden:

	Number of respondents	x	Frequency of response	x	Hours per response	=	Burden hours
Information Collection	3,100		1		(1)		453,325
Annual report	3,100		1		1		3,100
Checklist	3,100		1		16		49,600

[1] Varies.

Total Estimated Burden Hours: 506,025
Status: Reinstatement
Contact: Marilyn Diaz, HUD, (202) 708–1640; Angela Antonelli, OMB, (202) 395–6880.

[FR Doc. 93–8263 Filed 4–7–93; 8:45 am]
BILLING CODE 4210–01–M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[AZ–040–01–4410–04]

Availability for the Record of Decision for the Sanchez Copper Project Final Environmental Impact Statement, Case Number A 25564; Gila Resource Area, Graham County, AZ

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of Availability for the Record of Decision for the Sanchez Cooper Project Mining Plan of Operation, case number A 25564; Gila Resource Area, Graham County, AZ.

SUMMARY: The Gila Resource Area, United States Department of Interior, Bureau of Land Management has prepared the Record of Decision for the Final Environmental Impact Statement for the Sanchez Cooper Project near Safford, Arizona. The Record of Decision was signed by the Arizona BLM State Director on March 8, 1993. The Record of Decision complies with regulations developed by the Council on Environmental Quality for implementing the National Environmental Policy Act of 1969 (40 CFR part 1500).

DATES: April 4, 1993.

ADDRESSES: 711 14th Avenue, Safford, Arizona 85546.

FOR FURTHER INFORMATION CONTACT: Mike McQueen, Planning and Environmental Coordinator, Safford District Office, 711 14th Avenue, Safford, Arizona 85546. Telephone (602) 428–4040.

Dated: April 2, 1993.

William T. Civish,

District Manager.

[FR Doc. 93–8233 Filed 4–7–93; 8:45 am]

BILLING CODE 4310–32–M

[AZ–020–03–4212–04; AZA 27462]

Exchange of Public Lands; Arizona

AGENCY: Bureau of Land Management (BLM), Interior.

REALTY ACTION: Exchange of Public Lands, Arizona.

Two corrections are necessary in notice of realty action AZA 27462 published in **Federal Register** Document 93–4218 on Wednesday, February 24, 1993, in Volume 58, Number 35, page 11242 in column 3, as follows:

After T. 14 N., R. 4 W., Sec. 25 should read:

SW¼NE¼, NW¼SE¼;

After T. 24 N., R. 17 W., Sec. 2 should read:

Lots 1 to 4, inclusive, S½N½, S½;

Please call Barbara Ahearn, Realty Specialist, at 602–780–8090 if there are any questions.

Dated: April 2, 1993.

David J. Miller,

District Manager.

[FR Doc. 93–8244 Filed 4–7–93; 8:45 am]

BILLING CODE 4310–32–M

[CO–030–4210–05, COC54605]

Resource Management Plan Amendment; Colorado

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of intent to amend a resource management plan and notice of realty action: Recreation and Public Purposes Act Classification; Colorado.

Notice of Intent

SUMMARY: The Uncompahgre Basin Resource Area, Montrose District, is proposing a land use plan amendment to the Uncompahgre Basin Resource Management Plan (RMP). This amendment would modify the existing land use disposal decision in the RMP in three ways: First, it would identify public lands available for disposal by sale and other appropriate authorities (Category I); second, it would identify public lands that are available for disposal by means other than sale (Category II); and third, it would authorize the conveyance of a tract of public land to Delta County, pursuant to the Recreation and Public Purposes Act, for use as a landfill (see the Notice of Realty Action portion of this notice for specific information on this proposed disposal).

The 1989 Record of Decision for the RMP identified 11,026 acres of public land in 143 specific tracts for disposal by sale or exchange. Only isolated tracts of public lands comprising 500 acres or less and meeting specific criteria for public land sale were identified for disposal in the RMP. The remaining public lands in the planning area are not available for disposal. This decision restricts management flexibility to timely respond to land adjustment initiatives.

Issues

How can flexibility be increased to allow for proper resource management decisions regarding the disposal of public lands?

Planning Criteria

1. The proposed plan amendment will only consider the disposal of public land.

2. The specific management guidance and direction for Management Units 6, 13, 14 and 15, as identified in the Uncompahgre Basin RMP, will not be modified as a result of this plan amendment. Public lands will not be identified for disposal in these units.

Alternatives

In addition to the proposed plan amendment described above, two alternatives have been identified for analysis during the plan amendment process:

Alternative A—process a plan amendment to convey only those public lands as applied for by the County of Delta, under the provisions of the Recreation and Public Purposes Act.

No-Action Alternative—continuation of current land use allocation and management actions. This alternative would maintain the status quo and is used as the baseline for comparison of impacts.

Notice of Realty Action

SUMMARY: This publication also serves as a Notice of Realty Action (NORA) for the following public lands in Delta County, Colorado which have been examined and found suitable for classification for conveyance to the County of Delta under the provisions of the Recreation and Public Purposes Act, as amended (43 U.S.C. 869 et seq.). The County of Delta proposes to use the lands for a solid waste disposal facility.

T. 14 S., R. 95 W., 6th Principal Meridian, Colorado
Sec. 15: SW¼NE¼, S½NW¼, SW¼,
Sec. 16: NE¼.
Containing 440 acres more or less.

Conveyance would be in the public interest and would be consistent with the proposed plan amendment.

Any patent issued would be subject to the following terms, conditions, and reservations:

1. Provisions of the Recreation and Public Purposes Act and to all applicable regulations of the Secretary of the Interior.

2. A right-of-way for ditches and canals constructed by the authority of the United States.

3. All minerals shall be reserved to the United States, together with the right to prospect for, mine and remove the minerals.

4. Those rights for power line purposes granted to the Delta-Montrose Electric Assn., by right-of-way COCO26645.

5. Those rights for mineral leasing purposes issued to Yates Petroleum Corporation, by oil and gas leases COC41926 and COC47134.

Upon publication of this NORA in the **Federal Register**, these lands will be segregated from all other forms of appropriation under the public land laws, including the general mining laws, except for conveyance under the Recreation and Public Purposes Act and leasing under the mineral leasing laws.

SUPPLEMENTARY INFORMATION: Further information can be obtained at an open house scheduled on April 28, 1993, from 4 p.m. to 8 p.m. at the Montrose District Office, 2465 South Townsend, Montrose, Colorado. Another open house is scheduled on April 29, 1993, from 4 p.m. to 8 p.m. at the Delta County Courthouse, 501 Palmer Street, room 234, Delta, Colorado.

Public comments will be accepted regarding the proposed plan amendment and the NORA for a period of 45 days from the date of this notice. Submit written comments regarding the plan amendment to the Area Manager, Uncompahgre Basin Resource Area, 2465 South Townsend, Montrose, Colorado 81401. For the NORA, submit written comments regarding: (1) the classification of the lands as being suitable for a solid waste disposal facility; and (2) the proposed

conveyance of the lands for a solid waste disposal facility as proposed in the application and plan of development to the District Manager, at the above address. Any adverse comments concerning the NORA will be reviewed by the State Director. In the absence of any adverse comments the classification will become effective 60 days from the date of publication of this notice.

FOR MORE INFORMATION CONTACT: Teresa Pfifer, Uncompahgre Basin Resource Area, phone (303) 249–6047. Documents pertinent to this proposal may be reviewed at the Uncompahgre Basin Resource Area. Business hours are from 7:45 a.m. to 4:30 p.m., MDT, Monday through Friday.

Dated: March 30, 1993.

Ken Herman,

Acting District Manager.

[FR Doc. 93–8230 Filed 4–7–93; 8:45 am]

BILLING CODE 4310–JB–M

Bureau of Mines

Information Collection Submitted to the Office of Management and Budget for Review Under the Paperwork Reduction Act

A request extending the collection of information listed below has been submitted to the Office of Management and Budget for approval under the provisions of the Paperwork Reduction Act (44 U.S.C. chapter 35). Copies of the proposed collection of information and related forms and explanatory material may be obtained by contacting the Bureau's clearance officer at the phone number listed below. Comments and suggestions on the requirement should be made within 30 days directly to the Bureau clearance officer and to the Office of Management and Budget, Paperwork Reduction Project, Washington, DC 20503, telephone 202–395–7340.

Title: Locatable Mineral Production.

OMB approval number: None.

Abstract: The collection is needed to provide data on the amount and value of locatable mineral production on public lands. The data obtained will be published as an annual report for use by Government agencies, industry, and the general public. The respondents are producers of metals and industrial minerals.

Bureau form number: 6–1637–A.

Frequency: Annually.

Description of respondents: Producers of metals and industrial minerals.

Estimated completion time: 1 hour.

Annual responses: 1,200.

Annual burden hours: 1,200.

Bureau clearance officer: Alice J. Wissman, 202–501–9569.

Dated: February 12, 1993.

H. Enzer,

Acting Director, Bureau of Mines.

[FR Doc. 93–8239 Filed 4–7–93; 8:45 am]

BILLING CODE 4310–53–M

Fish and Wildlife Service

Availability of a Draft Recovery Plan for Bradshaw's lomatium (Lomatium bradshawii) for Review and Comment

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of document availability.

SUMMARY: The U.S. Fish and Wildlife Service (Service) announces the availability for public review of a draft recovery plan for *Lomatium bradshawii*. This species occurs in Marion, Linn, Benton, and Lane Counties, Oregon. The majority of the sites and plants occur in, and adjacent to, the Eugene Metropolitan area, with the greatest concentrations found in west Eugene, Oregon.

DATES: Comments on the draft recovery plan must be received on or before June 7, 1993, to receive consideration by the Service.

ADDRESSES: Persons wishing to review the draft recovery plan may obtain a copy by contacting the Field Supervisor, Boise Ecological Services Field Office, U.S. Fish and Wildlife Service, 4696 Overland Road, Boise, Idaho 83705 (Telephone: 208–334–1931), or Assistant Regional Director, Ecological Services, U.S. Fish and Wildlife Service, Eastside Federal Complex, 911 NE. 11th Avenue, Portland, Oregon 97232–4181 (Telephone: 503–231–6241). Written comments and materials regarding the plan should be addressed to Charles H. Lobdell, Field Supervisor, at the above Boise, Idaho, address. Comments and materials received are available upon request for public inspection, by appointment, and during normal business hours at the above Boise, Idaho, address.

FOR FURTHER INFORMATION CONTACT: Robert L. Parenti at the Boise, Idaho, address (Telephone: 208–334–1931).

SUPPLEMENTARY INFORMATION:

Background

Restoring endangered or threatened animals and plants to the point where they are again secure self–sustaining members of their ecosystems is a primary goal of the Service's endangered species program. To help guide the recovery effort, the Service is working to prepare recovery plans for most of the listed species native to the United States. Recovery plans describe actions considered necessary for the conservation of the species, establish criteria for the recovery levels for downlisting or delisting them, and estimate time and cost for implementing the recovery measures needed.

The Endangered Species Act of 1973 (Act), as amended (16 U.S.C. 1531 *et seq.*) requires the development of recovery plans for listed species unless such a plan would not promote the conservation of a particular species. Section 4(f) of the Act, as amended in 1988, requires that public notice and an opportunity for public review and comment be provided during recovery plan development. The Service will consider all information presented during a public comment period prior to approval of each new or revised recovery plan. The Service and other Federal agencies will also take these comments into account in the course of implementing approved recovery plans.

This species is federally listed as endangered. Approximately 90 percent of the plants exist on private lands at one site adjacent to Eugene, Oregon. Extant populations, for the most part, are remnant, small populations within a 10-mile radius of Eugene, Oregon.

Bradshaw's lomatium occurs in two very distinct habitats. The rarest are the shallow, stream covered basalt areas found in Marion and Linn Counties, near the Santiam River. However, the majority of Bradshaw's lomatium populations occur on seasonally flooded prairies which are common by creeks and small rivers in the southern Willamette Valley. They occur in areas with deep, pluvial clays, usually in a matrix with alluvial silts.

The populations are subject to alteration or destruction through agriculture, industrial, or residential development, and competition with encroaching woody vegetation.

There are two critical aspects to the recovery of Bradshaw's lomatium. They include the protection of populations located primarily on private lands outside of the west Eugene area, by acquisition, conservation easement, or management agreement to prevent their destruction from rural, urban, or industrial development. The second equally important task is to assure long-term viability of the populations on sites which are protected. The most immediate need is to stop the secondary succession occurring to some extent at all of the protected sites. To date, no optimal method of controlling tree and shrub invasion has been established. Prescribed fires are best for Bradshaw's

lomatium, but are ineffective if Oregon ash (*Fraxinus latifolia*) invasion has reached a certain level, and burning creates air pollution and safety questions which are difficult to overcome.

Public Comments Solicited

The Service solicits written comments on the recovery plan described. All comments received by the date specified will be considered prior to approval of the plan.

Authority: The authority for this action is section 4(f) of the Endangered Species Act, 16 U.S.C. 1533(f).

Dated: April 2, 1993.

H. Dale Hall,

Acting Regional Director.

[FR Doc. 93–8280 Filed 4–7–93; 8:45 am]

BILLING CODE 4310–55–M

Texas Pipeline Application

Notice is hereby given that under section 28 of the Mineral Leasing Act of 1920 (30 U.S.C.), as amended by the Act of November 16, 1973 (37 Stat. 576, Pub. L. 93–153), Exxon Pipeline Company has submitted an application to construct a 6-inch diameter pipeline which will transport chemical grade propylene from the Baytown refinery area to the Stratton Ridge area. The pipeline will occupy a 30-foot right-of-way within an existing northeast-southeast 300-foot right-of-way in Brazoria County, Texas. Approximately five miles of right-of-way is in the Brazoria National Wildlife Refuge, managed by the U.S. Fish and Wildlife Service (Service) as part of the National Wildlife Refuge System, and deeded to the United States in 1991.

The purpose of this notice is to inform the public that the Service will be proceeding with the processing of this application, compatibility determination, and consideration for its approval, and if so, under what terms and conditions.

Interested persons desiring to express their views should do so within thirty (30) days of the publication of this notice, and send their name, address, and comments to Regional Director, U.S. Fish & Wildlife Service, P.O. Box 1306 (RE), Albuquerque, New Mexico 87103.

John G. Rogers, Jr.,

Regional Director.

[FR Doc. 93–8238 Filed 4–7–93; 8:45 am]

BILLING CODE 4310–55–M

Receipt of Applications for Permit

The following applicants have applied for a permit to conduct certain activities with endangered species. This notice is provided pursuant to section 10(c) of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531, et seq.):

Applicant: Heather's Feathers, Tampa, FL, PRT–776156.

The applicant requests a permit to import 100 captive hatched scarlet-chested parakeets (*Neophema splendida*) and 100 captive hatched turquoise parakeets (*Neophema pulchella*) from Willy de Herdt, Berlaar, Belgium, for breeding.

Applicant: Manuel Ramos, Riverview, FL, PRT–774819

The applicant requests a permit to export, reimport and reexport a pair of tigers (*Panthera tigris*), two male black leopards (*Panthera pardus*) and one male spotted jaguar (*Panthera onca*) captive-bred in the United States for the purpose of enhancement of propagation and survival of the species through conservation education. The applicant anticipates future exports and reimports.

Written data or comments should be submitted to the Director, U.S. Fish and Wildlife Service, Office of Management Authority, 4401 North Fairfax Drive, room 432, Arlington, Virginia 22203 and must be received by the Director within 30 days of the date of this publication.

Documents and other information submitted with these applications are available for review by any party who submits a written request for a copy of such documents to the following office within 30 days of the date of publication of this notice: U.S. Fish and Wildlife Service, Office of Management Authority, 4401 North Fairfax Drive, room 432, Arlington, Virginia 22203. Phone: (703/358–2104); FAX: (703/358–2281)

Dated: April 2, 1993.

Susan Jacobsen,

Acting Chief, Branch of Permits, Office of Management Authority.

[FR Doc. 93–8199 Filed 4–7–93; 8:45 am]

BILLING CODE 4310–55–M

National Park Service

Planning Studies Begin at Manassas Battlefield

AGENCY: National Park Service (Interior).

ACTION: Notice of public open house.

Mr. Robert Stanton, Regional Director, National Capital Region announces National Park Service planning studies have begun at Manassas National Battlefield Park which will focus on enhancing the visitor experience and understanding of the First and Second Battles of Manassas.

First, a new interpretive plan for the park will be prepared to provide direction and focus to the visitor experience by providing guidance for park programs, media, and themes. Secondly, a Development Concept Plan (DCP) will combine the interpretive plan information with an indepth analysis of site characteristics, historic vegetation patterns, site accessibility, and other pertinent considerations unique to the Stuart's Hill Tract, previously known as the William Center tract, and the Brawner Farm Tract, both acquired since 1985. Mitigation of the visual impact of electrical transmission lines on the historic qualities of this section of the park will be studied. The planning process will include opportunities for comment. The draft plan is scheduled to be released for public review and comment in February 1994.

This plan, when approved, will serve as the guide to the National Park Service development and location of visitor facilities and programs on these two parcels.

An initial public open house is scheduled for Saturday, April 17 from 9 a.m. to 3 p.m. in the cafeteria at Northern Virginia Community College (Manassas Campus), 6900 Sudley Road, Manassas, Virginia. National Park Service planners and park personnel will be available to discuss the planning process and any other related concerns throughout the day. The public is invited to make comments on the direction of these studies prior to the National Park Service preparation of plan alternatives.

Due to the lack of appropriated funding, these studies will not address the road closure issue called for in the 1988 legislation pertaining to the acquisition of the Stuart's Hill Tract. This law provides that any subsequently funded road study will address the potential for closing or modifying Routes 234 and 29 through the park.

For additional information or to be placed on a mailing list to receive future information contact Manassas National Battlefield Park, 12521 Lee Highway, Manassas, Virginia 22110 or phone (703) 754–1861.

Dated: April 5, 1993.

Robert Stanton,

Regional Director, National Capital Region.

[FR Doc. 93–8283 Filed 4–7–93; 8:45 am]

BILLING CODE 4310–70–M

INTERNATIONAL TRADE COMMISSION

[Investigation No. 731–TA–645 (Preliminary)]

Certain Calcium Aluminate Cement and Cement Clinker From France

AGENCY: International Trade Commission.

ACTION: Institution and scheduling of a preliminary antidumping investigation.

SUMMARY: The Commission hereby gives notice of the institution of preliminary antidumping investigation No. 731–TA–645 (Preliminary) under section 733(a) of the Tariff Act of 1930 (19 U.S.C. 1673b(a)) to determine whether there is a reasonable indication that an industry in the United States is materially injured, or is threatened with material injury, or the establishment of an industry in the United States is materially retarded, by reason of imports from France of calcium aluminous cement and cement clinker, provided for in subheadings 2523.10.00 and 2523.30.00 of the Harmonized Tariff Schedule of the United States, that are alleged to be sold in the United States at less than fair value. The Commission must complete preliminary antidumping investigations in 45 days, or in this case by May 17, 1993.

For further information concerning the conduct of this investigation and rules of general application, consult the Commission's Rules of Practice and Procedure, part 201, subparts A through E (19 CFR part 201), and part 207, subparts A and B (19 CFR part 207).

EFFECTIVE DATE: March 31, 1993.

FOR FURTHER INFORMATION CONTACT: Brian Walters (202–205–3198), Office of Investigations, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436. Hearing-impaired persons can obtain information on this matter by contacting the Commission's TDD terminal on 202–205–1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 202–205–2000.

SUPPLEMENTARY INFORMATION:

Background

This investigation is being instituted in response to a petition filed on March 31, 1993, by Lehigh Portland Cement Company, Allentown, PA.

Participation in the Investigation and Public Service List

Persons (other than petitioners) wishing to participate in the investigation as parties must file an entry of appearance with the Secretary to the Commission, as provided in §§ 201.11 and 207.10 of the Commission's rules, not later than seven (7) days after publication of this notice in the **Federal Register**. The Secretary will prepare a public service list containing the names and addresses of all persons, or their representatives, who are parties to this investigation upon the expiration of the period for filing entries of appearance.

Limited Disclosure of Business Proprietary Information (BPI) Under an Administrative Protective Order (APO) and BPI Service List

Pursuant to § 207.7(a) of the Commission's rules, the Secretary will make BPI gathered in this preliminary investigation available to authorized applicants under the APO issued in the investigation, provided that the application is made not later than seven (7) days after the publication of this notice in the **Federal Register**. A separate service list will be maintained by the Secretary for those parties authorized to receive BPI under the APO.

Conference

The Commission's Director of Operations has scheduled a conference in connection with this investigation for 9:30 a.m. on April 21, 1993, at the U.S. International Trade Commission Building, 500 E Street SW., Washington, DC. Parties wishing to participate in the conference should contact Brian Walters (202–205–3198) not later than April 19, 1993, to arrange for their appearance. Parties in support of the imposition of antidumping duties in this investigation and parties in opposition to the imposition of such duties will each be collectively allocated one hour within which to make an oral presentation at the conference. A nonparty who has testimony that may aid the Commission's deliberations may request permission to present a short statement at the conference.

Written Submissions

As provided in §§ 201.8 and 207.15 of the Commission's rules, any person may submit to the Commission on or before April 26, 1993, a written brief containing information and arguments pertinent to the subject matter of the investigation. Parties may file written testimony in connection with their presentation at the conference no later than three (3) days before the conference. If briefs or written testimony contain BPI, they must conform with the requirements of §§ 201.6, 207.3, and 207.7 of the Commission's rules.

In accordance with §§ 201.16(c) and 207.3 of the rules, each document filed by a party to the investigation must be served on all other parties to the investigation (as identified by either the public or BPI service list), and a certificate of service must be timely filed. The Secretary will not accept a document for filing without a certificate of service.

Authority: This investigation is being conducted under authority of the Tariff Act of 1930, title VII. This notice is published pursuant to section 207.12 of the Commission's rules.

By order of the Commission.

Issued: April 5, 1993.

Paul R. Bardos,

Acting Secretary.

[FR Doc. 93–8386 Filed 4–8–93; 8:45 am]

BILLING CODE 7020–02–P

INTERSTATE COMMERCE COMMISSION

[Finance Docket No. 32248]

Hanson Natural Resources Co.; Non-Common Carrier Status; Petition for a Declaratory Order

AGENCY: Interstate Commerce Commission.

ACTION: Notice of filing of declaratory order; extension of comment due date.

SUMMARY: By decision served March 1, 1993 (58 FR 12052, March 2, 1993), the Commission sought public comment by March 22, 1993, on a petition for declaratory order filed by Hanson Natural Resources Company (HNRC), that HNRC will not, upon consummation of certain anticipated transactions, become a common carrier by railroad. By decision served March 26, 1993 (58 FR 16692, March 30, 1993), the Commission extended the comment due date to April 5, 1993. By motion filed April 1, 1993, HNRC requests a further extension of the comment due date to April 16, 1993. HNRC states the extension is needed to conclude discussions with Chaco Energy Company (Chaco) that may resolve Chaco's concerns. HNRC states that Santa Fe Entities joins in this request. HNRC maintains an extension will prejudice no one. The request will be granted.

DATES: Comments must be filed by April 16, 1993.

ADDRESSES: Send an original and 15 copies of comments, referring to Finance Docket No. 32248 to: Office of the Secretary, Case Control Branch,

Interstate Commerce Commission, Washington, DC 20423.

In addition, send one copy to HNRC's representative: C. Michael Loftus, Slover & Loftus, 1224 Seventeenth St., NW., Washington, DC 20036. (202) 374–7170.

FOR FURTHER INFORMATION CONTACT:

Joseph H. Dettmar, (202) 927–5660, [TDD for hearing impaired: (202) 927–5721].

Decided: April 2, 1993.

By the Commission, Sidney L. Strickland, Jr., Secretary.

Sidney L. Strickland, Jr.,

Secretary.

[FR Doc. 93–8273 Filed 4–7–93; 8:45 am]

BILLING CODE 7035–01–M

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research Act of 1984; Petroleum Environmental Research Forum ("PERF") Project No. 91–18

Notice is hereby given that, on March 1, 1993, pursuant to section 6(a) of the National Cooperative Research Act of 1984, 15 U.S.C. 4301 *et seq.* ("the Act"), Petroleum Environmental Research Forum ("PERF") Project No. 91–18 has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing (1) the identities of the parties and (2) the nature and objectives of the venture. The notifications were filed for the purpose of invoking the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Pursuant to section 6(b) of the Act, the identities of the parties are Amoco Production Co., Tulsa, OK; Atlantic Richfield Company, Plano, TX; Conoco, Inc., Ponca City, OK; Exxon Production Research Co., Houston, TX; and Texaco, Inc., Bellaire, TX. The objectives of the research program, performed in accordance with Project No. 91–18, are to identify plants and procedures which may be used to remove salt from salt contaminated soil and to present such information in the form of a guidance manual. The work will consist of screening a number of halophytic species in an effort to develop a soil remediation program using plants that are capable of accumulating high ionic concentrations.

The results of the work will be used to determine which plant are most efficient at accumulating salts. These plants will then be utilized in subsequent field trials.

Joseph H. Widmar,

Director of Operations, Antitrust Division.

[FR Doc. 93–8245 Filed 4–7–93; 8:45 am]

BILLING CODE 4410–01–M

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES MEETINGS

AGENCY: National Endowment for the Humanities, NFAH.

ACTION: Notice of meetings.

SUMMARY: Pursuant to the provisions of the Federal Advisory Committee Act (Public Law 92–463, as amended), notice is hereby given that the following meeting of the Humanities Panel will be held at the Old Post Office, 1100 Pennsylvania Avenue, NW., Washington, DC 20506:

FOR FURTHER INFORMATION CONTACT: David C. Fisher, Advisory Committee Management Officer, National Endowment for the Humanities, Washington, DC 20506; telephone 202/606–8322. Hearing-impaired individuals are advised that information on this matter may be obtained by contacting the Endowment's TDD terminal on 202/606–8282.

SUPPLEMENTARY INFORMATION: The proposed meeting is for the purpose of panel review, discussion, evaluation and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. Because the proposed meeting will consider information that is likely to disclose: (1) Trade secrets and commercial or financial information obtained from a person and privileged or confidential; of (2) information of a personal nature the disclosure of which would constitute a clearly unwarranted invasion of personal privacy, pursuant to authority granted me by the Chairman's Delegation of Authority to Close Advisory Committee meetings, dated September 9, 1991, I have determined that this meeting will be closed to the public pursuant to subsections (c)(4), and (6) of section 552b of Title 5, United States Code.

Date: April 26, 1993.

Time: 9 a.m. to 5:30 p.m.

Room: 430.

Program: This meeting will review applications submitted to Public Humanities Projects program for the March 1993 deadline, for projects beginning after March, 1993.

David C. Fisher,

Advisory Committee, Management Officer.

[FR Doc. 93–8154 Filed 4–7–93; 8:45 am]

BILLING CODE 7536–01–M

National Council on the Humanities; Meeting

March 31, 1993.

Pursuant to the provisions of the Federal Advisory Committee Act (Public L. 92–463, as amended) notice is hereby given that a meeting of the National Council on the Humanities will be held in Washington, DC on May 6–7, 1993.

The purpose of the meeting is to advise the Acting Chairman of the National Endowment for the Humanities with respect to policies, programs, and procedures for carrying out his functions, and to review applications for financial support and gifts offered to the Endowment and to make recommendations thereon to the Acting Chairman.

The meeting will be held in the Old Post Office Building, 1100 Pennsylvania Avenue, NW., Washington, DC. A portion of the morning and afternoon sessions on May 6–7, 1993, will not be open to the public pursuant to subsections (c)(4), (6) and (9)(B) of section 552b of Title 5, United States Code because the Council will consider information that may disclose: Trade secrets and commercial or financial information obtained from a person and privileged or confidential; information of a personal nature the disclosure of which will constitute a clearly unwarranted invasion of personal privacy; and information the disclosure of which would significantly frustrate implementation of proposed agency action. I have made this determination under the authority granted me by the Chairman's Delegation of Authority dated September 9, 1991.

The agenda for the sessions on May 6, 1993, will be as follows:

8:30–9 a.m. Coffee for Council Members, room 527 (Open to the Public).

Committee Meetings

(Open to the Public) Policy Discussion.

9–10 a.m. Education Programs, Room M–14. Fellowship Programs, Room 315. Public Programs, Room 415. Research Programs/Preservation and Access, Room M–07. State Programs and Office of Outreach, Room 507.

10 a.m. until adjourned (Closed to the Public), Discussion of specific grant applications before the Council.

3 p.m. until adjourned Jefferson Lecture Committee, room 430, (Closed to the Public), Discussion of Jefferson Lecture Nominees.

The morning session on May 7, 1993, will convene at 9 a.m., in the 1st Floor Council Room, M–09, and will be open to the public. The agenda for the morning session will be as follows:

(Coffee for Staff and Council members will be served from 8:30–9 a.m.)

Minutes of the Previous Meeting.

Reports.

A. Introductory Remarks.

B. Introduction of New Staff.

C. Contracts Awarded in the Previous Quarter.

D. Dates of Future Council Meetings.

E. Status of Fiscal Year 1993 Funds.

F. Legislative Report.

G. Fiscal Year 1994 Appropriation Request.

H. Fiscal Year 1995 Budget Planning.

I. Committee Reports on Policy and General Matters.

1. Overview.
2. Education Programs.
3. Fellowship Programs.
4. Preservation and Access Programs.
5. Research Programs.
6. Public Programs.
7. State Programs and Office of Outreach.
8. Jefferson Lecture.

The remainder of the proposed meeting will be given to the consideration of specific applications (closed to the public for the reasons stated above).

Further information about this meeting can be obtained from Mr. David C. Fisher, Advisory Committee Management Officer, Washington, DC 20506, or call area code (202) 606–8322, TDD (202) 606–8282. Advance notice of any special needs or accommodations is appreciated.

David C. Fisher,

Advisory Committee Management Officer.

[FR Doc. 93–8155 Filed 4–7–93; 8:45 am]

BILLING CODE 7536–01–M

National Museum Services Board; Meeting

AGENCY: Institute of Museum Services, NFAH.

ACTION: Notice of meeting.

SUMMARY: This notice sets forth the agenda of a forthcoming meeting of the National Museum Services Board. This notice also describes the functions of the Board. Notice of this meeting is required under the Government through the Sunshine Act (Public Law 94–409) and regulations of the Institute of Museum Services, 45 CFR 1180.84.

TIME/DATE: 9 a.m. to 4 p.m.—Friday, April 23, 1993.

STATUS: Open.

ADDRESSES: The U.S. Holocaust Memorial Museum, 100 Raoul Wallenburg Place, SW., 15th Street and Independence Avenue, Washington, DC 20024.

FOR FURTHER INFORMATION CONTACT: S. William Laney, Executive Assistant to the National Museum Services Board, room 510, 1100 Pennsylvania Avenue, NW., 20506 (202) 606–8536.

SUPPLEMENTARY INFORMATION: The National Museum Services Board is established under the Museum Services Act, title II of the Arts, Humanities, and Cultural Affairs Act of 1976, Public Law 94–462. The Board has responsibility for the general policies with respect to the powers, duties, and authorities vested in the Institute under the Museum Services Act.

The meeting of Friday, April 23, 1993 will be open to the public.

If you need special accommodations due to a disability, please contact: Institute of Museum Services, 1100 Pennsylvania Avenue, NW., Washington, DC 20506—(202) 606–8536—TDD (202) 606–8636 at least seven (7) days prior to the meeting date.

April 23, 1993 Meeting Agenda

I. NMSB Chairman's Report and Approval of Minutes from November 13, 1992 Meeting

II. Agency Director's Report

III. Agency Agenda Reports: Appropriations

IV. Agency Agenda Reports: Programs

V. Agency Agenda Reports: Legislative/ Public Affairs

VI. NMSB Open Agenda

Dated: March 31, 1993.

Linda Bell,

Director of Policy Planning and Budget, Institute of Museum Services.

[FR Doc. 93–8257 Filed 4–7–93; 8:45 am]

BILLING CODE 7036–01–M

NATIONAL SCIENCE FOUNDATION

Advisory Panel for Archaeometry and Systematic Anthropological Collections; 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 26, 1993, 9 a.m.–5 p.m.

Place: Room 543, National Science Foundation, 1800 "G" Street, NW., Washington, DC 20550.

Type of Meeting: Closed.

Contact Person: John E. Yellen, Program Director for Archaeometry, Division of Social, Behavioral, and Economic Research, room 320, National Science Foundation, 1800 G St. NW., Washington, DC 20550. Telephone: (202) 357–7804.

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.

Dated: April 5, 1993.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 93–8217 Filed 4–7–93; 8:45 am]

BILLING CODE 7555–01–M

Advisory Committee for Atmospheric Sciences; Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, as amended, the National Science Foundation (NSF) announces the following meeting.

Date: April 26–28, 1993.

Time: 9 a.m.—5 p.m. each day.

Place: Rooms 1243, 644–D, 410, 523, National Science Foundation, 1800 G Street, NW., Washington, DC 20550.

Contact: Dr. Richard S. Greenfield, Division Director, Division of Atmospheric Sciences, room 644, National Science Foundation, Washington, DC 20550 Telephone: (202) 357–9874.

Type of Meeting: Closed.

Purpose of Meetings: Oversight reviews of Physical Meteorology, Solar Terrestrial, Upper Atmospheric Facilities, and the National Center for Atmospheric Research Coordination Staff Programs, including examination of proposal jackets, reviewer comments, and other privileged materials and to provide advice and recommendations concerning support for research proposals submitted to the NSF for financial support.

Agenda: Oversight review of Physical Meteorology, Solar Terrestrial, Upper

Atmospheric Facilities, and the NCAR Coordination Staff Programs proposals as part of the selection process for awards.

Reason for Closing: The meeting is closed to the public because the Committee is reviewing proposal actions that will include privileged intellectual property and personal information that could harm individuals if they were disclosed. If discussions were open to the public, these matters that are exempt under 5 U.S.C. 552b(c) (4) and (6) of the Government in the Sunshine Act would be improperly disclosed.

Dated: April 5, 1993.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 93–8212 Filed 4–7–93; 8:45 am]

BILLING CODE 7555–01–M

Special Emphasis Panel in Chemistry; Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation announces the following meeting:

Name: Special Emphasis Panel in Chemistry.

Date and Time: April 29, 1993; 8 a.m. to 5 p.m. April 30, 1993; 8 a.m. to 4 p.m.

Place: National Science Foundation, room 500A, 1110 Vermont Avenue, NW. Washington, DC.

Type of Meeting: Closed.

Contact Person: Dr. John S. Showell, Program Director, 1800 G Street, NW., room 340, Washington, DC 20550. Telephone: (202) 357–7501.

Purpose of Meeting: To provide advice and recommendations concerning proposals submitted to NSF for financial support.

Agenda: To review and evaluate proposals submitted to the NSF Young Investigator Program.

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. 552 b. (c)(4) and (6) of the Government in the Sunshine Act.

Dated: April 5, 1993.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 93–8223 Filed 4–7–93; 8:45 am]

BILLING CODE 7555–01–M

Advisory Panel for Decision, Risk, and Management Science; 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 29–30, 1993, 8:30 a.m. to 6 p.m.

Place: Room 536, 1800 G Street, NW., Washington, DC.

Type of Meeting: Closed.

Contact Person: Dr. N. John Castellan, Jr., Program Director, Division Director for Decision, Risk, and Management Science Program, SBER, 1800 G Street NW., Washington, DC 20550. Telephone: (202) 357–7569.

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.

Dated: April 5, 1993.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 93–8221 Filed 4–7–93; 8:45 am]

BILLING CODE 7555–01–M

Special Emphasis Panel in Electrical and Communications Systems; Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation announces the following meeting.

Name: Special Emphasis Panel in Electrical and Communications Systems.

Date and Time: April 26 & 27, 1993; 8:30 am–5 pm.

Place: Room 500B, Vermont Avenue, Washington, DC.

Type of Meeting: Closed.

Contact Person: Brian J. Clifton, Program Director, ECS, room 1151, National Science Foundation, 1800 G St. NW., Washington, DC 20550. Telephone: (202) 357–9618.

Purpose of Meeting: To provide advice and recommendations concerning proposals submitted to NSF for financial support.

Agenda: To review and evaluate Research Initiation and Research Equipment 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.

Dated: April 5, 1993.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 93–8208 Filed 4–7–93; 8:45 am]

BILLING CODE 7555–01–M

Advisory Panel for Genetics and Nucleic Acids; Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation announces the following meeting: Advisory Panel for Genetics (Panel C)

Date and Time: Thursday April 29, & Friday April 30, 1993 from 8: 30 a.m. to 5 p.m.

Place: National Science Foundation, 1800 G Street, room 540, Washington, DC 20550.

Type of Meeting: Closed.

Contact Person: Dr. Todd Martensen, Program Director for Genetics, Division of Molecular and Cellular Biosciences, room 325, National Science Foundation, 1800 G St. NW., Washington, DC 20550. Telephone: (202) 357–9687.

Purpose of Meeting: To provide advice and recommendations concerning proposals submitted to NSF for financial support.

Agenda: To review and evaluate proposals submitted to the Genetics Program in the Division of Molecular & Cellular Biosciences at NSF 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.

Dated: April 5, 1993.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 93–8207 Filed 4–7–93; 8:45 am]

BILLING CODE 7555–01–M

Advisory Panel for Human Cognition and Perception; 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 26–28, 1993, 9 a.m.–5 p.m.

Place: Room 500–D, National Science Foundation, 1110 Vermont Avenue.

Type of Meeting: Part—Open.

Contact Person: Joseph L. Young, Program Director, Human Cognition and Perception, Division of Social and Behavioral Research, room 320, National Science Foundation, 1800 G St. NW., Washington, DC 20550. Telephone: (202) 357–9898.

Minutes: May be obtained from the contact person listed above.

Purpose of Meeting: To provide advice and recommendations concerning support for research in human cognition and perception.

Agenda: Open session: April 27, 1993, 10 a.m.–12 p.m. General discussion of the research trends in human cognition and perception. Closed Session: April 26 and 28, 1993, 9 a.m.–5 p.m., April 27, 1993, 9 a.m.–10 a.m, 12 p.m.–5 p.m. To review and evaluate Human Cognition and Perception 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.

Dated: April 5, 1993.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 93–8222 Filed 4–7–93; 8:45 am]

BILLING CODE 7555–01–M

Special Emphasis Panel in Human Resource Development; 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 28–29, 1993; 8:30 a.m.–5 p.m.

Place: 1110 Vermont Avenue, NW., room 500–A, Washington, DC.

Type of Meeting: Closed.

Contact Person: Dr. Samuel Williamson, Program Director, Minority Research Centers of Excellence, National Science Foundation, 1800 G St. NW., Washington, DC 20550. Telephone: (202) 357–7350.

Purpose of Meeting: To provide advice and recommendations concerning proposals submitted to NSF for financial support.

Agenda: To review and evaluate Minority Research Centers of Excellence 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.

Dated: April 5, 1993.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 93–8220 Filed 4–7–93; 8:45 am]

BILLING CODE 7555–01–M

Special Emphasis Panel in Materials Research; Notice of Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463 as amended), the National Science Foundation announces the following meeting:

Date and Time: Monday and Tuesday, April 26th and 27th, 8:30 a.m. to 5 p.m.

Place: National Science Foundation, DMR Conference Room, room 411, 1800 G Street NW, Washington, DC, 20550.

Type of Meeting: Closed.

Contact Person: Norbert M. Bikales, DMR, David L. Nelson, DMR, Program Directors, Solid-State Chemistry and Polymers, room 408, National Science Foundation, Washington, DC, 20550, Tel: 202–357–9787.

Purpose of Meeting: To provide advice and recommendations concerning support for DMR 1993 National Science Foundation Young Investigator Awards Program proposals.

Agenda: Evaluation of proposals.

Reason for Closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information, financial data such as salaries, and personal information concerning individuals associated with the proposals. These matters are exempt under 5 U.S.C. 552b.(c)(4) and (6) of the Government in the Sunshine Act.

Dated: April 5, 1993.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 93–8213 Filed 4–7–93; 8:45 am]

BILLING CODE 7555–01–M

Special Emphasis Panel in Materials Research; 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 26–27, 1993; 8 a.m. to 5 p.m.

Place: Cornell University, Ithaca, NY.

Type of Meeting: Closed.

Contact Person: Dr. Lorretta J. Inglehart, Program Director, National Facilities and Instrumentation, Division of Materials Research, Room 408, National Science Foundation, 1800 G St. NW., Washington, DC 20550. Telephone: (202) 357–9789; FAX (202) 357–7959.

Purpose of Meeting: To provide advice and recommendations concerning the proposal submitted to NSF requesting continued financial support for the Cornell High Energy Synchrotron Source (CHESS).

Agenda: To review and evaluate the proposal for the continued operation of CHESS.

Reason for Closing: The proposal being reviewed includes information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposal. These matters are exempt under 5 U.S.C. 552b(c), (4) and (6) of the Government in the Sunshine Act.

Dated: April 5, 1993.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 93–8214 Filed 4–7–93; 8:45 am]

BILLING CODE 7555–01–M

Special Emphasis Panel in Materials Research; 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: Thursday, April 29, 8:30 a.m. to 5 p.m.

Place: National Science Foundation, DMR Conference Room, room 411, 1800 G Street NW., Washington, DC 20550.

Type of Meeting: Closed.

Contact Person: Clive H. Perry, DMR, H. Hollis Wickman, DMR, Program Directors, Condensed Matter Physics, Room 408, National Science Foundation, Washington, DC, 20550, Tel: 202–357–9787.

Purpose of Meeting: To provide advice and recommendations concerning support for DMR 1993

National Young Investigator Awards Program proposals.

Agenda: Evaluation of proposals.

Reason for Closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information, financial data such as salaries, and personal information concerning individuals associated with the proposals. These matters are exempt under 5 U.S.C. 552b.(c) (4) and (6) of the Government in the Sunshine Act.

Dated: April 5, 1993.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 93–8215 Filed 4–7–93; 8:45 am]

BILLING CODE 7555–01–M

Advisory Panel for Neuroscience; Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation announces the following Meeting:

Name: Advisory Panel for Neuroscience.

Date and Time: April 26–28 1993; 9 am to 5 pm.

Place: Rm 536, 1800 G Street, NW., Washington, DC.

Type of Meeting: Closed.

Contact Person: Dr. Christopher Platt, Program Director, Sensory and Motor Systems, 1800 G. Street, NW., rm 321, Washington, DC 20550 Telephone: (202) 357–7428.

Purpose of Meeting: To provide advice and recommendations concerning proposals submitted to NSF for financial support.

Agenda: To review and evaluate unsolicited Sensory and Motor Systems proposals submitted 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. 552 b. (c), (4) and (6) of the Government in the Sunshine Act.

Dated: April 5, 1993.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 93–8216 Filed 4–7–93; 8:45 am]

BILLING CODE 7555–01–M

Advisory Panel for Law and Social Science; 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 28–29, 1993, 9 a.m. to 6 p.m.

Place: Room 523, 1800 G Street, NW., Washington, DC.

Type of Meeting: Closed.

Contact Person: Dr. Susan O. White, Program Director, Division of Social, Behavioral, and Economic Research, room 336, National Science Foundation, 1800 G St. NW., Washington, DC 20550. Telephone: (202) 357–9567.

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.

Dated: April 5, 1993.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 93–8218 Filed 4–7–93; 8:45 am]

BILLING CODE 7555–01–M

Advisory Panel for Linguistics; 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 28–30, 1993; 9 a.m.–5 p.m.

Place: National Science Foundation, 1110 Vermont Avenue, NW, Washington, DC, room 500–B.

Type of Meeting: Part—Open.

Contact Person: Dr. Paul G. Chapin, Program Director for Linguistics, SBER, National Science Foundation, 1800 G St. NW., Washington, DC 20550. Telephone: (202) 357–7696.

Minutes: May be obtained from the contact person listed above.

Purpose of Meeting: To provide advice and recommendations concerning proposals submitted to NSF for financial support.

Agenda: Open session: April 30, 1993; 9 a.m.–12 noon. To discuss trends and opportunities in linguistics and language sciences. *Closed session:* April 28–29, 1993; 9 a.m.–5 p.m.; April 30, 1993, 12 noon–5 p.m. To review and evaluate linguistics 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.

Dated: April 5, 1993.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 93–8211 Filed 4–7–93; 8:45 am]

BILLING CODE 7555–01–M

Advisory Panel for Neuroscience; Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation (NSF) announces the following meeting.

Date and Time: April 28–30, 1993, 9 am–5 pm.

Place: Room 1243, 1800 G St., NW, Washington, DC 20550.

Type of Meeting: Part—Open.

Contact Person: Dr. Sanya Springfield, Program Director, Neuronal and Glial Mechanisms, Division of Integrative Biology and Neuroscience, room 321, National Science Foundation, 1800 G St. NW., Washington, DC 20550. Telephone: (202) 357–7471.

Minutes: May be obtained from the contact person listed above.

Purpose of Meeting: To provide advice and recommendations concerning proposals submitted to NSF for financial support.

Agenda: Closed Session: April 28 and 29, 9 am–5 pm, April 30, 1 pm–5 pm. To review and evaluate Neuronal and Glial Mechanisms proposals as part of the selection process for awards. *Open Session:* April 30, 9 a.m–12 pm. To discuss research trends and opportunities in Neuroscience.

Reason for Closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are exempt under 5 U.S.C. 552b(c) (4) and (6) of the Government in the Sunshine Act.

Dated: April 5, 1993.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 93–8210 Filed 4–7–93; 8:45 am]

BILLING CODE 7555–01–M

Ocean Sciences Review Panel; 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 27–29, 1993; 8:30 a.m.–5 p.m.

Place: The River Inn, 924 25th St., Washington, DC 20037.

Type of Meeting: Closed.

Contact Person: Dr. Martha Scott, National Science Foundation, 1800 G St., NW., Washington, DC 20550. Telephone: (202) 357–7906.

Purpose of Meeting: To provide advice and recommendations concerning proposals submitted to NSF for financial support.

Agenda: To review and evaluate JGOFS Arabian Sea 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.

Dated: April 5, 1993.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 93–8219 Filed 4–7–93; 8:45 am]

BILLING CODE 7555–01–M

Special Emphasis Panel in Research, Evaluation and Dissemination; 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 30, 1993; 6:00 p.m. to 10:00 p.m.; May 1, 1993; 8:30 a.m. to 6:00 p.m.

Place: The River Inn, 924 Twenty-Fifth Street, NW., Washington, DC 20037.

Type of Meeting: Closed.

Contact Person: Dr. Andrew Molnar and Dr. Nora Sabelli, Division of Research, Evaluation and Dissemination, Room, 1227, National Science Foundation, 1800 G St. NW., Washington, DC 20550. Telephone (202) 357–7064.

Purpose of Meeting: To provide advice and recommendations concerning proposals submitted to NSF for financial support.

Agenda: To review and evaluate research proposals submitted to the Applications of Advanced Technologies Program 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.

Dated: April 5, 1993.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 93–8209 Filed 4–7–93; 8:45 am]

BILLING CODE 7555–01–M

NUCLEAR REGULATORY COMMISSION

[Docket No. 50–341]

Detroit Edison Co., Fermi 2 Nuclear Plant; Issuance of Director's Decision under 10 CFR 2.206

Notice is hereby given that the Director, Office of Nuclear Reactor Regulation, has issued a decision concerning a Petition filed under 10 CFR 2.206 June 22, 1992, by Robert Karalewitz (Petitioner). The Petitioner requested that the Fermi 2 operating license be suspended until certain security supervisors at Fermi 2 were replaced. As bases for the request, the Petitioner asserted that certain Detroit Edison Company (DECo) Security Department supervisors lied and submitted falsified documents to the NRC. The Petitioner also asserted that these DECo supervisors engaged in a conspiracy to revoke the Petitioner's access to the protected area at Fermi 2 and to have him fired.

The Petitioner's allegations were referred to the Office of Investigation's Field Office in Region III for investigation. By letter dated August 3, 1992, the Director, Office of Nuclear Reactor Regulation, acknowledged receipt of the Petition and informed the Petitioner that this matter would be considered pursuant to 10 CFR 2.206.

The Director has determined that the Petitioner's request should be denied. The reasons for the denial are set forth in the "Director's Decision Under 10 CFR 2.206" (DD–93–06), which is available for public inspection and copying in the Commission's Public Document Room at 2120 L Street, NW., Washington, DC 20555, and at the local public document room for the Fermi 2 nuclear plant at the Monroe County Library System, 3700 South Center Road, Monroe, Michigan 48161.

A copy of the Decision will be filed with the Secretary of the Commission for the Commission's review in accordance with 10 CFR 2.206(c). As provided in 10 CFR 2.206(c), the Decision will become the final action of the Commission 25 days after the date of issuance unless the Commission on its own motion institutes a review of the Decision within that time.

Dated at Rockville, Maryland, this 31st day of March 1993.

For The Nuclear Regulatory Commission.

Thomas E. Murley,

Director, Office of Nuclear Reactor Regulation.

[FR Doc. 93–8226 Filed 4–7–93; 8:45 am]

BILLING CODE 7590–01–M

[Docket No. 50–260]

Tennessee Valley Authority, Browns Ferry Nuclear Plant, Unit 2; Partial Withdrawal of an Amendment Request to Facility Operating License

The U.S. Nuclear Regulatory Commission (NRC) has approved the withdrawal of a portion of a Technical Specification (TS) amendment request by the Tennessee Valley Authority (TVA or the licensee) for an amendment to Facility Operating License No. DPR–52, issued to the Browns Ferry Nuclear Plant, Unit 2, respectively. The plant is located in Limestone County, Alabama. Notice of Consideration of Issuance of this amendment was published in the **Federal Register** on May 27, 1992 (57 FR 22270).

As part of the license amendment request dated April 13, 1992, TVA proposed to delete Definition NN., "Appendix R Safe Shutdown Program," from the Unit 2 TS. By letter dated March 19, 1993, the licensee has withdrawn this part from the original amendment request.

For further details with respect to this action, see (1) the application for amendments dated April 13, 1992, and (2) the licensee's letter dated March 19, 1993.

These documents are available for public inspection at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC 20555 and at the Athens Public Library, South Street, Athens, Alabama 35611.

Dated at Rockville, Maryland, this 1st day of April, 1993.

For the Nuclear Regulatory Commission.

Victor Nerses,

Acting Director, Project Directorate II–4, Division of Reactor Projects—I/II, Office of Nuclear Reactor Regulation.

[FR Doc. 93–8225 Filed 4–7–93; 8:45 am]

BILLING CODE 7590–01–M

RESOLUTION TRUST CORPORATION

List of Thrifts and Banks in RTC and FDIC Conservatorship and Receivership

AGENCY: Resolution Trust Corporation.

ACTION: Notice of conservatorships and receiverships.

SUMMARY: The Resolution Trust Corporation (RTC) on July 23, 1992 (57 FR 32841) published a Statement of Policy on Contracting with Firms with Related Entity Defaults on Financial Obligations, and amended on November 19, 1992 (57 FR 54503). As part of that Policy, the RTC agreed to periodically publish a three part list: First, thrift institutions for which the RTC has been appointed receiver or conservator; second, all FDIC Bridge Bank Institutions; and third, all commercial banks for which the FDIC has been appointed receiver or conservator. This list was compiled by the RTC and is provided for purposes of compliance with the Default Policy only.

DATES: This publication includes all institutions under RTC supervision from August 10, 1989 through March 19, 1993 and institutions under FDIC supervision from January 22, 1965 through December 30, 1992.

FOR FURTHER INFORMATION CONTACT: Martin Blumenthal, Supervisory Ethics Specialist, Office of Ethics, (202) 416–2029, Carl Gold, Counsel, Division of Legal Services, (202) 416–7327, Andrew Fay, Ethics Specialist, Office of Ethics, (202) 416–2132, or Richard Kurtz, Ethics Specialist, Office of Ethics, (202) 416–7088. (These are not toll-free numbers).

SUPPLEMENTARY INFORMATION: This list is sorted with RTC controlled institutions listed first, then FDIC controlled institutions, then alphabetically by institution name.

SAIF: RTC THRIFTS

Bank No.	Name	City	State
7972	1st Home FS&LA of the Carolinas, FA	Greensboro	NC
8236	ABQ Federal Savings Bank	Albuquerque	NM
7915	Abraham Lincoln FSA	Dresher	PA
8396	Acadia S&L Assoc., A FSA	Crowley	LA
7884	Action FSB	Somers Point	NJ
7948	Advanced FSB	Northridge	CA
8463	Alamo FSA of Texas	San Antonio	TX
7761	Alexander Hamilton FS&LA	Paterson	NJ
7939	Alpha Indian Rock FS&LA	Philadelphia	PA
8338	Alpine Savings, A FS&LA	Steamboat Springs	CO
8230	Altus FSB	Mobile	AL
7832	Ambassador FS & LA	Tamarac	FL
8441	American Fed. S&L Assoc	Albuquerque	NM
8262	American Fed. Sav. Assoc. of Iowa	Des Moines	IA
8505	American Fed. Sav. Bank	Austin	TX
8664	American FSB	Sanford	ME
8641	American Home S&L Assoc., F.A	Edmond	OK
8565	American Interstate SA, FA	Los Angeles	CA
8886	American Pioneer FSB	Orlando	FL
8465	American S & LA of Brazoria	Lake Jackson	TX
8397	American S&L Assoc., FA	New Orleans	LA
8903	American S&LA	New York	NY
7753	American SA of MT Carmel, FA	Mt Carmel	IL
8525	American Sav. of Colo. A FS&LA	Colorado Springs	CO
8514	American Savings, A FS&LA	Salt Lake City	UT
7895	American SB, FSB	Ada	OK
8368	American Security FS & LA	Chicago	IL
7816	Amerifederal SB, FSB	Lawrenceville	NJ
7722	Amerifirst FSB	Miami	FL
8572	Amerimac Sav. Bank, FS	Hillsboro	IL
8470	Ameriway Savings	Houston	TX
7814	Amigo FS&LA	Brownsville	TX
8376	Anchor Federal S&L Assoc	Kansas City	KS
8293	Andrews S&LA, FA	Andrews	TX
7751	Arcanumfsa	Arcanum	OH
8833	Arkansas FSB, FA	Little Rock	AR
8281	Arlington Hghts Sav Assn., F.A	Arlington Heights	IL
8328	Arrowhead Pacific Fed Sav Bank	San Bernardino	CA
8660	Aspen Savings Bank F.S.B	Aspen	CO
7806	Atascosa SA	Jourdanton	TX
8254	Atlanta FSA	Atlanta	TX
7840	Atlantic Financial FSB	San Francisco	CA
8661	Atlantic Financial Savings, FA	Bala Cynwyd	PA
8672	Atlantic Permanent FSB	Norfolk	VA
7752	Augusta FSA	Baltimore	MD
8585	Austin FS&LA	Austin	TX
8305	Baldwin County Fed Sav Bank	Robertsdale	AL

SAIF: RTC THRIFTS—Continued

Bank No.	Name	City	State
8411	Baltimore Fed Financial FSA	Baltimore	MD
8571	Banc Iowa Fed. Sav. Bank	Cedar Rapids	IA
8460	Bancplus FSA	Pasadena	TX
8888	Bank USA Savings Association	Silvis	IL
8478	Bankers S&L Assoc	Galveston	TX
8292	Bannerbanc FS & LA	Garland	TX
7909	Bay FSB	West Palm Beach	FL
8504	Bayshore FSA	La Porte	TX
7887	Beach FSB	Huntington Beach	CA
7736	Beacon FSA	Baldwin	NY
8475	Bedford Savings Assoc	Bedford	TX
7893	Bell FSB	Upper Darby	PA
8456	Benjamin Franklin FSA	Houston	TX
7995	Benid Loan Assn	Benid	IL
8905	Berkeley FSB	Milburn	NJ
8549	Bexar Savings Assoc	San Antonio	TX
8208	Birmingham FSB	Birmingham	AL
8620	Black Hawk S&L Assoc. F.A	Rock Island	IL
8415	Blue Valley Fed S&L Assoc	Kansas City	MO
8291	Boonslick S & LA	Boonville	MO
8353	Brickellbanc Sav. Assoc	Miami	FL
8454	Bright Banc Sav. Assoc	Dallas	TX
8542	Broadview Federal Sav Bank	Cleveland	OH
8260	Broken Arrow Savings Assoc., FA	Broken Arrow	OK
8803	Brookhaven FS&LA	Brookhaven	MS
8656	Brookside Federal S&L Assoc	Los Angeles	CA
7882	Burleson County FSA	Caldwell	TX
8553	Cabrillo Fed Savings Bank	San Jose	CA
8865	Caguas-Central Fed Sav Bank of PR	Caguas	PR
8622	Capital Fed. S&L Assoc	Little Rock	AR
8616	Capitol City FSA	Austin	TX
7731	Capitol Federal Bank for Savings	Chicago	IL
8207	Capitol FS&LA	Aurora	CO
8694	Capitol-Union FSA	Baton Rouge	LA
8598	Caprock Fed. S&L Assoc	Lubbock	TX
7949	Carrollton Hmstd Assn., FA	New Orleans	LA
8602	Carteret FSB	Newark	NJ
8358	Cartersville Federal SB of Georgia	Cartersville	GA
8643	Carver, SLA	Escondido	CA
8420	Cass FS & LA of St Louis	Florissant	MO
8913	Catano FSB	Catano	PR
8908	Cenlar FSB	Princeton	NJ
8477	Centennial Fed S&L Assoc	Greenville	TX
7764	Center S&LA, FA	Clifton	NJ
8267	Central FSB	Long Beach	NY
8401	Central S&L Assoc., F.A	New Orleans	LA
8422	Central S&L Assoc	Jackson	MS
8469	Central Texas S&L Assoc	Waco	TX
7836	Centre SA, FA	Arlington	TX
8229	Centrust Federal Savings Bank	Miami	FL
8543	Century Fed. Sav. Bank	Trenton	TN
7772	Century FSB, FSB	Chicago	IL
8492	Century S&L Assoc	Baytown	TX
8637	Certified FSA	Georgetown	TX
8889	Charter Fed. Sav. Assoc	Stamford	CT
8686	Charter FSB	Bristol	VA
8822	Charter Savings Bank, FSB	Newport Beach	CA
8870	Charter SB, FSB	Hattiesburg	MS
7969	Chase FB	Miami	FL
7924	Chase FS&LA	Philadelphia	PA
8566	Cherokee Valley FSA	Cleveland	TN
8369	Chillicothe Fed S&L Assn	Chillicothe	IL
8608	Chisholm FSA	Kingfisher	OK
8610	Cimarron FSA	Muskogee	OK
7967	Citadel FS&LA	Charleston	SC
7834	Citizens & Builders FS, FSB	Pensacola	FL
7860	Citizens FSA	Jacksonville	FL
8538	Citizens Homestead FSA	New Orleans	LA
8487	Citizens of Texas S&L Assoc	Baytown	TX
8621	Citizens S&LA of Springfield, F.A	Springfield	IL
7827	Citizens Security Bank, FA	Borger	TX

SAIF: RTC THRIFTS—Continued

Bank No.	Name	City	State
8303	City Fed. S&L Assoc	Birmingham	AL
8334	City Federal S&L Assoc	Oakland	CA
8527	City S&L Assoc	Westlake Villa	CA
7847	City S&LA	San Antonio	TX
8507	City Savings Assoc	League City	TX
7865	City Savings, F.S.B	Bedminster	NJ
8581	Civic FSB	Portsmouth	OH
8270	Clinton S&LA	Clinton	OK
8852	Clyde Federal Savings Association	North Riverside	IL
7907	Coastal FSB	New London	CT
7852	Cobb FSA	Marietta	GA
8298	Colonial Federal Savings Association	Prairie Village	KS
8659	Colonial FSA	Roselle Park	NJ
7890	Colonial FSB	Cranston	RI
8275	Colonial S&LA, F.A	Cape Girardeau	MO
8386	Colonial SA of America	Liberal	KS
8868	Colony F.S.B	Monaca	PA
8530	Colorado S&L Assoc	Englewood	CO
8567	Colorado Savings Bank, F.S.B	Sterling	CO
7919	Columbia Banking FSA	Rochester	NY
8632	Columbia Fed Homestead Assoc	Metairie	LA
8341	Columbia Fed Savings Bank	Westport	CT
8639	Columbia FS&LA	Webster	TX
7712	Columbia FSA of Hamilton	Hamilton	OH
7790	Columbia S&LA, FA	Beverly Hills	CA
7745	Comfed SB, FA	Lowell	MA
8461	Commerce FSA	San Antonio	TX
8595	Commercial S&L Assn., FA	Hammond	LA
8457	Commonwealth Fed Sav Assn	Houston	TX
8617	Commonwealth FS&LA	Fort Lauderdale	FL
8269	Commonwealth FSA	New Orleans	LA
7952	Commonwealth FSB	Manassas	VA
8317	Commonwealth S&L Assoc	Osceola	AR
8517	Community Fed S&L Assn	Newport News	VA
8356	Community Fed S&L Assoc	Tampa	FL
8628	Community Fed Sav. Assoc	Bridgeport	CT
8294	Community Federal Savings Bank	East Moline	IL
8217	Community FS & LA	St Louis	MO
8519	Community S&L Assoc	Fond du Lac	WI
8449	Concord-Liberty Fed. S&L Assn	Monroeville	PA
8361	Concordia Fed Bank for Savings	Lansing	IL
7879	Connecticut FS&LA	Hartford	CT
8800	Constitution Federal Savings Assoc	Tustin	CA
8445	Continental FS&LA, FA	Oklahoma City	OK
8544	Continental Savings, A FS&LA	Bellaire	TX
8257	Cooper River FSA	North Charleston	SC
7776	Cooperative FSB	Westmont	IL
7817	Coral Coast FSB	Boynton Beach	FL
8850	Coral S&LA, FA	Coral Springs	FL
7807	Coreast FSB	Richmond	VA
7991	Cornerstone Bank, FSB	Mission Viejo	CA
8596	Cornerstone Fed Sav Assn	Houston	TX
7818	County Bank, FSB	Santa Barbara	CA
8657	Crest Fed. S&L Association	Kankakee	IL
7974	Crestline FS&LA	Crestline	OH
8605	Cross Roads FS&LA, FA	Checotah	OK
7856	Danbury FS&LA	Danbury	CT
7953	Danielson FS&LA	Danielson	CT
7899	Davy Crockett, FS&LA	Crockett	TX
8495	Deep East Texas Sav Assn	Jasper	TX
7993	Delaware SB, FSB	Wilmington	DE
8425	Delta Fed. S&L Assoc	Drew	MS
7930	Delta FSB	Westminster	CA
8394	Delta S&L Assoc., F.A	Kenner	LA
8627	Denton Federal S&L Assoc	Denton	TX
8831	Deposit Trust Federal Savings Bank	Monroe	LA
8515	Deseret S&L Assoc., F.A	Salt Lake City	UT
7723	DeSoto FS&LA	Mansfield	LA
7713	Dryades S&LA, FA	New Orleans	LA
8520	Durand Fed. S&L Assoc	Durand	WI
8653	Duval FSA	Jacksonville	FL

SAIF: RTC THRIFTS—Continued

Bank No.	Name	City	State
8589	East Texas S&L Assoc., F.A	Tyler	TX
7746	Eastern FS&LA of Sayville	Sayville	NY
7733	Edison FSA	New York	NY
8895	El Paso FSA	El Paso	TX
8402	Elmwood Fed S&L Assoc	Harahan	LA
8436	Elysian Fed. Savings Bank	Hoboken	NJ
7866	Empire FS, FSB	Hammonton	NJ
8277	Empire of America FSB	Buffalo	NY
8836	Ensign FSB	New York	NY
8399	Enterprise Fed S&L Assoc	Marrero	LA
8839	Enterprise Federal, F.S.A	Clearwater	FL
8805	Enterprise S&LA	Compton	CA
7743	Enterprise Savings Bank, FA	Chicago	IL
8432	Equitable Fed. Sav. Bank	Fremont	NE
8804	Equitable FS & LA	Columbus	NE
8900	Equitable FSB	Wheaton	MD
8340	Equity Fed. Savings Bank	Denver	CO
8405	Evangeline Fed S&L Assoc	Lafayette	LA
7918	Evergreen FS&LA	Charleston	WV
8548	Excel Banc Sav. Assoc	Laredo	TX
7849	Executive Banc SA, FA	New Braunfels	TX
7830	Executive SB, FSB	Marine Del Rey	CA
8698	Fairmont Federal Savings Association	Fairmont	MN
8539	Family Fed. S&L Assoc	Shreveport	LA
8667	Family Federal Savings Association	Dallas	OR
7981	Family First FSB	Clifton	NJ
7809	Family S&LA, FA	Seattle	WA
8446	Family Saving Bank, F.S.B	Sapulpa	OK
8243	Far West FSB	Portland	OR
7711	Far West S&LA, FA	Newport Beach	CA
7961	Federal SA of Virginia	Falls Church	VA
8551	Fidelity Fed. Sav. Assoc	Port Arthur	TX
8421	Fidelity Fed. Sav. Bank	Corinth	MS
8649	Fidelity Federal Sav. Assoc	Galesburg	IL
7833	Fidelity FS&LA	Austin	TX
8864	Fidelity Savings Bank, F.S.B	Danville	IL
8418	Financial Fed. S&L Assoc	Joplin	MO
8846	Financial FS & LA	Fresno	CA
7987	Financial FS&LA of Dade Cty	Miami Lakes	FL
7843	Financial Savings of Hartford, FSB	Hartford	CT
8347	Financial Security S&L Assn	Delray Beach	FL
8844	First America FSB	Longmont	CO
8692	First America Savings Bank, F.S.B	Fort Smith	AR
7905	First American FSB	Tucson	AZ
8259	First American FSB	Greensboro	NC
8866	First American FSB	Santa Fe	NM
8681	First Atlantic FSA	Plainfield	NJ
7988	First Bank of Beverly Hills, SSB	Beverly Hills	CA
8285	First Bankers Trust & SA, F.A	Midland	TX
8323	First California Sav. FSA	Orange	CA
8483	First Capital SA of Texas	Houston	TX
8808	First Citizens SLA, FA	Fort Pierce	FL
8407	First City Fed S&L Assoc	Baton Rouge	LA
7812	First City FSB	Lucedale	MS
7903	First Commerce SB, FSB	Lowell	IN
8914	First Commerce SB, FSB	Jackson	MS
8486	First Equity Savings Assoc., F.A	Tomball	TX
8312	First Fed. S&L Assoc	Fayetteville	AR
8315	First Fed. S&L Assoc	Malvern	AR
8344	First Fed. S&L Assoc	Largo	FL
8357	First Fed. S&L Assoc	Atlanta	GA
8359	First Fed. S&L Assoc	Summerville	GA
8393	First Fed. S&L Assoc	Shreveport	LA
8398	First Fed. S&L Assoc	New Iberia	LA
8404	First Fed. S&L Assoc	Baton Rouge	LA
8409	First Fed. S&L Assoc	Eunice	LA
8568	First Fed. S&L Assoc	Americus	GA
8606	First Fed. S&L Assoc	Bakersfield	CA
8635	First Fed. S&LA of Brenham	Brenham	TX
8532	First Fed. S&LA of Colorado Springs	Colorado Springs	CO
8380	First Fed. S&LA of Hutchinson	Hutchinson	KS

SAIF: RTC THRIFTS—Continued

Bank No.	Name	City	State
8447	First Fed. S&LA of Seminole	Seminole	OK
8417	First Fed. S&LA of Southeast MO	Cape Girardeau	MO
8345	First Fed. S&LA of the Florida Keys	Key West	FL
8673	First Fed. Sav. Assoc. of York	York	NE
8554	First Fed. Savings Bank	East Alton	IL
8301	First Federal Bank of Alaska SB	Anchorage	AK
8697	First Federal Sav. Assoc. of Bluefield	Bluefield	WV
8244	First Federal Savings Assoc	Las Vegas	NM
8299	First Federal Savings Association	Warner Robins	GA
8668	First Federal Savings Bank	Diamondville	WY
8869	First Federal Savings Bank and Trust	Kansas City	MO
8249	First Federal Savings, F.S.A	New Braunfels	TX
8827	First Federal SB, FSB	Ashburn	GA
8642	First Financial, SLA	New Albany	MS
8863	First FS & LA	San Antonio	TX
8382	First FS & LA of Coffeyville	Coffeyville	KS
8240	First FS & LA of Pittsburgh	Pittsburgh	PA
8251	First FS & LA of Wichita Falls	Wichita Falls	TX
7701	First FS&LA	Mt Vernon	OH
7740	First FS&LA	Pontiac	MI
7741	First FS&LA	Temple	TX
7796	First FS&LA	Dallas	GA
8893	First FS&LA	Beaumont	TX
8902	First FS&LA	Durham	NC
8909	First FS&LA	Bryan	TX
8233	First FS&LA of Andalusia, FA	Andalusia	AL
8630	First FS&LA of Central Indiana	Anderson	IN
8223	First FS&LA of Creston, FA	Creston	IA
8534	First FS&LA of Estherville & Emmetsburg	Estherville	IA
7708	First FS&LA of Fargo, FA	Fargo	ND
7994	First FS&LA of Osceola Cty	Kissimmee	FL
7732	First FS&LA of Pittsburg, FA	Pittsburg	KS
7951	First FS&LA of Russell County, FA	Phenix City	AL
7744	First FS&LA of Seminole Co., FA	Sanford	FL
8231	First FS&LA of Thief River Falls	Thief River Falls	MN
7888	First FS&LA of Toledo	Toledo	OH
7956	First FSA	Lewiston	ME
8234	First FSA	Winnfield	LA
8263	First FSA	Lubbock	TX
8634	First FSA	Borger	TX
8810	First FSA of Breaux Bridge	Breaux Bridge	LA
8210	First FSA of Chickasha	Chickasha	OK
8228	First FSA of Conroe	Conroe	TX
8218	First FSA of Nacogdoches	Nacogdoches	TX
8286	First FSA of Newton	Newton	KS
7756	First FSA of Raleigh	Raleigh	NC
8877	First FSA of Tuscola	Tuscola	IL
7748	First FSA of Waynesboro	Waynesboro	TN
7760	First FSA of Wewoka	Wewoka	OK
7785	First FSB	Huron	SD
8204	First FSB of Annapolis	Annapolis	MD
7934	First FSB of Georgia, FA	Winder	GA
8381	First FSB of Kansas	Wellington	KS
7702	First FSB of South Dakota	Rapid City	SD
7892	First FSB of Zion	Zion	IL
8636	First Garland Fed. S&L Assn	Garland	TX
8821	First Guaranty FS & LA	Hattiesburg	MS
7927	First Home FSA	Pittsburgh	PA
8812	First Jackson FSB	Jackson	MS
7707	First Jersey Savings, FA	Wyckoff	NJ
8395	First Louisiana Fed. Sav. Bank, F.A	Lafayette	LA
8867	First Network Federal Savings Bank	Los Angeles	CA
7966	First Newport FSB	Newport Beach	CA
7891	First Northern Cooperative Bank	Keene	NH
8387	First of KS Savings, a FS&LA	Hays	KS
7938	First Ohio SB, FSB	St Bernard	OH
8590	First S&L Assoc., FA	Waco	TX
8203	First S&L Company, FA	Massillon	OH
7885	First SA, FA	Paragould	AR
8497	First Sav Assn of Southeast Texas	Silsbee	TX
8307	First Sav Bank of Alabama, FA	Hamilton	AL

SAIF: RTC THRIFTS—Continued

Bank No.	Name	City	State
8308	First Sav of Arkansas, FA	Little Rock	AR
8408	First Sav. of Louisiana FSA	La Place	LA
8226	First Savings Association, F.A	Bismarck	ND
8373	First Savings of America A FS&LA	Orland Park	IL
8640	First Savings of Laredo, F.A	Laredo	TX
7862	First SB of Hempstead, FSB	Hempstead	TX
8820	First SB of New Orleans, FSB	Metairie	LA
8466	First South FSA	Port Neches	TX
7957	First South FSB	Columbia	SC
8819	First Southwest FS&LA	Tyler	TX
8279	First Standard Federal Savings Assoc	Fairmont	WV
8467	First State Fed Sav Assn	San Antonio	TX
7869	First State SA	Sedalia	MO
8314	First State Sav. Bank FSB	Mountain Home	AR
8351	First Venice S & LA	Venice	FL
8271	Firstcentral Federal Savings Bank	Charlton	IA
7782	Flagler FS&LA	Miami	FL
8211	Florida FSB, FSB	St Petersburg	FL
8403	Fontainebleau Fed Sav Bank	Slidell	LA
8662	Fortune Financial Fed. S&L Assoc	Copperas Cove	TX
8324	Founders Federal S&L Assn	Los Angeles	CA
8856	Franklin FSA	Ottawa	KS
8342	Freedom S&L Assn., A FS&LA	Tampa	FL
8687	Freedom SA, FA	Columbus	OH
8392	French Market Homestead FSA	Metairie	LA
8682	Frontier Federal Savings Bank	Belleville	IL
8857	Frontier FSA	Walla Walla	WA
7792	Frontier SA	Las Vegas	NV
8502	FSA of the Southwest	Kilgore	TX
8215	Fulton FSA	Atlanta	GA
7703	First Future FSB	Louisville	KY
8326	Gateway Fed Savings Bank	San Francisco	CA
8220	Gem City FS & LA	Quincy	IL
8629	General Federal Savings Bank	Miami	FL
8545	General Savings Assoc	Henderson	TX
7886	George Washington FSA	Jonesboro	TN
7771	Germaniabank, A FSB	Alton	IL
8540	Germantown Trust Sav Bank	Germantown	TN
8412	Gibraltar S&L Assoc., FA	Annapolis	MD
8558	Gibraltar Savings Bank F.S.B	Seattle	WA
8557	Gibraltar Savings, F.A	Simi Valley	CA
8459	Gill Savings Assoc	San Antonio	TX
7985	Glendale FB, FSB	Glendale	CA
7837	Gold Coast FSB	Plantation	FL
7906	Gold River SB	Fair Oaks	CA
8510	Golden Circle SA, FSB	Corsicana	TX
7989	Golden State Bank, FSB	Irvine	CA
8509	Golden Triangle S & LA	Bridge City	TX
7793	Goldome FSB	St. Petersburg	FL
8825	Grand Prairie FS & LA	Stuttgart	AR
7705	Great American FSA	San Diego	CA
8862	Great American S & LA, F.A	Corinth	MS
8224	Great American S&LA, FA	Oak Park	IL
8428	Great Atlantic Sav. Bank FSB	Manteo	NC
8885	Great Life F.S.A	Sunrise	FL
7992	Great Pacific Bank, SSB	San Mateo	CA
8582	Great Plains Savings Assoc., F.A	Weatherford	OK
8570	Great Southern Fed S&L Assn	Savannah	GA
8878	Great West, A FSB	Craig	CO
7998	Greater Atlantic SB, FSB	Rockville	MD
7970	Greater Boston Bank, A Co-Op Bank	Boston	MA
8289	Greenwood FS & LA	Greenwood	MS
8597	Guadalupe S&L Assn., F.A	Kerrville	TX
8304	Guaranty Fed. S&L Assoc	Birmingham	AL
7819	Guaranty FSA	Warner Robins	GA
8684	Guaranty Savings Bank, FSB	Fayetteville	NC
7828	Guardian FSA	Huntington Beach	CA
8569	Habersham Fed. S&L Assoc	Cornelia	GA
8600	Hallmark S&L Assoc., FA	Plano	TX
7788	Hansen FSA	Hammonton	NJ
7838	Hansen FSB	Palm Beach Gardens	FL

SAIF: RTC THRIFTS—Continued

Bank No.	Name	City	State
8851	Haven S & LA, F.A	Winter Haven	FL
8586	Hearne Building & Loan Assn., F.A	Hearne	TX
8826	Heartland S&LA	La Mesa	CA
8689	Henderson Home S & LA, F.A	Henderson	KY
8427	Heritage Fed. S&L Assoc	Monroe	NC
7815	Heritage FSA	Lancaster	PA
8872	Heritage FSA	Lamar	CO
7805	Heritage FSB	Richmond	VA
8248	Heritage FSB of Omaha	Omaha	NE
8626	Heritage Savings Assn, FA	Jerseyville	IL
8552	Heritagebanc Sav. Assoc	Duncanville	TX
7791	Hidalgo S&LA	Edinburg	TX
8541	Hill Financial Sav. Assn	Red Hill	PA
7734	Hollywood FSB	Hollywood	FL
8665	Home F.S.B. of Worcester	Worcester	MA
8316	Home Fed. S&L Assoc	Mountain Home	AR
8584	Home Fed. S&L Assoc	Memphis	TN
8370	Home FS & LA of Centralia	Centralia	IL
7738	Home FS&LA of Harlan	Harlan	IA
7749	Home FS&LA, FA	Algona	IA
7963	Home FSB	Norfolk	VA
7997	Home FSB	Hagerstown	MD
8296	Home FSB, FA	Waukegan	IL
8879	Home Owners Savings Bank F.S.B	Boston	MA
8577	Home S&L Assoc., F.A	New Orleans	LA
8232	Home SA of Kansas City	Kansas City	MO
8302	Home Savings Bank, FSB	Anchorage	AK
8363	Home Savings, A FS&LA	Joliet	IL
8883	Home SB, FSB	Salt Lake City	UT
7728	Home Unity FS&LA	Lafayette Hill	PA
7913	Homebank FSA	Gilford	NH
7933	Homefed Bank, FA	San Diego	CA
7926	Homestead FSA	Middletown	PA
7978	Homestead FSA	San Francisco	CA
8276	Hometown FSA	Winfield	IL
8887	Hometown Savings Bank, FSB	Delphi	IN
8390	Horizon Fed. S&L Assoc	Metairie	LA
8583	Horizon Financial, FA	Southampton	PA
8227	Horizon Savings Bank, F.S.B	Wilmette	IL
8494	Humble S&L Assoc	Humble	TX
8829	Huntington FS & LA	Huntington Beach	CA
8537	Illinois Savings Bank, FA	Peoria	IL
8206	Imperial Federal Savings Association	San Diego	CA
8310	Independence Fed S&L Assn	Batesville	AR
8526	Independence S&L Assoc	Vallejo	CA
7880	International FS&LA	North Miami Beach	FL
8823	Investment FS & LA	Woodland Hills	CA
8860	Investor Savings Bank, FSB	Nashville	TN
8843	Investors Federal Savings Bank	Deerfield Beach	FL
7917	Investors FSB	Richmond	VA
7954	Irving FB for Savings, FSB	Chicago	IL
8272	Irvings FS&LA	Paterson	NJ
7936	Irvington FSB	Baltimore	MD
7964	Jacksonville FSA	Jacksonville	FL
8473	Jasper Fed. S&L Assoc	Jasper	TX
7868	Jefferson FS&LA, FA	Birmingham	AL
8476	Jefferson S&L Assoc	Beaumont	TX
8904	Jefferson SB	West Jefferson	OH
8237	Jennings FSA	Jennings	LA
7844	John Hanson SB	Beltsville	MD
8884	Jonesboro FSA	Jonesboro	LA
8638	Karnes County FS&LA	Karnes City	TX
8490	La Hacienda Savings Assn	San Antonio	TX
8594	Lafayette S&L Assn., FA	Gretna	LA
8238	Lakeland Savings Bank, F.S.B	Detroit Lakes	MN
8311	Landmark Sav. Bank, FSB	Hot Springs	AR
7759	Larchmont FS&LA	Larchmont	NY
7935	Lemont FSA	Lemont	IL
8450	Liberty Bell Sav. Assoc	Beaver Falls	PA
8499	Liberty County FS&LA	Liberty	TX
8837	Liberty Federal Savings Bank	Huntington Park	CA

SAIF: RTC THRIFTS—Continued

Bank No.	Name	City	State
8350	Liberty FS & LA	New Port Richey	FL
7960	Libert FSB	Warrenton	VA
8578	Liberty Savings Bank, FSB	Randallstown	MD
8683	Liberty SB, FSB	Marietta	OH
8367	Libertyville Fed S&L Assn	Libertyville	IL
7977	Life FSB	Baton Rouge	LA
8696	Life FSB	Clearwater	FL
8451	Lincoln Fed. S&L Assoc	Mt. Carmel	TN
8531	Lincoln Federal S&LA	Miami	FL
8560	Lincoln S&L Assoc., FA	Irvine	CA
8677	Louisiana SA	Lake Charles	LA
8838	Louisiana SB, FSB	Kenner	LA
7898	Ludington FSB	Ludington	MI
8250	Lufkin FS&LA	Lufkin	TX
8364	Madison County Fed S&L Assn	Granite City	IL
8313	Madison Guaranty S&L Assn	McCrory	AR
7762	Mainstay FS, FSB	Red Bank	NJ
7820	Malibu SB, FSB	Malibu	CA
8647	Manhattan Beach SLA	Manhattan Beach	CA
7928	Marine View FSB	Middletown	NJ
8253	Marshall FS & LA	Marshall	TX
8806	Merabank Federal Savings Bank	Phoenix	AZ
7896	Mercantile FSB	Southhaven	MS
7720	Mercer FSB	Trenton	NJ
8871	Merchants and Mechanics FS&LA	Springfield	OH
8801	Mercury FS & LA	Huntington Beach	CA
8488	Meridian Savings Assoc	Arlington	TX
8464	Meritbanc Savings Assoc	Houston	TX
8335	Mesa FS & LA of Colorado	Grand Junction	CO
8685	Metrobank FS&LA	Palisades Park	NJ
8438	Metropolitan Fed S&L Assn	Denville	NJ
8624	Metropolitan Financial FS & LA	Dallas	TX
8679	Metropolitan FS&LA, FA	Nashville	TN
8346	Miami Savings Bank	Miami	FL
8576	Mid Kansas S&L Assoc. F.A	Wichita	KS
8419	Mid Missouri S&L Assn., FA	Boonville	MO
8385	Mid-America Fed S&L Assoc	Parsons	KS
7726	Mid-America FS & LA	Columbus	OH
8645	Mid-State SLA	Champaign	IL
8444	Midland-Buckeye Sav., A FS&LA	Alliance	OH
8433	Midwest Fed. S&L Assoc.	Nebraska City	NE
8690	Midwest Federal Savings Bank of Minot	Minot	ND
8365	Midwest Home FSB	Belleville	IL
8521	Midwest Sav. Assn., FA	Minneapolis	MN
8366	Midwestern Sav. Assoc	Macomb	IL
8480	Mission SA of Texas	San Antonio	TX
8880	Mississippi Savings Bank, F.S.B	Batesville	MS
8416	Missouri Sav. Assoc., FA	Clayton	MO
8337	Modern Fed. S&L Assoc	Grand Junction	CO
7765	Monycor FSB	Barron	WI
8688	Moultrie Savings Bank, FSB	Moultrie	GA
8523	Mountainwest S&L Assn., A FS&LA	Ogden	UT
8458	Murray Fed. S&L Assoc	Dallas	TX
8874	Mutual Aide S&LA	Manasquan	NJ
8221	Mutual S&LA, FA	Weatherford	TX
8287	Nassau FS & LA	Princeton	NJ
8235	Nassau S & LA	Brooklyn	NY
8894	New Age FSA	St. Louis	MO
8297	New Athens FS & LA	New Athens	IL
8599	New Braunfels S&L Assn., FA	New Braunfels	TX
7965	New England FSA	Wellesley	MA
8579	New Guaranty Fed S&L Assn	Taylor	MI
8907	New Jersey S&LA	Atco	NJ
7859	New Merabank Texas, FSB	El Paso	TX
8607	New Metropolitan FSB	Hialeah	FL
8580	New Mexico FSA	Albuquerque	NM
7797	Newton SB, FSB	Newton	NJ
8434	Nile Valley Fed S&L Assoc	Scottsbluff	NE
8601	North American FSA	San Antonio	TX
8817	North Carolina S&LA, F.A	Charolotte	NC
8435	North Jersey Federal Savings Assoc	Passaic	NJ

SAIF: RTC THRIFTS—Continued

Bank No.	Name	City	State
8216	North Texas FSA	Wichita Falls	TX
8818	Nowlin FSA	North Richland Hills	TX
8890	Nutley S&LA	Nutley	NJ
7804	Oak Tree FSB	New Orleans	LA
8430	Occidental Nebraska SB, FSB	Omaha	NE
8282	Old Borough FS&LA	Tenton	NJ
7941	Old Stone FSB	Providence	RI
8695	Olympic FSA	Berwyn	IL
8529	Otero S&L Assoc	Colorado Springs	CO
8830	Pacific Coast FSA of America	San Francisco	CA
8320	Pacific Savings Bank	Costa Mesa	CA
8511	Padre Federal Sav. & Loan	Corpus Christi	TX
7983	Palm Beach FSA	Palm Beach Gardens	FL
8491	Palo Duro FS&LA	Amarillo	TX
8841	Pan American FSB	San Mateo	CA
8593	Parish Fed. S&L Assoc	Denhan Springs	LA
8496	Park Cities Savings Association	Dallas	TX
8258	Pelican Hmstd & SA	Metairie	LA
8824	Peninsula S & LA	South San Francisco	CA
8651	People's Homestead SB, FSB	Monroe	LA
8410	Peoples FS&LA of Thibodaux	Thibodaux	LA
7889	Peoples FSA	Bay St. Louis	MS
7910	Peoples FSA	Ottumwa	IA
8274	Peoples FSA	Bartlesville	OK
7750	Peoples FSB	New Kensington	PA
8575	Peoples Heritage Sav., A FS&LA	Salina	KS
8614	Peoples S&L Assoc., FA	Streator	IL
8384	Peoples S&L Assoc	Parsons	KS
8591	Peoples S&L Assoc., F.A	Hampton	VA
8414	Peoples Sav. Assoc., F.A	St. Joseph	MI
8513	Permian S&L Assoc	Kermit	TX
8330	Perpetual Sav Assn., A FS&LA	Santa Ana	CA
7920	Perpetual SB	McLean	VA
8306	Phenix Fed S&L Assn., F.A	Phenix City	AL
7946	Piedmont FSA	Manassas	VA
8858	Pima FS&LA	Tucson	AZ
8288	Pioneer Federal Savings Bank	Clearwater	FL
7706	Pioneer FS & LA	Marietta	OH
8573	Pioneer Savings, F.A	Plymouth	IN
7968	Pioneer SB	Rocky Mount	NC
8587	Plano S&L Association, F.A	Plano	TX
8431	Platte Valley Sav., A FS&LA	Gering	NE
7911	Plymouth FSA	Plymouth	MA
7982	Polifly FS&LA	New Milford	NJ
7971	Potomac FSB	Silver Spring	MD
7841	Preferred SB, FSB	High Point	NC
7783	Professional FSB	Coral Gables	FL
8906	Progress FSB	Bridgeport	PA
7900	Progressive SB, FSB	Pasadena	CA
8246	Progressive SB, FSB	Natchitoches	LA
7775	Prospect Park FSB	West Paterson	NJ
8669	Provident SA, FA	Casper	WY
8881	Rancho Bernardo Fed. Savings Bank	San Diego	CA
8609	Red River FS&LA, FA	Lawton	OK
8631	Red River S&L Assoc	Coushatta	LA
8816	Remington Federal Savings Association	Elgin	TX
8423	Republic Bank for Sav., FA	Jackson	MS
7955	Republic FSB	Matteson	IL
7851	Republic SB, FSB	Rockville	MD
8462	Resource Savings Assoc	Denison	TX
8400	River City Fed Sav Bank	Baton Rouge	LA
7777	Riverside SB, SLA	Riverside	NJ
8339	Rocky Mountain S&L Assn	Woodland Park	CO
8212	Royal Oak FS&LA	Randallstown	MD
8332	Royal Oak S&L Assoc	Manteca	CA
8533	Royal Palm Fed S&L Assoc	West Palm Beach	FL
8500	Rusk Fed. S&L Assoc	Rusk	TX
8503	Sabine Valley S&L Assoc	Center	TX
8670	Salamanca Federal Savings Assoc	Salamanca	NY
8550	San Antonio Sav Assn., FA	San Antonio	TX
7932	San Clemente FSB	San Clemente	CA

SAIF: RTC THRIFTS—Continued

Bank No.	Name	City	State
7789	San Jacinto SA, FA	Bellaire	TX
8439	Sandia Fed. Sav. Assoc	Albuquerque	NM
8213	Santa Barbara FS&LA	Santa Barbara	CA
7704	Santa Paula S&LA	Santa Paula	CA
8618	Saratoga FS&LA	San Jose	CA
8309	Savers SA, A FS&LA	Little Rock	AR
8489	Savings of Texas Assoc	Jacksonville	TX
8559	Seabank Fed. Savings Bank	Myrtle Beach	SC
8911	Seaboard SB, FSB	Virginia Beach	VA
8592	Seasons Federal Savings Bank	Richmond	VA
7980	Second National FSA	Salisbury	MD
8615	Security Fed. S&L Assoc	Peoria	IL
8468	Security Fed. Savings Assn	Texarkana	TX
8625	Security Fed. Savings Association	Garden Grove	CA
8284	Security Federal Savings Association	Richmond	VA
8807	Security Federal Savings Bank	Carlsbad	NM
8671	Security Federal Savings, FSB	Columbia	SC
8245	Security First FS&LA	Daytona Beach	FL
7937	Security FS&LA	Jackson	MS
8849	Security FS&LA	Waterbury	CT
8848	Security FS&LA of Albuquerque, FA	Albuquerque	NM
7875	Security FSA	Panama City	FL
7984	Security FSB	Vineland	NJ
8389	Security Homestead FSA	New Orleans	LA
8319	Security S&L Assoc	Scottsdale	AZ
8840	Sentinel FS & LA	Phoenix	AZ
7773	Sentry FSA	Norfolk	VA
7863	Sentry SB, FSB	Hyannis	MA
8378	Shawnee Fed. S&L Assoc	Topeka	KS
8899	Shenandoah FSA	Martinsburg	WV
8604	Sierra S&L Assoc., FA	Beverly Hills	CA
8646	Signal Savings	Signal Hill	CA
8633	Silver Savings Assoc., FA	Silver City	NM
8360	Sioux Valley S & LA	Cherokee	IA
8536	Skokie Fed S&L Assn., FA	Skokie	IL
8655	Sooner Federal Savings Assoc	Tulsa	OK
8391	South S&L Assoc., F.A	Slidell	LA
8508	Southeast Texas FSA	Woodville	TX
8876	Southeastern Federal Savings Bank	Laurel	MS
7842	Southeastern FSB	Charlotte	NC
8501	Southeastern Sav. Assoc	Dayton	TX
8648	Southern Federal, SB	Thomasville	GA
8348	Southern FloridaBanc FS & LA	Boca Raton	FL
7710	Southern FS	New Orleans	LA
7962	Southern FSA of Georgia	Atlanta	GA
8891	Southern FSB	Gulfport	MS
8481	Southmost S&L Assoc	Brownsville	TX
8498	Southside Fed S&L Assoc	Austin	TX
8561	Southwest Fed. Savings Assoc	Los Angeles	CA
8280	Southwest FSA	Dallas	TX
8522	Southwest S&LA, FA	Phoenix	AZ
8663	Southwestern Federal Savings Assoc	El Paso	TX
7854	Sovereign SB, FSB	Palm Harbor	FL
8471	Spindletop Sav. Assn., F.A	Beaumont	TX
8479	Spring Branch S&L Assoc	Houston	TX
7902	Springfield FSA	Springfield	PA
8225	St. Louis County Savings Association, F.A	Ferguson	MO
8654	St. Charles FSA	St. Charles	IL
8892	Standard FS&LA	Columbia	SC
7979	Standard FSA	Gaithersburg	MD
8512	Standard FSA	Houston	TX
8202	State FSA	Tulsa	OK
8426	State Mutual Fed S&L Assn	Jackson	MS
7894	State Savings, FSB	Jackson Heights	NY
7858	Statesman Federal Savings Bank	Waterloo	IA
8547	Suburban Savings Assoc	San Antonio	TX
7735	Summit First S&LA, FA	Summit	IL
8443	Sun Country SB of New Mexico, FSB	Albuquerque	NM
8861	Sun Federal Savings Association	Fort Dodge	IA
8528	Sun S&L Assoc	Parker	CO
8379	Sun Savings Assoc., F.A	Kansas City	KS

SAIF: RTC THRIFTS—Continued

Bank No.	Name	City	State
8563	Sun State S&L Assn., FSA	Phoenix	AZ
8612	Sunbelt FS, FSB	Dallas	TX
7714	Superior FSA	Cleveland	OH
8290	Superior SB, FSB	Nacogdoches	TX
8650	Surety Federal Sav. Assoc	El Paso	TX
7857	Surety FS&LA, FA	Morganton	NC
8256	Sweetwater FS & LA	Rock Springs	WY
8588	Taylorbanc Fed S&L Assn	Taylor	TX
8875	Tennessee FSB	Cookeville	TN
8406	Terrebonne S&L Assoc., FA	Houma	LA
8897	Texarkana FS&LA, FA	Texarkana	AR
7839	Texas Commercial SA	Sulphur Springs	TX
8873	Texas FSA	San Antonio	TX
8658	Texas Western Fed. Savings Association	Houston	TX
8814	Texasbanc FSB	Conroe	TX
8388	The Barber County S&L Assn	Medicine Lodge	KS
8201	The Benj. Franklin FS & LA	Portland	OR
8546	The Duncan S&L Assoc	Duncan	OK
8295	The Federal Savings Banc, FA	Arlington	TX
7781	The Federal SB, FSB	Atlanta	GA
7725	The First, FA	Orlando	FL
8676	The Garnett S&L Assoc	Garnett	KS
8901	The Guardian Bank, A FSB	Boca Raton	FL
8564	The Guardian Fed S&L Assn	Bakersfield	CA
8214	The Hiawatha Federal Sav. Assoc	Hiawatha	KS
7780	The Overland Park FS&LA	Overland Park	KS
7996	The Pioneer S&LA	Prairie Village	KS
8912	The Poughkeepsie SB	Poughkeepsie	NY
8493	Timberland FSA	Nacogdoches	TX
8815	Times FS & LA	San Francisco	CA
8383	Topeka Sav., A FS&LA	Topeka	KS
7950	Transohio FSB	Cleveland	OH
8678	Travis FS & LA	San Antonio	TX
7876	Trident FS&LA, FA	Newark	NJ
8482	Trinity Valley S&L Assoc	Cleveland	TX
8352	Tropical FS & LA	Miami	FL
7808	TrustBank FSB	Tysons Corner	VA
7870	Tuskeegee S&LA, FA	Tuskegee Institute	AL
7940	Ukrainian FS&LA	Philadelphia	PA
8331	Unified Savings, A FS&LA	Northridge	CA
8623	Unifirst Bank for Sav., A FS&LA	Jackson	MS
7973	Union Fed. Bank, A FSB	Brea	CA
8318	Unipoint Fed Savings Bank	Trumann	AR
8809	United Federal Savings, F.A	New Orleans	LA
8300	United FS & LA	Vidalia	LA
7867	United FS&LA, FA	Jonesboro	AR
8247	United FSA of Iowa	Des Moines	IA
7801	United FSB	Vienna	VA
7877	United FSB	Smyrna	GA
8696	United FSB	Prestonsburg	KY
8453	United Guaranty Fed Sav Bank	Tullahoma	TN
7742	United Home Federal	Toledo	OH
8853	United S&L of Trenton, F.A	Trenton	NJ
7767	United Sav. of America, FA	Melbourne	FL
8241	United Savings Bank, F.S.B	Windom	MN
8691	United Savings of America	Chicago	IL
8882	United Savings, FSB	Patterson	NJ
7881	Unity FS&LA, FA	Beverly Hills	CA
8524	Universal S&LA, A FS&LA	Scottsdale	AZ
8474	Universal Sav. Assoc	Houston	TX
8455	University Fed Sav Assoc	Houston	TX
8619	Uvalde FS&LA	Uvalde	TX
8336	Valley Federal S&L Assoc	Grand Junction	CO
8652	Valley Federal Sav. Assoc	McAllen	TX
7810	Valley FS&LA	Van Nuys	CA
8644	Valley FS&LA	Pikeville	TN
8442	Valley Savings Bank, FSB	Roswell	NM
8377	Valley Savings, A FS&LA	Hutchinson	KS
8252	Vanguard SB, FSB	Vandergrift	PA
7803	Vermilion FSB	Abbeville	LA
8268	Vermont SA, FA	Timonium	MD

SAIF: RTC THRIFTS—Continued

Bank No.	Name	City	State
8556	Victoria SA, FSA	San Antonio	TX
8484	Village Savings FSB	Houston	TX
8485	Vision Banc Sav. Assoc	Kingsville	TX
7945	Vista FSA	Reston	VA
7986	Vista FSA	Canoga Park	CA
8242	Volunteer FSA	Little Ferry	NJ
8327	Washington S&L Assoc	Stockton	CA
8562	Westco Savings Bank, FSB	Wilmington	CA
8205	Westerleigh FS&LA	Staten Island	NY
8855	Western Empire FS & LA	Yorba Linda	CA
7931	Western FS&LA	Glenview	IL
7990	Western FS&LA	Marina Del Ray	CA
8472	Western Gulf S&L Assoc	Bay City	TX
8603	Western S&L Assoc FA	Phoenix	AZ
8255	Westland FS&LA	Rawlins	WY
8859	Westport Federal Savings Bank	Hanford	CA
8321	Westwood S&L Assoc	Los Angeles	CA
7914	White Horse FS&LA	Trenton	NJ
8273	Whitestone FS & LA	Whitestone	NY
8854	Williamsburg FS&LA	Salt Lake City	UT
8674	Wilshire FS&LA	Los Angeles	CA
8835	Windsor FSA	Austin	TX
8666	Yorkridge-Calvert FSA	Pikesville	MD
7864	Yorkville FS&LA	Bronx	NY
8278	Yorkwood FS&LA	Maplewood	NJ

FRF: FDIC BRIDGE BANKS

Bank No.	Name	City	State
7613	Addison Consolidated-FRF-CP	Addison	TX
7522	Alliance Bay Savings Bank	Kenner	LA
1729	America First—C330	San Francisco	CA
7605	American (C380)	Springfield	IL
1814	American Bank—SWO24	Tulsa	OK
1847	American Charter FSLA	Lincoln	NE
7576	American Diversified	Costa Mesa	CA
7670	American Federal (SW004)	Dallas	TX
1819	American Federal—C191	Des Moines	IA
1797	American Federal—SW004	Dallas	TX
1809	American Federal—SWO18	Dallas	TX
7580	American Federal/MID 1ST	Anadarko	OK
1756	American SB—C358	New Castle	IN
7572	American/FSLA/Colonial	Anderson	IN
7513	American/New/Charter	Knoxville	TN
7509	American/Security	Biloxi	MS
7679	Americity (Southwest 018)	Dallas	TX
1609	Anchor—C113	Brooklyn	NY
1642	Anchor—C186	Madison	WI
1607	Anchor FSB—C110	Northport	NY
1679	Anchor Savings—C267	Northport	NY
1650	Anchor SB—C197	Wayne	NJ
7623	Anchorage Alaska-FRF-CP	Anchorage	AK
7504	Antioch/Great American	Antioch	IL
1601	Astoria—C96	Long Island	NY
7599	Atlanta FRF Office CP	Atlanta	GA
1646	Atlantic FIN—C192	El Cerrito	CA
1878	Atlantic FIN SVGS C270	Bala Cynwyd	PA
1664	Atlantic Financial C228	El Cirrito	CA
1722	Atlantic Financial C323	Bala Cynwyd	PA
7535	Audubon Financial	New Orleans	LA
1606	Avondale—C109	Chicago	IL
1775	Barnett FSB—C377	Columbus	GA
1629	Bayside—C157	Bayside	NY
7520	Belt Savings Bank	Temple	TX
1670	Benjamin Franklin—C241	Portland	OR
7683	Beverly Hills FSB (C393)	Beverly Hills	CA
1790	Beverly Hills, FSB-C393	Beverly Hills	CA
1810	Bluebonnet Savings Bank, FSB-SWO20	Dallas	TX
1820	Bohemian—C204	St. Louis	MO

FRF: FDIC BRIDGE BANKS—Continued

Bank No.	Name	City	State
7562	Bohemian SLA	St. Louis	MO
1864	Boonslick SLA	Boonville	MO
7610	Bossier City Consolidated-FRF-CP	Bossier City	LA
7682	Bowest Asset Transferred-FRF	Irvine	CA
1754	Butterfield—C356	Santa Ana	CA
1662	Caguas FSLA—C222	Caguai	PR
1789	California FSLA—C392	Los Angeles	CA
7574	Capitol Federal/Midwest Federal	Mt. Pleasant	IA
7658	Cardinal (C383)	Cleveland	OH
7573	Cardinal SB/United Federal	Newport	NC
1686	Carteret SB—C278	Morristown	NJ
1625	Carver—C147	New York	NY
6932	Carver SLA	Escondido	CA
1883	Centennial/Citizens Federal	Santa Rosa	CA
7557	Centennial/Citizens Federal	Santa Rosa	CA
7588	Central Arkansas/First FSLA	Conway	AR
1848	Central Fed Savings	Long Beach	NY
7539	Central Illinois	Virden	IL
7592	Central Savings	San Diego	CA
7519	Century/Household Bank	Roeland Park	KS
1719	Champion FSLA—C320	Bloomington	IL
1828	Charleston FSLA	Charleston	IL
1695	Charter Bank—C290	Santa Fe	NM
1705	Charter Oak—C305	Cincinatti	OH
1843	Chillicothe FSLA	Chillicothe	IL
1802	Chisolm—SWO10	Kingfisher	OK
1800	Cimmarron—SWO07	Muskogee	OK
7657	Citicorp (C207)	Chicago	IL
1630	Citicorp—C159	Oakland	CA
1652	Citicorp IL—C207	Chicago	IL
1653	Citicorp IL—C208	Miami	FL
1691	Citicorp Savings—C285	Washington	DC
1771	Citicorp Savings—C373	Chicago	IL
1777	Citizens Federal—C380	Miami	FL
1863	Citizens Federal Bank	Miami	FL
1687	Citizens FSLA—C279	Miami	FL
1881	Citizens S & LA, FSLA	Salem	OR
7565	Citizens SLA/Freedom Federal	Salem	OR
1870	City FSLA	Oakland	CA
1618	City FSLA—C128	Elizabeth	NJ
1621	City FSLA—C131	Elizabeth	NJ
7505	Cleveland Comm/Superior	Cleveland	OH
1706	Coast SLA—C306	Los Angleles	CA
1794	Coastal Bank—SWO01	Houston	TX
1856	Colonial FSLA	Cape Girardeau	MI
1671	Columbia First—C250	Arlington	VA
7651	Columbus (C386)	Walnut Creek	CA
1692	Commercial FSLA—C286	Omaha	NE
1638	Community—C177	St Louis	MO
7533	Community/Horizon Financial	Baton Rouge	LA
7518	Community/New Community	Nashville	TN
7542	Consolidated SB	Irvine	CA
1720	Coreast SB—C321	New York	NY
7532	Cresent/Horizon Financial	New Orleans	LA
1648	Crossland—C194	Brooklyn	NY
1761	Crossland—C363	Salt Lake City	UT
1880	Crossland Svgs FSB—C304	Brooklyn	NY
7586	Cypress SA/Secor Bank	Plantation	FL
7616	Dallas Asset Liquidation Office—FRF-CP	Dallas	TX
7595	Dallas FRF—Corporate Purchase	Dallas	TX
7597	Denver Consolidated—FRF-CP	Denver	CO
1637	Depositors—C173	Jackson	MS
1661	Dollar FSB—C220	Pittsburgh	PA
7512	East Tenn/New/Charter	Knoxville	TN
7500	Economy SLA	Chicago	IL
7508	Empire	Mesquite	TX
1626	Empire of America—C148	Buffalo	NY
1617	Empire of America—C126	Buffalo	NY
1634	Empire of America—C168	Buffalo	NY
1689	Empire of America—C281	Buffalo	NY
1708	Ensign Bank—C308	New York	NY

FRF: FDIC BRIDGE BANKS—Continued

Bank No.	Name	City	State
1844	Enterprise SB	Mt Zion	IL
7553	Equitable SLA/Empire	San Manteo	CA
1816	Equity—SW026	Woodward	OK
7667	Eureka (C330)	San Carlos	CA
1733	Eureka FSLA—C334	San Carlos	CA
1877	Fada Stock	Dallas	TX
1830	Fairmont FSLA	Fairmont	MN
1602	Farm & Home—C97	Nevada	MO
1882	Farmers Savings, FSLA	Davis	CA
7578	Farmers SLA	Davis	CA
7669	Fidelity (C217)	Baltimore	MD
1818	Fidelity—C156	Galesburg	IL
1823	Fidelity New York—C224	Garden City	NJ
1792	First Cook Bank—C395	Chicago	IL
7665	First Federal (C311)	Natchitoches	LA
7653	First Federal (C357)	Vincennes	IL
1755	First Federal—C357	Vincennes	IN
1704	First Federal FSB—C303	New Orleans	LA
7552	First Federal MD/Columbia 1ST	Hagerstown	MD
1615	First Federal Savings—C123	San Turce	PR
1730	First Federal SB—C331	Hempstead	TX
7571	First Federal SLA	Shawnee	OK
7668	First Federal—Chicago (C207)	Chicago	IL
7661	First Federal—Roanoke (C321)	Roanoke	VA
7550	First Federal/Home SA	Beloit	KS
6931	First Financial	New Albany	MS
1821	First Financial—C211	Des Moines	IA
1885	First FS&LA	Rochester	NY
7663	First FS&LA—Rapid City (C120)	Rapid City	SD
1745	First FSB & Trust—C346	Pontiac	MI
1746	First FSB—C347	Rogers	AR
1737	First FSB—C378	Longview	WA
1758	First FSB of Indiana—C360	Merrillvile	IN
1613	First FSLA—C120	Rapid City	ND
1740	First FSLA—C341	Council BLF	IA
1768	First FSLA—C370	Lincoln	NE
1711	First FSLA—C311	Lake Charles	LA
1851	First FSLA of Coffeyville	Coffeyville	KS
1867	First FSLA of Largo	Largo	FL
1862	First FSLA of Macon Co	Decatur	IL
1852	First FSLA of Merrillville	Merrillville	IN
1833	First FSLA of Montclair	Montclair	NJ
1841	First FSLA of Winnfield	Winnfield	LA
7568	First FSLA/Security	Paducah	KY
7602	First Gibraltar	Dallas	TX
1811	First Gibraltar—SWO21	Houston	TX
1805	First Heights—SWO14	Houston	TX
1655	First LSA—Ca213	Tamuning	GU
1622	First Mutual—C134	Decatur	IL
7608	First Nationwide	Dearborne	MI
1612	First Nationwide—C119	San Francisco	CA
1688	First Nationwide—C280	San Francisco	CA
1762	First Nationwide—C364	San Francisco	CA
1780	First Nationwide—C383	San Francisco	CA
1770	First Nationwide FSB—C372	San Francisco	CA
1700	First Nationwide/LIN—C297	San Francisco	CA
1699	First Nationwide/ST—C296	San Francisco	CA
1787	First Nerwork—C390	Los Angeles	CA
1784	First of Jacksonville—C387	Jacksonville	FL
7563	First SA of East Texas	Houston	TX
1824	First SLA of Cintral IN	Anderson	IN
7547	First SLA/Colonial	Burkburnett	TX
7545	First South/Riverside Federal	Pine Bluff	AR
7551	First Southern/Magnolia	Pascagoula	MS
1793	First Tropical—C396	Santurce	PR
1766	First Western—C368	Las Vegas	NV
1763	Flagship FSLA—C365	San Diago	CA
1845	Flatbush FSLA	Brooklyn	NY
1871	Founders SLA	Los Angeles	CA
7607	Franklin FED	Austin	TX
1807	Franklin Federal—SWO16	Austin	TX

FRF: FDIC BRIDGE BANKS—Continued

Bank No.	Name	City	State
7620	Franklin FRF–CP	Franklin	MA
7677	FRF—CP–LA Office Lease	Irvine	CA
9977	FRF—FSLIC Resolution Fund	Washington	DC
7684	FRF—Small Assets Serviced	Houston	TX
7558	Frontier/1ST Federal	Fairbanks	AK
1834	Fulton FSLA	Atlanta	GA
1826	Future FSB	Louisville	KY
7554	Future SLA/Williamsburg	Albany	OR
1639	Gem—C178	Dayton	OH
1835	Gem City SLA	Quincy	IL
1684	Germania—C276	Alton	IL
1657	Gibraltar of Wash—C214	Seattle	WA
1616	Glendale—C124	Glendale	CA
1710	Globe FSB—C310	El Reno	OK
1680	Great American First—C271	San Diago	CA
1879	Great American First—C302	Tucson	AZ
1636	Great American FSLA—C172	Oak Park	IL
1723	Great West Savings—C324	Craig	CO
1647	Guaranty—C193	Dallas	TX
1806	Guaranty—SWO15	Dallas	TX
7546	Guaranty Federal	Casper	WY
7524	Guaranty/Guaranty FSLA	Harrison	AR
7528	Guaranty/Olympic Savings Bank	Longview	WA
1712	Gulf Federal—C312	Mobile	AL
7664	Hansen SB (C329)	East Brunswick	NJ
1728	Hansen SB—C329	E. Brunswick	NJ
1803	Heartland—SWO11	Ponca City	OK
1804	Heights of Texas—SWO13	Houston	TX
7609	Heights of Texas, SSB	Dallas	TX
1697	Heritage FSB—C293	Taylor	MS
1861	Heritage FSLA	Monroe	NC
1874	Hi-Plains S&L (Sloan Osborn)	Herefort	TX
1751	Home Federal—C353	Rockford	IL
1791	Home Federal—C394	Sioux Falls	SD
1872	Home Federal SB—PFD STK	Washington	DC
1832	Home FSLA	Bartlesville	OK
1644	Home FSLA—C189	Sioux Falls	SD
1721	Home FSLA—C322	Rockford	IL
1727	Home FSLA—C328	Johnson City	TN
1783	Home FSLA—C386	San Diago	CA
1603	Home FSLA—C98	Worcester	ME
1840	Home FSLA of Harlan	Harlan	IA
1865	Home FSLA of Joliet	Foliet	IL
1667	Home of America—C233	Los Angeles	CA
1713	Home SA—C314	Kansas City	MO
1619	Home Savings—C129	Los Angeles	CA
1620	Home Savings—C130	Los Angeles	CA
1658	Home Savings—C216	Los Angeles	CA
1673	Homeowners FSLA—C252	Boston	MA
1846	Homestead savings	Utica	NY
7544	Homestead/Midfirst SLA	Woodward	OK
1635	Horizon—C170	Southhampton	PA
1641	Horizon—C184	Southhampton	PA
1838	Horizon FSB	Wilmett	IL
1683	Horizon FSLA—C275	Baton Rouge	LA
1659	Household—C217	Prospect Hts	IL
1665	Household Bank—C230	Westminster	CA
1669	Household Bank—C236	Westminster	CA
7614	Houston Consolidated-FRF–CP	Houston	TX
1623	Illinois Service—C136	Chicago	IL
1610	Independence—C114	Washington	DC
1651	Insign—C199	New York	NY
7526	Intercapital/Great Western	Jacksonville	FL
1703	Interwest Savings—C301	Oak Harbor	WA
1628	Investors Savings—C152	Richmond	VA
7569	Investors SLA/Midwest Fed	El Reno	OK
7596	Irvine Consolidated-FRF–CP	Irvine	CA
7681	Jackson County Federal Bank, FSB (C381)	Medford	OR
1778	Jackson FSLA—C381	Medford	OR
1817	Jefferson FSLA—C092	Meriden	CT
1869	Jefferson SLA	Beaumont	TX

FRF: FDIC BRIDGE BANKS—Continued

Bank No.	Name	City	State
7511	John Sevier/New Charter	Sevierville	TN
7589	Key SLA/Commercial Federal	Englewood	CO
7517	Knox FSLA/New/Charter	Knoxville	TN
1604	Land Lincoln—C101	Hofman Estate	IL
1608	Land of Lincoln—C112	Hofman Estate	IL
1632	Landmark—C162	New Orleans	LA
7575	Larue Federal SLA	Hodgenville	KY
1726	Lemont FSB—C327	Lemont	IL
7584	Liberty Federal	Raton	NM
7556	Liberty SLA	Leesville	LA
7549	Life Savings/TCF Banking	Beloit	KS
1875	Lincoln SLA, Los Angeles, CA	Los Angeles	CA
1649	Long Island FSB—C196	Syosset	NY
1682	Long Island Savings—C274	Melville	NY
7654	Long Island SB (C274)	Syosset	NY
7660	Magic Valley (C299)	Weslaco	TX
7593	Magnolia Federal Savings & Loan	Knoxville	TN
7529	Mainland	Houston	TX
7538	Major Federal/Beacon Fed	Cincinnati	OH
6933	Manhattan Beach Savings	Manhatan Beach	CA
7503	Manning/St. Paul FSLA	Chicago	IL
7671	Mariner Federal (C277)	Seattle	WA
1860	Marion Co Mutual	Hannibal	MO
1796	Merabank—SWO03	El Paso	TX
1799	Merabank/Lubbock—SWO06	El Paso	TX
7666	Mercury (SWO04)	Wichita Falls	TX
1666	Meritor—C231	Philadelphia	PA
7507	Metro	Lake Charles	LA
1611	Metro of Bethesda—C117	Bethesda	MD
1676	Metropolitan—C258	Moorhead	NM
1781	Metropolitan—C384	Mason City	IA
7680	Metropolitan Federal, FSB (C342)	Fargo	ND
1741	Metropolitan Financial—C342	Fargo	ND
1857	Metropolitan FSLA	Denville	NJ
1765	Mid America—C367	Waterloo	IA
1643	Mid South—C188	Jackson	MS
6935	Mid State SLA/Kankakee	Champaign	IL
1600	Midamerica—C82	Hartford	CT
1694	Midcontinent—C288	El Dorado	KS
7612	Midland Consolidated-FRF-CP	Midland	TX
1654	Midwest—C210	Grand Forks	ND
7655	Midwest Federal (C210)	Minot	ND
1842	Midwest FSLA	Nebraska City	NE
1849	Milford FSLA	Milford	MA
1668	Mississippi FSB—C235	Batesville	MS
7521	Montana FSB	Kalispell	MT
1876	Montfort Savings Association, FSB	Dallas	TX
1698	Monyor—C295	Barron	WI
7566	Mt. Whitney/Guardian SLA	Exeter	CA
1732	Muskegon—C333	Muskegon	MI
1825	Mutual SLA	Battle Creek	MI
1785	New Metropolitan/Beach—C388	Hialeah	FL
7536	New Orleans/Horizon Federal	New Orleans	LA
1760	New People FSB C362	Wooster	OH
1776	New West FSLA—C379	Stockton	CA
1859	Nile Valley FSLA	Scottsbluff	NE
7577	North American SLA	Costa Mesa	CA
1854	North Jersey SLA	Clifton	NJ
7501	North Kansas	Beloit	KS
1624	Northeast C138	Hartford	CT
1633	Northeast C163	Hartford	CT
7534	Northlake/Horizon Fed	Covington	LA
1779	Northwest FSB—C382	Spencer	IA
7606	Nuolney	Olney	TX
1772	NVR Federal—C374	McLean	VA
7598	O'Hare FRF CP	Chicago	IL
7659	Ohio Valley (C371)	Steubenville	OH
7611	Oklahoma City Consolidated—FRF-CP	Oklahoma City	OK
1663	Old Stone—C223	Providence	RI
1678	Old Stone Bank—C263	Providence	RI
1743	Old Stone Bank—C344	Providence	RI

FRF: FDIC BRIDGE BANKS—Continued

Bank No.	Name	City	State
1808	Olney S&L—CSW017	Olney	TX
1866	Olney SLA	Olney	TX
1829	Olympic FSLA	Berwyn	IL
7618	Orlando Consolidated—FRF–CP	Orlando	FL
1767	Pacific Bank—C369	Tacoma	WA
1685	Pacific First—C277	Seattle	WA
1812	Pacific Southwest—SWO22	Corpus Christi	TX
7603	Pacific SW	Corpus Christi	TX
1858	Pathway Financial	Matteson	IL
1827	Peerless FSLA	Chicago	IL
1717	Pelican Homestead—C318	Meataire	LA
7540	Peninsula SAL/1st Federal	Soldotna	AK
7583	Peoples SLA/Pioneer FSLA	La Grande	OR
1696	Poughkeepsie Savings—C292	Poughkeepsie	NY
7541	Presidio FSLA	Porterville	CA
7567	Ramona FSLA/Midwest FSLA	Orange	CA
7604	Ranchers	Johnson City	TX
1645	RCF Bank—C190	Houston	TX
1801	Red River SWO09	Lawton	OK
7585	Regency SB/Great Lakes	Ann Arbor	MI
1677	Republic—C259	Benton	KY
1759	Republic.D SB C361	Louisville	KY
1788	River Valley C391	Peoria	IL
1735	River Valley FSB—C336	Peoria	IL
1736	River Valley SB—C337	Rock Falls	IL
1774	Rocky Mountain—C376	Cheyenne	WY
7678	Rocky Mountain Bank (C376)	Cheyenne	WY
1640	Roosevelt—C183	Chesterfield	MO
1701	San Antonio—C299	San Antonio	TX
7615	San Antonio Consolidated—FRF–CP	San Antonio	TX
7622	San Francisco Asset Liquidation—FRF–CP	San Francisco	CA
7621	San Jose Consolidated—FRF–CP	San Jose	CA
7514	San Marino/Home of Tucson	San Marino	CA
7510	Savannah/New/Charter	Savannah	TN
7531	Seapointe/Monterey Park	Carlsbad	CA
1748	Secor Bank FSB—C350	Birmingham	AL
1718	Secor Bank/Alabama FSLA—C319	Birmingham	AL
1627	Security—C150	Vineland	NJ
1731	Security First FSB—C332	Jackson	MI
1672	Security FSLA—C251	Albuquerque	NM
1690	Security Pacific—C283	Seattle	WA
7656	Security S&L (C215)	Jackson	MS
1850	Security SLA	Peoria	IL
1822	Security SLA—C215	Jackson	MS
1674	Security SLA—C254	Jackson	MS
7673	Security Trust (C345)	Oakridge	TN
1744	Security Trust—C345	Oak Ridge	TN
1853	Shadow Lawn SLA	W Long Beach	NJ
1836	Shawnee FSLA	Topeka	KS
7559	Sierra SLA/Nevada SLA	Minden	CA
7527	Sierra/Commercial Federal	Denver	CO
6934	Signal SLA	Signal Hill	CA
7590	Silverado/Mile High	Denver	CO
1707	Socal—C307	Beverly Hills	CA
7619	South Brunswick Consolidated-FRF–CP	South Brunswick	NJ
6930	Southern Federal	Thomasville	GA
1764	Southside SB—C366	Hillsboro	OH
1795	Southwest Savings—SWO02	Dallas	TX
1855	Southwest SLA	Los Angeles	CA
1837	ST Louis Co FSLA	Des Moines	IA
7662	Standard Federal (C340)	Chicago	IL
1605	Standard FSLA—C105	Niles	MI
1739	Standard FSLA—C340	Chicago	IL
1702	Standard Pacific—C300	Newport Beach	CA
7600	State—Lubbock	Lubbock	TX
1831	State FSLA	Tulsa	OK
7506	State of Clovis	Clovis	NM
7516	State SLA/Sandia FSLA	Salt Lake City	UT
7525	State/Freedom Federal	Corvallis	OR
1724	Statesman Bank—C325	Des Moines	IA
1675	Sterling SA—C256	Spokane	WA

FRF: FDIC BRIDGE BANKS—Continued

Bank No.	Name	City	State
1725	Sterling SA—C326	Spokane	WA
1714	Sulphur Springs—C315	Sulphur SP	TX
1839	Summit First FSLA	Summit	IL
7555	Summit SLA/United SLA	Park City	UT
1631	Sun Country—C161	Las Cruces	NM
7537	Sun Savings/Flagship Federal	San Diego	CA
7601	Sunbelt	Dallas	TX
1798	Sunbelt—SWO05	Dallas	TX
7530	Sunbelt/Horizon Federal	Lake Providence	LA
7543	Sunrise/Beach Federal	Boynton Beach	FL
1786	Superior Bank/Lyons—C389	Countryside	IL
7675	Terminated Receivership—CP–FRF	Chicago (O'Hare)	IL
7676	Terminated Receivership—CP–FRF	Atlanta	GA
7617	Terminated Receiverships—CP–FRF	Orlando	FL
7640	Terminated Receiverships—CP–FRF	Bossier City	LA
7641	Terminated Receiverships—CP–FRF	Oklahoma City	OK
7642	Terminated Receiverships—CP–FRF	Addison	TX
7643	Terminated Receiverships—CP–FRF	Houston	TX
7644	Terminated Receiverships—CP–FRF	San Antonio	TX
7645	Terminated Receiverships—CP–FRF	Irvine	CA
7646	Terminated Receiverships—CP–FRF	Denver	CO
7647	Terminated Receiverships—CP–FRF	San Jose	CA
7648	Terminated Receiverships—CP–FRF	Anchorage	AK
7650	Terminated Receiverships—CP–FRF	Dallas	TX
1868	Terrebonne SLA	Houma	LA
1884	Territory SLA/Commercial	Seminole	OK
7564	Territory SLA/Commercial	Siminole	OK
1813	Texas Trust—SWO23	Llano	TX
1757	Tracy Savings—C359	Tracy	CA
7672	Transohio (C287)	Cleveland	OH
1693	Transohio—C287	Cleveland	OH
7560	Tri-County SLA	Maple Shade	NJ
7587	Twin City Secor Bank	West Monroe	LA
7582	Ultimate SB/Citizens Federal	Richmond	VA
7548	Umpqua SLA	Roseburg	OR
1716	Union Federal—C317	Indianapolis	IN
1660	Union FSB—C219	Indianapolis	IN
1753	Union FSB/Frankton—C355	Frankton	IN
1752	Union FSB/Indianapolis—C354	Indianapolis	IN
7591	Union Savings & Loan Association	Goliad	TX
1656	United FSB—C213	Windom	NM
7570	United FSLA/Midwest Federal	Durant	OK
1614	United Postal—C121	St Louis	MO
1815	United SA of Texas—SWO25	Houston	TX
1715	United SAL—C316	Lebanon	MO
1738	United Saving bank—C339	Chicago	IL
1681	United Savings—C272	San Francisco	CA
1747	United Savings—C349	Chicago	IL
7581	Universal SA	Chickasha	OK
7502	Valley First/Home FSLA	El Centro	CA
6936	Valley FSB	Dayton	TN
7561	Vernon FSLA/Montfort SA	Dallas	TX
7579	Victor/Cimmaron	Muskogee	OK
1773	Virginia Federal—C375	Richmond	VA
1709	Washington FSLA—C309	Seattle	WA
1742	Washington FSLA—C343	Seattle	WA
1749	Washington FSLA—C351	Seattle	WA
7515	Western Comm/First United	El Cerrito	CA
7652	Western Federal (C352)	Marina Del Rey	CA
7685	Western FSLA (C385)	Missoula	MT
1750	Western FSLA—C352	M. Del Ray	CA
1782	Western FSLA—C385	Missoula	MT
7523	Westside/Mariner FSLA	Seattle	WA
1734	World SLA—C335	Oakland	CA
1769	World SLA of Ohio—C371	Steubenville	OH

BIF: FDIC COMMERCIAL BANKS

Bank No.	Name	City	State
1909	Abilene NB/Merchantile Texas (MCORP)	Abilene	TX
4182	Acadiana National Bank	Lafayette	LA
3903	Addison Consolidated Office	Addison	TX
8700	Affordable Housing Program	Washington	DC
2888	Alaska Continental Bank	Anchorage	AK
8027	Alaska Mutual Bank	Anchorage	AK
1943	Alaska Mutual/United (Alliance)	Anchorage	AK
5915	Alaska National Bank of the North	Fairbanks	AK
2963	Alaska Statebank	Anchorage	AK
2594	Albany State Bank	Albany	MO
4125	Aledo State Bank	Aledo	TX
2235	Algoma Bank	Algoma	WI
2377	All American National Bank	Miami	FL
2518	Allen Co Bank and Trust Company	Leo	IN
2842	Allen National Bank	Allen	TX
3952	Alliance Bancorporation	Anchorage	AK
4009	Alliance Bank	Anchorage	AK
4226	Alliance Bank, N.A	Austin	TX
8041	Alliance Bank, N.A	Anchorage	AK
4005	Allied Oklahoma Bank, N.A	Oklahoma City	OK
4315	Alvarado Bank	Richmond	CA
4425	Alvarado National Bank	Alvarado	TX
4172	Alvord National Bank	Alvord	TX
2761	America Bank in Louisiana	Morgan City	LA
6494	America Bank	Saint Joseph	TN
2229	American Bank & Trust	Orangeburg	SC
4341	American Bank & Trust Co	Shreveport	LA
4254	American Bank & Trust Company	Baton Rouge	LA
6333	American Bank & Trust Company	New York	NY
2602	American Bank & Trust Company	Lafayette	LA
4169	American Bank of Arlington	Arlington	TX
6652	American Bank of Casper	Casper	WY
4468	American Bank of Commerce	Oklahoma City	OK
2767	American Bank of Commerce	Lake Charles	LA
2683	American Bank of Commerce	Denver	CO
4264	American Bank of Commerce, N.A	DeL Rio	TX
2910	American Bank of Muskogee	Muskogee	OK
4313	American Bank, N.A	Rio Rancho	NM
2336	American City Bank	Los Angeles	CA
2241	American City Bank & Trust Co., N.A	Milwaukee	WI
2720	American Exchange Bank & Trust Co	Norman	OK
4499	American Interstate Bank	Newport Beach	CA
4239	American National Bank	Elk City	OK
8044	American National Bank	Parma	OH
5744	American National Bank	Casper	WY
1948	American National Bank	Parma	OH
2790	American National Bank	Stafford	TX
2658	American National Bank	Durant	OK
2932	American National Bank	Tyler	TX
4501	American National Bank-Post Oak	Houston	TX
2406	American National Bank in McLean	McLean	TX
5912	American National Bank in Afton	Afton	WY
5900	American National Bank of Evanston	Evanston	WY
5788	American National Bank of Grand Junction	Grand Junction	CO
4247	American National Bank of Greenville	Greenville	TX
4440	American National Bank of New York	Larchmont	NY
2470	American National Bank of Riverton	Riverton	WY
1936	American National Bank/First American National Bank	Tishomingo	OK
4497	American Savings Bank	White Plains	NY
2743	American Security Bank	North Platte	NE
2424	American State Bank	Thomas	OK
2334	American State Bank	Bradley	IL
4411	Amoskeag Bank	Manchester	NH
3963	Anchorage C.O.—CPII	Anchorage	AK
3908	Anchorage Cons. Off CP	Anchorage	AK
2305	Aquia Bank and Trust Co	Aquia	VA
2772	Aredale State Bank	Aredale	IA
4343	Arizona Commerce Bank	Tucson	AZ
8200	Assist. Trans. Br. (OH/Adm)	Dallas	TX
4436	Assured Thrift and Loan Association	San Juan Capistrano	CA
6449	Atkinson Trust & Savings Bank	Atkinson	IL

BIF: FDIC COMMERCIAL BANKS—Continued

Bank No.	Name	City	State
4126	Atlantic National Bank	Norfolk	VA
4443	Atlantic Trust Company	Newington	NH
4510	Attleboro Pawtucket Savings Bank	Pawtucket	RI
2512	Auburn Savings Bank	Auburn	IA
1919	Auburn SB/Syracuse SB	Syracuse	NY
2931	Avoyelles Trust and Savings Bank	Bunkie	LA
4237	Bacliff Bank, National Association	Bacliff	TX
5922	Balboa National Bank	National City	CA
8034	Balboa National Bank	National City	CA
1930	Banc Oklahoma Corp	Oklahoma City	OK
1977	Banc One Corp	Columbus	OH
4143	Banc Texas	Dallas	TX
1933	Banc Texas Group, Inc	Morristown	TN
2763	Bancfirst—Austin N.A	Austin	TX
2897	Bancfirst Westlake, N.A	Austin	TX
2267	Banco Credito Y Ahorro Ponceno	Ponce	PR
2271	Banco De Ahorro De Puerto Rico	San Juan	PR
2564	Banco De Ahorro, F.S.B	Mayquez	PR
3259	Banco Economias	San Juan	PR
4441	Banco Nacional, N.A	Hato Rey	PR
2311	Banco Regional	Bayanon	PR
4398	Bank Five For Savings	Arlington	MA
4231	Bank M	Miami	FL
4406	Bank Meridian, N.A	Hampton	NH
1984	Bank New England, NA	Boston	MA
8030	Bank of Oklahoma, N.A	Oklahoma City	OK
4295	Bank of Arlington	Arlington	TX
5968	Bank of Aurora	Aurora	CO
2949	Bank of Benton	Benton	LA
4472	Bank of Beverly Hills	Beverly Hills	CA
2705	Bank of Brazoria	Brazoria	TX
2502	Bank of Canton	Canton	OK
2777	Bank of Casper	Casper	WY
6607	Bank of Clifton	Clifton	CO
2425	Bank of Cody	Cody	NE
8009	Bank of Columbia Falls	Columbia Falls	MT
2565	Bank of Columbia Falls	Columbia Falls	MT
3620	Bank of Commerce	Morristown	TN
8031	Bank of Commerce	Morristown	TN
4301	Bank of Commerce	Alexandria	LA
1931	Bank of Commerce	Morristown	TN
2556	Bank of Commerce and Trust Company	Tulsa	OK
2781	Bank of Dallas	Dallas	TX
2529	Bank of Dixie	Lake Providence	LA
4431	Bank of East Hartford	East Hartford	CT
4233	Bank of East Texas	Tyler	TX
6352	Bank of Enville	Enville	TN
2606	Bank of Gering	Gering	NE
6888	Bank of Granite	Granite	OK
2367	Bank of Hackleburg	Hackleburg	AL
2671	Bank of Herington	Gerington	KS
2452	Bank of Hunter	Hunter	OK
2676	Bank of Iron County	Parowan	UT
2389	Bank of Irvine	Irvine	CA
8032	Bank of Kansas City	Kansas City	MO
3628	Bank of Kansas City	Kansas City	KS
1932	Bank of Kansas City/Merchants Bank	Kansas City	MO
6716	Bank of Kiowa	Kiowa	KS
6359	Bank of Lake Helen	Lake Helen	FL
4011	Bank of Lakewood, N.A	Lakewood	CO
2467	Bank of Lockesburg	Lockesburg	AR
2710	Bank of Los Gatos	Los Gatos	CA
2769	Bank of Mabank	Mabank	TX
4164	Bank of Meeker	Meeker	OK
4309	Bank of New England	Boston	MA
8708	Bank of New England, N.A	Boston	MA
2463	Bank of Newcastle	Newcastle	OK
2354	Bank of Niobrara	Niobrara	NE
5901	Bank of North America	Houston	TX
2679	Bank of North Mississippi	Oakland	MS
2554	Bank of Nortonville	Nortonville	KS

BIF: FDIC COMMERCIAL BANKS—Continued

Bank No.	Name	City	State
2690	Bank of Oak Grove	Oak Grove	LA
4250	Bank of Odesa	Odesa	TX
3468	Bank of Oregon	Woodburn	OR
1923	Bank of Oregon/Alaska Pacific	Anchorage	AK
2330	Bank of Quitman	Quitman	AR
2342	Bank of San Marino	San Marino	CA
1954	Bank of Santa Fe	Santa Fe	NM
4385	Bank of South Palm Beaches	Hypoluxo	FL
4113	Bank of St. Charles	Saint Rose	LA
2466	Bank of Taylor, NE	Taylor	NE
4453	Bank of the Brandywine Valley	West Chester	PA
4317	Bank of the Hills	Austin	TX
2896	Bank of the Mid-South	Bossier City	LA
5952	Bank of the Northwest	Woodward	OK
2412	Bank of the Northwest	Eugene	OR
4420	Bank of the South	Baton Rouge	LA
2970	Bank of the West	Austin	TX
2416	Bank of Verdigree & Trust Company	Verdigree	NE
4249	Bank of Wilson	Wilson	OK
2746	Bank of Winter Park	Winter Park	CO
2245	Bank of Woodmoor	Woodmoor	CO
2300	Bank of Yorkville	Yorkville	TN
1978	Bank of One Texas, NA	Dallas	TX
8036	Bank Texas Group, Inc.	Dallas	TX
4409	Bankeast	Manschester	NH
5961	Banker Trust of Louisiana, N.A	Kenner	LA
4063	Barnard State Bank	Bernard	KS
2786	Basin State Bank	Vernal	UT
1962	Baton Rouge Bank & Trust Co	Baton Rouge	LA
4267	Bay City Bank & Trust Co	Bay City	TX
6894	Bay Shore Bank of Florida	Miami	FL
4370	Beacon Co-operative Bank	Boston	MA
2639	Bear Creek National Bank	Houston	TX
2340	Bear Creek Valley Bank	Phoenix	OR
4104	Beaumont Bank—National Assoc	Beaumont	TX
6828	Beaver Creek State Bank	Beaver Creek	MN
2555	Bedford National Bank	Bedford	IA
1915	Beneficial Mutual Savings Bank	Philadelphia	PA
5976	Bennett National Bank	Bennett	CO
4187	Bergen Park National Bank	Evergreen	CO
8107	Bid Package Prep—Boston	Boston	MA
8102	Bid Package Prep—Chicago	Chicago	IL
8108	Bid Package Prep—Columbus	Columbus	OH
8104	Bid Package Prep—Dallas	Dallas	TX
8103	Bid Package Prep—Kansas City	Kansas City	KS
8109	Bid Package Prep—Memphis	Memphis	TX
8110	Bid Package Prep—Minneapolis	Minneapolis	MN
8105	Bid Package Prep—New York	New York	NY
8106	Bid Package Prep—San Francisco	San Francisco	CA
8100	Bid Package Prep—Washington	Washington	DC
8101	Bid Package Preparation—Altanta	Altanta	GA
9999	BIF—Bank Insurance Fund	Washington	DC
3961	BIF—Small Assets-Serviced	Houston	TX
1119	Birmingham Bloomfield Bank	Birmingham	MI
2899	Biwabik State Bank	Biwabik	MN
4333	Blackstone Bank & Trust Company	Boston	MA
2387	Bledsoe County Bank	Pikeville	TN
2642	Bolevard State Bank	Wichita	KS
1952	Bond County State Bank	Pohontas	IL
2566	Bossier Bank and Trust Company	Bossier	LA
3900	Bossier City Consolidated Office	Bossier City	LA
4347	Boston Trade Bank	Boston	MA
4296	Boundary Waters State Bank	Ely	MN
1924	Bowery Savings Bank (Recapitalization)	New York	NY
3959	Bowest Asset Transferred—BIF	Irvine	CA
2630	Bowie National Bank	Bowie	TX
2727	Breaux Bridge Bank & Trust Company	Breaux Bridge	LA
8702	Bridge Bank 2	Dallas	TX
8701	Bridge Bank—NCNB Texas National Bank	Dallas	TX
4459	Broadfield Bank & Trust Company	Paterson	NJ
4489	Brookfield Bank	Brookfield	CT

BIF: FDIC COMMERCIAL BANKS—Continued

Bank No.	Name	City	State
4285	Brooklyn Savings Bank	Danielson	CT
4241	Brookwood National Bank	Oklahoma City	OK
2375	Brownfield State Bank & Trust Co	Brownfield	TX
4062	Brushy Creek National Bank	Round Rock	TX
4389	Buchel Bank and Trust	Cuero	TX
2423	Bucklin State Bank of Bucklin Missouri	Bucklin	MO
6743	Buena Vista Bank and Trust Company	Buena Vista	CO
4551	Burritt Interfinancial Bancorporation	New Britain	CT
2519	California Heritage Bank	San Diego	CA
2576	Callao Community Bank	Callao	MO
4135	Canyon Lake Bank	Canyon Lake	TX
2453	Capistrano National	S Juan Capistrano	CA
4355	Capital Bank	Dallas	TX
4259	Capital Bank & Trust	Oklahoma City	OK
2744	Capital Bank & Trust Company	Baton Rouge	LA
5972	Capital Bank—Northwest, N.A	San Antonio	TX
3810	Capital Bank and Trust, N.A. II	Baton Rouge	LA
5946	Capital National Bank	Forth Worth	TX
4244	Capital National Bank	Bronx	NY
4308	Capital Bank & Trust Company	Boston	MA
2493	Cardwell State Bank	Cardwell	MO
2941	Caribank	Dania	FL
6384	Carroll County Bank	Huntingdon	TN
2799	Cashion Community Bank	Cashion	OK
4502	Castle Hills National Bank	San Antonio	TX
2327	Cedar Bluff Bank	Cedar Bluff	AL
2773	Cedar Vale State Bank	Cedar Vale	KS
2254	Centennial Bank	Philadelphia	PA
2560	Centennial State Bank of Colorado	Englewood	CO
2550	Center National Bank	Los Angeles	CA
2753	Center State Bank	Center	NE
4191	Central Arizona Bank	Chandler	AZ
4413	Central Bank	Meriden	CT
1937	Central Bank & Trust/Peoples Bank	Glenmora	LA
3654	Central Bank and Trust Company of Glenmo	Glenmora	LA
2597	Central Bank and Trust of Tulsa	Tulsa	OK
4123	Central Dakota Bank	Lehr	ND
2803	Central National Bank	Dallas	TX
5904	Central National Bank of New York	New York City	NY
4171	Central National Bank of San Angelo	San Angelo	TX
1902	Central/Harlem (Apple) Savings Bank	New York	NY
4236	Centre National Bank-Farmers Bank	Farmers Branch	TX
4105	Century Bank	Phoenix	AZ
2800	Century Bank	Tulsa	OK
2830	Century National Bank	Austin	TX
5754	Century National Bank	Houston	TX
2417	Century National Bank	Jacksonville	FL
4178	Champions Point National Bank	Houston	TX
4195	Chancery National Bank	Denver	CO
4186	Chas Schreiner Bank,	Kerrville	TX
1979	Chase Manhattan Bank, NA	New York	NY
8001	Chereno State Bank	Chereno	TX
2393	Cherokee County Bank	Centre	AL
4261	Cherry Creek National Bank	Denver	CO
2517	Chester State Bank	Chester	TX
2234	Chicopee Bank & Trust Company	Chicopee	MA
4346	Chireno State Bank	Chireno	TX
4266	Chisholm National Bank	Plano	TX
2614	Chokio State Bank	Chokio	MN
1971	CINB Jr Prep Conv Prep Stk	Chicago	IL
4334	Citadel Bank	Willis	TX
4271	Citizens Bank	Clarksville	TX
4437	Citizens Bank	Dallas	GA
6388	Citizens Bank	Tillar	AR
2706	Citizens Bank	Bryan	TX
4101	Citizens Bank	Galveston	TX
2972	Citizens Bank & Trust	Calvert	TX
8033	Citizens Bank & Trust Company	Arcadia	LA
3629	Citizens Bank and Trust Company	Arcadia	LA
2966	Citizens Bank Houston	Houston	TX
2721	Citizens Bank of Glendale	Denver	CO

BIF: FDIC COMMERCIAL BANKS—Continued

Bank No.	Name	City	State
5910	Citizens Bank of Krebs	Krebs	OK
2916	Citizens Bank of Littleton	Littleton	CO
2382	Citizens Bank of Monroe County	Tellico Plains	TN
1953	Citizens Bank of Tulsa	Tulsa	OK
3815	Citizens Bank of Tulsa	Tulsa	OK
2624	Citizens Bank of Windsor	Windsor	MO
6666	Citizens Bank of Winegan	Winegan	MO
1934	Citizens Bank/1st Nb Bienville	Arcadia	LA
2964	Citizens Bank, Houston	Houston	TX
2440	Citizens Fidelity Bank	Bristol	TN
5737	Citizens National Bank	Oklahoma City	OK
5939	Citizens National Bank	Colorado Springs	CO
4268	Citizens National Bank	El Campo	TX
4275	Citizens National Bank	Kerrville	TX
4338	Citizens National Bank	Limon	CO
4162	Citizens National Bank	Denton	TX
4216	Citizens National Bank & Trust Co. of Ch	Chicago	IL
4067	Citizens National Bank of Killeen	Killeen	TX
4148	Citizens National Bank of Walnut Ridge	Walnut Ridge	AR
2962	Citizens State Bank	Earth	TX
2895	Citizens State Bank	Maud	OK
3782	Citizens State Bank	Hayfield	MN
2584	Citizens State Bank	Iowa Falls	IA
2804	Citizens State Bank	Eagle Bend	MN
2797	Citizens State Bank	Gibbon	MN
6331	Citizens State Bank	Carrizo Springs	TX
6531	Citizens State Bank	Edgerton	WY
6843	Citizens State Bank	Brownstown	IN
8219	Citizens State Bank	Donna	TX
2020	Citizens State Bank	Princeton	TX
2484	Citizens State Bank of El Dorado	El Dorado	KS
6543	Citizens State Bank of Fulda	Fulda	MN
2285	Citizens State Bank of Galena	Galena	KS
1946	Citizens State Bank of Hayfield	Hayfield	MN
2738	Citizens State Bank of Ray	Ray	ND
2559	Citizens State Bank of St. Francis	St. Francis	KS
2447	Citizens State Bank, Ne	Arapahoe	NE
2350	City and County Bank of Anderson County	Lake City	TN
2282	City and County Bank of Campbell County	Jellico	TN
2370	City and County Bank of Jefferson County	White Pines	TN
2346	City and County Bank Knox County	Knoxville	TN
2349	City and County Bank of Roane County	Kingston	TN
4337	City Bank & Trust	Claremont	NH
2220	City Bank of Philadelphia	Philadelphia	PA
4260	City National Bank	Houston	TX
2540	City National Bank	Plainview	TX
4276	City National Bank of Irving	Irving	TX
4116	City National Bank of Plano	Plano	TX
4133	City National Bank of Sayre	Sayre	OK
4382	City Trust	Bridgeport	CT
2836	Claiborne Bank and Trust Company	Homer	LA
2665	Clarks Fork National Bank	Fromberg	MT
2734	Clay County State Bank	Dilworth	MN
4222	Clifton National Bank	Clifton	TX
2758	Climbing Hill Savings Bank	Climbing Hill	IA
2401	Coalmont Savings Bank	Coalmont	TN
2436	Coast Community Bank	Harbor	OR
2309	Coles County Nat'L Bank of Charleston	Charleston	IL
2789	Collin County State Bank	Melissa	TX
2771	Colonial Bank	New Orleans	LA
2806	Colonial Thrift & Loan Association	Culver City	CA
4456	Colony Savings Bank	Wallingford	CT
4455	Columbia Bank	Avondale	AZ
8006	Columbia Community Bank	Huminton	OR
2605	Columbia Community Bank	Hermiston	OR
6416	Columbia Pacific Bank & Trust Company	Portland	OR
4345	Columbine Valley Bank & Trust	Jefferson County	CO
4021	Commerce and Energy Bank	Lafayette	LA
5920	Commerce Bank—Plano	Plano	TX
4149	Commerce Bank of Tampa	Tampa	FL
1900	Commercial Bank—Detroit	Detroit	MI

BIF: FDIC COMMERCIAL BANKS—Continued

Bank No.	Name	City	State
2927	Commercial Bank and Trust Company	Metairie	LA
1942	Commercial Bank Stock Inc	Oklahoma City	OK
8005	Commercial Nat'l Bank & Trust Company	Grand Island	NE
8042	Commercial State Bank	Oklahoma City	OK
5944	Commercial State Bank	San Augustine	TX
2953	Commercial State Bank	Houston	TX
2731	Commonwealth Bank	Torrance	CA
5998	Commonwealth Bank	Arlington	TX
4196	Commonwealth National Bank	Dallas	TX
2674	Commonwealth State Bank	Glendale	CO
2644	Community Bank	Seiling	OK
4168	Community Bank	New Caney	TX
2352	Community Bank	Hartford	SD
2415	Community Bank & Trust Company	Enid	OK
2922	Community Bank and Trust	Rockdale	TX
2310	Community Bank of Washtenaw	Ypsilanti	MI
5956	Community Bank, N.A	Decker Prairie	TX
4377	Community Guardian Bank	Elwood Park	NJ
4344	Community National Bank	Sherman	TX
4312	Community National Bank	Glastonbury	CT
4423	Community National Bank & Trust Co of NY	New York City	NY
2822	Community State Bank	Whiting	IA
4159	Community State Bank of Onalaska	Onalaska	TX
8018	Computer Purchase	Washington	DC
1985	Connecticut Bank & Trust Co	Hartford	CT
8709	Connecticut Bank & Trust Co., N.A	Hartford	CT
4310	Connecticut Bank & Trust Co., N.A	Hartford	CT
4424	Connecticut Savings Bank	New Haven	CT
4414	Connecticut Valley Bank	Cromwell	CT
2419	Cont Illinois Nat'l Bank & Trust Co	Chicago	IL
4251	Continental Bank	Dallas	TX
2402	Continental Ill National Bank & Trust Co	Chicago	IL
1972	Continental Illinois common stock	Chicago	IL
2410	Continental Illinois Nat'l Bk & Trust Co	Chicago	IL
2409	Continental Illinois Nat'l Bk & Trust Co	Chicago	IL
1976	Continental Illinois National Bank	Chicago	IL
2411	Continental Illinois Nat'l Bk & Trust Co	Chicago	IL
4008	Continental National Bank	San Antonio	TX
2569	Continental National Bank of Kentucky	Louisville	KY
4417	Coolidge Bank & Trust Company	Boston	MA
4332	Coolidge Corner Co-Operative Bank	Brookline	MA
5779	Cordell National Bank	Cordell	OK
4181	Corinth Deposit National Bank	Corinth	KY
5330	Coronado National Bank	Denver	CO
4185	Cove State Bank	Copperas Cove	TX
4145	Creditbank	Coral Gables	FL
2942	Crescent City Bank and Trust Co	New Orleans	LA
2754	Crofton State Bank	Crofton	NE
4442	Crossland Savings	Brooklyn	NY
1991	Crosslands	Brooklyn	NY
4331	Crossroads Bank	Victoria	TX
4174	Crown Bank, National Association	San Antonio	TX
5936	Cy Fair Bank	Houston	TX
2593	Danbury Bank	Danbury	TX
4410	Dartmouth Bank	Manchester	NH
2413	David City Bank	David City	NE
1980	Dean Witter Reynolds, Inc	New York	NY
2514	Decatur Co. National Bank of Oberlin	Oberlin	KS
2675	Deer Lodge Bank and Trust Company	Deer Lodge	MT
8703	Delaware Bridge Bank	Delaware	DE
2742	Delta Pacific Bank	Pittsburg	CA
3887	Denver Consolidated Corp Purchase	Denver	CO
8704	Deposit Insurance Bridge Bank—MCORP	Dallas	TX
3712	Des Moines Consolidated Office CP's	Des Moines	IA
8020	Division of Research and Strategic Plann	Washington	DC
4451	Dollar Dry Dock	White Plains	NY
1916	Dollar Dry Dock (Recapitalization)	New York	NY
1913	Dollar Dry-Dock/Dollar Bry Bank For Sav	New York	NY
2362	Dominion Bank of Denver	Denver	CO
4199	Dominion National Bank	Denver	CO
1994	Douglas Bank of Kansas City	Kansas City	KS

BIF: FDIC COMMERCIAL BANKS—Continued

Bank No.	Name	City	State
4297	Douglas County National Bank	Parker	CO
4372	Dripping Springs National Bank	Dripping Springs	TX
4427	Durham Trust Company	Durham	NH
2510	Early Savings Bank	Early	IA
2286	East Gadsden Bank	Gadsden	AL
2398	East Texas Bank & Trust Company	Longview	TX
2934	East Texas State Bank	Buna	TX
4557	Eastland Bank	Woonsocket	RI
4558	Eastland Savings Bank	Woonsocket	RI
4519	Eastwest Bank, National Association	Kihei	HI
2547	Eddy County National Bank	Carlsbad	NM
2583	Eden State Bank	Eden	TX
2701	Eighty Niner Bank of Coyle	Coyle	OK
6611	Elba State Bank	Elba	NE
4242	Eliot Savings Bank	Boston	MA
6661	Elk City State Bank	Elk City	OK
6302	Elm Creek State Bank	Elm Creek	NE
2371	Emerald Empire Banking Company	Springfield	OR
1914	Emigrant Savings Bank	New York	NY
1996	Emmigrant Savings Bank	New York	NY
5891	Empire National Bank	Los Angeles	CA
5980	Empire State Bank	New York	NY
8013	Employee Settlement	Washington	DC
4386	Enfield National Bank	Enfield	CT
2978	Enterprise Bank of Florida	Miami	FL
2938	Enterprise National Bank	Englewood	CO
2478	Eskridge State Bank	Eskridge	KS
4175	Everman National Bank of Fort Worth	Forth Worth	TX
4229	Exchange National Bank of Del City	Del City	OK
5660	Executive Center Bank	Dallas	TX
4119	Executive National Bank	San Antonio	TX
2661	Expressway Bank	Oklahoma City	OK
4474	Fairfield County Trust Company	Stamford	CT
2595	Fairview State Bank	Fairview	OK
8162	Fairview State Bank of Fairview	Fairview	OK
5978	Fallbrook National Bank	Houston	TX
1945	Falun/Farmers State Bank	Galva	KS
2545	Family Bank	Ogden	UT
4307	Far Western Bank	Tustin	CA
8046	Farm Credit Administration	McLean	VA
3750	Farm Credit Administration	McLean	VA
2579	Farmer's Bank	Trimble	TN
4232	Farmers & Merchants Bank	Buckeye	AZ
4465	Farmers & Merchants Bank	Tryon	OK
6672	Farmers & Merchants Bank of Huntsville	Huntsville	MO
8004	Farmers & Merchants St. Bk. of Lamberton	Lamberton	MN
6667	Farmers & Merchants State Bank Lamberton	Lamberton	MN
6630	Farmers & Merchants State Bank of Rush C	La Crosse	KS
6642	Farmers and Merchants Bank	Comstock	NE
2709	Farmers and Merchants Bank	Eufaula	OK
2889	Farmers and Merchants Bank of Elmo	Elmo	MO
2369	Farmers Bank and Trust	Winchester	TN
2460	Farmers Savings Bank	Massena	IA
2508	Farmers St Bk of Kanaranzi	Kanaranzi	MN
2524	Farmers State Bank	Sargent	NE
2627	Farmers State Bank	Leuders	TX
2650	Farmers State Bank	Hart	TX
2714	Farmers State Bank	Kanawha	IA
2485	Farmers State Bank	Rising City	NE
2426	Farmers State Bank	Kilgore	NE
2394	Farmers State Bank	Lyons	SD
6858	Farmers State Bank	Maddock	ND
4293	Farmers State Bank	Madisonville	TX
2505	Farmers State Bank in Afton	Afton	OK
2520	Farmers State Bank of Barry Co	Exeter	MO
4204	Farmers State Bank of Brookshire	Brookshire	TX
2573	Farmers State Bank of Clarissa	Clarissa	MN
6577	Farmers State Bank of Dexter, KS	Dexter	KS
2432	Farmers State Bank of Holyoke	Holyoke	CO
2312	Farmers State Bank of Lewistown	Lewistown	IL
2486	Farmers State Bank of Round Lake	Round Lake	MN

BIF: FDIC COMMERCIAL BANKS—Continued

Bank No.	Name	City	State
4161	Farmers State Bank of Schulenburg	Schulenburg	TX
4142	Farmers State Bank of Shiro, Texas	Shiro	TX
4071	Farmers State Bank of Yuma	Yuma	CO
2461	Farmers State Bank, St. Joseph, MO	St. Joseph	MO
4435	Federal Finance & Mortgage, Ltd	Honolulu	HI
1981	Federal Reserve Bank of Richmond	Richmond	VA
5810	Federated National Bank	Live Oak	TX
2277	Fidelity Bank	Utica	MS
4059	Fidelity Bank	Scottsdale	AZ
2451	Fidelity Bank of Denver	Denver	CO
4146	Fidelity Bank, N.A	San Antonio	TX
2926	Fidelity National Bank	Fort Worth	TX
2575	Fillmore County Bank	Geneva	NE
4483	Financial Center Bank, N.A	San Francisco	CA
8016	Financial Information System (FIS)	Washington	DC
8021	Financial Services Branch	Washington	DC
4134	First Acadiana Bank	Eunice	LA
1926	First Alabama Bankshares	Montgomery	AL
5971	First American Bank	San Antonio	TX
4203	First American Bank & Trust	West Palm Beach	FL
1970	First American Bank & Trust NA	Lake Worth	FL
8707	First American Bank and Trust	West Palm Beach	FL
4137	First American Bank and Trust	West Palm Beach	FL
2793	First American Bank and Trust of Baytown	Baytown	TX
5930	First American Bank and Trust of Friends	Friendswood	TX
5931	First American Bank and Trust of Manvel	Manvel	TX
4286	First American Bank for Savings	Boston	MA
2429	First American Banking Company	Pendleton	OR
2260	First Augusta Bank & Trust Company	Augusta	GA
4100	First Bank	Colorado Springs	CO
2891	First Bank	Balch Springs	TX
2965	First Bank & Trust	Bryan	TX
2940	First Bank & Trust Co	Duncan	OK
4064	First Bank & Trust Company	Yale	OK
4177	First Bank & Trust Company	Cedar Hill	TX
2801	First Bank and Trust	Tomball	TX
1989	First Bank and Trust	Harrisburg	IL
2475	First Bank and Trust	Tracy City	TN
6782	First Bank and Trust Company	Booker	TX
2558	First Bank and Trust of Idaho	Malad City	ID
4163	First Bank National Association	Cleveland	OH
2265	First Bank of Macon County	Notasulga	AL
4262	First Bank of Plano	Plano	TX
2979	First Bank of Rowlett	Rowlett	TX
4131	First Bank Pineville	Pineville	LA
5989	First Bankers Trust of Bossier City	Bossier City	LA
5941	First Capitol Bank	West Columbia	TX
2635	First Charter Bank	Denver	CO
2589	First Citizens Bank	Dallas	TX
1941	First City Banc	Houston	TX
4356	First City Bank	New Orleans	LA
2526	First City Bank	Glendale	CA
2645	First City Bank of Atoka	Atoka	OK
2646	First City Bank of King City, Missouri	King City	MO
2474	First City Bank, N.A	Oklahoma City	OK
4543	First City Collecting Bank	Houston	TX
1999	First City—Alice	Alice	TX
2000	First City—Aransas Pass	Aransas Pass	TX
2001	First City—Austin	Austin	TX
2002	First City—Beaumont	Beaumont	TX
2003	First City—Bryan	Bryan	TX
2004	First City—Corpus Christi	Corpus Christi	TX
2005	First City—Dallas	Dallas	TX
2006	First City—El Paso	El Paso	TX
2007	First City—Graham	Graham	TX
2008	First City—Houston	Houston	TX
2009	First City—Kountze	Kountze	TX
2010	First City—Lake Jackson	Lake Jackson	TX
2011	First City—Lufkin	Lufkin	TX
2012	First City—Madisonville	Madisonville	TX
2013	First City—Midland	Midland	TX

BIF: FDIC COMMERCIAL BANKS—Continued

Bank No.	Name	City	State
4138	First City—National Bank & Trust Company	New York	NY
2014	First City—Orange	Orange	TX
2015	First City—San Angelo	San Angelo	TX
2016	First City—San Antonio	San Antonio	TX
2017	First City—Sour Lake	Sour Lake	TX
2018	First City—Tyler	Tyler	TX
4523	First City, Alice, Texas	Alice	TX
4524	First City, Aransas Pass	Aransas Pass	TX
4525	First City, Austin	Austin	TX
4526	First City, Beaumont	Beaumont	TX
4527	First City, Bryan	Bryan	TX
4528	First City, Corpus Christi	Corpus Christi	TX
4529	First City, Dallas	Dallas	TX
4530	First City, El Paso	El Paso	TX
4531	First City, Graham	Graham	TX
4532	First City, Houston	Houston	TX
8040	First City, Houston	Houston	TX
4533	First City, Kountze	Kountze	TX
4534	First City, Lake Jackson	Lake Jackson	TX
4535	First City, Lufkin	Lufkin	TX
4536	First City, Madisonville	Madisonville	TX
4537	First City, Midland	Midland	TX
4538	First City, Orange	Orange	TX
4539	First City, San Angelo	San Angelo	TX
4540	First City, San Antonio	San Antonio	TX
4541	First City, Sour Lake	Sour Lake	TX
4542	First City, Tyler	Tyler	TX
4278	First Comanche Bank	Comanche	TX
4128	First Commerce National Bank	Phoenix	AZ
4304	First Commerce Bank of Florida	Boca Raton	FL
2358	First Commerce Bank of Hawkins County	Rogersville	TN
2678	First Commerce Bank of Texas, N.A	Houston	TX
4470	First Community Bank of Cherokee	Woodstock	GA
4108	First Consolidated Bank—Buda, N.A	Buda	TX
4106	First Consolidated Bank—Ferris	Ferris	TX
4107	First Consolidated Bank—Hillsboro, N.A	Hillsboro	TX
4110	First Consolidated Bank—Pleasant Run	Lancaster	TX
4109	First Consolidated Bank—Rosebud, N.A	Rosebud	TX
4521	First Constitution Bank	New Haven	CT
6479	First Continental Bk & Tr Co of Del Cty	Del City	OK
2708	First Continental Bk of Rockrimmon, N.A	Colorado Springs	CO
5957	First Continental National Bank	Houston	TX
1955	First Dakota National Bank	Yakton	SD
4022	First Eastern Bank and Trust Co	New Orleans	LA
6599	First Enterprise Bank	Oakland	CA
4484	First Exchange Bank of Cape Girardeau	Cape Girardeau	MO
4516	First Exchange Bank of Little Rock	Little Rock	AR
4486	First Exchange Bank of Madison County	Fredericktown	MO
4485	First Exchange Bank of North St. Louis C	Florissant	MO
4488	First Exchange Bank of St. Louis	St. Louis	MO
1997	First Federal Bank	Waterbury	CT
4419	First Hanover Bank	Wilmington	NC
5926	First Houston Bank N.A	Houston	TX
2948	First Industrial Bank	Rocky Ford	CO
5933	First Intercounty BAML AMD Trust Co. of	New York City	NY
2766	First Interstate Bank of Alaska	Anchorage	AK
1940	First Interstate Bank of O.K. City	Oklahoma City	OK
1969	First Interstate Bank of Washington	Seattle	WA
4555	First Lehigh Bank	Walnutport	PA
4329	First Marine Bank of Florida	Palm City	FL
4388	First Mexia Bank	Mexia	TX
2699	First Midwest Bank	Marysville	MO
4371	First Mutual Bank for Savings	Boston	MA
1912	First Nat'l Bank & Trust/O.K. City	Oklahoma City	OK
1975	First National Bank	Oklahoma City	OK
4252	First National Bank	Purcell	OK
5476	First National Bank	Snyder	TX
5953	First National Bank	Covington	LA
2619	First National Bank	Willows	CA
2535	First National Bank	Tipton	IA
2537	First National Bank	Gorman	TX

BIF: FDIC COMMERCIAL BANKS—Continued

Bank No.	Name	City	State
2893	First National Bank	Austin	TX
1950	First National Bank & Trust Co (Burns)	Burns	KS
4391	First National Bank and Trust Company	Blackwell	OK
6697	First National Bank and Trust of Norman	Norman	OK
2538	First National Bank at Douglas	Douglas	WY
4019	First National Bank at Oswego	Oswego	KS
2944	First National Bank in Bogota	Bogota	TX
2943	First National Bank in Center	Center	TX
2438	First National Bank in Clarksville	Clarksville	TX
4322	First National Bank in Kaufman	Kaufman	TX
2437	First National Bank in Marlow	Marlow	OK
5821	First National Bank in West Concord	West Concord	MN
2912	First National Bank of Atascocita	Harris (Humble)	TX
2568	First National Bank of Borger	Borger	TX
2673	First National Bank of Brajman	Braman	OK
5448	First National Bank of Browning	Browning	MT
5360	First National Bank of Carrington	Carrington	ND
5686	First National Bank of Carter	Carter	OK
4354	First National Bank of Cedar Hill	Cedar Hill	TX
2957	First National Bank of Cedar Park	Cedar Park	TX
4150	First National Bank of Colbert	Colbert	OK
4256	First National Bank of Corpus Christi	Corpus Christi	TX
4273	First National Bank of Crosby	Crosby	ND
2651	First National Bank of Crosby	Crosby	TX
5934	First National Bank of Del City	Del City	OK
4198	First National Bank of DeSoto	DeSoto	TX
2444	First National Bank of Eads	Eads	CO
4013	First National Bank of East Baton Rouge	Baton Rouge	LA
2689	First National Bank of Elbow Lake	Elbow Lake	MN
4127	First National Bank of Frisco	Frisco	TX
4173	First National Bank of Garland	Garland	TX
2428	First National Bank of Gaylord	Gaylord	KS
2482	First National Bank of Glenrock	Glenrock	WY
4197	First National Bank of Grand Saline	Grand Saline	TX
2552	First National Bank of Irving	Irving	TX
4288	First National Bank of Jackson	Jackson	TN
4270	First National Bank of Kennedale	Kennedale	TX
2820	First National Bank of Kingwood	Kingwood	TX
2522	First National Bank of Lincoln Co	Ruidoso	NM
4428	First National Bank of Miami	Miami	FL
1920	First National Bank of Midland	Midland	TX
4002	First National Bank of Nocona	Nocona	TX
2344	First National Bank of Oak Lawn	Oak Lawn	IL
2659	First National Bank of Olney	Olney	TX
2796	First National Bank of Port Allen	Port Allen	LA
2391	First National Bank of Prior Lake	Prior Lake	MN
4031	First National Bank of Richardson	Richardson	TX
5741	First National Bank of Rifle	Rifle	CO
4298	First National Bank of Rowlett	Rowlett	TX
2549	First National Bank of Ruston	Ruston	LA
2657	First National Bank of Sapulpa	Sapulpa	OK
2577	First National Bank of Sheridan	Sheridan	WY
2623	First National Bank of Stewartville	Stewartville	MN
5629	First National Bank of Teague	Teague	TX
2539	First National Bank of Tekemah	Tekemah	NE
5771	First National Bank of Temple	Temple	OK
4506	First National Bank of Texas	Webster	TX
5999	First National Bank of Vail	Vail	CO
5815	First National Bank of Weslaco	Weslaco	TX
2441	First National Bank of Woodbine	Woodbine	IA
4416	First National Bank, Bedford	Bedford	TX
4192	First National Bank, Northeast	Austin	TX
5727	First Natl. Bank in Cordell	Cordell	OK
2580	First Natl. Bank of Prarie City	Prarie City	IA
1993	First New Hampshire Bank	Manchester	NH
4549	First New York Bank for Business	New York	NY
4258	First Pacific Bank	Beverly Hills	CA
2355	First Peoples Bank of Washington County	Johnson City	TN
2530	First Progressive Bank	Metarie	LA
2851	First Republic Bank, A & M	A & M	TX
2852	First Republic Bank, Abilene, N.A	Abilene	TX

BIF: FDIC COMMERCIAL BANKS—Continued

Bank No.	Name	City	State
2848	First Republic Bank, Austin, N.A	Austin	TX
2853	First Republic Bank, Brownwood, N.A	Brownwood	TX
2854	First Republic Bank, Cleburne, N.A	Cleburne	TX
2855	First Republic Bank, Clifton, (SB)	Clifton	TX
2856	First Republic Bank, Conroe, N.A	Conroe	TX
2857	First Republic Bank, Corsicana, N.A	Corsicana	TX
2846	First Republic Bank, Dallas, N.A	Dallas	TX
2858	First Republic Bank, Denison, N.A	Denison	TX
2859	First Republic Bank, El Paso, N.A	El Paso	TX
2860	First Republic Bank, Ennis, N.A	Ennis	TX
2861	First Republic Bank, Forney (SB)	Forney	TX
2849	First Republic Bank, Fort Worth, N.A	Forth Worth	TX
2863	First Republic Bank, Galveston, N.A	Galveston	TX
2864	First Republic Bank, Greenville, N.A	Greenville	TX
2865	First Republic Bank, Harlingen, N.A	Harlingen	TX
2866	First Republic Bank, Henderson, N.A	Henderson	TX
2867	First Republic Bank, Hillsboro (SB)	Hillsboro	TX
2847	First Republic Bank, Houston, N.A	Houston	TX
2868	First Republic Bank, Jefferson County (SB)	Jefferson County	TX
2869	First Republic Bank, Lubbock, N.A	Lubbock	TX
2870	First Republic Bank, Lufkin, (SB)	Lufkin	TX
2871	First Republic Bank, Malakoff (SB)	Malakoff	TX
2872	First Republic Bank, Midland, N.A	Midland	TX
2873	First Republic Bank, Mineral Wells, N.A	Mineral Wells	TX
2874	First Republic Bank, Mt. Pleasant, N.A	Mt. Pleasant	TX
2875	First Republic Bank, Odessa, N.A	Odessa	TX
2876	First Republic Bank, Paris (SB)	Paris	TX
2877	First Republic Bank, Plano, N.A	Plano	TX
2878	First Republic Bank, Richmond, N.A	Richmond	TX
2850	First Republic Bank, San Antonio, N.A	San Antonio	TX
2879	First Republic Bank, Stephenville, N.A	Stephenville	TX
2880	First Republic Bank, Temple, N.A	Temple	TX
2881	First Republic Bank, Tyler, N.A	Tyler	TX
2882	First Republic Bank, Victoria (SB)	Victoria	TX
2883	First Republic Bank, Waco, N.A.	Waco	TX
2885	First Republic Bank, Wichita Falls, N.A	Wichita Falls	TX
2884	First Republic Bank, Williamson County,	Williamson County	TX
1921	First Republic/NCNB	Dallas	TX
3958	First Republic/NCNB Residual Asset Pool	Addison	TX
2379	First Security Bank	Erwin	TN
2435	First Security Bank	Sandwich	IL
4361	First Security Bank	Roanoke	VA
4112	First Security Bank & Trust Co.	Haughton	LA
4460	First Security Bank of Anaconda	Anaconda	MT
2498	First Security Bank of Dickson	Dickson	TN
4124	First Security Bank of Glendive	Glendive	MT
2318	First Security Bank of North Arkansas	Horseshoe Bend	AR
5963	First Service Bank For Savings	Leominster	MA
6796	First Sierra Bank	Bishop	CA
2947	First Southwest Bank	El Dorado	OK
2920	First St Bank Talihina	Talihina	OK
2923	First State Bank	Seminole	OK
2981	First State Bank	Rogers	TX
2950	First State Bank	Harper	TX
4007	First State Bank	Deanville	TX
4069	First State Bank	Pflugerville	TX
4066	First State Bank	Liberty	TX
2542	First State Bank	White Cloud	KS
2506	First State Bank	Jet	OK
2528	First State Bank	Cache	OK
2543	First State Bank	Memphis	TX
2783	First State Bank	Oilton	OK
2695	First State Bank	Milford	TX
2684	First State Bank	Sisseton	SD
2756	First State Bank	Oakdale	NE
6896	First State Bank	Blanchard	OK
6898	First State Bank	Willow	OK
8011	First State Bank	Atmore	AL
4439	First State Bank	Bangs	TX
4339	First State Bank	Weimar	TX
4303	First State Bank	Lexington	OK

BIF: FDIC COMMERCIAL BANKS—Continued

Bank No.	Name	City	State
6692	First State Bank & Trust Company	Edinburg	TX
2561	First State Bank And Trust of Edinburg	Edinburg	TX
2648	First State Bank of Atmore	Atmore	AL
2740	First State Bank of Bovina	Bovina	TX
8003	First State Bank of Colmesneil	Colmesneil	TX
4183	First State Bank of Crandall	Crandall	TX
2454	First State Bank of Elgin	Elgin	OR
6845	First State Bank of Forest City	Forest City	MO
2251	First State Bank of Hudson County	Jersey City	NJ
4068	First State Bank of Mckinney	Mckinney	TX
2248	First State Bank of Northern California	San Leandro	CA
8038	First State Bank of Oilton	Oilton	OK
6798	First State Bank of Pattonsburg	Pattonsburg	MO
4154	First State Bank of Regent	Regent	ND
4277	First State Bank of Rising Star	Rising Star	TX
2725	First State Bank of Rollingstone	Rollingstone	MN
2677	First State Bank of Saginaw	Saginaw	TX
5919	First State Bank of Shoshoni	Shoshoni	WY
2961	First State Bank of Texas	Duncanville	TX
2612	First Stock Yards Bank	St. Joseph	MO
1917	First Tennessee Corp.	Knoxville	TN
6568	First Trust-Bank of Lakefield	Lakefield	MN
1992	First Union National Bank	Charlotte	NC
4201	First-Taylor National Bank	Taylor	TX
2551	Florida Center Bank	Orlando	FL
4360	Florida State Bank	Holiday	FL
2792	Flower Mound Bank	Flower Mound	TX
2814	Forest City Bank And Trust Company	Forest City	IA
5979	Forestwood National Bank of Dallas	Dallas	TX
4279	Fort Worth State Bank	Fort Worth	TX
4445	Fountain Bank	Scottsdale	AZ
4508	Foxworth Bank	Foxworth	MS
6312	Franklin Bank	Houston	TX
3953	Franklin Cons Off CP	Franklin	MA
5308	Franklin National Bank	New York	NY
2886	FRB, Delaware	Delaware	DE
4292	Freedom National Bank of New York	New York	NY
5928	Frenchman Valley Bank	Palisade	NE
2929	Frontier National Bank	Round Rock	TX
2604	Frontier National Bank	Vista	CA
8055	FSLIC Resolution Fund	Washington	DC
5969	Fulshear State Bank	Fulshear	TX
2890	Galena Park State Bank	Galena Park	TX
6469	Gamaliel Bank	Gamaliel	KY
2392	Garden Community Bank	Garden Grove	CA
4153	Gateway National Bank	Phoenix	AZ
2276	Gateway National Bank of Chicago	Chicago	IL
4205	Gentry County Bank	Albany	MO
2479	Gilpin County Bank	Black Hawk	CO
2407	Girod Trust Company	San Juan	PR
2785	Global Bank of Miami	Hialeah	FL
5580	Golden Pacific National Bank	New York	NY
2431	Golden Spike State Bank	Tremonton	UT
2450	Golden Valley Bank	Turlock	CA
4363	Goldome	Buffalo	NY
3955	Goldome	Buffalo	NY
1988	Goldome Federal Savings Bank	Buffalo	NY
2588	Graettinger State Bank	Graettinger	IA
5967	Grand Canyon State Bank	Scottsdale	AZ
4430	Granite Co-Operative Bank	Quincy	MA
4280	Great Western National Bank	Lewisville	TX
4014	Greater Texas Bank, Leander	Leander	TX
4121	Greater Texas Bank, North, N.A.	Austin	TX
4122	Greater Texas Bank, Southwest	Austin	TX
1901	Greenwich/Metropolitan Savings Bank	New York	NY
4544	Greenwood Bank of Bethel, Inc	Bethel	CT
2825	Guaranty Bank	Dallas	TX
2275	Guaranty Bank And Trust	Chicago	IL
2315	Guaranty Bond State Bank	Red Water	TX
1960	Guaranty National Bank	Austin	TX
2400	Guaranty State Bank of Saint Paul	St Paul	MN

BIF: FDIC COMMERCIAL BANKS—Continued

Bank No.	Name	City	State
4545	Guaranty-First Trust Co	Waltham	MA
4190	Guardian Bank	Scottsdale	AZ
5973	Guardian Bank N.A.	Hempstead	NY
1995	Gunnison Bank and Trust	Gunnison	CO
2446	Halifax National Bank of Port Orange	Port Orange	FL
1925	Hamburg SB/Home Savings Bank	Brooklyn	NY
2698	Hamilton County State Bank	Lockland	OH
4403	Harbor National Bank of Connecticut	Branford	CT
5927	Harris County Bank, N.A.	Houston	TX
3957	Hartford Cons. Office—CP	Hartford	CT
4001	Harvard Bank	Tulsa	OK
5932	Hayesville Savings Bank	Hayesville	IA
2621	Hays State Bank	Hays	KS
4299	Heights Bank	Harker Heights	TX
4026	Helotes State Bank	Helotes	TX
6505	Hereford State Bank	Hereford	CO
6465	Heritage Bank	Anaheim	CA
2343	Heritage Bank	Ashland	OR
6852	Heritage Bank Bank and Trust	Salt Lake	UT
4553	Heritage Bank For Savings	Holyoke	MA
2373	Heritage Bank of Bureau County	Depue	IL
8191	Heritage National Bank	Richardson	TX
2601	Heritage National Bank	Richardson	TX
2764	Heritage National Bank	Austin	TX
4060	Hidalgo County Bank & Trust	Mercedes	TX
2291	High Lakes Community Bank	La Pine	OR
2898	Highland Park National Bank	Dallas	TX
4517	Highlands Community Bank, NA	Clinton Township	NJ
4392	Hillsborough Bank & Trust Company	Milford	NH
4394	Hilton Head Bank & Trust Company, N.A.	Hilton Head Island	SC
4030	Hobby Community Bank	Hobby	TX
6399	Hohenwald Bank and Trust Company	Hohenwald	TN
4211	Home National Bank of Milford	Milford	MA
3533	Home Savings Bank	Brooklyn	NY
5935	Home State Bank	Trent	TX
4495	Home State Bank, Longton, Kansas	Longton	KS
4518	Hometown Bank	Edison	NJ
5924	Houston Commerce Bank	Houston	TX
3904	Houston Consolidated Office	Houston	TX
2649	Hub City Bank & Trust Company	Lafayette	LA
4151	Huffman Bank	Huffman	TX
4221	Hulen National Bank	Fort Worth	TX
4552	Huntington Pacific Thrift & Loan	Huntington Beach	CA
4176	Imperial Bank	Coral Gables	FL
4462	Independence Bank	Plano	TX
4446	Independence Bank	Los Angeles	CA
5974	Independent Bank—East N.A.	Rockwall	TX
5977	Independent Bank—N.A.	Coppell	TX
5757	Independent National Bank	Covina	CA
4166	Independent National Bank	Phoenix	AZ
6455	Indian Springs State Bank	Kansas City	KS
2980	Industrial Bank	Houston	TX
2546	Industrial-Natl. Bank of East Chicago	East Chicago	IN
4274	Ingram State Bank	Ingram	TX
2256	International City Bank and Trust	New Orleans	LA
5965	Interstate Bank of Commerce	Miami	FL
4547	Investors Bank & Trust Co	Gretna	LA
2445	Inwood State Bank	Inwood	IA
4405	Iona Savings Bank	Tilton	NH
4246	Iredell State Bank	Iredell	TX
3909	Irvine Cons Off CP	Irvine	CA
2976	Island Bank	South Padre Island	TX
2403	Jackson County National Bank	Tuckerman	AR
4487	Jackson Exchange Bank and Trust Company	Jackson	MO
8043	Jefferson Guaranty Bank	Metairie	LA
1967	Jefferson Guaranty/Royal Windsor Hold	Metairie	LA
2805	Jennings Bank	Jennings	KS
2534	Johnson County Bank	Tecumseah	NE
2483	Kansas American Bank	Overland Park	KS
3488	Kansas City Area Consolidated CP's	Kansas City	MO
4012	Katy National Bank	Katy	TX

BIF: FDIC COMMERCIAL BANKS—Continued

Bank No.	Name	City	State
4447	Kempton State Bank	Kempton	IL
2829	Kingsland National Bank	Kingsland	TX
5991	Kirby State Bank	San Antonio	TX
3907	Knoxville Consolidated Office	Knoxville	TN
2723	La Marque Bank	La Marque	TX
5987	La Salle State Bank	La Salle	LA
8010	Lago National Bank	Lago Vista	TX
5781	Lago Vista National Bank	Lago Vista	TX
2691	Lake Austin National Bank	Austin	TX
5970	Lake Country National Bank	Burnet	TX
2521	Lake National Bank	Lake Osark	MO
2626	Lakeland State Bank	Pequot Lakes	MN
2913	Lakeland State Bank	Camden County	MO
4235	Lakeland State Bank	Austin	TX
2971	Lakeway National Bank	Austin	TX
8014	Lamis	Washington	DC
4496	Landmark Bank for Savings	Whitman	MA
4448	Landmark Bank of Fort Worth	Fort Worth	TX
2625	Landmark National Bank	Denver	CO
4373	Landmark Thrift & Loan Association	San Diego	CA
2704	Lanesboro State Bank	Lanesboro	MN
2633	Latimer Bank & Trust	Latimer	IA
2765	Lewis and Clark State Bank	Lake Oswego	OR
4016	Lewis County Savings & Loan Co	Weston	WV
4015	Lexington State Bank	Lexington	TX
2655	Liberty Bank	Houston	TX
5986	Liberty Bank	Phoenix	AZ
2925	Liberty Bank & Trust Company	Warsaw	IN
2703	Liberty Bank and Trust Company	Greenwood	LA
4165	Liberty City State Bank	Kilgore	TX
4023	Liberty National Bank	Dallas	TX
4359	Liberty National Bank	Lovington	NM
2812	Lincoln National Bank	Arlington	TX
2480	Linn County State Bank	Linneus	MO
2974	Livingston Bank	Denham Springs	LA
2280	Livingston State Bank	Livingston	NJ
4321	Lockhart State Bank	Lockhart	TX
2563	Lone, Rock Bank, National Association	Lone Rock	IA
2819	Lone Star Bank	Baytown	TX
4291	Lone Star National Bank	Dallas	TX
2760	Louisiana Bank and Trust Company	Crowley	LA
2967	Louisiana Bank and Trust Company	Shreveport	LA
2775	Louisiana Commercial Bank	Madisonville	LA
4118	Love Field National Bank	Dallas	TX
4393	Lowell Institution for Savings	Lowell	MA
8051	M Bank	Dallas	TX
2476	Madison Bank	Madison	KS
2751	Madison Bank and Trust Company	Richmond	LA
4352	Madison National Bank	Washington	DC
4353	Madison National Bank of Virginia	McLean	VA
4311	Maine National Bank	Portland	ME
8710	Maine National Bank	Portland	ME
1986	Maine National Bank	Portland	ME
1987	Maine Savings Bank	Portland	ME
4320	Maine Savings Bank	Portland	ME
4490	Malden Trust Company	Malden	MA
4330	Manila Bank	Los Angeles	CA
8799	Marian Bank	Philadelphia	PA
5806	Market National Bank	Denver	CO
2686	Marlin National Bank	Marlin	TX
1905	Marquette Nat'l Bank	Minneapolis	MN
3962	Marquette Nat'l Bank Asset Purchase	Minneapolis	MN
5943	Marshall County Bank	Britton	SD
4507	Massachusetts Bank & Trust Co	Brockton	MA
4494	Mayfair Bank	Chicago	IL
5962	Mbank—Abilene	Abilene	TX
4000	Mbank—Alamo, San Antonio	San Antonio	TX
2982	Mbank—Austin	Austin	TX
2983	Mbank—Brenham	Brenham	TX
2984	Mbank—Corsicana	Corsicana	TX
2985	Mbank—Dallas	Dallas	TX

BIF: FDIC COMMERCIAL BANKS—Continued

Bank No.	Name	City	State
2986	Mbank—Denton County	Denton County	TX
2999	Mbank—Fort Worth	Fort Worth	TX
2987	Mbank—Greenville	Greenville	TX
2988	Mbank—Houston	Houston	TX
2989	Mbank—Jerfferson City	Jefferson City	TX
2990	Mbank—Longview	Longview	TX
2991	Mbank—Marshall	Marshall	TX
2992	Mbank—Mid Cities	Mid Cities	TX
2993	Mbank—Odessa	Odessa	TX
2994	Mbank—Orange	Orange	TX
2995	Mbank—Round Rock	Round Rock	TX
2996	Mbank—Sherman	Sherman	TX
2997	Mbank—Wichita Falls	Wichita Falls	TX
2998	Mbank—Woodlands	Woodlands	TX
2581	Mc Cune State Bank	Mc Cune	KS
2807	McAllen State Bank	McAllen	TX
2719	McNulty Banking Company	St. Petersburg	FL
1961	MCorp/Dibb/Bank One	Dallas	TX
4383	Mechanics & Farmer Savings Bank, FSB	Bridgeport	CT
1910	Mechanics SB/Syracuse SB	Syracuse	NY
5992	Medcentre Bank, N.A	San Antonio	TX
2930	Medical Center State Bank	Oklahoma City	OK
6735	Medicine Bow State Bank	Medicine Bow	WY
4207	Memorial Bank, National Association	Houston	TX
2839	Mercantile Bank	San Antonio	TX
4449	Merchant National Bank	Fort Myers	FL
2335	Merchants and Farmers State Bank	Blythe	CA
4550	Merchants Bank	Kansas City	MO
4202	Merchants Bank of Boston, A Co-Operative	Boston	MA
2975	Merchants Marine Bank	Port Isabel	TX
4432	Merchants National Bank	Leominster	MA
2958	Merchants State Bank	Dallas	TX
4323	Merchants Trust & Savings Bank	Kenner	LA
4556	Meritor Savings Bank	Philadelphia	PA
2356	Metro Bank	Midland	TX
8050	Metro National Bank	Denver	CO
4546	Metro North State Bank	Kansas City	MO
2613	Metropolitan Bank & Trust Company	Baton Rouge	LA
2298	Metroplitan Bank and Trust Company	Tampa	FL
4480	Metropolitan Bank N.A	Washington	DC
5937	Metropolitan Industrial Bank	Denver	CO
4287	Metropolitan National Bank	McAllen	TX
4314	Metropolitan National Bank	Farmers Branch	TX
1966	Metropolitan National Bank	San Antonio	TX
2933	Miami National Bank	Miami	OK
4167	Miami National Bank	Miami	FL
8029	Mid Valley Bank	Omak	WA
1929	Mid Valley Bank/1st Bank—Washington	Omak	WA
4399	Mid-Jersey National Bank	Somerville	NJ
4402	MidCounty Bank and Trust Company	Norwood	MA
2745	Middle Park Bank	Granby	CO
3905	Midland Consolidated Office	Midland	TX
4132	Midlothian National Bank	Midlothian	TX
2292	Midtown National Bank	Pueblo	CO
4206	Midway National Bank	Dallas	TX
3223	Midwest Area Consolidated CP's	Chicago	IL
4245	Milford Savings Bank	Milford	MA
2489	Mineola State Bank	Mineola	IA
6433	Mineral Bank of Nevada	Las Vegas	NV
2914	Mingo Trust and Savings Bank	Mingo	IA
3711	Minneapolis Consolidated Office CP's	Minneapolis	MN
4415	Mission Valley Bank, N.A	San Clemente	CA
4454	Mission Viejo National Bank	Mission Viejo	CA
2019	Missouri Bridge Bank NA	Kansas City	MO
2494	Missouri Delta Bank	Hayti	MO
2603	Missouri Farmers Bank—Maitland, MO	Mound City	MO
2281	Mohawk Bank & Trust Co.	Greenfield	MA
2495	Moncor Bank, N.A	Hobbs	NM
2497	Moncor Bank, N.A	Roswell	NM
1973	Monroe Savings Bank	Rochester	NY
4144	Monroe Savings Bank, FSB	Rochester	NY

BIF: FDIC COMMERCIAL BANKS—Continued

Bank No.	Name	City	State
2640	Montgomery County Bank, National Associa	Houston	TX
4243	Montgomery National Bank	Rocky Hill	NJ
2770	Moran National Bank	Moran	TX
2685	Moreauville State Bank	Moureauville	LA
1949	Morehead National Bank	Morehead	KY
2667	Morocco State Bank	Morocco	IN
3795	Mortgage Servicing	Irvine	CA
4282	Mountain Ridge State Bank	West Orange	NJ
2582	Mountain Valley Bank	Conifer	CO
2317	Mt Pleasant Bank and Trust Company	Mt Pleasant	IA
6329	Mt Zion Deposit Bank	Mt Zion	KY
5950	Mt. Zion State Bank	Mt. Zion	IL
2788	Mustang Community Bank	Mustang	OK
2729	Mustang National Bank	Mustang	OK
3293	Mutual Savings Bank	New York	NY
8012	Nam Lease Buy Out	Washington	DC
4407	Nashua Trust Company	Nashua	NH
2378	Nat'l Bank & Trust Co of Traverse City	Traverse City	MI
3956	Nat'l MTG Servicing & Sales—CP	Irvine	CA
1968	National Bancshares Corp (NBC)	San Antonio	TX
8706	National Bancshares Corporation	Washington	DC
5995	National Bank of Arizona	Scottsdale	AZ
4033	National Bank of Commerce of Brownsville	Brownsville	TX
5794	National Bank of Frederick	Frederick	OK
2363	National Bank of Odessa	Odessa	TX
5713	National Bank of Texas	Autin	TX
2818	National Bank of Texas	Houston	TX
2862	National Bank, Fort Sam Houston	Fort Sam Houston	TX
4452	National City Bank	Coral Springs	FL
4230	National City Bank of Denver	Denver	CO
2845	National Fidelity Bank	Shreveport	LA
4117	National Industrial Bank	Meridan	CT
2307	National Security Bank	Tyler	TX
4212	NBC Bank—Austin, N.A	Austin	TX
4213	NBC Bank—Boerne, N.A	Boerne	TX
4215	NBC Bank—Houston, N.A	Houston	TX
4216	NBC Bank—Kerrville, N.A	Kerrville	TX
4217	NBC Bank—Rio Grande Valley, N.A	Mission	TX
4218	NBC Bank—San Antonio, N.A	San Antonio	TX
4219	NBC Bank—Seguin, N.A	Seguin	TX
4214	NBC Bank—South Texas, N.A	Corpus Christi	TX
4220	NBC Bank—Uvalde, N.A	Uvalde	TX
4374	New Bank of New England (Bridge Bank)	Boston	MA
2668	New City Bank	Orange	CA
4375	New Connecticut Bank & Trust (Bridge Ban)	Hartford	CT
1990	New Dartmouth Bank	Manchester	NH
4300	New England Alibank for Savings	Gardner	MA
4412	New Hampshire Savings Bank	Concord	NH
4457	New Heritage Bank	Lawrence	MA
4376	New Maine National Bank (Bridge Bank)	Portland	ME
2578	New Mexico National Bank	Albuquerque	NM
4029	New Ulm State Bank	New Ulm	TX
2741	New World National Bank	Pittsburgh	PA
2337	Newport Harbour National Bank	Newport Beach	CA
2618	Norman Bank of Commerce	Norman	OK
5857	North American National Bank	Littleton	CO
4493	North American Thrift and Loan	Corona Del Mar	CA
4102	North Bank, National Assoc	Oklahoma City	OK
5851	North Central National Bank	Austin	TX
2272	North Point State Bank	Arlington Heights	IL
4433	North Ridge Bank	Oakland Park	FL
4136	North Side State Bank	Tulsa	OK
4027	Northern Bank & Trust	Fort Collins	CO
2233	Northern Ohio Bank	Cleveland	OH
2513	Northshore Bank	Houston	TX
4269	Northside Bank	San Antonio	TX
4152	Northway National Bank	Dallas	TX
5923	Northwest Bank	Dallas	TX
2465	Northwest Bank	White Settlement	TX
2834	Northwest Bank & Trust	Houston	TX
4364	Northwest Bank, N.A	San Antonio	TX

BIF: FDIC COMMERCIAL BANKS—Continued

Bank No.	Name	City	State
2289	Northwest Commerce Bank	North Bend	OR
2696	Northwest Commercial Bank, N.A	Houston	TX
4387	Northwest National Bank	Fayetteville	AR
4477	Norwalk Bank	Norwalk	CT
4408	Numerica Savings Bank FSB	Manchester	NH
1907	NY Bank for Savings/Buffalo (Goldome)	Buffalo	NY
3713	O'Hare Cons Off CP	Chicago	IL
1958	Oak Forest National Bank	Longview	TX
2952	Oak Hill National Bank	Austin	TX
2936	Oak Lawn Bank, N.A	Dallas	TX
2811	Oak Park Bank	Oak Park Heights	MN
2414	Oakland Savings Bank	Oakland	IA
2960	Oakwood National Bank	Enid	OK
8019	Office of Personnel Management	Washington	DC
3906	Oklahoma Consolidated Office	Oklahoma	OK
2325	Oklahoma National Bank and Trust Company	Oklahoma City	OK
4500	Olympic Internat'l Bank & Trust Co	Boston	MA
2422	Oneida Bank & Trust Company	Oneida	TN
2572	Orange Coast Thrift and Loan Association	Los Alamitos	CA
1922	Orange SB/Hudson City SB	Paramus	NJ
4129	Orange State Bank	Miami	FL
1918	Oregon Mutual/Oregon First Bank	Portland	OR
3901	Orlando Consolidated Office	Orlando	FL
2955	Orleans Bank and Trust Company	New Orleans	LA
2681	Osceola State Bank & Trust Company	Osceola	IA
2308	Pacific Coast Bank	San Diego	CA
8002	Pacific Union National Bank & Trust Co	Menlo Park	CA
2339	Pan American National Bank	Union City	NJ
2622	Pahhandle Bank and Trust	Borger	TX
4103	Park Avenue Bank, National Assoc	Oklahoma City	OK
2536	Park Bank	St. Petersburg	FL
5983	Park Central Bank	Fort Worth	TX
5981	Park Forty Five National Bank	Spring	TX
5601	Park West Bank, N.A	Farmers Branch	TX
2828	Parkway Bank and Trust	Dallas	TX
2700	Pelican State Bank	Mansfield	LA
1965	Penn Square Bank, N.A	Oklahoma City	OK
5391	Penn Square Bank, N.A	Oklahoma City	OK
4368	Peoples Bank	Hewitt	TX
6540	Peoples Bank & Trust Co	Wartburg	TN
2288	Peoples Banking Company	Boston	GA
4234	Peoples National Bank	Caldwell	TX
5655	Peoples National Bank & Trust	Albia	IA
5610	Peoples National Bank of Rockland County	Ramapo (Nonsey)	NY
4306	Peoples State Bank	Dallas	TX
1998	Peoples State Bank	Clyde	TX
2458	Peoples State Bank	Odebolt	IA
2682	Peoples State Bank	Turkey	TX
1947	Peoples State Bank & Trust Co	Ellinwood	KS
8039	Peoples State Bank & Trust Co	Ellinwood	KS
2637	Peoples State Bank & Trust Company	Holdenville	OK
2404	Peoples State Bank of Clay County	Poland	IN
6901	Peoples State Bank of Mazeppa	Mazeppa	MN
5947	Peoples State Bank of Meeker	Meeker	CO
6721	Permian Bank	Odessa	TX
5702	Petrobank, N.A	Houston	TX
2739	Pioneer Bank of Fountain	Fountain	CO
2911	Pioneer National Bank	Arlington	TX
2532	Pioneer State Bank	Salt Lake City	UT
5945	Pisgah Savings Bank	Pisgah	IA
4469	Placer Bank of Commerce	Roseville	CA
2388	Planters Trust & Savings Bk of Opelousas	Opelousas	LA
4141	Plaza Del Oro National Bank	Houston	TX
5824	Plaza National Bank	Del Rio	TX
8023	Plaza National Bank	Washington	DC
1944	Ploeger of Crossroads Bank	Victoria	TX
4515	Plymouth Five Cents Savings Bank	Plymouth	MA
4378	Pontchartrain State Bank	Metairie	LA
2779	Port City Bank	Houston	TX
4491	Powder Mill Bank	Morris Plains	NJ
6417	Prairie County Bank	Hazen	AR

BIF: FDIC COMMERCIAL BANKS—Continued

Bank No.	Name	City	State
5990	Prairie State Bank	Grand Prairie	TX
8052	Pre Closing Related Travel	Washington	DC
5964	Premier Bank, N.A	Dallas	TX
4028	Preston North National Bank	Dallas	TX
6645	Princeton State Bank	Princeton	MO
4422	Private Bank and Trust, N.A	Coral Gables	FL
4458	Progressive National Bank of Rayne	Rayne	LA
2557	Rainsville Bank	Rainsville	AL
5405	Ranchlander National Bank	Melvin	TX
4404	Reagan State Bank	Big Lake	TX
4473	Red Bird Bank of Dallas	Dallas	TX
2707	Red Oak State Bank	Red Oak	TX
2663	Red River National Bank	Clarksville	TX
5966	Renda Settlement	New York	NY
8139	Republic Bank	Blanchard	LA
2609	Republic Bank	Blanchard	LA
2749	Republic Bank	Oklahoma City	OK
6492	Republic Bank of Kansas City	Kansas City	MO
2837	Republic National Bank	Norman	OK
2261	Republic National Bank of Louisiana	New Orleans	LA
8053	Resolution Trust Corporation	Washington	DC
5955	Resource Bank, N.A	Houston	TX
4193	Richardson National Bank	Richardson	TX
4224	Richmark Bank	Houston	TX
1982	Riggs National Bank	Washington	DC
2917	River City Bank	Castle Hills	TX
2826	River Plaza National Bank	Fort Worth	TX
4498	Riverhead Savings Bank	White Plains	NY
5593	Riverside National Bank of Houston	Houston	TX
2491	Riverside National Bank of Houston	Houston	TX
4318	Rockport Bank, N.A	Ar. County (Rockport)	TX
4209	Rocky Mountain National Bank	Denver	CO
2722	Rocky Mountain State Bank	Salt Lake City	UT
2951	Rolling Hills State Bank	Piedmont	OK
5993	Rose Capital Bank	Tyler	TX
2562	Roseland State Bank	Roseland	NE
5948	Round Rock National Bank	Round Rock	TX
3250	S. Brunswick Off Cp	S. Brunswick	NJ
4335	Sabinal Bank	Sabinal	TX
5691	Saddleback National Bank	Laguna Hills	CA
4554	Sailors and Merchants B&T Co	Vienna	VA
2778	Sam Houston National Bank of Walker City	Huntsville	TX
3954	San Antonio Cons Office—Cp	San Antonio	TX
5276	San Francisco National Bank	San Francisco	CA
3487	San Jose Cons Off Cp	San Jose	CA
2821	Sandy State Bank	Sandy	UT
2503	Saratoga State Bank	Saratoga	WY
8054	Savings Association Insurance Fund	Washington	DC
4429	Saybrook Bank and Trust Co	Old Saybrook	CT
6570	Scroggin and Company Bank	Oak	NE
4512	Seacoast Savings Bank	Dover	NH
4328	Seafirst Bank	Port St. Lucie	FL
2656	Sealy National Bank	Sealy	TX
1974	Seamans Savings Bank	New York	NY
4158	Search National Bank	Dallas	TX
2968	Security Bank	Houston	TX
2928	Security Bank	Dallas	TX
4018	Security Bank & Trust Co	Wharton	TX
2490	Security Bank & Trust Company	Midwest City	OK
2319	Security Bank and Trust Company	Cairo	IL
2823	Security Bank of Aurora	Aurora	CO
2824	Security Bank of Boulder	Boulder	CO
2794	Security Bank of Denver, N.A	Denver	CO
6701	Security Bank of Glenrock	Glenrock	WY
8035	Security Bank of Rich Hill	Rich Hill	MO
1938	Security Bank of Rich Hill	Rich Hill	MO
3692	Security Bank of Rich Hill	Rich Hill	MO
4184	Security National Bank	Elgin	TX
2608	Security National Bank	Anchorage	AK
4263	Security National Bank	Austin	TX
5468	Security National Bank of Lubbock	Lubbock	TX

BIF: FDIC COMMERCIAL BANKS—Continued

Bank No.	Name	City	State
5809	Security National Bank of Midland	Midland	TX
4120	Security National Bank of Shreveport	Shreveport	LA
2716	Security State Bank	Davenport	OK
2715	Security State Bank	Roosevelt	OK
2733	Security State Bank	Oxford	NE
6637	Security State Bank	Broken Bow	NE
1959	Security State Bank	Casey	IA
2332	Security State Bank	Mooreland	OK
2469	Security State Bank	Edgar	NE
2418	Security State Bank	Weatherford	OK
6763	Sedgwick County Bank	Julesburg	CO
4010	Seminole National Bank	Hollywood	FL
5464	Seminole State National Bank	Seminole	TX
4444	Sentinel Bank	Hartford	CT
6293	Sharpstown State Bank	Houston	TX
2381	Shelby National Bank of Shelbyville	Shelbyville	IN
4478	Shore Bank and Trust Company	Lynn	MA
4189	Signature Bank, National Association	Dallas	TX
2227	Skyline National Bank	Denver	CO
2345	Smith County Bank	Carthage	TN
1964	Smith, Barney, Harris, Upham & Co	New York	NY
2455	South Coast Bank	Costa Mesa	CA
2702	South Denver National Bank	Denver	CO
2287	South Side Bank	Chicago	IL
4384	Southcoast Bank Corporation	West Palm Beach	FL
3323	Southeast Area Consolidated Cp's	Atlanta	GA
4401	Southeast Bank of West Florida	Pensacola	FL
4400	Southeast Bank, N.A	Miami	FL
2274	Southern National Bank	Birmingham	AL
4463	Southside National Bank	Nacoqdoches	TX
4475	Southstate Bank for Savings	Brockton	MA
3321	Southwest Area Consolidated Cp's	Dallas	TX
4325	Southwest National Bank	Albuquerque	NM
4240	Southwest National Bank	Austin	TX
5949	Southwest National Bank	Houston	TX
6373	Southwestern Bank	Tucson	AZ
6421	Sparta-Sanders State Bank	Sparta	KY
1956	Spring Rivers Bancshares, Inc	Imboden	AR
4003	St. Tammany National Bank	Mandeville	LA
6553	State Bank of Alexandria	Alexandria	NE
2643	State Bank of Allison	Allison	IA
6409	State Bank of Barnum	Barnum	MN
2427	State Bank of Boyd	Boyd	MN
2239	State Bank of Clearing	Chicago	IL
2752	State Bank of Commerce	Slidell	LA
2632	State Bank of Cuba	Cuba	IL
6532	State Bank of Dannebrog	Dannebrog	NE
2492	State Bank of Farmersville	Farmersville	IL
2525	State Bank of Frost	Frost	MN
5909	State Bank of Greenwald	Greenwald	MN
6600	State Bank of Herndon	Herndon	KS
2755	State Bank of Jansen	Jansen	NE
2384	State Bank of Mills	Mills	WY
2798	State Bank of Morgan	Morgan	MN
6289	State Bank of Prairie City	Prairie City	IA
4505	State Bank of Springfield	Springfield	MN
8028	State Bank of Westphalia	Westphalia	KS
1928	State Bank of Westphalia/Kansas State Bk	Westphalia	KS
4548	Statewide Thrift & Loan	Redwood City	CA
2728	Steeplechase National Bank	Houston	TX
6488	Stewardship Bank of Oregon	Portland	OR
2607	Stillwater Community Bank	Stillwater	OK
2544	Stockholm State Bank	Stockholm	SD
5905	Stockmen's Bank and Trust Company	Gillette	WY
2462	Story County Bank	Story City	IA
5997	Strawn Security Bank	Strawn	TX
6576	Strong's Bank	Dodgeville	WI
4380	Suburban National Bank	Hillsborough Township	NJ
4395	Suffield Bank	Suffield	CT
5984	Summit Bank	San Antonio	TX
4471	Summit National Bank	Torrington	CT

BIF: FDIC COMMERCIAL BANKS—Continued

Bank No.	Name	City	State
5805	Sunbelt National Bank	Dallas	TX
8008	Sunshine Bank	Sunshine	FL
6694	Sunshine State Bank	South Miami	FL
6299	Surety Bank and Trust Company	Wakefield	MA
2664	Sweeney Bank	Sweeney	TX
2472	Swift County Bank	Benson	MN
5310	Swope Parkway National Bank	Kansas City	MO
1935	Syracuse SB/Norstar Bancorp	Albany	NY
3960	TAB Asset Purchase	Fort Worth	TX
4053	TAB/Amarillo	Amarillo	TX
4058	TAB/Austin	Austin	TX
4045	TAB/Breckenbridge	Breckenridge	TX
4042	TAB/Dallas	Dallas	TX
4038	TAB/Dallas—LBJ	Dallas	TX
4035	TAB/Dallas—Prestonwood	Dallas	TX
4043	TAB/Denison	Denison	TX
4040	TAB/Duncanville	Duncanville	TX
4046	TAB/Farmers Branch	Farmers Branch	TX
4036	TAB/Fort Worth	Fort Worth	TX
4037	TAB/Forum—Arlington	Arlington	TX
4057	TAB/Fredricksburg	Fredricksburg	TX
4039	TAB/Greater Southwest	Grand Prairie	TX
4051	TAB/Houston—Galleria	Houston	TX
4056	TAB/Levelland	Levelland	TX
4049	TAB/Longview	Longview	TX
4044	TAB/McKinney	McKinney	TX
4054	TAB/Midland	Midland	TX
4048	TAB/Plano	Plano	TX
4050	TAB/Richardson	Richardson	TX
4052	TAB/Southwest	Stafford	TX
4055	TAB/Temple	Temple	TX
4047	TAB/Tyler	Tyler	TX
4041	TAB/Wichita Falls	Wichita Falls	TX
2670	Tallulah State Bank and Trust Company	Tallulah	LA
1927	Talmage State Bank	Talmage	KS
8007	Talmage State Bank	Talmage	KS
4367	Tascosa National Bank of Amarillo	Amarillo	TX
5954	Texana National Bank of Belton	Belton	TX
2617	Texana National Bank of College Station	College Station	TX
1951	Texas American Bank/Team Bank	Fort Worth	TX
8705	Texas American Bridge Bank	Dallas	TX
4349	Texas Bank & Trust of Temple	Temple	TX
8047	Texas Bank #1	Dallas	TX
8048	Texas Bank #2	Houston	TX
8193	Texas Bank and Trust Company	Lubbock	TX
2599	Texas Bank and Trust Company	Lubbock	TX
1957	Texas Bank North	San Antonio	TX
2329	Texas Bank of Amarillo	Amarillo	TX
2945	Texas Bank of Plano	Plano	TX
2598	Texas Independence Bank	Pasadena	TX
8192	Texas Indepenence Bank	Pasadena	TX
5866	Texas Investment Bank National Association	Houston	TX
5938	Texas National Bank	Austin	TX
5959	Texas National Bank	Houston	TX
2835	Texas National Bank	Victoria	TX
2946	Texas National Bank	Dallas	TX
4223	Texas National Bank	El Paso	TX
5867	Texas National Bank—Westheimer	Houston	TX
4369	Texas Premier Bank of Victoria, N.A	Victoria	TX
5918	The Alexander State Bank	Alexander	KS
6707	The American Bank	Alma	WI
2840	The American Bank	Palestine	TX
2511	The Aurora Bank	Aurora	CO
4461	The Bank for Savings	Malden	MA
4434	The Bank Mart	Bridgeport	CT
2244	The Bank of Bloomfield	Bloomfield	NJ
6602	The Bank of Bronson	Bronson	KS
2459	The Bank of Commerce	Chanute	KS
2567	The Bank of Commerce	Shreveport	LA
4020	The Bank of Edmond N.A	Edmond	OK
4366	The Bank of Horton	Horton	KS

BIF: FDIC COMMERCIAL BANKS—Continued

Bank No.	Name	City	State
2935	The Bank of Kerrville	Kerrville	TX
2496	The Bank of Loretto	Loretto	TN
2780	The Bank of Louisburg	Louisburg	KS
2616	The Bank of Northern California	San Jose	CA
2523	The Bank of Panama	Panama	NE
6725	The Bank of Park County	Bailey	CO
6726	The Bank of Park County	Bailey	CO
2368	The Bank of Red Oak	Red Oak	OK
4156	The Bank of Ruidoso	Ruidoso	NM
4438	The Bank of Verde Valley	Cottonwood	AZ
2832	The Bank of Westminster	Westminster	CO
6379	The Bank of Woodson	Woodson	TX
4179	The Bazine State Bank	Bazine	KS
2313	The Belle-Bland Bank	Bland	MO
2694	The Benton State Bank	Benton	KS
4340	The Blueville Bank of Grafton	Grafton	WV
2331	The Bollinger County Bank	Lutesville	MO
3501	The Bowery Savings Bank	New York	NY
2314	The Bowie County State Bank	Hooks	TX
4559	The Bremen State Bank	Bremen	KS
5985	The Burr Oak State Bank	Burr Oak	KS
4450	The Central Savings Bank	Lowell	MA
2730	The Citizens Bank	Drumright	OK
2509	The Citizens Bank	Ogden	UT
4418	The Citizens Bank of Pagosa Spring	Pagosa Spring	CO
6362	The Citizens State Bank	Viola	KS
2610	The Citizens State Bank	Donna	TX
6700	The Citizens State Bank of McCracken	McCracken	KS
2516	The Clarksdale Bank of Clarksdale	Clarksdale	MO
2399	The Coffeen National Bank	Coffeen	IL
8045	The Commercial Bank	Andalusia	AL
2351	The Commercial Bank of California	Los Angeles	CA
2448	The Commercial State Bank	Afton	IA
2571	The Commercial State Bank	Pocahontas	IA
4004	The Commonwealth Bank	Bellaire	TX
2396	The Corning Bank	Corning	AR
4357	The Cosmopolitan National Bank of Chicago	Chicago	IL
2647	The County Bank	Manatee County	FL
6584	The Crossroads State Bank	Oklahoma City	OK
5982	The Dakota Bank	Grand Forks	ND
6524	The Dayton Bank & Trust Company	Dayton	TN
6370	The Des Plaines Bank	Des Plaines	IL
2364	The Deschutes Bank	Redmond	OR
2515	The Dill State Bank	Dill City	OK
2360	The Douglas State Bank	Kansas City	KS
2264	The Drovers National Bank of Chicago	Chicago	IL
2507	The Early Bank	Early	TX
2586	The Easton State Bank	Leavenworth	KS
2464	The Energy Bank, National Association	Dallas	TX
6571	The Fairfield State Bank	Fairfield	NE
4396	The Family Bank	Allenstown	NH
2787	The Farmers & Merchants Bank of Hill City	Hill City	KS
4289	The Farmers & Merchants Bank of Sheyenne	Sheyenne	ND
5638	The Farmers & Merchants Bank of Hennessey	Hennessey	OK
2977	The Farmers & Merchants State Bank	Ballinger	TX
2420	The Farmers & Merchants Bank	Tecumseh	OK
2397	The Farmers National Bank of Aurelia	Aurelia	IA
2757	The Farmers National Bank of Cordell	Cordell	OK
2442	The Farmers National Bank of Erick	Erick	OK
2638	The Farmers National Bank of Remington	Remington	IN
2973	The Farmers State Bank	Bogue	KS
2434	The Farmers State Bank	Selden	KS
6355	The Farmers State Bank	Protection	KS
5994	The Farmers State Bank	Lyman	NE
2353	The First Central Bank	Smithville	TN
2297	The First NA BK & Trust Co of Tuscola	Tuscola	IL
2838	The First National Bank	Sherman	TX
5732	The First National Bank & Trust Co of EL	El Reno	OK
5765	The First National Bank and Trust Co of	Enid	OK
5929	The First National Bank and Trust Co of	Cushing	OK
2574	The First National Bank and Trust Co. of	Oklahoma City	OK

BIF: FDIC COMMERCIAL BANKS—Continued

Bank No.	Name	City	State
5697	The First National Bank and Trust Compan	Norman	OK
2587	The First National Bank and Trust of Okl	Oklahoma City	OK
2306	The First National Bank in Humboldt	Humboldt	IA
2762	The First National Bank in Rhome	Rhome	TX
5614	The First National Bank in Terral	Terral	OK
2553	The First National Bank of Bandera	Bandera	TX
2844	The First National Bank of Blooming Prai	Blooming Prairie	MN
2737	The First National Bank of Brush	Brush	CO
5706	The First National Bank of Chanute	Chanute	KS
5297	The First National Bank of Cripple Creek	Cripple Creek	CO
2357	The First National Bank of Dativers	Dativers	IL
5586	The First National Bank of Darrouzett	Darrouzett	TX
4200	The First National Bank of Georgetown	Georgetown	TX
4017	The First National Bank of Gordon	Gordon	TX
5951	The First National Bank of Gracemont	Gracemont	OK
5902	The First National Bank of Harmon	Harmon	OK
2477	The First National Bank of Jacksonville	Jacksonville	AL
4265	The First National Bank of Levelland	Levelland	TX
2717	The First National Bank of Luther	Luther	OK
5795	The First National Bank of Marlboro	Marlboro	MA
2365	The First National Bank of Midland	Midland	TX
2718	The First National Bank of Navasota	Navasota	TX
2481	The First National Bank of Onaga	Onaga	KS
4350	The First National Bank of Poth	Poth	TX
2634	The First National Bank of Rush	Rush Springs	OK
2385	The First National Bank of Rushford	Rushford	MN
4140	The First National Bank of San Marcos	San Marcos	TX
4157	The First National Bank of Sanger	Sanger	TX
2636	The First National Bank of Skiatook	Skiatook	OK
2328	The First National Bank of So Charleston	South Charleston	WV
2457	The First National Bank of Springfield	Springfield	CO
2504	The First National Bank of St. Joseph	St. Joseph	MO
5903	The First National Bank of Tipton	Tipton	OK
4358	The First National Bank of Toms River	Toms River	NJ
2527	The First National Bank of White City	White City	KS
5868	The First National Bank of Wilmont	Wilmont	MN
5889	The First National Bank of Yukon	Yukon	OK
2669	The First State Bank in Billings	Billings	OK
2653	The First State Bank	Rockford	IA
2693	The First State Bank	Frisco	TX
2784	The First State Bank	White Cloud	MI
2816	The First State Bank	Childress	TX
4024	The First State Bank	Forgan	OK
5940	The First State Bank	Rockwall	TX
5960	The First State Bank	Abilene	TX
8190	The First State Bank	Frisco	TX
2471	The First State Bank	Edna	KS
2408	The First State Bank	Thayer	KS
2585	The Gering National Bank & Trust Company	Gering	NE
2253	The Hamilton Bank and Trust Company	Atlanta	GA
2246	The Hamilton National Bank of Chattanooga	Chattanooga	TN
2611	The Home Bank	Savannah	MO
2600	The Home State Bank	La Crosse	KS
2570	The Home State Bank	Rochester	TX
2791	The Home State Bank	Russell	KS
5958	The Home State Bank	Arcadia	KS
4381	The Housatonic Bank & Trust Company	Ansonia	CT
4520	The Howard Savings Bank	Livingston	NJ
2615	The Hoxie State Bank	Hoxie	KS
4208	The Huntsville National Bank	Huntsville	TX
2341	The INA State Bank	INA	IL
4379	The Kerens Bank	Kerens	TX
2641	The La Pryor State Bank	Zaula	TX
4336	The Landmark Bank	Hartford	CT
2395	The Lawrence County Bank	Lawrenceburg	TN
4114	The Lee State Bank	Browerville	MN
2652	The Lewistown Bank	Lewistown	IL
2831	The Liberty Bank of Seattle	Seattle	WA
2666	The Madill Bank and Trust Company	Madill	OK
2333	The Madison County Bank	Fredericktown	MO
5906	The Mayfield State Bank	Mayfield	KS

BIF: FDIC COMMERCIAL BANKS—Continued

Bank No.	Name	City	State
4326	The McKinley Bank	Niles	OH
2591	The Mendon State Bank	Mendon	IL
4225	The Merchant Bank of California	Beverly Hills	CA
4319	The Merchants Bank & Trust Company	Norwalk	CT
1122	The Metro Bank of Huntington, Inc.	Huntington	WV
2283	The Mission State Bank and Trust Company	Mission	KS
2386	The Mississippi Bank	Jackson	MS
2258	The Monroe Bank and Trust Company	Monroe	CT
5907	The Murdock State Bank	Murdock	KS
2548	The National Bank	Dyersville	IA
2956	The National Bank of Bossier City	Bossier City	LA
5478	The National Bank of Carmel	Carmel	CA
4257	The National Bank of Washington	Washington	DC
4324	The National Bank of Wortham	Wortham	TX
2252	The New Boston Bank and Trust Co	Boston	MA
5921	The North American Bank	Phoenix	AZ
5996	The Olla State Bank	Olla	LA
1983	The Pawnee National Bank	Pawnee	OK
2242	The Peoples Bank	Willcox	AZ
2680	The Peoples Bank	Collinsville	AL
2759	The Peoples Bank	Olive Hill	KY
4283	The Peoples Bank & Trust Co	Natchitoches	LA
2748	The Peoples Bank & Trust of Iberia Paris	New Iberia	LA
6677	The Peoples Bank of Mercer	Mercer	MO
6320	The Peoples Bk of the Virgin Islands	St Thomas	VI
2456	The Peoples National Bank of Lampasas	Lampasas	TX
6290	The Peoples State Savings Bank	Auburn	MI
4248	The Permanent Savings Bank	Niagara Falls	NY
2959	The Planters Bank and Trust Company	Haynesville	LA
4155	The Red River Bank	Red River	NM
8024	The Rexford State Bank	Rexford	KS
2421	The Rexford State Bank	Rexford	KS
2284	The Rochelle Bank and Trust Company	Rochelle	IL
2213	The Rocky Mountain Bank	Lakewood	CO
4560	The Rushville National Bank	Rushville	IN
4390	The San Saba National Bank	San Saba	TX
4180	The Seamen's Bank for Savings, FSB	New York	NY
2841	The Security Bank	Warner	OK
2631	The Security National Bank and Trust Com	Norman	OK
2921	The Security State Bank	Comanche	OK
6612	The Sedan State Bank	Sedan	KS
4503	The Somersworth Bank	Somersworth	NH
2672	The Southwestern Bank	Houston	TX
4305	The State Bank of Omaha	Omaha	TX
2590	The State Exchange Bank	Yates Center	KS
2439	The Steele State Bank	Cherokee	IA
4032	The Sterlington Bank	Sterlington	LA
2430	The Strong City State Bank	Strong City	KS
8025	The Strong City State Bank	Strong City	KS
2915	The Sylvia State Bank	Sylvia	KS
2726	The Talmage State Bank	Talmage	KS
2449	The Taylor State Bank	Emington	IL
4061	The Texas Bank & Trust Company	Sweetwater	TX
5917	The Timken State Bank	Timken	KS
2405	The Tingley State Savings Bank	Mount Ayr	IA
5925	The Trust Bank	Hialeah	FL
6528	The Uehling State Bank	Uehling	NE
4511	The Union Savings Bank	Patchogue	NY
2592	The United Bank	Mineapolis	KS
2808	The Village Bank	Great Falls	MT
4170	The Waller Bank, National Association	Waller	TX
4514	The Washington Bank	Fairfax	VA
4351	The Washington Bank of Maryland	Baltimore	MD
4210	The Wilshire Bank, National Association	Los Angeles	CA
4227	The Wimberly Bank	Wimberly	TX
4466	Theodore Roosevelt National Bank	Washington	DC
5988	Thousand Oaks National Bank	Pflugerville	TX
8798	Tobias Knoblauch Private Bank	Reading	PA
2687	Todd County State Bank	Long Prairie	MN
2273	Toney Brothers Bank	Doerun	GA
2500	Tower Bank, National Association	Hialeah Gardens	FL

BIF: FDIC COMMERCIAL BANKS—Continued

Bank No.	Name	City	State
2919	Town and Country Bank	Bixby	OK
2894	Town and Country National Bank	Harlingen	TX
1963	Tracy Collins Bank & Trust Co	Salt Lake City	UT
3950	Tracy Collins, SLC	Salt Lake City	UT
4006	Travis Bank & Trust	Austin	TX
4025	Treasure State Bank	Glasgow	MT
2833	Tri Cities Bank & Trust	Glen Heights	TX
2230	Tri-City Bank	Warren	MI
6400	Tri-State Bank	Markham	IL
5916	Tri-State National Bank	Belle Fourche	SD
4290	Trinity National Bank	Berbrook	TX
2918	Trinity National Bank	San Antonio	TX
4188	Trinity National Bank of Dallas	Dallas	TX
4070	Troup Bank & Trust Company	Troup	TX
2372	Tucker County Bank	Parsons	WV
4194	Tucker State Bank of Jacksonville	Jacksonville	FL
4147	Tyler National Bank	Tyler	TX
4253	U.S. Savings Bank of America	Seabrook	NH
2768	U.S. Bank	Denton	TX
1123	UN Amer Bank Knoxville	Knoxville	TN
4421	Union Bank	San Antonio	TX
2813	Union Bank & Trust	Dallas	TX
2843	Union Bank and Trust	Bartlesville	OK
2802	Union Bank and Trust Company	Oklahoma City	OK
2937	Union Bank of Houston	Houston	TX
6681	Union County Bank	Maynardville	TN
6708	Union Deposit Bank	Union	KY
1903	Union Dime SB/Buffalo SB	New York	NY
5436	Union National Bank of Chicago	Chicago	IL
2366	Union Trust Bank	San Juan	PR
2348	United American Bank in Hamilton County	Chattanooga	TN
6854	United Bank—Houston	Houston	TX
2376	United Bank of Oregon	Milkwaukie	OR
6869	United Bank of Texas	Austin	TX
4255	United Bank of Waco, National Assoc	Waco	TX
2688	United Bank, Libby	Libby	MT
4327	United Citizens Bank, N.A	College Station	TX
4139	United Community Bank	Westlake Village	CA
2776	United Mercantile Bank	Shreveport	LA
4464	United Mercantile Bank & Trust Co., N.A	Pasadena	CA
1911	United Mutual/American Savings Bank	New York	NY
4115	United National Bank of Plano	Plano	TX
6471	United of American Bank	Chicago	IL
2662	United Oklahoma Bank	Oklahoma City	OK
4284	United Peoples Bank	Lampasas	TX
5911	United Services Bank	Hartshorne	OK
2359	United Southern Bank of Clarksville	Clarksville	TN
2347	United Southern Bank of Nashville	Nashville	TN
5305	United States National Bank	San Diego	CA
2809	Unity Bank	Dayton	OH
2316	Unity Bank and Trust Company	Boston (Roxbury)	MA
4522	Universal Bank	Lanham	MD
2433	University Bank of Wichita	Wichita	KS
4362	University Bank, N.A	Newton	MA
4065	University National Bank	San Antonio	TX
4160	University National Bank of College Stat	College Station	TX
2473	Urbana Savings Bank	Urbana	IA
1906	US Savings Bank/Hudson City SB	Jersey City	NJ
2531	Utah First Bank	Salt Lake City	UT
4034	Utica National Bank & Trust Co	Tulsa	OK
6657	Valencia Bank	Santa Ana	CA
4397	Valley Bank	White River Junction	VT
8049	Valley Bank of Bel Grade	Bel Grade	MT
1939	Valley Bank of Belgrade/Mountain Bank	White Fish	MT
4479	Valley Commercial Bank	Stockton	CA
6758	Valley State Bank	Baggs	WY
2732	Valley State Bank	Encino	CA
4238	Valley View National Bank	Valley View	TX
4467	Vanguard Savings Bank	Holyoke	MA
4504	Vernon Bank	Vernon	CT
6350	Village Bank	Pueblo	CO

BIF: FDIC COMMERCIAL BANKS—Continued

Bank No.	Name	City	State
4348	Village Green National Bank	Jersey Village	TX
2361	Warren County Bank	McMinnville	TN
4302	Washington County State Bank	Brenham	TX
2390	Washington National Bank of Chicago	Chicago	IL
8015	Washington Ofc. Renovations	Washington	DC
2380	Watauga Valley Bank	Elizabethton	TN
6346	Watkins Banking Company	Faunsdale	AL
2924	Watson State Bank	Watson	MN
2939	Waukomis State Bank	Waukomis	OK
2724	Waxahachie Bank and Trust Company	Waxahachie	TX
2954	West Belt National Bank	Houston	TX
6473	West Coast Bank	Los Angeles	CA
2892	West Houston National Bank	Houston	TX
2374	West Olympia Bank	Los Angeles	CA
2747	West Texas State Bank of Canyon	Canyon	TX
2443	West Valley Bank	Woodland Hills	CA
8164	Western Bank	Midland	TX
2660	Western Bank	El Paso	TX
2596	Western Bank	Midland	TX
4294	Western Bank	Ducanville	TX
2736	Western Bank—Westwood	Houston	TX
2735	Western Bank—North Wilcrest National Ass	Houston	TX
5908	Western Bank—Westheimer	Houston	TX
5914	Western National Bank	Bryan	TX
2320	Western National Bank	Santa Ana	CA
2383	Western National Bank of Casper	Casper	WY
4111	Western National Bank of Louisiana	Kaplan	LA
5432	Western National Bank of Lovell	Lovell	WY
4272	Western National Bank of Texas	Fort Worth	TX
1904	Western NYSB/Buffalo SB (Goldome)	Buffalo	NY
1908	Western Savings Fund Soc/Phil Sav Fund	Philadelphia	PA
2499	Western State Bank of Denton	Denton	TX
4130	Westheimer Memorial Bank N.A	Houston	TX
5942	Westlake Thrift & Loan Assoc.	Westlake Village	CA
2969	Westpoint National Bank	San Antonio	TX
2817	Westside National Bank	Houston	TX
4342	Whitney Bank & Trust	Hamden	CT
2697	Whitter Thrift and Loan	Whitter	CA
3902	Wichita Consolidated Office	Wichita	KS
2266	Wilcox County Bank	Camden	AL
2541	Williams Savings Bank	Williams	IA
2827	Williamstown Bank, N.A	Houston	TX
2774	Williston Basin State Bank	Williston	ND
4228	Willow Bend National Bank	Plano	TX
4509	Winchendon Savings Bank	Winchendon	MA
4365	Woburn Five Cents Savings Bank	Woburn	MA
4281	Woodway Bank & Trust, N.A	Houston	TX
4492	Workingmen's Co-Operative Bank	Boston	MA
4426	Worthington State Bank	Worthington	IN
8037	Yankee Bank	Boston	MA
5913	Yankee Bank for Finance & Savings F.S.B	Boston	MA
6626	Yellowstone State Bank–Lander	Lander	WY
4513	1st Ntl Bnk of Yorktown	Yorktown	TX
5975	102 Valley Bank	Hopkins	MO

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–32098; File No. SR–ICC–600–21]

Self-Regulatory Organizations; The Intermarket Clearing Corp.; Filing and Order Granting Accelerated Approval of a Request for Extension of Temporary Registration as a Clearing Agency

April 2, 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 Intermarket Clearing Corporation ("ICC") filed with the Securities and Exchange Commission ("Commission") an amendment to its application for registration as a clearing agency requesting that the Commission extend its temporary registration for a period of eighteen months.[2] The Commission is publishing this notice and order to solicit comments from interested persons and to grant accelerated approval of ICC's temporary registration until October 3, 1994.

On October 3, 1988, the Commission granted ICC temporary registration as a clearing agency for a period of eighteen months.[3] On April 5, 1990, and October 3, 1991, the Commission extended ICC's temporary registration for additional eighteen month periods.[4] ICC's current temporary registration expires on April 3, 1993.

ICC is the commodity clearing subsidiary of The Options Clearing Corporation ("OCC"). ICC is ultimately seeking permanent registration with the Commission as a clearing agency because it holds and controls securities options positions in connection with a cross-margining program between ICC and OCC. For the past four and one-half years, ICC has functioned effectively as a registered clearing agency, and the Commission believes that it is important that ICC continue to provide its members with uninterrupted service. In light of ICC's past performance, the Commission finds that ICC continues to satisfy the requirements necessary for registration as a clearing agency as set forth in section 17A(b)(3) of the Act[5] and, therefore, pursuant to section 19 of the Act,[6] grants an extension of ICC's temporary registration as a clearing agency for an additional eighteen months through October 3, 1994.

Interested persons are invited to submit written data, views, and arguments concerning this application within thirty days of the date of publication of this notice in the **Federal Register**. Such written data, views, and arguments will be considered by the Commission in granting registration or instituting proceedings to determine whether registration should be denied in accordance with section 19(a)(1) of the Act.[7] Persons making written submissions should file six copies with the Secretary of the Commission, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549. Reference should be made to File No. 600–21. Copies of the application and all written comments will be available for inspection at the Securities and Exchange Commission's Public Reference Room, 450 Fifth Street, NW., Washington, DC 20549.

It is therefore ordered, That ICC's temporary registration as a clearing agency be, and hereby is, extended through October 3, 1994, subject to the terms, undertakings, and conditions specified in Securities Exchange Act Release No. 26154.[8]

For the Commission by the Division of Market Regulation, pursuant to delegated authority.[9]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 93–8268 Filed 4–7–93; 8:45 am]

BILLING CODE 8010–01–M

[1] 15 U.S.C. 78s(b)(1) (1988).

[2] Letter from James C. Yong, Vice President and Assistant Secretary, ICC, to Judith Poppalardo, Assistant Director, Division of Market Regulation ("Division"), Commission (March 16, 1993).

[3] Securities Exchange Act Release No. 26154 (October 3, 1988), 53 FR 39556.

[4] Securities Exchange Act Release Nos. 27879 (April 5, 1990), 55 FR 39556 (notice and order granting ICC's request for extension of temporary registration) and 29781 (October 3, 1991), 56 FR 50959 (order granting ICC's request for extension of temporary registration).

[5] 15 U.S.C. 78q–1(b)(3) (1988).

[6] 15 U.S.C. 78s (1988).

[7] 15 U.S.C. 78s(a)(1) (1988).

[8] *Supra* note 3.

[9] 17 CFR 200.30–3(a)(12).

[Release No. 34–32087; File No. SR–NASD–93–19]

Self-Regulatory Organizations; Filing and Order Granting Accelerated Approval of Proposed Rule Change by National Association of Securities Dealers, Inc. Relating to an Interim Extension of the OTC Bulletin Board Service through May 30, 1993

March 31, 1993.

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"), 15 U.S.C. 78s(b)(1), notice is hereby given that on March 31, 1993, the National Association of Securities Dealers, Inc. ("NASD" or "Association") filed with the Securities and Exchange Commission ("Commission" or "SEC") the proposed rule change as described in Items I and II below, which Items have been prepared by the NASD. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons and is simultaneously approving the proposal.

I. Self-Regulatory Organization's Statement of The Terms of Substance of the Proposed Rule Change

On June 1, 1990, the NASD initiated operation of the OTC Bulletin Board Service ("OTCBB Service" or "Service") in accordance with the Commission's approval of File No. SR–NASD–88–19, as amended.[1] The OTCBB Service provides a real-time quotation medium that NASD member firms can elect to use to enter, update, and retrieve quotation information (including unpriced indications of interest) for securities traded over-the-counter that are not included in the Nasdaq System nor listed on a registered national securities exchange (collectively referred to as "unlisted securities"). Essentially, the Service supports NASD members' market making in unlisted securities through authorized Nasdaq Workstation units. Real-time access to quotation information captured in the Service is available to subscribers of Level ⅔ Nasdaq service as well as subscribers of vendor-sponsored services that now include OTCBB Service data. The Service is currently operating under an interim approval that expires on March 31, 1993.[2]

The NASD hereby files this proposed rule change, pursuant to section 19(b)(1) of the Act and Rule 19b–4 thereunder, to obtain authorization for an interim extension of the Service through May 30, 1993. During this interval, there will be no material change in the OTCBB Service's operational features.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the NASD included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The NASD has prepared summaries, set forth in sections (A), (B), and (C) below, of the

[1] Securities Exchange Act Release No. 27975 (May 1, 1990), 55 FR 19124.

[2] Securities Exchange Act Release No. 31677 (December 31, 1992), 58 FR 3052.

most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

The purpose of this filing is to ensure continuity in the operation of the OTCBB Service while the Commission considers an earlier NASD rule filing (File No. SR–NASD–92–7) that requested permanent approval of the Service. For the month ending January 31, 1993, the Service reflected the market making positions of 317 NASD member firms displaying quotations/indications of interest in 4,101 unlisted securities.

During the proposed extension, foreign securities and American Depositary Receipts (collectively, "foreign/ADR issues") will remain subject to the twice-daily, update limitation that traces back to the Commission's original approval of the OTCBB Service's operation. As a result, all priced bids/offers displayed in the Service for foreign/ADR issues will remain indicative.

In conjunction with the launch of the Service in 1990, the NASD implemented a filing requirement (under Section 4 of Schedule H to the NASD By-Laws) and review procedures to verify member firms' compliance with Rule 15c2–11 under the Act. During the proposed extension, this review process will continue to be an important component of the NASD's self-regulatory oversight of broker-dealers' market making in unlisted securities. The NASD also expects to work closely with the Commission staff in developing further enhancements to the Service to fulfill the market structure requirements mandated by the Securities Enforcement Remedies and Penny Stock Reform Act of 1990 ("Reform Act"), particularly section 17B of the Act.[3] The NASD notes that implementation of the Reform Act entails Commission rulemaking in several areas, including the development of mechanisms for gathering and disseminating reliable quotation/transaction information for "penny stocks."

The NASD believes that this proposed rule change is consistent with sections 11A(a)(1), 15A(b) (6) and (11), and section 17B of the Act. Section 11A(a)(1) sets forth the Congressional findings and policy goals respecting operational enhancements to the securities markets. Basically, the Congress found that new data processing and communications techniques should be applied to improve the efficiency of market operations, broaden the distribution of market information, and foster competition among market participants. Section 15A(b)(6) requires, *inter alia*, that the NASD's rules promote just and equitable principles of trade, facilitate securities transactions, and protect public investors. Subsection (11) thereunder authorizes the NASD to adopt rules governing the form and content of quotations for securities traded over-the-counter for the purposes of producing fair and informative quotations, preventing misleading quotations, and promoting orderly procedures for collecting and disseminating quotations. Finally, section 17B contains Congressional findings and directives respecting the collection and distribution of quotation information on low-priced equity securities that are neither Nasdaq nor exchange-listed.

The NASD believes that extension of the Service through May 30, 1993 is fully consistent with the foregoing provisions of the Act.

B. Self-Regulatory Organization's Statement on the Burden on Competition

The NASD does not believe any burden will be placed on competition as a result of this filing.

C. Self-Regulatory Organization's Statement on Comments on the Purposed Rule Change Received From Members, Participants, or Others

Comments were neither solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The NASD requests that the Commission find good cause, pursuant to section 19(b)(2) of the Act, for approving the proposed rule change prior to the 30th day after its publication in the **Federal Register** to avoid any interruption of the Service. The current authorization for the Service extends through March 31, 1993. Hence, it is imperative that the Commission approve the instant filing on or before that date. Otherwise, the NASD will be required to suspend operation of the Service pending Commission action on the proposed extension.

The NASD believes that accelerated approval is appropriate to ensure continuity in the Service's operation pending a determination on permanent status for the Service, as requested in File No. SR–NASD–92–7. Continued operation of the Service will ensure the availability of an electronic quotation medium to support member firms' market making in approximately 4,100 unlisted equity securities and the widespread dissemination of quotation information on these securities. The Service's operation also expedites price discovery and facilitates the execution of customer orders at the best available price. From a regulatory standpoint, the NASD's capture of quotation data from participating market makers supplements the price and volume data reported by member firms pursuant to section 2 of schedule H to the NASD By-Laws.

The Commission finds that approval of this proposed rule change is consistent with the Act and the rules and regulations thereunder and, in particular, with the requirements of section 15A(b)(11) of the Act, which provides that the rules of the NASD relating to quotations prevent fictitious or misleading quotations and promote orderly procedures for collecting, distributing, and publishing quotations.

The Commission finds good cause for approving the proposed rule change prior to the 30th day after the date of publishing notice of the filing thereof. Accelerated approval of the NASD's proposal is appropriate to ensure continuity in the Service's operation as an electronic quotation medium that supports NASD members' market making in these securities and that facilitates price discovery and the execution of customer orders at the best available price. Additionally, continued operation of the Service will materially assist the NASD's surveillance of trading in unlisted securities that are eligible and quoted in the Service.

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

[3] On November 24, 1992, the NASD filed an application with the Commission for interim designation of the Service as an automated quotation system pursuant to section 17B(b) of the Act. Letter from Richard Ketchum, Executive Vice President, NASD, to William H. Heyman, Director, Division of Market Regulation, SEC (November 24, 1992). On December 30, 1992 the Commission granted "Qualifying Electronic Quotation System" status for the Service for purposes of certain penny stock rules that became effective on January 1, 1993. Letter from Margaret H. McFarland, Deputy Secretary, SEC, to Richard Ketchum, Executive Vice President, NASD (December 30, 1992).

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 Room. Copies of such filing will also be available for inspection and copying at the principal office of the NASD. All submissions should refer to the file number in the caption above and should be submitted by April 29, 1993.

It is therefore ordered, pursuant to section 19(b)(2) of the Act, that the proposed rule change be, and hereby is, approved until May 30, 1993.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority, 17 CFR 200.30–3(a)(12)

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 93–8163 Filed 4–7–93; 8:45 am]

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[Release No. 34–32092; File Nos. SR–NASD–90–59, SR–NASD–91–17, SR–NASD–91–18, SR–NASD–91–26]

Self-Regulatory Organizations; National Association of Securities Dealers, Inc.; Supplemental Order Relating to Rule Changes to the Small Order Execution System

April 1, 1993.

Introduction

On October 10, 1991, the Securities and Exchange Commission ("SEC" or "Commission") approved, in two orders, rule changes of the National Association of Securities Dealers, Inc. ("NASD") to its Small Order Execution System ("SOES").[1] The first order amended the definition of "professional trading account" and expanded the definition of "day trading" (the "Professional Trading Rule"). The second order established a 15-second update period between SOES executions and permitted market makers to specify the firms from which they will consent to receive preferenced orders (the "15-Second Rule").

On October 15, 1991, William Timpinaro, *et al.* filed a petition for review of the Commission's orders and the related denial of a Petition for Rulemaking with the United States Court of Appeals for the District of Columbia Circuit. *Timpinaro, et al.* versus *SEC,* No. 91–1502 (D.C. Cir.).[2]

On January 26, 1993, the Court ordered the Commission to supplement the record in *Timpinaro* versus *SEC* by addressing two questions. The first pertains to the interrelationship of the Commission's Firm Quote Rule with the Professional Trading Rule and the 15-Second Rule. The second pertains to the relationship between SOES trading and bid-ask spreads and liquidity in the market for NASDAQ securities. This Order responds to the Court's directive.[3]

The Firm Quote Rule

The following is the first question the Court directed the Commission to address:

1. The Firm Quote Rule, 17 CFR 240.11Ac1–1(c)(2), requires that a market maker execute any order to buy or sell a security at the advertised price "in any amount up to his published quotations size." How would the professional trading rule and the 15-second rule protect SOES market makers from being "picked off" if those market makers are in fact complying with the Firm Quote Rule?

This question suggests that professional trading on SOES requires nothing more of market makers than is already required of them by the Firm Quote Rule. This is incorrect. The Firm Quote Rule allows market makers both a reasonable period of time in which to update their quotes and a size limitation on their liability at a given quote. Both provisions may be circumvented by investors using the automatic execution feature of SOES. The Professional Trading Rule and the 15-Second Rule serve to prevent this from happening.

The "Firm Quote Rule," adopted by the Commission in 1978, requires market makers to execute any order to buy or sell at a price at least as favorable as the market makers' displayed bid or offer price.[4] However, since its adoption, the requirement to hold firm at a given price has included one important limitation and two exceptions. The market maker's obligation to honor the published quote is limited to the market maker's published size limit. A market maker is excepted from compliance with the rule if, prior to the presentation of an order, the market maker has communicated to its exchange or the NASD a bid or offer superseding its published bid or offer.[5] A market maker is also excepted if, at the time an order is presented to it, it is in the process of effecting a transaction in that security and, immediately after the completion of the transaction, it communicates a revised bid or offer to its exchange or association.[6] Thus, the Firm Quote Rule enhances reliability in the marketplace by requiring meaningful access to one trade, but does not force market makers to accept multiple trades.

These provisions are an integral part of the effective functioning of the Firm Quote Rule. The Professional Trading Rule and the 15-Second Rule help ensure that the size limitation and the exceptions to the Firm Quote Rule are not eviscerated by the instantaneous automatic execution feature of SOES. The 1991 Orders embody the policy, articulated by the Commission in adopting the Firm Quote Rule, that market makers should not be required to execute more than one transaction without the opportunity to update their positions. The availability on SOES of automatic execution of up to five times a market maker's maximum order size places the market maker at a technological disadvantage to professional traders because the system executes orders upon entry and thereafter delivers an execution report.

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[1] Securities Exchange Act Rel. No. 29809 (Oct. 10, 1991), 56 FR 52092 (Oct. 17, 1991); Securities Exchange Act Rel. No. 29810 (Oct. 10, 1991), 56 FR 52098 (Oct. 17, 1991).

On October 10, 1991, the Commission also denied a Petition for Rulemaking relating to SOES. Letter to Sam Scott Miller, Esq., Orrick, Herrington & Sutcliffe, from Jonathan G. Katz, Secretary, SEC, denying Petition for Rulemaking (Oct. 10, 1991) (not reported).

[2] Barry Heifetz also filed a petition for review of the Professional Trading Rule. *Heifetz* versus *SEC,* No. 91–1650. Heifetz originally filed this petition in the U.S. Court of Appeals for the Second Circuit, *Heifitz [sic]* versus *SEC,* No. 91–4186, on November 13, 1991. That proceeding was transferred to this Court on December 19, 1991, and docketed on January 2, 1992. *Heifetz* versus *SEC,* No. 91–1650. This Court consolidated the two proceedings on January 29, 1992 and heard oral argument on November 13, 1992.

[3] While the Commission was in the course of finalizing its response to the questions contained in the Court's January 26 Order, the Commission received a filing from the NASD proposing further changes to SOES (File No. SR–NASD–93–16, received by the Commission on March 23, 1993). These changes, if adopted, could result in fundamental changes in the operation of SOES. The filing, and any potential impact on the issues in this litigation, is described in more detail in a pleading that counsel for the Commission is submitting to the Court simultaneously with this order supplementing the record in the instant proceeding.

[4] Securities Exchange Act Rel. No. 14415, 43 FR 4342 (Feb. 1, 1978) ("Firm Quote Rule Adopting Release").

[5] 17 CFR 240.11Ac1–1(c)(3)(ii)(A) (1992). An identical exception exists for a change in the *size* of the order that a market maker will fill at a given quotation. 17 CFR 240.11Ac1–1(c)(3)(i)(A) (1992).

[6] 17 CFR 240.11Ac1–1(c)(3)(ii)(B) (1992). A market maker is deemed to be in the process of effecting a transaction from the moment an order is presented to it for execution until the completion of communication of all information necessary to complete the transaction. An identical exception is provided for an update in the *size* of the market maker's quotation. 17 CFR 240.11Ac1–1(c)(3)(i)(B) (1992). In addition, an exchange may, during "unusual market conditions," suspend market makers' firm quote obligations. 17 CFR 240.11Ac1–1(b)(3)(i) (1992).

The automatic execution feature deprives the market maker of any opportunity to react to executions by updating quotes. The NASD rules approved in the 1991 Orders were promulgated in response to this technological disadvantage and fully comply with the Firm Quote Rule.

The Commission adopted the Firm Quote Rule as part of a package of rules designed to improve the overall efficiency of the securities markets.[7] The rules were designed to facilitate the development of a composite quotation system, and, in turn, the development of a national market system, by improving the quality of the quotations made available to investors and by requiring these quotations to be "firm," subject to the size limitation and certain exceptions.[8] As the Commission noted at the time,

> [A]n 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.[9]

In explaining the significance of the Firm Quote Rule, the Commission observed, "'[Q]uotation information is of significant value to the market place as a whole insofar as a quotation reflects the considered judgment of a market professional as to various factors affecting the market, including the current price levels and size of buying and selling interests.'"[10] Quotations also provide valuable assistance to investors "in determining the best market for execution and in understanding the market forces at work at any given time."[11] "[R]estrictions on dissemination of [the information comprehended by a market maker's quotes] detract from the efficiency of the market place in reflecting all available fundamental and market information respecting an issuer's securities."[12]

The requirement that quotations be "firm" is an essential component of the enhancement of market efficiency performed by quote dissemination. In general, if a market maker receives new information concerning the value of a security, the information may render his old quotes stale and economically disadvantageous. If the market maker does not convey this new information to the market by promptly updating his quotes, then dissemination of information is delayed, and inefficiencies and pricing distortions occur. The requirement that a market maker honor existing published quotes gives the market maker an economic imperative to update quotes promptly upon receipt of new information, thus ensuring that the published quotes accurately reflect the new information. Therefore, new market information available to the market maker is disseminated, in the form of updated quotes, as quickly as possible to the investing public.

Equally important as the prompt dissemination of information to the market is the accuracy of the information disseminated. Toward this end, the Firm Quote Rule recognizes the legitimate purpose of allowing market makers "sufficient time to update their quotations."[13] When a market maker receives new market information that alters his assessment of the appropriate valuation of a security, his existing quotations will be stale until he updates them to reflect that new information. Nonetheless, should any trades be executed against the market maker at his stale quotes, those trades will then be disseminated as part of the information available to the investing public. However, since the trades occurred at stale prices, the information disseminated by the reporting of the trades conveys some disinformation to the market. To prevent this stale information from reaching the market, the Firm Quote Rule has always included a grace period during which market makers may revise their quotes.

Thus, the Firm Quote Rule contains two elements: a requirement that quotes be "firm" up to the market maker's published size, plus exceptions permitting a reasonable period of time for quote revision. Both elements are essential to ensure the purpose of the Rule in disseminating prompt, accurate information to the investing public concerning security market values.

The Commission considered alternatives in achieving the appropriate balance between these two components of the Firm Quote Rule. The Commission originally considered relieving specialists and market makers of their firm quote obligations for a period of three minutes after the execution of a transaction or following the report of a transaction in the consolidated system (the "Three-Minute Exception").[14] Commentators argued that the Three-Minute Exception was "counterproductive because it would emasculate the firmness provisions" of the Firm Quote Rule. The Commission concluded that three minutes was too long and provided, instead, a reasonable time for quote revision if the market maker gave prompt notification of a change in quote after the execution of a trade. In this way, market makers are allowed some time for quote revision. Whether a market maker has complied with this requirement or has simply "backed away" from its quotation in violation of the Firm Quote Rule requires a case-by-case analysis of the circumstances.[15] The Commission believes that the present structure of the Firm Quote Rule, reinforced by investigations by the SROs of backing-away complaints, is the most appropriate balance between the need for prompt revision of quotations and the need of market makers to have time to update their quotes.

The introduction of an automatic execution facility upsets this balance. Automatic and instantaneous execution of trades deprives market makers of the legitimate and reasonable update period that the Firm Quote Rule is designed to permit. Trading activity, which may reflect the existence of new market information, will be brought to the market maker's attention only after the trades have occurred. Pricing inefficiencies or disinformation will result because a market maker's quotation will not, and cannot, reflect any such new market information.

SOES illustrates this potential for conflict with the functioning of the Firm Quote Rule. SOES was designed to offer automatic execution of small retain trades for non-professional customers. When used as designed, SOES is not a part of the trading system that functions as a price-discovery mechanism by facilitating the free flow of publicly available information concerning securities. Rather, it is simply an execution system to "deal[] with investors whose trades are less likely to

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[7] Firm Quote Rule Adopting Release, 43 FR at 4342.

[8] Securities Exchange Act Rel. No. 12670 (July 29, 1976), 41 FR 32856, 32856 (Aug. 5, 1976) ("1976 Proposal"); Securities Exchange Act Rel. No. 12670 (June 14, 1977), 42 FR 32418, 32418 (June 24, 1977) ("1977 Proposal"); Firm Quote Rule Adopting Release, 43 FR at 4342.

[9] Securities and Exchange Commission, *Policy Statement on the Future Structure of the Securities Markets* 12 (Feb. 4, 1972), 37 FR 5286.

[10] 1976 Release, 41 FR at 32856, *quoting* Securities Exchange Act Rel. No. 11288 (Mar. 11, 1975), 40 FR 15015, 15016 (Apr. 3, 1975).

[11] Securities Exchange Act Rel. No. 11288, 40 FR at 15016.

[12] Securities Exchange Act Rel. No. 11288, 40 FR at 15016.

[13] Firm Quote Rule Adopting Release, at 43 FR 4344.

[14] 1976 Release, 41 FR at 32857.

[15] A market maker "backs away" when it fails to honor its published quotation.

impart information or to impose unusual liquidity costs." [16]

SOES was not designed as a method of enforcing the Firm Quote Rule. In fact, SOES can interfere with the proper functioning of the Firm Quote Rule when used by professional traders to effect multiple, rapid transactions. Unlike the trades by small, retail investors, trades by professional traders may represent information concerning recent market developments. Market makers are thus placed in the position of being "picked off" by professional traders who take advantage of the SOES technology to execute multiple trades during the time period in which market makers would normally, under the Firm Quote Rule, be permitted to update their quotations to reflect new information prior to executing further trades.[17]

The rules approved by the Commission address the problem of professional trading on SOES in a number of ways. The volume of complaints received by the NASD after the December 1988 rule changes made it evident that those amendments had proved insufficient to address the problem of professional trading on SOES. Thus, this new set of rules was designed to take a comprehensive approach. Specifically, the 15-second rule provides a short, automatic update period. This is analogous to the approach considered by the Commission with the proposed Three-Minute Exception to the Firm Quote Rule. However, while a three-minute period was rejected as being too long to ensure the proper functioning of the Rule, the 15-second period is too short to be adequate in all circumstances, the amendments to the definition of professional trading and the preference rules provide additional safeguards against problems associated with professional trading on SOES.

The 1991 SOES Orders in no way frustrate or limit the requirement that a market maker comply with the Firm Quote Rule. SOES present professional traders with the opportunity to force market makers to execute transactions from which the Firm Quote Rule would otherwise relieve them. The 1991 SOES Orders protect market makers from being "picked off" by rapid-fire multiple executions for larger trades than are contemplated by the Firm Quote Rule would otherwise relieve them. The 1991 SOES Orders protect market makers from being "picked off" by rapid-fire multiple executions for larger trades than are contemplated by the Firm Quote Rule and without the opportunity, provided by the exception to the Firm Quote Rule, to update quotations.

The Relationship Between SOES Trading and Bid-Ask Spreads and Liquidity

The Court also directed the Commission to address the following question:

2. It appears that SOES trading might encourage market makers to monitor the market more closely and thus to adjust their quotations more quickly in order to reflect new information. Does the Respondent maintain that the costs of an enhanced bid-ask spread and reduced liquidity outweigh the benefits of the incremental gain in efficiency that results from more timely updates of price quotations? If so, then how did it make this determination?

Even if professional trading on SOES could be considered to provide some impetus for market makers to monitor their markets more closely, any such effect would be marginal and vastly outweighed by the potential harm to a trading system that provides important benefits to retail or public customers. The Commission believes that professional trading will result in wider bid-ask spreads and reduced liquidity, and also may result in pricing inefficiencies in the market. These determinations are based on a number of factors, including the empirical data studied by the Commission in response to the 1987 and 1989 market crashes, the Commission's experience with oversight of the NASDAQ market and the predictable responses of market makers to increased risks and costs of doing business, and the observations of market participants. In reaching its conclusions, the Commission balanced the relative certainty of its predictive judgment based on these factors against the relative difficulty of generating any meaningful empirical studies on the effects of professional trading.

SOES provides a valuable service to the market as a whole by providing retail investors reasonable assurance of trade execution at the best displayed price on a system that ensures rapid execution by automation. It is not designed, however, to perform the function of encouraging market makers to monitor the market more closely in order to encourage more timely quote revision. It is designed, instead, to provide a mechanism for executing retail orders that are limited in size and frequency and are placed by investors lacking professional expertise.

Professional traders, using the most current market information, whether garnered from news reports or simply by monitoring all the market makers' quotations on a NASDAQ screen for particular stocks, are effecting trades that are information-based. The structure of SOES permits these traders to execute multiple, rapid-fire transactions automatically, and deprives market makers of the opportunity afforded them under the Firm Quote Rule to decline to honor their quotes while they update quotes in response to new market information. Consequently, professional trading on SOES can result in the execution of trades based on a professional level of information awareness, where market makers will be notified of the information implied in the fact of the trading only after the trading has occurred. Furthermore, much of the professional trading activity on SOES is an attempt to profit from short-lived price discrepancies among market makers created by differences in the timing of quote updates. Thus, much of whatever information may be conveyed by this trading is information concerning the relative efficiency of different market makers, rather than information concerning the underlying value of the security.

Professional trading on SOES subjects market makers to substantial risks and costs and disrupts the normal course of price discovery in the market. Normally, market makers execute the initial part of a large order at their quoted price, up to their quoted size, in compliance with the Firm Quote Rule. The balance of the order, however, may well be executed at a different price. The difference in price occurs in part because market makers demand a premium for handling larger orders to compensate for the liquidity costs of handling large orders ("liquidity premium").[18] The difference in price also occurs in part because large orders may indicate that the market maker is trading with an informed trader and may signal that the market maker needs to adjust his market price.[19] With

[16] See Securities Exchange Act Rel. No. 26361 (Dec. 15, 1988), 53 FR 51605, 51609 (Dec. 22, 1988) (Concurrence by Commissioner Grundfest) ("Grundfest Concurrence").

[17] The SOES Rules are consistent with, and in fact required more of the market maker than, the Firm Quote Rule because under the Firm Quote Rule the market maker is required to execute only one trade at its published quote, and not even one trade if it is in the process of changing its quote at the time the order is received. Under current SOES rules, the market maker is liable for up to five trades even if it is in the process of updating its quotes.

[18] *See, e.g.*, Easley and O'Hara, *Prices, Trade Size, and Information in Securities Markets*, 19 J. Fin. Econ. 69 (1987); Holthausen, Leftwich & Mayers, *The Effect of Large Block Transactions on Securities Prices: A Cross-Sectional Analysis*, 19 J. Fin. Econ. 237 (1987), *cited in* Grundfest Concurrence, 53 FR at 51609 n.5.

[19] *See, e.g.*, Easley and O'Hara, *supra* note 18 ("quantity matters because it is correlated with

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professional trading on SOES, market makers do not have the opportunity to react to informed trading. This results in inefficiencies in the market because the market maker is unable to adjust his quotes to reflect the new information coming to market. Moreover, professional trading results in increased risks and costs of doing business because market makers are unable to demand a liquidity premium for the large orders, and are subject to rapid-fire executions that exceed their quote size without the ability to update their quotes.

When market makers are faced with such increased costs of doing business because of SOES trading, they have a limited range of possible responses. As originally implemented, SOES participation was voluntary. In that environment, the easiest, most direct way of responding to the risk of vulnerability to automatic execution of trades was to withdraw from SOES. This is what happened during the market crash of 1987.

The empirical data analyzed by the Commission in its study of the crash demonstrated that, when subjected to automatic executions at uncertain prices in volatile markets, the majority of market makers withdrew from participation in SOES trading.[20] During the crash, securities markets experienced both sharp downward volatility and record volume.[21] As a result, the NASDAQ system failed to operate normally. Market makers were unable to rely on the quotations displayed on their NASDAQ terminals as the basis for executing customer orders, either manually or through automated systems. A majority of market makers responded by withdrawing from SOES, in which participation was at that time voluntary.[22] The Market Break Study, therefore, documents clear empirical evidence as to how market makers will respond to the increased risks of doing business in a system where the automatic execution capability of SOES forces them to execute trades without the protection of the Firm Quote Rule's update period.

The deleterious effect of market maker withdrawal from SOES on the ability of the small retail investor to obtain execution of trades led the Commission to approve an amendment to the SOES rules that made participation in the system mandatory for market makers in NASDAQ National Market System ("NASDAQ/NMS") stocks.[23] Compelled by the June 1988 rule change to participate in SOES, market makers are left with two potential responses to minimize their potential costs: increasing spreads to account for possible information-based professional trades, or withdrawing from making markets in some securities in order to concentrate their efforts on fewer securities. Ultimately, market maker withdrawals also result in wider spreads.

Market maker withdrawals have the effect of reducing the number of market makers in any given NASDAQ security. This reduced liquidity—that is, quoted depth at specific prices—increases the exposure of the remaining market makers. When there is a reduced market maker presence in any given security, the market makers who remain face increased exposure to professional traders, and thus greater risk. Greater risk represents an increased cost of doing business, which will be reflected in wider spreads. Thus, both of the options available to market makers—widening spreads or withdrawing from markets—are undesirable to the market as a whole.

The Commission also believes that professional trading on SOES produces negligible gains in market efficiency. It is apparent to the Commission that when professional traders direct SOES executions to the marginally late market maker, the market does not discover a new price. To the contrary, the information disseminated by the reporting of the trades conveys some disinformation to the market. Additional inefficiencies result from the fact that the information mix communicated to the public by professional trading activity includes the relative speed at which different market makers update quotes, which has no relation to the value of the securities traded.

Moreover, SOES is not an efficient means of conveying new information to the market. SOES accounts for only a fraction of NASDAQ volume. Although SOES trades impart some information about the demand for a security, and thus must have some impact on a security's price, that impact should be extremely small.[24] In a normally functioning market, one would expect market makers' prices to be determined largely by the free interaction of the non-SOES related trades they effect, which generally exceed the SOES transaction size of 1000 shares. Thus, if market makers respond to professional trading in SOES by widening their spreads, SOES trading will have a hugely disproportionate effect of pricing compared with the value of the information conveyed by the limited volume and the limited size of each transaction. For these reasons, the Commission does not believe that professional trading on SOES will result in any consequential gains in efficiency.[25]

In considering these rules, the Commission is mindful that it is required to approve a rule proposed by an SRO "if it finds that such proposed SRO rule change is consistent with the requirements of [the Securities Exchange Act of 1934] and the rules and regulations thereunder" that govern the SRO.[26] The Commission made such a finding in its 1991 orders and its discussion in this supplemental order reiterates that finding. No other finding is required.[27] The Commission's statutory role in considering rule

information about a security's true value * * *. [T]he larger the trade size, the more likely it is that a market maker is trading with an informed trader. This information effect dictates that the market maker's optimal pricing strategy also depends on quantity, with large trade prices reflecting this increased probability of information-based trading."), *cited in* Grundfest Concurrence, 53 FR at 51609 n.4.

[20] *See* Division of Market Regulation, *The October 1987 Market Break* ("Market Break Study"), at 9–14 to 9–15 (1988).

[21] *See* Market Break Study at 9–3 to 9–4.

[22] For example, the number of NASDAQ securities with at least one SOES market maker declined significantly during the market break. For the three-day period from October 19 to October 21, 1987, 1,840 securities (40%) were eliminated from SOES because there was no active market maker prepared to execute transactions in these securities. Another indication of liquidity in SOES is the number of SOES market-making positions, which is the total number of market makers making markets in covered securities. The total number of market-making positions declined from 20,000 on October 16, 1987 to 3,400 by October 20, a decrease of 83%. Market Break Study at 9–14.

[23] That is, each market maker in a NASDAQ/NMS security must also participate in SOES. These rule changes also required market makers to be liable for trades in SOES for up to five times the maximum tier size, or 5000 shares for the largest SOES tier. *See* Securities Exchange Act Rel. No. 25791 (June 9, 1988), 53 FR 22594 (June 16, 1988).

[24] It has been noted that as a result of the nonprofessional character of SOES trades, they generally do not impart information significant to the pricing function of the professional trading process. *See* Grundfest Concurrence, 53 FR at 51609. The Commission recognizes that all trades convey some information to the market. The level of information communicated by low-volume, non-professional trading, however, is sufficiently low as to have a *de minimis* effect on pricing efficiency when it occurs automatically on SOES.

[25] The only impact on spreads and liquidity that could be anticipated from SOES trading would be from the fact that SOES frees market makers from the time-consuming paper work of processing retail trades, thus leaving them more time to spend on the professional trading in the negotiated market.

[26] Section 19(b)(2) of the Act, 15 U.S.C. 78s(b)(2).

[27] The Commission is not required to use any particular methodology in its inquiry. It is free to examine all relevant factors and to ascertain necessary information in the manner it deems most appropriate to permit the evaluation of any given proposal from an SRO.

proposals from SROs is limited to evaluating the rules as they are proposed against the statutory standards, and does not contemplate, or even permit, the Commission to require that the SRO prove that its proposal is the only possible solution to a problem.

The Commission believes that the NASD can reasonably exclude professional traders from access to SOES. When SOES was originally introduced in 1984, it was novel in the breadth and scope of automation that it introduced to the market place. It remains unique among the securities marketplaces in the extent of its attempt to provide the benefits of automatic execution services to the small retail customer. Over the course of the history of SOES, the system has had effects on the market that could not have been foreseen at the date of its implementation because of the novelty and complexity of the system. Repeated adjustments to the rules governing SOES have been necessary to maximize potential benefits to retail customers while minimizing potential harms to the marketplace as a whole.

The Commission continues to believe that the June 1988 rule adjustment instituting mandatory participation on SOES is necessary to prevent a recurrence of the harm caused by market maker withdrawal from the system during the 1987 market crash, the harm caused by professional trading was an unintended consequence of mandatory participation. The 1991 rules were designed to address that unintended consequence.

The NASD is required only to avoid "unfair discrimination" or an "inappropriate burden on competition" in the promulgation of new rules for Commission approval. The NASD had a reasonable basis for determining that the professional trader rules were fair and appropriate because they preserve the benefits of SOES for the vast majority of NASDAQ users, that is, the eleven million individual investors, and have a beneficial effect on spreads and liquidity.[28] If the rules may cause some burden on competition by removing some marginal incentive to the most rapid quotation updates by market makers, this burden is not inappropriate given the balance of benefits provided by the rules.[29]

These conclusions are supported by the examination of several factors. The Commission relies on its expertise concerning the predictable responses of market makers to increased risks and costs of doing business. The overwhelming empirical evidence analyzed in the Market Break Study showed that, when the automatic execution feature of SOES operates in way to expose market makers to substantial increases in the risks and costs of doing business, market makers will take action to protect against those increased costs. The Study showed that the action taken by market makers during the 1987 market crash resulted in reduced liquidity for the market overall.

The Commission's analysis also reflects the market reality that market makers demand a competitive return on their capital. To the extent that they can pass on their costs, market makers will raise prices on all NASDAQ trades to compensate for the costs attributable to professional trading. Market makers raise prices by widening their spreads, which means higher prices for all investors. Furthermore, given the increased costs, market makers have less capital to commit to the market, and thus will make markets in fewer securities.

The Commission also recognizes that market makers will take action to protect themselves when they have no effective opportunity to update their quotes as they permitted by the Firm Quote Rule. In promulgating the Firm Quote Rule, the Commission considered as essential components of the Rule both a limit on the size of the order for which a market maker's quote is required to be "firm" and a reasonable period during which quotes may not be honored because they are being revised. The automatic execution feature of SOES inhibits the ability of market makers to preserve the legitimate update period and the size limitation provided to them by the Firm Quote Rule. This interferes with the legitimate function of the Firm Quote Rule's update provisions and size limitations, and it is reasonable to anticipate that this interference will produce a market maker response.

The Commission's conclusions also reflect the observations of market participants about the operation of the NASDAQ market. Many of the comment letters the Commission received in connection with the 1991 SOES Orders indicated that professional trading would lead market makers to widen their spreads and withdraw from making markets in particularly risky securities. In addition, there is evidence that absent the 1991 Rules, market makers would respond as threatened. This evidence includes a large volume of complaints from market makers tending to show their serious concerns with professional trading on SOES.

The evidence does not include any empirical studies or data showing statistical changes in spreads or market liquidity as a result of professional trading. The record, however, is not deficient in this regard. Mandatory participation by market makers in SOES was required only in June 1988. When market makers began complaining to the NASD that the system was being abused, the NASD responded in December 1988 by adopting the first rule changes prohibiting professional trading. The relief provided by the 1988 rule changes was significant, but not without certain unintended loopholes that, over time, could be, and were, exploited by certain traders. To close these loopholes, the NASD developed the rule changes approved in the Commission's 1991 Orders. The Commission believes it likely that assurances by the NASD that regulatory relief was imminent had the effect of causing market makers to defer taking significant responsive action on their own until the NASD had an opportunity to implement structural amendments to SOES.[30] The Commission accordingly would expect that any data concerning the relationship between spreads and professional trading until the time of the adoption of the rules might be of limited value. The relative difficulty in generating any meaningful empirical studies must be weighed against the relative certainty of the Commission's predictive judgment based on available data and its expertise in the markets. The Commission does not believe that, where it is doing nothing more than correcting an unintended harm caused by its original approval of mandatory SOES participation, it is required to wait until reasonably foreseeable damage already has occurred before acting to prevent such a harm.

Finally, the Commission's conclusions reflect its studies of the 1987 and 1989 market breaks. During the 1987 market break, when a record number of market makers withdrew from SOES, trades that normally would have been handled automatically had to be executed by contacting NASDAQ

[28] NYSE, *Shareownership 1990*, at 11 (1990) (11,050,000 shareholders in NASDAQ securities in 1990).

[29] In the 1991 SOES Orders, the Commission noted that the Rules actually may serve to promote competition by enhancing the attractiveness to broker-dealers of making markets in more securities. This increased participation could promote healthy competition among market makers, and in turn, would enhance liquidity.

[30] The June 1988 modifications to SOES making participation mandatory and establishing a 20-day time-out from NASDAQ for failure to comply with this requirement created an extremely high immediate cost for those market makers withdrawing from SOES in any given security. A market maker might well conclude that the cost of participating in SOES with the prospect of imminent relief was lower than the cost of withdrawing and reentering the market after regulatory relief had been achieved.

market makers by telephone. Although SOES accounts for a fraction of the share volume in NASDAQ, SOES handles a proportionally larger percentage of trades. The failure of SOES added to the already high volume of telephone calls, making it unusually difficult to contact market makers by telephone. This made it difficult for investors to obtain executions of trades, and dramatically reduced liquidity in the NASDAQ market.

After SOES participation was made mandatory, the market again experienced record volatility and volume during the 1989 market break. Market maker withdrawal levels were significantly lower than in 1987.[31] SOES operated well and succeeded in handling its third highest volume ever. In part because SOES was able to handle the increased retail order flow, the NASDAQ market operated much more effectively than in 1987.[32]

In light of its experience during the 1987 and 1989 market breaks, the Commission believes that mandatory SOES participation provides critical liquidity in situations of severe market stress. Mandatory market maker participation, however, made it possible for professional traders to use SOES to circumvent both the quote size limitation and the update period provided by the Firm Quote Rule. As discussed above, this creates increased risks and increased costs of doing business for the market makers, and threatens market liquidity. The Commission, therefore, recognizes that in making SOES mandatory, it is also necessary to protect market liquidity by proscribing professional trading SOES.

* * * * *

In conclusion, the 1991 SOES Orders were necessary to ensure that the mandatory participation requirement, and the other changes made to the system in response to the 1987 market crash, remain viable. The June 1988 enhancements to the system had the unanticipated consequence of permitting trading on SOES in a manner inconsistent with the system's original design, and inconsistent with the Commission's Firm Quote Rule. This unintended consequence in turn created the potential for wider bid-ask spreads and reduced liquidity in the market for NASDAQ securities. Because SOES was not designed for use by professional traders, and because the Commission's Firm Quote Rule already performs the function of promoting maximum efficiency in the market by encouraging close monitoring and prompt quote revision by market makers, the Commission does not believe that eliminating the new rules would result in any incremental gains in efficiency sufficient to outweigh the benefits of the rules in addressing the negative impact on spreads and liquidity of professional trading on SOES.

The continued ability of professional traders to place trades through what was intended as a retail-oriented system could threaten the NASD's ability (1) to maintain the level of market-making capital that is currently devoted to NASDAQ; (2) to continue to require market makers to participate in SOES; (3) to continue to require makers to honor their quotes entered on SOES; and (4) to require market makers to maintain tight spreads. Thus, it is consistent with the requirements of Section 15A of the Act for the Commission to conclude that these benefits outweigh any possible harm to a small group of traders who may no longer be able to profit from marginal and transitory stale pricing in a limited segment of the NASDAQ market.[33]

By the Commission.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 93–8164 Filed 4–7–93; 8:45 am]

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[31] Market makers that felt it necessary to terminate their obligation to participate in SOES with respect to a particular security were required to withdraw from that security entirely for 20 business days—on both NASDAQ and SOES.

[32] *See* Division of Market Regulation, *Market Analysis of October 13 and 16, 1989*, at 110 (1990).

[33] See Grundfest Concurrence, 53 FR at 51609.

Self-Regulatory Organizations; Applications for Unlisted Trading Privileges and of Opportunity for Hearing; Philadelphia Stock Exchange, Inc.

April 1, 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:

Clinicorp, Inc.
Common Stock, $.01 Par Value (File No. 7–10435)
Ethen Allen Interiors, Inc.
Common Stock, $.01 Par Value (File No. 7–10436)
Fremont General Corporation
Common Stock, $1.00 Par Value (File No. 7–10437)
National Steel Corporation
Common Stock, $.01 Par Value (File No. 7–10438)
Delaware Group Dividend and Income Fund, Inc.
Common Stock, $0.01 Par Value (File No. 7–10439)
Chemical Banking Corp.
Depositary Shares, Cum. Pfd. Stock, $1 Par Value (File No. 7–10440)
Mercantile Bancorporation, Inc.
Common Stock, $5.00 Par Value (File No. 7–10441)
Georgia Power Company
1.93 Class A Pfd Stock (File No. 7–10442)
Nuveen Michigan Premium Income Municipal Fund 2
Common Shares of Beneficial Interest, $.01 Par Value (File No. 7–10443)
Atlantis Group, Inc.
Class A Common Stock, $0.10 Par Value (File No. 7–10444)
Laser Technology
Common Stock, $.01 Par Value (File No. 7–10445)
Nuveen Maryland Premium Income Municipal Fund
Shares of Beneficial Interest, $.01 Par Value (File No. 7–10446)
Nuveen Massachusetts Premium Income Municipal Fund
Shres of Beneficial Interest, $.01 Par Value (File No. 7–10447)
Nuveen New Jersey Premium Income Municipal Fund 2
Shares of Beneficial Interest, $.01 Par Value (File No. 7–10448)
Nuveen Pennsylvania Premium Income Municipal Fund 2
Shares of Beneficial Interest, $.01 Par Value (File No. 7–10449)
Nuveen Virginia Premium Income Municipal Fund
Shares of Beneficial Interest, $.01 Par Value (File No. 7–10450)
Nuveen Washington Premium Income Municipal Fund
Shares of Beneficial Interest, $.01 (File No. 7–10451)
PillowTex Corporation
Common Stock, $.01 Par Value (File No. 7–10452)
Ahmanson H.F. & Co.
Depositary Shares of Pfd Stock (File No. 7–10453)
Nuveen Insured California Premium Income Municipal Fund 2, Inc.
Common Stock, $.01 Par Value (File No. 7–10454)
Nuveen Insured New York Premium Income Municipal Fund 2
Shares of Beneficial Interest, $.01 Par Value (File No. 7–10455)
Storage Equities, Inc.
Cum. Pfd. Stock Series B, $.01 Par Value (File No. 7–10456)
Citizens Corporation
Common Stock, $.01 Par Value (File No. 7–10457)
Advanced Financial, Inc.
Common Stock, $.01 Par Value (File No. 7–10458)
Detroit Edison Company
7.75 Pc Series Depositary Shares, $100 Par Value (File No. 7–10459)
Bankers Life Holding Corporation
Common Stock, $.001 Par Value (File No. 7–10460)
Kaufman and Broad Home Corporation
1.52 Depositary Shares (File No. 7–10461)
Corimon C.A.S.A.C.A.

American Depositary Shares (File No. 7–10462)
Chemical Banking Corporation
Depositary Shares Cum. Pfd. Stock, $1 Par Value (File No. 7–10463)
Life Partners Group, Inc.
Common Stock, $.001 Par Value (File No. 7–10464)

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 22, 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 funds, 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. 93–8165 Filed 4–7–93; 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.

April 1, 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:

A/S Eksportfinans
Pfd. Capital Stock (File No. 7–10486)
Ahmanson H. F. & Co.
Depositary Shares (rep. 1/10 Sh. 8.40% Ser. C Pfd. Stock) (File No. 7–10487)
All American Term Trust, Inc.
Common Stock, $.001 Par Value (File No. 7–10488)
American Medical Holdings, Inc.
Common Stock, $.01 Par Value (File No. 7–10489)
American Re Corp.
Common Stock, $.01 Par Value (File No. 7–10490)
Berlitz International, Inc.
Common Stock, $.10 Par Value (File No. 7–10491)
Blackrock Investment Quality Municipal Trust, Inc.
Common Stock, $.01 Par Value (File No. 7–10492)
Boise Cascade Corp.
Depositary Shares (rep. 1/40 Sh. 9.40% Cum. Pfd. Ser. F Stock) (File No. 7–10493)
Borg Warner Security Corp.
Common Stock, $.01 Par Value (File No. 7–10494)
Carr Realty Corp.
Common Stock, $.01 Par Value (File No. 7–10495)
Castle & Cooke Homes, Inc.
Common Stock, No Par Value (File No. 7–10496)
Catellus Development Corp.
$3.75 Ser. A Cum. Conv. Pfd., $.01 Par Value (File No. 7–10497)
Chic by H.I.S., Inc.
Common Stock, No Par Value (File No. 7–10498)
Citizens Corp.
Common Stock, $.01 Par Value (File No. 7–10499)
Conseco, Inc.
Ser. D Cum. Conv. Pfd., $3.25 Par Value (File No. 7–10500)
Delaware Group Dividend & Income Fund, Inc.
Common Stock, $.01 Par Value (File No. 7–10501)
Developers Diversified Realty Corp.
Common Stock, No Par Value (File No. 7–10502)
Duff & Phelps Utility & Corporate Bond Trust Inc.
Common Stock, $.01 Par Value (File No. 7–10503)

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 22, 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. 93–8167 Filed 4–7–93; 8:45 am]

BILLING CODE 8010–01–M

[Rel. No. IC–19377; 812–7899]

Application for Exemption Under the Investment Company Act of 1940

April 1, 1993.

AGENCY: Securities and Exchange Commission ("SEC").

ACTION: Notice of application for exemption under the Investment Company Act of 1940 (the "Act").

APPLICANTS: MAS Pooled Trust Fund (the "Fund"); Miller, Anderson & Sherrerd (the "Adviser"); and Mutual Funds Service Company (the "Administrator").

RELEVANT ACT SECTIONS: Order sought under section 17(d) and rule 17d–1.

SUMMARY OF APPLICATION: Applicants seek a conditional, amended order permitting the Administrator to replace the Vanguard Group, Inc. ("Vanguard") as the Fund's administrator in connection with certain joint accounts. The Administrator would participate in such joint accounts on the same terms and subject to the same conditions as were previously applicable to Vanguard.

FILING DATE: The application was filed on December 5, 1991, and amended on April 6, 1992, December 14, 1992, and February 3, 1993.

HEARING OR NOTIFICATION OF HEARING: An order granting the application will be issued unless the SEC orders a hearing. Interested persons may request a hearing by writing to the SEC's Secretary and serving applicants with a copy of the request, personally or by mail. Hearing requests should be received by the SEC by 5:30 p.m. on April 26, 1993, and should be accompanied by proof of service on applicants, in the form of an affidavit or, for lawyers, a certificate of service. Hearing requests should state the nature of the writer's interest, the reason for the request, and the issues contested. Persons may request notification of a hearing by writing to the SEC's Secretary.

ADDRESSES: Secretary, SEC, 450 5th Street, NW., Washington, DC 20549. MAS Pooled Trust Fund and Miller, Anderson & Sherrerd, One Tower Bridge, West Conshohocken, Pennsylvania 19428; Mutual Funds Service Company, 126 High Street, Boston, Massachusetts 02110.

FOR FURTHER INFORMATION CONTACT: James J. Dwyer, Staff Attorney, at (202) 504–2920, or Elizabeth G. Osterman, Branch Chief, at (202) 272–3016 (Office of Investment Company Regulation, Division of Investment Management).

SUPPLEMENTARY INFORMATION: Following is a summary of the application. The

complete application may be obtained for a fee at the SEC's Public Reference Branch.

Applicants' Representations

1. The Fund is a no load mutual fund registered under the Act, consisting of nineteen portfolios (the "Portfolios") offering investment alternatives for institutional clients. These include the Equity, International Equity, Fixed Income, Fixed Income Portfolio II, Cash Reserves, High Yield Securities, Limited Duration, Pennsylvania Municipal Fixed Income, Municipal Fixed Income, Mortgage-Backed Securities, Emerging Growth, Value, Small Capitalization Value, Special Purpose Fixed Income, Global Fixed Income, Balanced, Select Equity, Select Fixed Income, and Select Value Portfolios. The term "Fund" includes each Portfolio and any future portfolios of the Fund that are advised by the Adviser and administered by the Administrator.

2. The Adviser acts as investment adviser to the Fund. Prior to April 13, 1992, Vanguard provided administrative, dividend disbursing, and transfer agency services to the Fund. Pursuant to an agreement dated March 16, 1992, the Administrator assumed such administrative functions, and currently provides such services to the Fund.

3. At the end of most days, each Portfolio has uninvested cash balances held in either or both of Morgan Guaranty Trust Company of New York or Morgan Stanley Trust Company of Jersey City, as the Portfolio's custodian banks. Pursuant to an exemptive order issued in 1991 (the "Existing Order"),[1] Vanguard authorized J.P. Morgan Securities ("Morgan") to invest each Portfolio's uninvested cash balances in a joint account, which was then used to enter into one or more large repurchase agreements in a total amount equal to the aggregate daily balance in the joint account.

4. The Portfolios suspended their use of the joint account upon the assumption by the Administrator of its duties as administrator of the Fund. Currently, the Administrator, on behalf of the Fund and at the direction of the Adviser, uses uninvested cash balances each day to purchase an overnight repurchase agreement for each Portfolio from Morgan. Without amendment of the Existing Order, the Portfolios will be forced to continue acting separately in pursuing, securing, and implementing repurchase agreements for their daily uninvested cash balances.[2]

5. Applicants seek to amend the Existing Order to permit the Administrator to participate in the joint account, pursuant to the same terms and subject to the same conditions as were previously applicable to Vanguard.

6. The proposed joint account would not be distinguishable from any other accounts maintained by a Portfolio with the custodian banks except that monies from the Portfolios can be deposited into it on a commingled basis. The joint account would not have any separate existence which would have indicia of a separate legal entity. Each Portfolio would automatically transfer its uninvested cash remaining after the conclusion of its daily trading activity into the joint account. The sole function of the joint account would be to provide a convenient way of aggregating what otherwise would be the one or more individual daily transactions for each Portfolio necessary to manage the daily uninvested cash balances of each Portfolio.

7. Each Portfolio is authorized to invest in repurchase agreements collateralized by United States Government securities, certificates of deposit, and certain bankers' acceptances. In connection with the use of repurchase transactions collateralized by Government securities, each Portfolio has established the same systems and standards. These include quality standards for issuers of repurchase agreements and for collateral, and requirements that the repurchase agreements will be at least 100% collateralized at all times. These uniform systems and standards will apply to the joint account under the proposed amended order. In addition, all proposed joint repurchase agreement transactions will continue to be effected in accordance with the guidelines set forth in Investment Company Act Release Nos. 10666 (Apr. 18, 1979) and 13005 (Feb. 3, 1983), all existing rules, regulations, and positions of the Commission or its staff, and with whatever positions may be taken in the future by the Commission or its staff by rule, release, letter, or otherwise, relating to such transactions.

8. Each Portfolio will participate in the joint account on the same basis as every other Portfolio in conformity with its fundamental investment objective and restrictions. Any future Portfolios that participate in the joint account will be required to do so on the same terms and conditions which the existing Portfolios have set forth in the application.

9. The Administrator would have no monetary participation in the joint account, but would be responsible for determining cash available for investment and directing investment of such amounts in the joint account, and establishing accounting and control procedures and ensuring the equal treatment of each Portfolio. The assets of the Portfolios would continue to be held under proper bank custodial procedures.

10. Applicants believe that no Portfolio's investment in the joint account would be subject to the claims of creditors, whether brought in bankruptcy, insolvency, or other legal proceedings, or of any other participant Portfolio in the joint account. Moreover, each Portfolio's liability on any repurchase agreement purchased by the joint account would be limited to its interest in such repurchase agreement.

Applicants' Legal Analysis

1. The trustees of the Fund have determined that the proposed joint account and the use of such account by each Portfolio will be beneficial to each Portfolio. Applicants represent that, under the proposed amended order, they would collectively save approximately $50,400 in yearly transaction fees at historical 1990 levels. The trustees have satisfied themselves that the proposed method of operating the joint account will not result in any conflicts of interest between any of the Portfolios or between a Portfolio and the Adviser. They have further determined that there does not appear to be any basis on which to predicate greater benefit to one Portfolio than to another. They have considered the fact that, although the Administrator will gain some benefit through administrative convenience and some possible reduction in clerical costs, the primary beneficiaries will be the Portfolios because the joint account will be a more efficient way of administering these daily investment transactions.

2. The trustees have determined that the operation of the joint account will be free of any inherent bias favoring one Portfolio over another and the anticipated benefits flowing to each Portfolio will fall within an acceptable range of fairness.

[1] Investment Company Act Release Nos. 18081 (Apr. 8, 1991) (notice) and 18135 (May 6, 1991) (order).

[2] The Fund's board of trustees has approved Morgan and Morgan Stanley, Inc., among others, as repurchase agreement dealers for the Fund. By supplemental letter dated March 22, 1993, the Administrator represents that there is no agreement, arrangement, or understanding between the Fund and either Morgan Guaranty Trust Company of New York or Morgan Stanley Trust Company of Jersey City, whereby the custodian banks agree to provide custodian services in consideration for their affiliate being used as the Fund's repurchase agreement dealer.

3. On the basis of the determinations by the trustees of the Fund, applicants submit that the criteria for issuance of an order under section 17(d) and rule 17d–1 are met by the joint account as proposed.

Applicants' Conditions

Applicants consent to the inclusion of the following procedures as express conditions to any order issued in connection with this application:

1. The joint account would be a separate custodian cash account into which each Portfolio would deposit its uninvested net cash balances daily.

2. Cash in the joint account would be invested solely in repurchase agreements collateralized by suitable United States Government obligations, i.e., obligations issued or guaranteed as to principal and interest by the United States Government or by any of its agencies or instrumentalities, and satisfying the uniform standards set forth by the Portfolios for such investments. Any repurchase agreement would have, with rare exceptions, an overnight or over-the-weekend duration, and in no event have a term of more than seven days.

3. Particular United States Government obligations held as collateral for repurchase agreements would be identified and the custodian banks notified. The securities held as collateral for repurchase agreements would either be transferred to the account of the custodian banks at the proper Federal Reserve Bank, transferred to a subcustodian account of the Fund at another qualified bank or redesignated and segregated on the records of the custodian banks if the custodian banks already are the record holder of the collateral for the repurchase agreement.

4. All investments held by the joint account would be valued on an amortized cost basis. Each Portfolio subject to an exemptive order permitting valuation of its securities on an amortized cost basis or which relying on rule 2a–7 under the Act would use the average maturity of the joint account for the purpose of computing the Portfolio's average portfolio maturity with respect to the portion of its assets held in the joint account on that day.

5. In order to assure that there would be no opportunity for one Portfolio to use any part of a balance of the joint account credited to another Portfolio, no Portfolio would be allowed to create a negative balance in the joint account for any reason, although it would be permitted to draw down its entire balance at any time.

6. Each Portfolio's decision to invest in the joint account will be solely at the Portfolio's option and no Portfolio will be obligated to invest in the joint account or to maintain any minimum balance in the joint account. In addition, each Portfolio will retain the sole rights of ownership of any of its assets, including interest payable on such assets invested in the account.

7. Each Portfolio's investment in the joint account will be documented daily on the books of the Fund, as well as on the books of the custodian bank.

8. Each Portfolio would participate in the income earned or accrued in the joint account and all instruments (i.e., cash and United States Government securities) held in the joint account on the basis of the percentage of the total amount in the account on any day represented by its share of the joint account.

9. The Adviser would determine the amount of any uninvested cash balances, constituting a part of each Portfolio's assets, to be invested in the joint account as part of its duties under its existing or any future investment advisory contract with each Portfolio, and would not collect any additional fee for the management of the joint account. The Adviser would collect its fees based upon the net assets of each separate Portfolio as provided in each respective investment advisory agreement. The investment of cash balances in the joint account would be administered by officers and employees of the Administrator without payment by the Portfolios of any fee or compensation beyond the normal administrative services fee for all services to the Fund.

10. The administration of the joint account would be within the fidelity bond coverage required by section 17(g) of the Act and rule 17g-1 thereunder. The trustees of the Fund would evaluate the joint account arrangements annually and would continue the joint account only if they determine that there is a reasonable likelihood that the joint account would continue to benefit the Portfolios and their shareholders.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 93–8156 Filed 4–7–93; 8:45 am]

BILLING CODE 8010–01–M

Self-Regulatory Organizations; Applications for Unlisted Trading Privileges and of Opportunity for Hearing; Midwest Stock Exchange, Inc.

April 1, 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:

Clinicorp, Inc.
Common Stock, $.01 Par Value (File No. 7–10465)

Citizens Corp.
Common Stock, $.01 Par Value (File No. 7–10466)

Delaware Group Dividend and Income Fund
Common Stock, $.01 Par Value (File No. 7–10467)

Ethan Allen
Common Stock, $.01 Par Value (File No. 7–10468)

Nuveen Insured California Premium Income Municipal Fund II, Inc.
Common Stock, $.01 Par Value (File No. 7–10469)

Nuveen New Jersey Premium Income Municipal Fund II
Shares of Beneficial Interest, $.01 Par Value (File No. 7–10471)

Nuveen Michigan Premium Income Municipal Fund II
Share of Beneficial Interest, $.01 Par Value (File No. 7–10472)

Nuveen Massachusetts Premium Income Municipal Fund
Shares of Beneficial Interest, $.01 Par Value (File No. 7–10473)

Nuveen Maryland Premium Income Municipal Fund
Shares of Beneficial Interest, $.01 Par Value (File No. 7–10474)

Nuveen Virginia Premium Income Municipal Fund
Shares of Beneficial Interest, $.01 Par Value (File No. 7–10475)

Nuveen Washington Premium Income Municipal Fund
Shares of Beneficial Interest, $.01 Par Value (File No. 7–10476)

Nuveen Pennsylvania Premium Income Municipal Fund II
Shares of Beneficial Interest, $.01 Par Value (File No. 7–10477)

Pillowtex Corp.
Common Stock, $.01 Par Value (File No. 7–10479)

Ace Limited
Common Stock, $.01 Par Value (File No. 7–10480)

Fremont General Corporation
Common Stock, $.01 Par Value (File No. 7–10481)

Kaufman & Broad Home Corporation
Depositary Shares (each Representing One Fifth of Share of Series B Mandatory Conversion Premium Dividended Preferred Stock (File No. 7–10482)

Life Partners Group

Common Stock, $.01 Par Value (File No. 7–10483)
Mercantile Bancorporation
Common Stock, $5.00 Par Value (File No. 7–10484)
National Steel Corporation
Class B Common Stock, $.01 Par Value (File No. 7–10485)

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 22, 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. 93–8166 Filed 4–7–93; 8:45 am]

BILLING CODE 8010–01–M

[Release No. 34–32089; File No. SR–CBOE–93–05]

Self-Regulatory Organizations; Filing of Proposed Rule Change by the Chicago Board Options Exchange, Inc., Relating to the Listing of Reduced-Value Long-Term Index Options on the Financial Times-Stock Exchange 100 Index

April 1, 1993.

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"), 15 U.S.C. 78s(b)(1), notice is hereby given that on January 21, 1993, the Chicago Board Options Exchange, Inc. ("CBOE" or "Exchange") filed with the Securities and Exchange Commission ("SEC" or "Commission") the proposed rule change as described in Items I, II and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The CBOE proposes to amend Exchange Rule 24.9, "Terms of Index Option Contracts," to allow the Exchange to list and trade reduced-value long-term index option series ("LEAPS") on the Financial Times-Stock Exchange 100 Stock Index ("Index"). In addition, the Exchange proposes to amend Exchange Rule 24.1(g), "Current and Closing Index Value," to provide that the current index value of a reduced-value LEAP is one-tenth (1/10th) of the current index value of the related index option, and to amend Exchange Rule 24.9, Interpretation and Policy .08, to provide that the current index value of an Index option shall be one-tenth (1/10th) the value of the underlying index reported by the reporting authority.[1]

The text of the proposal is available at the Office of the Secretary, the CBOE, and at the Commission.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in sections (A), (B), and (C) below, of the most significant aspects of such statements.

(A) Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

The CBOE states that the purpose of the proposed rule change is to provide for the listing and trading of reduced-value LEAPS on the Index. Reduced-value LEAPS have a current index value that is one-tenth of the current index value of the related "full value" index option. Since the current index value of full value Index options is itself one-tenth of the value of the Index as reported by the reporting authority, the current index value for reduced-value LEAPS will be 1/100th of the value of the Index as reported.

The CBOE notes that its rules do not expressly reflect the one-tenth fraction applicable to reduced-value LEAPS, nor do the Exchange's rules state the fraction (one-tenth) specified for full value Index options. Accordingly, the proposal clarifies the Exchange's rules by amending Exchange Rule 24.1(g), "Current and Closing Index Value," to provide expressly that the current index value of reduced-value LEAPS is one-tenth of the current index value of the related index option. In addition, the CBOE proposes to add Interpretation and Policy .08 to Exchange Rule 24.9 to specify that, except as provided in Exchange Rule 24.9(a)(5), which applies only at the time of expiration, the current index value of an Index option is one-tenth of the value of the Index as reported by the designated reporting authority. Finally, the CBOE proposes to amend Exchange Rule 24.9(b)(2) to add the Index to the list of indexes approved to underlie reduced-value LEAPS.

Since the CBOE proposes to include the definition of reduced-value LEAPS in Exchange Rule 24.1(g), subparagraph (b)(2)(B) of Exchange Rule 24.9 will be redundant and the Exchange proposes to delete that provision. Subparagraph (b)(2)(C) of Exchange Rule 24.9 will be renumbered accordingly. The minimum strike price provision of subparagraph (b)(2)(B) is also set forth in existing Interpretation and Policy .01 to Exchange Rule 24.9, and will not be affected by the deletion of that subparagraph. In addition, an editorial change to Exchange Rule 24.9(b)(2)(C) reflects the revised definition of current index value in respect of reduced-value LEAPS.

The CBOE believes that the proposed rule change is consistent with section 6(b) of the Act, in general, and furthers the objectives of section 6(b)(5), in particular, in that it will permit trading in reduced-value LEAPS to take place on the Exchange pursuant to rules designed to prevent fraudulent and manipulative acts and practices and to promote just and equitable principles of trade.

(B) Self-Regulatory Organization's Statement on Burden on Competition

The CBOE does not believe that the proposed rule change will impose a burden on competition.

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[1] In File No. SR–CBOE–92–34, the CBOE proposes to amend Exchange Rule 24.1(h), "Reporting Authority." As amended, Exchange Rule 24.1(h) provides that the "term 'reporting authority' in respect of a particular index means the institution or reporting service designated by the Exchange as the official source for calculating the level of the index from the reported prices of the underlying securities that are the basis of the index and reporting such level." See File No. SR–CBOE–92–34.

(C) Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received from Members, Participants or Others

No written comments were solicited or received with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the date of publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reason for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(a) By order approve such proposed rule change, or

(b) Institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying at the Commission's Public Reference Section, 450 Fifth Street, NW., Washington, DC. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number in the caption above and should be submitted by April 29, 1993.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 93–8158 Filed 4–7–93; 8:45 am]

BILLING CODE 8010–01–M

[Release No. 34–32090; File Nos. SR–GSCC–92–15; SR–GSCC–92–16; and SR–GSCC–92–17]

Self-Regulatory Organizations; Government Securities Clearing Corporation; Order Granting Accelerated Approval on a Temporary Basis of Proposed Rule Changes Relating to the Netting of Zero Coupon Government Securities; the Netting of Forward-Settling Trades in Government Securities; and the Clearing Fund Formula

April 1, 1993.

I. Introduction

Pursuant to section 19(b) of the Securities Exchange Act of 1934 ("Act"),[1] the Government Securities Clearing Corporation ("GSCC") filed with the Securities and Exchange Commission ("Commission") proposed rule changes relating to the netting of zero coupon government securities (File No. SR–GSCC–92–15); the netting of forward-settling trades in government securities (File No. SR–GSCC–92–16); and the clearing fund formula (File No. SR–GSCC–91–17).[2] GSCC has requested that these proposed rule changes be made permanent by the Commission or, in the alternative, that the Commission further extend these proposed rule changes on a temporary basis. The Commission published notices of the proposed rule changes in the **Federal Register** to solicit comment from interested persons.[3] No comments were received. This order grants accelerated approval of the proposed rule changes on a temporary basis through June 30, 1993.

II. Discussion

As discussed in more detail in the initial orders temporarily approving the proposed ruled changes, the Commission preliminarily believes that GSCC's proposed rule changes are consistent with the requirements of the Act. In particular, the Commission believes the proposals are consistent with sections 17A(b)(3) (A) and (F).[4] These Sections require a clearing agency to be so organized and its rules designed to facilitate the prompt and accurate clearance and settlement of securities transactions and to safeguard securities and funds in its custody or control or for which it is responsible.

GSCC has filed a proposed rule change, File No. SR–GSCC–91–04, that will have a substantial impact on GSCC's risk reduction program,[5] including various aspects of GSCC's clearing fund and forward mark allocation payments. The Commission believes it is prudent to complete its review of File No. SR/GSCC–91–04 before granting permanent approval to these proposals. Thus, the Commission is extending the proposed rule changes for an additional period of ninety days.

GSCC has requested that the Commission find good cause for approving the proposed rule changes prior to the thirtieth day after the date of publication in the **Federal Register**.[6] GSCC has requested accelerated effectiveness of the proposals so that GSCC may offer these services without interruption. Accelerated approval of the proposals will prevent disruption to the government securities market and participants that rely on these vital

[1] 15 U.S.C. 78s(b) (1988).

[2] The proposals were filed with the Commission on December 17, 1992 (File No. SR–GSCC–92–15), and December 18, 1992 (File Nos. SR–GSCC–92–16 and SR–GSCC–92–17). In previous orders, the Commission granted temporary approval of these rule changes through April 30, 1992 (Securities Exchange Act Release Nos. 28842 (January 31, 1991), 56 FR 5032 (order temporarily approving the netting of zero coupon government securities); 27902 (April 12, 1990), 55 FR 15066 (order temporarily approving the netting of forward-settling trades); and 27006 (July 7, 1989), 54 FR 29798 (order temporarily approving proposed rule changes relating to the netting system, including the clearing fund and loss allocation procedures)). Subsequently, the Commission twice extended temporary approval of the proposals in combined orders (Securities Exchange Act Release Nos. 30661 (April 30, 1992), 57 FR 19654 (order approving the proposals through July 31, 1992); and 31065 (August 21, 1992), 57 FR 39255 (order approving the proposals through October 30, 1992)). On October 30, 1992, the Commission again extended the temporary approval period through March 31, 1993 (Securities Exchange Act Release Nos. 31383 (October 30, 1992), 57 FR 52809 (order temporarily approving the netting of zero coupon government securities); 31385 (October 30, 1992), 57 FR 52811 (order temporarily approving the clearing fund formula); and 31384 (October 30, 1992), 57 FR 52807 (order temporarily approving the netting of forward-settling trades)).

[3] Securities Exchange Act Release No. 31979 (March 10, 1993), 58 FR 14605 (File No. SR–GSCC–92–15); Securities Exchange Act Release No. 31963 (March 8, 1993), 58 FR 13659 (File No. SR–GSCC–92–16); and Securities Exchange Act Release No. 32001 (March 15, 1993), 58 FR 15387 (File No. SR–GSCC–92–17).

[4] 15 U.S.C. 78q–1(b)(3) (A) and (F).

[5] Securities Exchange Act Release No. 30135 (December 31, 1991), 57 FR 942 (notice of filing of the proposed rule change). The proposal would: (1) Authorize GSCC to use its own price volatility data to determine margin requirements; (2) allow GSCC to include in the calculation of a netting member's required margin deposit the weighted average of the netting member's forward net settlement positions over the most recent twenty business days; (3) remove the 75% limitation on forward mark allocation payments; (4) establish new standards for determining whether a bank or trust company is qualified as an issuer of letters of credit for clearing fund deposits and forward mark allocation payments; and (5) make certain other changes to the margin fund collection process.

[6] Letter from Jeffrey F. Ingber, Secretary and General Counsel, GSCC, to Ester Saverson, Jr., Branch Chief, Division of Market Regulation, Commission, dated March 26, 1993.

GSCC services to provide risk reduction and prompt and accurate clearance and settlement of government securities transactions. In light of the significance of the proposal, the Commission believes there is good cause for approving the proposed rule changes prior to the thirtieth day after the publication of notice of the filings in the **Federal Register.**

III. Conclusion

For the reasons discussed above, the Commission preliminarily finds that the proposals are consistent with the requirements of the Act, in particular with section 17A and the rules and regulations thereunder. The Commission also finds good cause for approving the proposals prior to the thirtieth day after the date of publication in the **Federal Register.**

It is therefore ordered, Pursuant to section 19(b)(2) of the Act, that the above-mentioned proposed rule changes (File Nos. SR–GSCC–92–15; SR–GSCC–92–16; SR–GSCC–92–17) be, and hereby are, approved on an accelerated basis through June 30, 1993.

For the Commission, by the Division of Market Regulation pursuant to delegate authority.[7]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 93–8160 Filed 4–7–93; 8:45 am]

BILLING CODE 8010–01–M

[Release No. 34–32086; File No. SR–MSRB–92–7]

Self-Regulatory Organizations; Order Approving a Proposed Rule Change by the Municipal Securities Rulemaking Board Relating to Delivery of Official Statements

March 31, 1993.

I. Introduction

The Municipal Securities Rulemaking Board ("MSRB") submitted to the Securities and Exchange Commission ("Commission") a proposed rule change (File No. SR–MSRB–92–7) on September 3, 1992, pursuant to section 19(b)(1) of the Securities Exchange Act of 1934[1] and Rule 19b–4 thereunder. The proposed rule change would require underwriters of primary offerings with maturities of nine months or less and offerings with put periods of nine months or less to send copies of official statements to the MSRB if such documents are prepared by or on behalf of the issuer. The Commission published a notice of filing of the proposal in the **Federal Register** on October 8, 1992.[2]

The Commission received one comment letter on the proposed rule change.[3] The Commission has determined, for the reasons discussed below, to approve the proposed rule change.

II. Description

The proposed rule change amends MSRB Rule G–36 ("Rule G–36") to require underwriters of primary offerings of municipal securities with maturities of nine months or less and offerings with put periods of nine months or less to deliver to the MSRB copies of final official statements if such documents are prepared by or on behalf of the issuer.[4] Currently, such offerings are exempt from Rule G–36 requirements. The MSRB will make the official statements available to interested parties through the MSRB's Municipal Securities Information Library ("MSIL") system.[5]

Rule G–36 currently requires that brokers, dealers, and municipal securities dealers that act as underwriters of municipal securities deliver to the MSRB, among other things, copies of final official statements if such documents are prepared by or on behalf of the issuer.[6] Rule G–36 currently exempts short-term primary offerings and limited placement offerings that are exempt from Securities Exchange Act Rule 15c2–12 ("Rule 15c2–12").[7]

The proposed rule change would expand the scope of Rule G–36 to include short-term primary offerings, which are exempt from Rule 15c2–12 pursuant to Rule 15c2–12(c)(2) and (3), if the issuer voluntarily prepares an official statement.[8] Limited placements which are exempt from Rule 15c2–12 pursuant to Rule 15c2–12(c)(1) will remain exempt from Rule G–36.[9] The MSRB stated that it is determined to expand the scope of Rule G–36 to provide more complete collection of disclosure documents, thereby increasing the overall integrity, efficiency, and liquidity of the municipal securities markets.

III. Discussion

The Commission believes that the proposed rule change is consistent with the requirements of the Act, and in particular, with section 15B(b)(2)(C) of the Act. Section 15(b)(2)(C) authorizes the MSRB 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 and processing information with respect to transactions in municipal securities, to remove impediments to and perfect

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[7] 17 CFR 200.30–3(a)(12) (1991).

[1] 15 U.S.C. 78s.

[2] Securities Exchange Act Release No. 31281 (October 1, 1992), 57 FR 46414.

[3] Letter from John M. Gardner, Chairman, National Association of Bond Lawyers, to Jonathan G. Katz, Secretary, Commission, dated October 29, 1992.

[4] For purposes of Rule G–36, the following terms have the following meanings:

(i) A "final official statement" is defined as a document or set of documents prepared by an issuer of municipal securities or its representative, setting forth, among other things, information concerning the issuer(s) of such securities and the proposed issue that is complete as of the date of delivery of the document or set of documents to the underwriter.

(ii) A "primary offering" is an offering of municipal securities directly or indirectly by or on behalf of an issuer of such securities, including certain remarketings.

[5] MSIL is an electronic library through which information collected pursuant to Rule G–36 is made available electronically to market participants and information vendors. Securities Exchange Act Release No. 29298 (June 13, 1991), 56 FR 28194.

[6] For offerings of $1 million or more, Rule G–36 requires that the underwriter send to the MSRB two copies of the official statement along with two completed Forms G–36(OS) within one business day of receiving the official statement from the issuer, but in no event later than 10 business days after the date of the final agreement to purchase, offer or sell the securities. For issues under $1 million, Rule G–36 requires that, if the issuer has voluntarily prepared an official statement, then the underwriter must send the documents to the MSRB within one business day of settlement or closing of the issue.

Form G–36(OS) requires the party sending the official statement to provide certain information which is necessary for the MSRB to process such documents for inclusion in the MSIL system.

[7] 17 CFR 240.15c2–12. Rule 15c2–12 requires underwriters participating in primary offerings of municipal securities of $1 million or more to obtain, review, and distribute to investors copies of final official statements. Rule 15c2–12 also requires underwriters in non-competitively bid offerings, to make available, upon request, the most recent preliminary official statement, if any, and to contract with the issuer to receive a sufficient number of copies of the final official statement to comply with Rule 15c2–12 and MSRB rules.

[8] Rule 15c2–12(c) exempts underwriters participating in offerings with authorized denominations of $100,000 or more and which:

(1) Are sold to no more than thirty-five persons each of whom the [underwriter] reasonably believes (i) has such knowledge and experience in financial and business matters that it is capable of evaluating the merits and risks of the prospective investment and (ii) is not purchasing for more than one account or with a view to distributing the securities; or

(2) Have a maturity of nine months or less; or

(3) At the option of the holder thereof may be tendered to an issuer of such securities or its designated agent for redemption or purchase at par value or more at least as frequently as every nine months until maturity, earlier redemption, or purchase by an issuer or its designated agent.

[9] Rule 15c2–12(c) exempts from the requirements of Rule 15c2–12 certain offerings that are sold to no more than thirty-five persons each of whom the [underwriter] reasonably believes (i) has such knowledge and experience in financial and business matters that it is capable of evaluating the merits and risks of the prospective investment and (ii) is not purchasing for more than one account or with a view to distributing the securities.

the mechanism of a free and open market in municipal securities and, in general, to protect investors and the public interest.

The MSRB's proposed rule change will improve the availability of information in the municipal securities market. Specifically, information prepared by issuers of primary offerings currently exempt from Rule G–36 will be made available through MSIL, including information on primary offerings with maturities of nine months or less and offerings with put periods of nine months or less. The proposed rule change will increase investor access to information in municipal securities and thus will further the goals of the Act.

The Commission received one comment letter on the proposed rule change. The National Association of Bond Lawyers ("NABL") questioned the usefulness of the proposal's disclosure requirements compared to the underwriters' burden to comply with the proposal.[10] The NABL commented that although the proposed rule change would make the MSRB's information library more complete, the burden of complying with the proposal would fall solely on the underwriters and that there is little perceived need for the additional information that would be filed. The NABL also stated that if the Commission determines that there is a need for making information available for securities whose primary offerings are exempt under Rule 15c2–12, the NABL would support the MSRB's proposal.[11]

The Commission believes that the benefit of the proposed rule change will outweigh the burden to comply with the proposed rule change. Regulation intended to enhance disclosure in the municipal securities markets is beneficial, so long as it does not adversely affect the capital-raising function of responsible issuers.[12] In the instant filing, the burden to comply with the proposal will be minimal. The proposal will require underwriters to provide an official statement only when voluntarily prepared by the issuer. The proposal does not impose additional requirements on issuers. Further, MSIL currently is capable of disseminating the information to interested parties.[13] Thus the proposal's compliance cost essentially consists of the underwriter's cost to deliver the official statement to the MSRB.

[10] Letter from John M. Gardner, Chairman, NABL, to Jonathan G. Katz, Secretary, Commission, dated October 29, 1992.

[11] *Id.*

[12] See *supra* note 8.

[13] See *supra* note 5.

The Commission believes that there is a need to increase public access to information regarding municipal securities and make official statements of municipal offerings more readily available for investors. In approving MSRB Rule G–36, the Commission stated that the complexity of the municipal securities market makes it essential that professionals and investors have access to complete and timely descriptive information about municipal securities and municipal securities issuers.[14] The Commission also stated that the information contained in the official statements is valuable to investors and should be widely available.[15]

In proposing amendments to Rule G–36, the MSRB noted that disclosure documents for short term securities, such as those nine months or under in maturity, were an important source of disclosure about municipal issuers.[16] The MSRB also noted that such offerings often are fairly large in par value and may be actively traded in the secondary market. Thus, the MSRB believes a significant interest exists among market participants for official statements relating to offerings that are currently exempt from Rule G–36.[17]

The Commission concurs with the MSRB that lack of access to information about municipal securities and their issuers is detrimental to the overall integrity and efficiency of the municipal securities market. The Commission consistently has cited the benefits of information dissemination in the municipal securities market.[18] In 1989, the Commission adopted Rule 15c2–12 to improve the quality, timing, and dissemination of disclosure in the municipal securities markets.[19] In approving MSIL, the Commission noted that increased access to municipal securities information increases market efficiency and investor protection.[20] Because many municipal securities issuers sell both long and short term debt, wider availability of voluntarily prepared information in connection with short term debt should enhance investor protection and market efficiency in those securities as well. Thus, the Commission believes that the proposal's increased access to complete and accurate information will result in fairer prices in both the primary and secondary markets for offerings currently exempt from Rule G–36.

[14] Securities Exchange Act Release No. 28081 (June 1, 1990), 55 FR 23333.

[15] *Id.*

[16] 12 MSRB Reports 17.

[17] Letter to Anthony R. Bosch, Division of Market Regulation, Commission, from Jill C. Finder, Assistant General Counsel, MSRB, dated January 5, 1993.

[18] See *supra* note 5, adopting amendments to MSRB rules to enable information collected pursuant to Rule G–36 to be disseminated electronically through MSIL.

[19] Securities Exchange Act Release No. 26985 (June 28, 1989), 54 FR 28799.

[20] *Supra* note 5.

IV. 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 MSRB and, in particular, section 15B(b)(2)(C).

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.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority, 17 CFR 200.30–3(a)(12).

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 93–8162 Filed 4–7–93; 8:45 am]

BILLING CODE 8010–01–M

[Release No. 34–32076; File No. SR–NASD–93–6]

Self-Regulatory Organizations; Filing of Proposed Rule Change by National Association of Securities Dealers, Inc. Relating to the Establishment of a Minor Rule Violations Plan

March 31, 1993

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"), 15 U.S.C. 78s(b)(1), notice is hereby given that on February 16, 1993, the National Association of Securities Dealers, Inc. ("NASD" or "Association") filed with the Securities and Exchange Commission ("SEC" or "Commission") the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the NASD. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The NASD is proposing a rule change to Article II, Section 10 of the NASD's Code of Procedure to implement a Minor Rule Violations Plan under Rule 19d–1 under the Act. Below is the text of the proposed rule change. Proposed new language is italicized.

CODE OF PROCEDURE

ARTICLE II

Disciplinary Actions by District Business Conduct Committees, the Market Surveillance Committee and Others

* * *

Acceptance, Waiver and Consent, *Minor Rule Violations*, and Summary Complaint Procedures

* * *

Sec. 10.

* * *

Minor Rule Violations Procedure

(b)(1) Notwithstanding Article II, Sections 1 and 2 of the Code of Procedure, any Committee or the National Business Conduct Committee may, subject to the requirements set forth herein and in Rule 19d–1(c)(2) adopted under the Securities Exchange Act of 1934, as amended, impose a fine (not to exceed $2,500) and/or a censure on any member or person associated with a member with respect to any rule violation listed in the Appendix to this Section.

(2) If the Committee has reason to believe a violation has occurred, the Committee may suggest that the member or associated person submit a Minor Rule Violation Letter specifying in reasonable detail the nature of the violation or violations, including the rule, regulation or statutory provision violated, and consenting to the imposition of a specific sanction or sanctions for the violation or violations, and agreeing to waive such member or person's right to a hearing before a hearing panel, and all rights of appeal to the National Business Conduct Committee, the Securities and Exchange Commission, and the courts or to otherwise challenge the validity of the Letter if the Letter is accepted.

(3) The Letter shall be submitted to the Committee and, if accepted, the Letter shall then be submitted to the National Business Conduct Committee. If the National Business Conduct Committee accepts the Letter, the Corporation will report the violation to the Securities and Exchange Commission as required by the Commission pursuant to a plan approved under Rule 19d–1(c)(2) adopted under the Securities Exchange Act of 1934, as amended. If the Committee or National Business Conduct Committee rejects the Letter, the Committee or National Business Conduct Committee may take any other appropriate disciplinary action with respect to the violation or violations.

(4) If it becomes necessary for the Committee having jurisdiction to file a complaint against the member or person associated with a member under Article II, Section 2 of this Code, the member or person associated with a member shall not be prejudiced in any way by the submission of a Minor Rule Violation Letter under paragraph (2) of this Subsection (b) and the Letter shall have no effect and be given no consideration in any determination of the issues involved in any such complaint.

Summary Complaint Procedure

Subsection (b) is renumbered Subsection (c).

Appendix

Violations Appropriate For Disposition Under The Minor Rule Violations Plan

- Schedule D, Part VI, Section 2(d) to the NASD By-Laws—Failure to comply with the limitations on maximum allowable spreads for securities in which the member makes a market.
- Article III, Subsections 35 (b) and (c) and 35A (b) and (c) of the Rules of Fair Practice and Subsections 8 (b) and (c) of the Government Securities Rules—Failure to have advertisements and sales literature approved by a principal prior to use, failure to maintain separate files of advertisements and sales literature containing required information, and failure to file advertisements with the Association within the required time limits.
- Schedule H to the NASD By-Laws—Failure to file, or inaccurate, price and volume reports required to be filed under Schedule H with respect to Non-Nasdaq securities.
- Article III. Section 41 of the Rules of Fair Practice—Failure to timely file reports of short positions on Form NS–1.
- SOES Rule b.3.(D)—Failure to maintain physical security of SOES terminals.
- SOES Rule c.2.(D)—Entering agency orders into SOES while acting as a market maker in the security in the absence of a locked or crossed market.
- SOES Rule c.3.(C)—Requires order entry firms to enter only public customer, agency orders no larger than the maximum order size.
- Schedule D, Part VI, Sections 4 and 5, Part XII, Section 2, and Part XIII, Section 2, to the NASD By-Laws; Schedule G, Section 2 to the NASD By-Laws—Failure to timely submit required reports and other trade and volume data to the NASD and to transmit trade reports as required over the Nasdaq System.
- Article III, Section 21 of the Rules of Fair Practice—Failure to keep and preserve books, accounts, records, memoranda, and correspondence in conformance with all applicable laws, rules, regulations and statements of policy promulgated thereunder and with the rules of the Association.

II. Self-Regulatory Organizations's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the NASD included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The NASD has prepared summaries, set forth in Sections (A), (B), and (C) below, of the most significant aspects of such statements.

(A) Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

The NASD is proposing to amend Article II, Section 10 of the NASD's Code of Procedure ("Code") to provide for a Minor Rule Violations Plan ("Plan") pursuant to Rule 19d–1 under the Act. The Plan will allow the NASD to process and report disciplinary actions involving fines that do not exceed $2,500 and/or a censure in a manner which will relieve many of the administrative burdens normally associated with formal disciplinary proceedings.[1]

Proposed Subsection 10(b)(1) provides general authority to the District Business Conduct Committees and the Market Surveillance Committee (together, the "Committees") and the National Business Conduct Committee ("NBCC") to impose a fine (not to exceed $2,500) and/or a censure on any member or any person associated with a member with respect to the rule violations set forth in an Appendix to Section 10. The Appendix is a list of

[1] Under the NASD's Code of Procedure disciplinary proceedings may be initiated by issuing a formal complaint or by offering the respondent the opportunity to waive a hearing and accept a Summary Complaint proceeding. Prior to the issuance of a formal complaint a disciplinary matter may also be concluded through the use of a Letter of Acceptance, Waiver and Consent. All of these proceedings are generally referred to as "formal disciplinary actions" and are reported to the SEC individually as "final disciplinary actions" pursuant to Rule 19d–1 under the Act. Disciplinary actions taken under the Plan will not be considered "final" pursuant to Rule 19d–1(c)(2) under the Act and will be exempt from individual reporting under Rule 19d–1(c)(1).

violations which, pursuant to the provisions of Rule 19d–1 under the Act, under certain factual circumstances are appropriate for disposition under the Plan and carry a fine of $2,500 or less, and/or a censure, according to the NASD's Sanction Guidelines. Pursuant to the provisions of Rule 19d–1, the NASD may from time-to-time amend the Appendix to add or delete violations from the Plan. Any amendment to the Appendix will be filed with the SEC for approval.

The NASD's criteria for selection of violations for the list were (1) that the NASD's Sanction Guidelines provide for minimum recommended sanctions for the violation less than or equal to $2,500, and (2) that the violations for which the minimum sanctions are imposed are technical in nature—i.e., they are violations which may be characterized as failures to comply with every detailed requirement of a certain rule, and the violation is inadvertent or, at least, does not involve intent to defraud or deceive.

The NASD recognizes that some of the rules selected for inclusion in the list may be regarded as providing significant protections to the public, investors or the markets; however, the NASD believes that at the lowest levels of misconduct, violation of such rules warrants sanctions which meet the limits of the Plan and are, thus, appropriate candidates for inclusion. Moreover, the SEC has recognized the "inclusion of a rule in [a SRO's] minor rule violation plan should not be interpreted to mean it is an unimportant rule." [2]

Regardless of the size of the fine called for under the NASD's Sanction Guidelines, if the Committee reviewing the staff's investigative report in a particular case finds that the scope and nature of the violation is too indeterminate or serious to justify a fine which would qualify the matter for disposition under the Plan, the Committee will authorize formal disciplinary action. Therefore, the NASD believes it is unlikely that serious violations will be treated as "technical" or trivial infractions. Any violation which would justify a fine of more than $2,500 will not be disposed of under the Plan.

The NASD intends to err on the side of caution in the exercise of discretion to dispose of matters under the Plan. The NASD's disciplinary program is overseen by its District Business Conduct Committees, not by the staff. The NASD believes that this fact encourages the fair and equitable enforcement of the NASD's rules and will prevent inappropriate reliance on the Plan for the disposition of violations. As the SEC stated in its Release approving an amendment to the New York Stock Exchange's Plan "[w]hile the [SEC] is not persuaded the residual availability of full disciplinary proceedings always will justify placing a rule within the minor disciplinary plan, it recognizes that the issue of whether the inclusion of [a rule] within [a plan] will provide a net benefit to the [SRO's] enforcement efforts is ultimately a question of how the program is implemented." [3]

Description of Violations Included in Plan

A discussion of the NASD's rationale for including each of the violations, and the limitations on the eligibility of such violations for disposition under the Plan, follows:

Excess Spread Violations

Under Schedule D, Part VI, Section 2(d) Nasdaq market makers are prohibited from entering quotations that exceed the maximum allowable spreads published in Section 2(d). The maximum allowable spreads are established by the NASD after evaluating average spreads and determining the appropriate maximum allowable spread in relation to the average spread. Each day that a market maker has an excess spread is counted as one violation. The first violation in any 12 month period will generally result in a Letter of Caution, while the second or third violations may warrant fines of $1,000 and $2,000, respectively, each appropriate for disposition under the Plan. Subsequent violations would warrant a formal complaint.

Advertising Violations

The NASD's Advertising Rules, Article III, Sections 35 and 35A of the Rules of Fair Practice, and Section 8 of the Government Securities Rules, require members to submit certain classes of communications with the public to the NASD for review and approval, and to maintain records of the member's internal review and approval. Specifically, Article III, Sections 35(b) and 35A(b) of the Rules of Fair Practice, and Section 8(b) of the Government Securities Rules require each item of advertising or sales literature to be approved by a principal of the member prior to use and require members to maintain separate files on such advertising and sales literature for three years. Article III, Sections 35(c) and 35A(c), and Section 8(c) of the Government Securities Rules require members to file advertising and sales literature with the NASD prior to or immediately subsequent to use, depending on the subject matter and the member's experience, status and disciplinary history.

Failures to comply with the internal review and recordkeeping requirements of the advertising rule are treated in a manner similar to the recordkeeping violations discussed below. The number, egregiousness and history of violations will determine whether they warrant fines of less than $2,500 and may, therefore, be disposed of under the Plan. With respect to the filing requirements, the first two late filings within the previous 12 months will result in a Warning Letter and a Letter of Caution, respectively. The third, fourth and fifth late filings will warrant progressively higher fines, and will exceed $2,500 for the fifth late filing. For those violations which would warrant a fine of $2,500 or less, disposition under the Plan would be appropriate; for all others, a formal complaint would be warranted.

Schedule H Reports

Schedule H, Section 2 to the NASD's By-Laws requires member firms to submit price and volume reports concerning principal transactions in Non-Nasdaq securities to the non-Nasdaq Reporting System between 4:00 p.m. and 6:30 p.m. on the trade date or between 7:30 a.m. and 9:30 a.m. on the day after the trade date. Failure to either make the report or to make it within the required time with respect to securities priced at $5.00 per share or more results in a Warning Letter and a Letter of Caution for the first two violations, with the third, fourth and fifth violations resulting in fines of $250, $500 and $1,000, respectively. With respect to securities priced at less than $5.00 the first violation results in a Letter of Caution, with the second, third and fourth violations resulting in fines of $500, $1,000 and $2,000, respectively. Continuing violations would warrant a formal complaint.

Late Short-Sale Filings

Article III, Section 41 of the NASD's Rules of Fair Practice requires members to report total short positions to the NASD on Form NS–1 by the second business day following the "reporting settlement date," which is the 15th of each month, or the preceding settlement

[2] See, e.g., Securities Exchange Act Release No. 28995 (March 21, 1991), 56 FR 12967 at n.14; Securities Exchange Act Release No. 27543 (December 15, 1989); 54 FR 53223 at n.28.

[3] Securities Exchange Act Release No. 24985 (October 5, 1987), 52 FR 38296.

date if the 15th is not a settlement date. The first late filing violation will result in a Letter of Caution. The second late filing within the previous 12 months will result in a $1,000 fine, and the third will result in a $2,500 fine. For cases where a fine of less than $2,500 is justified, disposition under the Plan is warranted; otherwise, the NASD will institute formal disciplinary proceedings.

SOES Rule Violations

1. SOES Rule b.3.(D) requires members to maintain the physical security of SOES terminals to prevent the unauthorized entry of information into SOES.

2. SOES Rule c.2.(D) prohibits members from entering agency orders into SOES while acting as a market maker in the security in the absence of a locked or crossed market.

3. SOES Rule c.3.(C) requires order entry firms to enter only public customer, agency orders into SOES that do not exceed the maximum order size.

Violation of Nos. 1 through 3, above, will result in a Letter of Caution for the first offense if the violation involves ten (10) orders or less. A first offense involving more than ten (10) orders will result in a fine of $100–250 per security and $100–500 per order. Subsequent violations, especially those involving ten (10) orders or more, would warrant a formal complaint.

Violations of Trade and Volume Reporting Rules

1. Schedule D to the By-Laws, Part VI, Sections 4 and 5, requires members to submit information and trade data in automated format to the NASD and to the Automated Confirmation Transaction (ACT) System within specified deadlines.

2. Schedule D to the By-Laws, Part XII, Section 2, requires members making a market in Nasdaq National Market System (NMS) securities to, among other things, report transactions within 90 seconds.

3. Schedule D to the By-Laws, Part XIII, Section 2, requires members making a market in Nasdaq SmallCap Market securities to, among other things, report transactions within 90 seconds.

4. Schedule G to the By-Laws, Section 2, requires members to report over-the-counter transactions in listed securities through the Nasdaq Transactions Reporting System within 90 seconds.

Violations of the above-referenced requirements, particularly with respect to volume reports and trade data, will generally result in a Warning Letter or Letter of Caution for the first two violations in any 12 month period. Third, fourth and fifth violations in any 12 month period will result in $250, $500 and $1,000 fines, respectively. Failure to report trades, as opposed to failing to report volume or certain trade data, is generally regarded as a more serious violation and may warrant a higher fine. Further, in egregious cases of failing to report volume, trade data or transactions, a formal complaint may be warranted.

Recordkeeping Violations

Article III, Section 21 of the Rules of Fair Practice requires members to keep and preserve various books, accounts, records, memoranda and correspondence. Minor or isolated failures to make, keep or preserve books and records as required will generally result in a Warning Letter or Letter of Caution for the first and second violations. Subsequent or more serious first violations, especially where a pattern of careless or inadequate attention to the recordkeeping requirements is present, will result in fines starting at $500 and may result in a formal complaint.

Description of Other Provisions of the Rule Change

Proposed Subsection 10(b)(2) to Article II of the Code provides that any disciplinary action taken by the NASD under the Plan shall be accomplished through the submission of a written Minor Rule Violation Letter ("Letter") to the NASD by the member or associated person specifying the nature of the violation, the rule, regulation or statute violated, and consenting to the sanction for the violation. Proposed Subsection 10(b)(2) also specifies that the Letter shall include an agreement by the member or associated person to waive the member or person's rights to a hearing or to appeal to the NBCC, the SEC, or the courts.

Proposed subsection 10(b)(3) to Article II of the Code provides that the Letter must be submitted to and accepted by the Committee and the NBCC and, if accepted, will be reported to the SEC pursuant to the Plan. The NASD undertakes, as part of the Plan, to report minor violations to the SEC on a quarterly basis. If the Letter is rejected by the Committee or the NBCC, subsection 10(b)(3) authorizes the Committee or NBCC to take any other appropriate disciplinary action with respect to the violation or violations.

Finally, proposed Subsection 10(b)(4) provides that the submission of a Letter by a member or person associated with a member shall not have any prejudicial effect nor be given any consideration in any formal disciplinary action initiated by the Committee.

The NASD believes that the Plan will enhance the ability of the NASD to administer its disciplinary program and substantially reduce the administrative burden. Further, because the Plan allows for written statements rather than formal complaints, the staff resources required to bring minor actions will be reduced.

The NASD believes that the proposed rule change is consistent with the provisions of sections 15A(b) (7) and (8) of the Act[4] in that the proposed rule change will ensure that members and associated persons are appropriately disciplined for violations of the securities laws, rules and regulations, and that the procedure for such disciplinary action will be fair.

(B) Self-Regulatory Organization's Statement on Burden on Competition

The NASD does not believe that the proposed rule change will result in any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act, as amended.

(C) Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received from Members, Participants, or Others

Written comments were neither solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the date of publication of this notice in the Federal Register or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

A. By order approved such proposed rule change, or

B. Institute proceedings to determine whether the proposed rule change should be disapproved.

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

[4] 15 U.S.C. 78o–3.

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 Room. Copies of such filing will also be available for inspection and copying at the principal office of the NASD. All submissions should refer to the file number in the caption above and should be submitted by April 29, 1993.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority, 17 CFR 200.30–3(a) (12).

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 93–8159 Filed 4–7–93; 8:45 am]

BILLING CODE 8010–01–M

[Release No. 34–32093; File No. SR–NYSE–93–09]

Self-Regulatory Organizations; Filing of Proposed Rule Change by New York Stock Exchange, Inc. Relating to Content Outline for the Compliance Official for Specialist Firm (Series 14A) Qualification Examination

April 1, 1993.

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"), 15 U.S.C. 78s(b)(1), notice is hereby given that on February 11, 1993, the New York Stock Exchange, Inc. ("NYSE" or "Exchange") filed with the Securities and Exchange Commission ("Commission" or "SEC") the proposed rule change as described in Items I, II and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange has filed the Content Outline for its Compliance Official for Specialist Firm (Series 14A) Examination.[1]

[1] As part of this proposed rule change, the NYSE is also seeking approval of the examination itself. See letter from Donald van Weezel, Managing Director, Regulatory Affairs, NYSE, to Diana Luka-Hopson, Branch Chief, Division of Market Regulation, SEC, dated February 26, 1993.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in Sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

As part of the regulatory initiatives approved by the Commission and adopted by the Exchange in 1988,[2] a Compliance Official Qualification Examination (Series 14) was instituted to ensure that individuals having overall compliance responsibilities for their respective organizations have the knowledge, skills and abilities necessary to carry out their job responsibilities.

Because the business conducted by specialist organizations is unique in nature and entails compliance duties and responsibilities which significantly differ from other Exchange members and member organizations, compliance officials at specialist organizations were not required to take the Series 14 Examination.

In 1989, the Commission approved the examination exemption for compliance officials of specialist organizations for a two year period[3] (which was later extended for an unspecified time period),[4] so that the Exchange could develop a separate examination which would more appropriately measure the knowledge and competence of such persons. Accordingly, the Series 14A Examination has been developed to test the knowledge of relevant securities laws and Exchange rules of compliance officials at specialist organizations.[5] The Content Outline details the subject coverage of the examination.

The Series 14A Examination Content Outline was developed by the Exchange in conjunction with committees comprised of persons performing the function of compliance official at specialist member organizations. The Content Outline includes the areas of knowledge that a person must have in order to perform the function of compliance official at a specialist organization.[6]

The Exchange intends to commence administration of the Series 14A Examination ninety days after approval of the Content Outline by the Commission. Such ninety day period will enable examination candidates adequate opportunity to prepare for the examination without unduly delaying its administration.

2. Statutory Basis

The statutory basis for the Series 14A Examination lies in section 6(c)(3)(B) of the Act. Under that section, it is the Exchange's responsibility to prescribe standards of training, experience and competence for persons associated with Exchange members. Pursuant to this statutory obligation, the Exchange has developed examinations that are administered to establish that persons associated with Exchange members have attained specified levels of competence and knowledge.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the Series 14A Examination Content Outline imposes any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

Comments were neither solicited nor received.

[2] See Securities Exchange Act Release No. 25763 (May 27, 1988), 53 FR 20925 (June 7, 1988) (File No. SR–NYSE–87–10). See also NYSE Rule 342.13(b) (requiring "compliance supervisors" to pass a qualification examination or be granted a waiver thereto).

[3] See Securities Exchange Act Release No. 27355 (October 11, 1989), 54 FR 42611 (October 17, 1989) (File No. SR–NYSE–89–29).

[4] See letter from James E. Buck, Senior Vice President and Secretary, NYSE, to Mary Revell, Branch Chief, SEC, dated October 23, 1991.

[5] The Commission notes that the Content Outline defines those "compliance officials" required to take the Series 14A Examination, as follows: Individuals who are designated as having day-to-day compliance responsibilities for their specialist firms or who supervise ten or more people engaged in such compliance activities. This definition is consistent with NYSE Rule 342.13(b).

[6] For example, the Content Outline includes NYSE, SEC and credit rules and regulations; regulatory reports and forms; regulatory agencies and their jurisdictions; trading, surveillance and operations; and registration. The Content Outline also contains sample questions showing the principal formats used in the examination.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the publication of this notice in the **Federal Register** or within such other period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) By order approve the proposed rule change, or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying at the Commission's Public Reference Section, 450 Fifth Street, NW., Washington, DC 20549. Copies of such filing will also be available for inspection and copying at the principal office of the NYSE. All submissions should refer to File No. SR–NYSE–93–09 and should be submitted by April 29, 1993.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 93–8157 Filed 4–7–93; 8:45 am]

BILLING CODE 8010–01–M

[Release No. 34–32088; File No. SR–PSE–92–43]

Self-Regulatory Organizations; Order Approving a Proposing Rule Change by the Pacific Stock Exchange, Inc. Relating to Its Pre-Opening Application Rule

April 1, 1993.

On December 16, 1992, the Pacific Stock Exchange, Inc. ("PSE") filed with the Securities and Exchange Commission ("Commission") a proposed rule change (File No. SR–PSE–92–43) pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 ("Act").[1] The purpose of the proposal is to conform the PSE's pre-opening application rule with the ITS pre-opening application rule.[2] Notice of the proposal appeared in the **Federal Register** on February 24, 1993.[3] The Commission received no comments on the proposal. For the reasons discussed below, the Commission is approving the proposal.

I. Description

The proposed rule change amends PSE Rule 5.20, governing the pre-opening application in the Intermarket Trading System ("ITS"), to conform the PSE pre-opening application rule with the ITS pre-opening application rule.[4] Recently, the Commission approved an amendment to the ITS pre-opening application rule.[5] The PSE's proposal would adopt the model ITS rule.

The proposed rule change amends the PSE's pre-opening rule to clarify the use of a cancellation notification (designated as "CXL") sent after a pre-opening notification.[6] Under the proposed rule change, a cancellation notification will have the effect of indicating that the security will open within the applicable price change.[7]

Security	Consolidated closing price	Applicable price change (More than)
Network A	Under $15	⅛ point.
	$15 or over*	¼ point.
Network B	Under $5	⅛ point.
	$5 or over	¼ point.

*If the previous day's consolidated closing price of a Network A eligible security exceeded $100 and the security does not underlie an individual stock option contract listed and currently trading on a national securities exchange, the applicable price change is one point.
(ITS Plan, Section 7(a).

The proposed rule change applies to the situation where a specialist has sent a cancellation notification following the initial pre-opening notification, and subsequently receives additional orders indicating the security will open within the price range of the original pre-opening notification. Under the current pre-opening rule, a cancellation notification represents that the specialist will open the security within the applicable price change, but outside the price range of the original pre-opening application.

For example, a specialist sends out a pre-opening notification of 30–30½ for a stock that closed at 30. Subsequent to sending out the notification, the specialist receives sell orders indicating that the stock will be opened at 29⅞. The specialist then sends out a cancellation notifcation—which, by definition, means that the stock will open at 29¾ or 29⅞. The specialist then receives more buy orders and opens the stock at 30, which is outside the 29¾ or 29⅞ prices. The pre-opening rule does not currently address this situation.

As revised, the CXL notification procedure would operate as follows:

The CTA close in a stock is 30. A pre-opening notification is sent with any one of the following price ranges: 30–30½; 30⅛–30⅝; or 30¼–30¾. It is then determined that the stock will open at 29¾ or 29⅞ and the specialist sends a cancellation notification. If it is subsequently determined that stock will open at 30, 30⅛, or 30¼, under the proposed rule change the specialist would not be required to reindicate the stock.

II. Discussion

The Commission finds that approval of the proposed rule change is consistent with the Act, in particular, with sections 6(b)(5) and 11A(a)(1)(C)(ii) and (D). Section 6(b)(5) of the Act requires that the rules of an exchange be designed to promote just and equitable

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[1] 15 U.S.C. 78s(b)(1).

[2] The ITS is a National Market System ("NMS") plan approved by the Commission pursuant to section 11A of the Act and Rule 11Aa3–2. The ITS was designed to facilitate intermarket trading in exchange-listed equity securities based on current quotation information emanating from the linked markets. Securities Exchange Act Release No. 19456 (January 27, 1983), 48 FR 4938.

Participants to the ITS Plan include the American Stock Exchange, Inc. ("AMEX"), the Boston Stock Exchange, Inc. ("BSE"), the Chicago Board Options Exchange, Inc. ("CBOE"), the Cincinnati Stock Exchange, Inc. ("CSE"), the Midwest Stock Exchange, Inc. ("MSE"), the National Association of Securities Dealers, Inc. ("NASD"), the New York Stock Exchange, Inc. ("NYSE"), the PSE, and the Philadelphia Stock Exchange, Inc. ("PHLX").

[3] Securities Exchange Act Release No. 31885 (February 17, 1993), 58 FR 11279.

[4] PSE Rule 5.20 contains basic definitions pertaining to ITS, prescribes the transactions that may be effected through ITS and the pricing of commitments to trade, and specifies the procedures pertaining to the pre-opening application.

[5] See Securities Exchange Act Release No. 31970 (March 9, 1993), 58 FR 14227.

[6] The pre-opening rule prescribes that if a PSE specialist anticipates that the opening transaction in the stock will be at a price that represents a change from the security's previous day's consolidated closing price by more than the "applicable price change," the specialist shall notify other participant markets by sending a pre-opening notification through ITS. See ITS Plan, Section 7(a). See also *infra* note 7.

The pre-opening rule also applies whenever an "indication of interest" is sent to the CTA plan processor prior to the reopening of trading of an ITS security following a trading halt, even if the anticipated price is not greater than the applicable price change. See ITS Plan, Section 7(a). See also Securities Exchange Act Release No. 27472 (November 24, 1989), 54 FR 49829.

[7] The ITS rules define "applicable price changes" as:

principles of trade, and to remove impediments to and perfect the mechanism of a free and open market and a NMS. Sections 11A(a)(1)(C)(ii) and (D) establish the NMS goals to provide for fair competition among the ITS participants and their members, and the linking of all markets for qualified securities through communications and data processing facilities which foster efficiency, enhance competition, increase the information available to brokers, dealers, and investors, facilitate the offsetting of investors' orders, and contribute to the best execution of such orders.

The pre-opening application enables a PSE specialist who wishes to open his or her market in an ITS security to obtain any pre-opening interest in that security of other market-markers registered in that security in other participant markets. This enables ITS market-makers to participate as either principal or as agent in the opening transaction in a security in another participant market, and thus, enables execution of limited price orders that may otherwise go unexecuted. The instant filing should prevent confusion in the pre-opening process by clarifying the use of a cancellation notification sent after a pre-opening notification.

III. Conclusion

For the foregoing reasons, the Commission finds that the proposed rule is consistent with the Act and the rules and regulations thereunder applicable to the PSE and, in particular, sections 6(b)(5) and 11A(a)(1) (C)(ii) and (D) of the Act.

It is therefore ordered, Pursuant to section 19(b)(2) of the Act, that the proposed rule change 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).

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 93–8161 Filed 4–7–93; 8:45 am]

BILLING CODE 8010–01–M

SMALL BUSINESS ADMINISTRATION

Reporting and Recordkeeping Requirements Under OMB Review

AGENCY: Small Business Administration.

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: Disaster Home Loan Application.

SBA Form No: SBA Forms 5C, 739, and 1632.

Frequency: On Occasion.

Description of Respondents: Applicants requesting SBA Disaster Home Loans.

Annual Responses: 26,100.

Annual Burden: 52,200.

Dated: April 5, 1993.

Cleo Verbillis,

Chief, Administrative Information Branch.

[FR Doc. 93–8266 Filed 4–7–93; 8:45 am]

BILLING CODE 8025–01–M

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

National Motor Carrier Advisory Committee; Meeting

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of public meeting.

SUMMARY: The FHWA announces a public meeting of the National Motor Carrier Advisory Committee. The focus of the meeting is on: (1) Intelligent Vehicle-Highway Systems and Commercial Vehicle Operations; (2) Key Federal Motor Carrier Safety Regulations; and (3) Status of New Hazardous Materials Rulemakings and Activities.

DATES: The meeting will be from 8:30 a.m. to 5 p.m. on April 22, 1993, and from 8 a.m. to 1 p.m. on April 23, 1993.

ADDRESSES: Federal Highway Administration, 400 Seventh Street, SW., room 2201, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Mr. Douglas J. McKelvey, HIA–20, room 3104, 400 Seventh Street, SW., Washington, DC 20590, (202) 366–1861. Office hours are from 7:45 a.m. to 4:15 p.m., e.t., Monday through Friday, except for legal Federal holidays.

Authority: 23 U.S.C. 315; 49 CFR 1.48.

Issued on: April 2, 1993.

E. Dean Carlson,

Executive Director.

[FR Doc. 93–8198 Filed 4–7–93; 8:45 am]

BILLING CODE 4910–22–M

[FHWA Docket No. 93–15]

Preservation of Transportation Corridors

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice and request for comments.

SUMMARY: Section 1017(c) of the Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA) requires the Secretary of Transportation to submit a report on preservation of transportation corridors to Congress by December 18, 1993.

The report, to be developed in consultation with the States, is to include a list of corridors where action is needed to prevent destruction or loss of existing or potential resources for proposed transportation improvements. The consultation process has been initiated by the FHWA. The process seeks to have the States and the metropolitan planning organizations (MPOs) identify those corridors and rights-of-way to be included in the report and provide estimates of the total mileage involved, and the total costs required.

In addition, the report must include a strategy for preventing loss of needed future rights-of-way, including the desirability of creating a transportation right-of-way land bank to preserve vital corridors. This notice requests comments on corridor preservation concepts and problems and requests suggestions for appropriate approaches for adequately considering corridor preservation in the transportation planning and development process. Comments from all sectors are important to our development of appropriate recommendations on a

national approach for the report required by Congress.

DATES: All comments and suggestions should be submitted by June 7, 1993.

ADDRESSES: Submit written, signed comments to FHWA Docket No. 93–15, Federal Highway Administration, Room 4232, HCC–10, Office of the Chief Counsel, 400 Seventh Street, SW., Washington, DC 20590. All comments received will be available for examination at the above address between 8:30 a.m. and 3:30 p.m., e.t., Monday through Friday, except legal Federal holidays.

FOR FURTHER INFORMATION CONTACT: Mr. Robert A. Johnson, Policy Development Branch, Office of Right-of-Way, HRW–11, (202) 366–2020; or Mr. Robert Black, Attorney, Office of Chief Counsel, HCC–31, (202) 366–1359. The address is Federal Highway Administration, 400 Seventh Street, SW., Washington, DC 20590. Office hours are from 7:30 a.m. to 4 p.m., e.t., Monday through Friday.

SUPPLEMENTARY INFORMATION: The preservation of transportation corridors can help State and local governments achieve maximum results from public investment in planned and existing transportation facilities. The concept includes activities that will maintain or enhance existing facilities, convert unused corridors to new or updated uses, or reserve proposed transportation corridors through the use of various forms of land use controls or selective acquisition. Effective preservation will require up-to-date inventories of available resources, identification of long-range intermodal transportation system needs, and the commitment to use appropriate administrative and economic strategies when preservation opportunities are identified.

Sections 1024 and 1025 of the ISTEA, Pub. L. 102–240, 105 Stat. 1914, require that the preservation of existing and potential rights-of-way for construction of future transportation projects be considered in the metropolitan and statewide planning processes. This includes the identification of currently unused rights-of-way that could be incorporated into future transportation projects. In particular, corridors should be identified where action is needed most to prevent destruction or loss. One such resource is abandoned railroad rights-of-way. These rights-of-way offer an excellent resource for other transportation uses. Military base closures present another potential resource to use for preserving transportation corridors.

Preservation may be applicable not only to highway uses but to other transportation modes as well (transit, railroads, bicycle, pedestrian trails, etc.). Preservation actions could be taken to preserve existing rights-of-way which are now abandoned or underused, to monitor land use activity along existing corridors where capacity protection or long-term upgrading is required, and to protect alignment options for proposed transportation improvements which are threatened by growth and development patterns. In all instances, actions taken, whether through regulation or land acquisition, should seek to preserve opportunities for successfully meeting long-range intermodal transportation planning objectives in harmony with growth and development.

A wide array of regulatory tools have been used by many local jurisdictions to accomplish preservation of corridors without the early commitment of limited funds for land acquisition. Regulatory controls, such as access management or development restrictions, may be used. Access management stresses the protection of capacity on existing transportation facilities. It uses State and local government controls on the number and location of access points to existing routes, coupled with the use of frontage roads or other design alternatives to provide access to adjoining properties. Development restrictions, on the other hand, control land uses through use of exactions, setback ordinances, and/or State or local official mapping ordinances.

When regulatory controls are not enough, a strategic buying program may be justified. Programs of this type identify and acquire key parcels of land which have high potential for development and are keystones to the transportation corridor. Gaining control of such key parcels can be accomplished through fee simple acquisition or by less-than-fee acquisitions including options to purchase, development easements, transfer of development rights, etc.

Development of an ongoing transportation corridor preservation program tied to systems planning requires a long-term funding commitment. The commitment includes some risk, since eventual project right-of-way requirements may not yet be defined. Managing land resources would be an additional administrative burden on State and local agencies. Interim use and/or maintenance programs for land holdings may need to be developed. The prospect that unused lands would have to be marketed for return to the private sector once environmental review processes were completed and projects developed is an additional problem, as is the loss of tax revenue during the holding period.

Early acquisition for corridor preservation, in order to be most effective, must be beneficial to the development of the overall transportation system and to both the public and private land development community. From the public standpoint, cost savings is an obvious benefit. However, acquisition for corridor preservation may be supported by a wider range of benefits. By selectively purchasing key parcels within vital corridors, environmentally sensitive areas can be avoided and greater flexibility in developing facilities can be afforded.

The private development community also may benefit from the early coordination efforts included in a corridor preservation program. With greater flexibility and assurance that development of transportation facilities can be accomplished, the necessity to redo plans, both public and private, may be reduced.

The purpose of the current effort is to gather data, identify methods that are likely to be most appropriate to implement a program, and assess the level of support required at the national level for preservation of transportation corridors.

The field offices of the FHWA are coordinating the identification of vital corridors by the States, MPOs, and other local public agencies (LPAs), or transit operators, and the submission of data needed for those corridors. The field offices will also be forwarding preservation approaches which have been used by States and LPAs.

As part of our evaluation we need information from a broad spectrum of interested parties, such as private property owners, developers, environmental groups, and other agencies or organizations that can be affected by governmental actions taken to preserve transportation corridors. To address this purpose, we would very much appreciate comments and suggestions on the following questions:

1. How should preservation be incorporated into the overall transportation development process, from the planning of transportation systems, through the development of transportation improvement programs, to the initiation of individual transportation improvement projects?

2. What approaches should be used to assure that private interests, environmental impacts, as well as transportation needs are given appropriate consideration?

3. Is special funding, such as a transportation right-of-way land bank,

required, or should options be made available for acquisition using existing fund sources and procedures?

(§ 1017(c), Pub. L. 102–240, 105 Stat. 1914, 1948; 23 U.S.C. 315; 49 CFR 1.48)

Issued on: April 2, 1993.

E. Dean Carlson,

Executive Director.

[FR Doc. 93–8197 Filed 4–7–93; 8:45 am]

BILLING CODE 4910–22–P

Federal Railroad Administration

Waiver Petition Docket Number LI–92–6 and RSOP–92–1; Public Hearing

The Wheeling and Lake Erie Railway Company (WL&E) has requested a waiver of compliance from certain provisions of 49 CFR part 229, Locomotive Safety Standards, and 49 CFR part 218, Railroad Operating Practices. This waiver request is related to operations involving a number of prototype locomotives equipped with a remote control system manufactured by Vectron Corporation. Notice of this waiver request was published in the **Federal Register** on January 14, 1993 (58 FR 4454).

The FRA has received a request that a public hearing be held. Accordingly, a public hearing is hereby set for 9 a.m. on May 11, 1993, at the Canton City Council Chambers at City Hall which is located at 218 Cleveland Avenue, SW., Canton, Ohio 44702.

The hearing will be conducted in accordance with the FRA Rules of Practice (49 CFR 211.25), and will be chaired by a representative designated by the FRA. Persons wishing to present statements regarding the petition for waiver are invited to participate in this hearing. The hearing will be a non-adversary proceeding. The FRA representative will make an opening statement outlining the scope of the hearing. After all initial statements have been completed, those persons wishing to make brief rebuttal statements will be given the opportunity to do so in the same order in which they made their initial statements. Additional procedures, if necessary for the conduct of the hearing, will be announced at the hearing.

Issued in Washington, DC on April 2, 1993.

Phil Olekszyk,

Deputy Associate Administrator for Safety.

[FR Doc. 93–8168 Filed 4–7–93; 8:45 am]

BILLING CODE 4910–06–M

Federal Transit Administration

Environmental Impact Statement on the Site Selection and Construction of a New Eugene Transit Station in Lane County, OR

AGENCY: Federal Transit Administration, DOT.

ACTION: Notice of Intent to prepare an environmental impact statement.

SUMMARY: The Federal Transit Administration (FTA) and Lane Transit District (LTD) hereby give notice that they intend to prepare an Environmental Impact Statement (EIS) in accordance with the National Environmental Policy Act (NEPA) on a proposal to construct a new central, off-street transit station in downtown Eugene, Lane County, Oregon. The local cooperating agency for the project will be the LTD. In addition to evaluating two site alternatives for the new station, the EIS will evaluate the No-Action alternative and any new alternatives generated through the scoping process. Scoping will be accomplished through correspondence with interested persons, organizations, and federal, state and local agencies, and through a public meeting. See **SUPPLEMENTARY INFORMATION** below for details.

DATES: *Comment Due Date:* Written comments on the scope of alternatives and impacts to be considered should be sent to LTD by May 9, 1993. *Scoping Meeting:* The public scoping meeting will be held on April 27, 1993 at 7 p.m. in Harris Hall, Lane County Courthouse, Public Service Building. See **ADDRESSES** below.

ADDRESSES: *Written comments* on project scope should be sent to Stefano Viggiano, Planning Administrator, Lane Transit District, P.O. Box 7070, Eugene, OR, 97401. The *Scoping Meeting* will be held at Harris Hall, Lane County Courthouse, Public Service Building, 125 E. 8th Avenue, Eugene, OR, 97401.

FOR FURTHER INFORMATION CONTACT: Terry Ebersole, FTA Regional Administrator, Region X, Phone: (206) 220–7954.

SUPPLEMENTARY INFORMATION:

I. Scoping

FTA and the local cooperating agency invite interested individuals, organizations, and federal, state and local agencies to participate in defining the alternatives to be evaluated in the EIS and identifying any significant social, economic, or environmental issues related to the alternatives. An information packet describing the purpose of the project, the proposed alternatives, the impact areas to be evaluated, the citizen involvement program, and the preliminary project schedule will be mailed to federal, state and local agencies and to interested parties on record. Others may request scoping materials by contacting Stefano Viggiano of LTD at the address above or by calling him at (503) 741–6100. Scoping comments may be made verbally at the public scoping meeting or in writing. See **DATES** and **ADDRESSES** sections above for locations and times. During scoping, comments should focus on identifying specific social, economic or environmental impacts to be evaluated and suggesting alternatives which are less costly or less environmentally damaging while achieving similar transit objectives. Scoping is not the appropriate time to indicate a preference for a particular alternative. Comments on preferences should be communicated after the draft EIS has been completed. If you wish to be placed on the mailing list to receive further information as the project develops, contact Stefano Viggiano of LTD as previously described.

II. Description of Study Area and Project Need

The study area is the downtown Eugene area in Lane County, Oregon. The proposed project is intended to improve transit service in the Eugene/Springfield area. The proposed off-street central transit station would replace an existing, on-street facility known as the Eugene Station, which currently serves as the hub of LTD's radial bus route system. The existing station has insufficient capacity, is perceived as unsafe, and is inconvenient for passengers, especially the disabled. The new station is intended to improve connections for riders making transfers between buses, provide additional passenger amenities for riders, and provide additional capacity to allow the transit system to grow. The proposed station would include 23 bus bays, areas for an additional three buses to layover, a covered passenger platform, a customer service center, and other passenger amenities.

III. Alternatives

The alternatives proposed for evaluation include: No-Action, which involves no change to transportation facilities in the downtown Eugene area; and two "build alternatives" with different site locations within downtown Eugene which have been identified as the preferred options after an extensive evaluation of alternatives. One of the alternatives is adjacent to the existing station as well as a building

listed on the National Historic Register, while the other site is 1800 feet northeast and contains a structure that may be of historical significance.

IV. Probable Effects

FTA and the local cooperating agency plan to evaluate in the EIS all significant social, economic, and environmental impacts of the alternatives. Among the primary issues are the expected impact on transit ridership, the capital outlays needed to construct the project, and the financial impacts on the funding agencies. Environmental and social impacts proposed for analysis include land use and neighborhood impact, traffic and parking impacts, visual impacts, impacts of cultural and historical resources, air quality impacts, and noise and vibration impacts. Impacts on natural areas, rare and endangered species, water quality, groundwater, and geologic forms will also be covered. The impacts will be evaluated both for the construction period and for the long-term period of operation. Measures to mitigate significant adverse impacts will be explored.

Issued on: April 2, 1993.

Terry Ebersole,

Regional Administrator.

[FR Doc. 93–8258 Filed 4–7–93; 8:45 am]

BILLING CODE 4910–57–M

DEPARTMENT OF THE TREASURY

Public Information Collection Requirements Submitted to OMB for Review

Dated: April 2, 1993.

The Department of Treasury has submitted the following public information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1980, Public Law 96–511. Copies of the submission(s) may be obtained by calling the Treasury Bureau Clearance Officer listed. Comments regarding this information collection should be addressed to the OMB reviewer listed and to the Treasury Department Clearance Officer, Department of the Treasury, Room 3171 Treasury Annex, 1500 Pennsylvania Avenue, NW., Washington, DC 20220.

Internal Revenue Service

OMB Number: 1545–0962

Form Number: IRS Publication 1075

Type of Review: Extension

Title: Safeguard Procedures and Safeguard Activity Reports

Description: Internal Revenue Code section 6103(p) requires that IRS provide periodic reports to Congress describing safeguard procedures, utilized by agencies which receive information from the IRS, to protect the confidentiality of the information. This section also requires that these agencies furnish report to the IRS describing their safeguards.

Respondents: State or local governments, Businesses or other for-profit, Federal agencies or employees, Non-profit institutions

Estimated Number of Respondents: 5,100

Estimated Burden Hours Per Respondent: 5 hours

Frequency of Response: Annually

Estimated Total Reporting Burden: 25,500 hours

OMB Number: 1545–1072

Form Number: IRS Form 8807

Type of Review: Extension

Title: Certain Manufacturers and Retailers Excise Taxes

Description: Form 8807 is used to compute the excise tax on fishing equipment, bows and arrows, trucks and trailer chassis and bodies and tractors and the luxury tax on aircraft, boats, passenger vehicles, furs, and jewelry. This form enables IRS to monitor the excise tax liability on these articles. (Internal Revenue Code (IRC) sections 4051, 4161, 4001, 4002, 4003, 4006, and 4007).

Respondents: Individuals or households, Businesses or other for-profit, Small businesses or organizations

Estimated Number of Respondents/Recordkeepers: 31,750

Estimated Burden Hours Per Respondents/Recordkeeper:

Form	Recordkeeping	Learning about the law or the form	Preparing and sending the form to the IRS
8807 Part I	3 hrs., 7 min	6 min	9 min.
8807 Part II	2 hrs., 38 min	6 min	9 min.
Worksheet I	1 hr., 40 min		2 min.
Worksheet II	1 hr., 55 min		2 min.

Frequency of Responses: Quarterly

Estimated Total Reporting/Recordkeeping Burden: 550,640 hours

Clearance Officer: Garrick Shear, (202) 622–3869, Internal Revenue Service, Room 5571, 1111 Constitution Avenue, NW., Washington, DC 20224.

OMB Reviewer: Milo Sunderhauf, (202) 395–6880, Office of Management and Budget, Room 3001, New Executive Office Building, Washington, DC 20503.

Lois K. Holland,

Departmental Reports, Management Officer.

[FR Doc. 93–8228 Filed 4–7–93; 8:45 am]

BILLING CODE 4830–01–M

Public Information Collection Requirements Submitted to OMB for Review

April 2, 1993.

The Department of Treasury has submitted the following public information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1980, Public Law 96–511. Copies of the submission(s) may be obtained by calling the Treasury Bureau Clearance Officer listed. Comments regarding this information collection should be addressed to the OMB reviewer listed and to the Treasury Department Clearance Officer, Department of the Treasury, room 3171 Treasury Annex, 1500 Pennsylvania Avenue, NW., Washington, DC 20220.

U.S. Customs Service

OMB Number: New.

Form Number: CF 426 and CF 427.

Type of Review: New collection.

Title: Medical History Forms.

Description: These forms are used to determine medical history of persons applying for position that are considered arduous or hazardous. This information is provided to the physicians who conduct the physical examinations.

Respondents: Medical History Forms.

Estimated Number of Respondents: 700.

Estimated Burden Hours Per Respondent:
Form CF 426—30 minutes
Form CF 427—30 minutes
Frequency of Response: Other (one-time).
Estimated Total Reporting Burden: 525 hours.
Clearance Officer: Ralph Meyer, (202) 927-1552, U.S. Customs Service, Paperwork Management Branch, room 6316, 1301 Constitution Avenue, NW., Washington, DC 20229.
OMB Reviewer: Milo Sunderhauf, (202) 395-6880, Office of Management and Budget, room 3001, New Executive Office Building, Washington, DC 20503.

Lois K. Holland,
Departmental Reports Management Officer.
[FR Doc. 93-8265 Filed 4-7-93; 8:45 am]
BILLING CODE 4820-02-M

Public Information Collection Requirements Submitted to OMB for Review

April 1, 1993.

The Department of Treasury has made revisions and resubmitted the following public information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1980, Public Law 96-511. Copies of the submission(s) may be obtained by calling the Treasury Bureau Clearance Officer listed. Comments regarding this information collection should be addressed to the OMB reviewer listed and to the Treasury Department Clearance Officer, Department of the Treasury, room 3171 Treasury Annex, 1500 Pennsylvania Avenue, NW., Washington, DC 20220.

Internal Revenue Service

OMB Number: 1545-0922.
Form Number: IRS Forms 8329 and 8330.
Type of Review: Resubmission.
Title: Lender's Information Return for Mortgage Credit Certificates (MCCs) (Form 8329); Issuer's Quarterly Information Return for Mortgage Credit Certificates (MCCs) (Form 8330).

Description: Form 8329 is used by lending institutions and Form 8330 is used by State and local governments to report on mortgage credit certificates (MCCs) authorized under Internal Revenue Code (IRC) section 25. IRS matches the information supplied by lenders and issuers to ensure that the credit is computed properly.
Respondents: State or local governments, Businesses, or other for-profit.
Estimated Number of Respondents/Recordkeepers: 10,500.
Estimated Burden Hours Per Respondent/Recordkeeper:

	Form 8329	Form 8330
Record-keeping.	3 hrs., 35 min. ..	4 hrs., 32 min.
Learning about the law or the form.	53 min.	1 hr., 41 min.
Preparing and sending the form to the IRS.	59 min.	1 hr., 50 min.

Frequency of Response: Form 8329, Annually; Form 8330, Quarterly.
Estimated Total Reporting/Recordkeeping Burden: 70,820 hours.
Clearance Officer: Garrick Shear, (202) 535-4297, Internal Revenue Service, room 5571, 1111 Constitution Avenue, NW., Washington, DC 20224.
OMB Reviewer: Milo Sunderhauf, (202) 395-6880, Office of Management and Budget, room 3001, New Executive Office Building, Washington, DC 20503.

Lois K. Holland,
Departmental Reports Management Officer.
[FR Doc. 93-8269 Filed 4-7-93; 8:45 am]
BILLING CODE 4830-01-M

Customs Service

[T.D. 93-26]

Tuna Fish—Tariff-Rate Quota; The Tariff-Rate Quota for the Calendar Year 1993, on Tuna Classifiable Under Item 1604.14.20, Harmonized Tariff Schedule of the United States (HTSUS)

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

ACTION: Announcement of the quota quantity for tuna for Calendar Year 1993.

SUMMARY: Each year the tariff-rate quota for tuna fish described in item 1604.14.20 HTSUS, is based on the United States canned tuna production for the preceding calendar year.

EFFECTIVE DATES: The 1993 tariff-rate quota is applicable to tuna fish entered, or withdrawn from warehouse, for consumption during the period January 1 through December 31, 1993.

FOR FURTHER INFORMATION CONTACT: Karen L. Cooper, Chief, Quota Branch, Trade Programs Division, Office of Trade Operations, Office of Commercial Operations, U.S. Customs Service, Washington, DC 20229, (202-927-5401).

It has now been determined that 32,967,568 kilograms of tuna may be entered for consumption or withdrawn from warehouse for consumption during the Calendar Year 1993, at the rate of 6 percent ad valorem under item 1604.14.20, HTSUS. Any such tuna which is entered, or withdrawn from warehouse, for consumption during the current calendar year in excess of this quota will be dutiable at the rate of 12.5 percent ad valorem under item 1604.14.30 HTSUS.

[QUOT-1-CO: T: R: Q]

Dated: March 30, 1993.

Michael H. Lane,
Acting Commissioner.
[FR Doc. 93-8143 Filed 4-7-93; 8:45 am]
BILLING CODE 4820-02-M

Sunshine Act Meetings

Federal Register
Vol. 58, No. 66
Thursday, April 8, 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).

FEDERAL DEPOSIT INSURANCE CORPORATION

Notice of Agency Meeting

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that at 10:00 a.m. on Tuesday, April 6, 1993, the Board of Directors of the Federal Deposit Insurance Corporation met in closed session to consider the following:

A personnel matter.

Recommendation regarding the liquidation of a depository institution's assets acquired by the Corporation in its capacity as receiver, liquidator, or liquidating agent of those assets:

Memorandum re: Addison Consolidated Office, Dallas, Texas (Case No. 404–06133–93–BOD).

Recommendation concerning an administrative enforcement proceeding.

Matters relating to the Corporation's corporate and resolution activities.

In calling the meeting, the Board determined, on motion of Director Stephen R. Steinbrink (Acting Comptroller of the Currency), seconded by Director Jonathan L. Fiechter (Acting Director, Office of Thrift Supervision), concurred in by Acting Chairman Andrew C. Hove, Jr., that Corporation business required its consideration of the matters on less than seven days' notice to the public; that no earlier notice of the meeting was practicable; that the public interest did not require consideration of the matters in a meeting open to public observation; and that the matters could be considered in a closed meeting by authority of subsections (c)(2), (c)(4), (c)(6), (c)(8), (c)(9)(A)(ii), (c)(9)(B), and (c)(10) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(2), (c)(4), (c)(6), (c)(8), (c)(9)(A)(ii), (c)(9)(B), and (c)(10)).

The meeting was held in the Board Room of the FDIC Building located at 550—17th Street, NW., Washington, DC.

Dated: April 6, 1993.

Federal Deposit Insurance Corporation.

Robert E. Feldman,

Deputy Executive Secretary.

[FR Doc. 93–8422 Filed 4–6–93; 3:35 pm]

BILLING CODE 6714–01–M

FEDERAL ELECTION COMMISSION

DATE AND TIME: Tuesday, April 13, 1993 at 10:00 a.m.

PLACE: 999 E Street, NW., Washington, D.C.

STATUS: This meeting will be closed to the public.

ITEMS TO BE DISCUSSED:

Compliance matters pursuant to 2 U.S.C. § 437g.

Audits conducted pursuant to 2 U.S.C. § 437g, § 438(b), and Title 26, U.S.C.

Matters concerning participation in civil actions or proceedings or arbitration.

Internal personnel rules and procedures or matters affecting a particular employee.

DATE AND TIME: Thursday, April 15, 1993 at 10:00 a.m..

PLACE: 999 E Street, NW., Washington, D.C. (Ninth Floor).

STATUS: This meeting will be open to the public.

ITEMS TO BE DISCUSSED:

Correction and Approval of Minutes.

Advisory Opinion 1992–44: David P. Goch on behalf of the National Committee of the U.S. Taxpayers Party.

Advisory Opinion 1993–5: Kindra L. Hefner of Fields for Congress.

Statement of Reasons—Jesse Jackson for President Committee.

Report from the FEC Information Division.

Administrative Matters.

PERSON TO CONTACT FOR INFORMATION: Mr. Fred Eiland, Press Officer, Telephone: (202) 219–4155.

Delores Hardy,

Administrative Assistant.

[FR Doc. 93–8411 Filed 4–6–93; 2:57 pm]

BILLING CODE 6715–01–M

FEDERAL RESERVE SYSTEM

TIME AND DATE: 8:30 a.m., Monday, April 5, 1993.

PLACE: Marriner S. Eccles Federal Reserve Board Building, C Street entrance between 20th and 21st Streets, NW., Washington, DC 20551.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Federal Reserve Bank and Branch director appointments.

2. Personnel actions (appointments, promotions, assignments, reassignments, and salary actions) involving individual Federal Reserve System employees.

3. Any items carried forward from a previously announced meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Joseph R. Coyne, Assistant to the Board; (202) 452–3204. You may call (202) 452–3207, beginning at approximately 5 p.m. two business days before this meeting, for a recorded announcement of bank and bank holding company applications scheduled for the meeting. This document was not published at an earlier date due to an administrative error.

Dated: April 5, 1993.

Jennifer J. Johnson,

Associate Secretary of the Board.

[FR Doc. 93–8303 Filed 4–5–93; 4:22 pm]

BILLING CODE 6210–01–M

FEDERAL RESERVE SYSTEM

TIME AND DATE: 10:00 a.m., Tuesday, April 13, 1993.

PLACE: Marriner S. Eccles Federal Reserve Board Building, C Street entrance between 20th and 21st Streets, N.W., Washington, D.C. 20551.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Personnel actions (appointments, promotions, assignments, reassignments, and salary actions) involving individual Federal Reserve System employees.

2. Any items carried forward from a previously announced meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Joseph R. Coyne, Assistant to the Board; (202) 452–3204. You may call (202) 452–3207, beginning at approximately 5 p.m. two business days before this meeting, for a recorded announcement of bank and bank holding company applications scheduled for the meeting.

Dated: April 5, 1993.

Jennifer J. Johnson,

Associate Secretary of the Board.

[FR Doc. 93–8304 Filed 4–5–93; 4:22 pm]

BILLING CODE 6210–01–M

FEDERAL RETIREMENT THRIFT INVESTMENT BOARD

TIME AND DATE: 10:00 a.m., April 19, 1993.

PLACE: 4th Floor, Conference Room, 1250 H Street, NW., Washington, D.C.

STATUS: Open.

MATTERS TO BE CONSIDERED:

1. Approval of the minutes of the last meeting.

2. Annual financial audit presentation by Arthur Andersen & Co.

3. Thrift Savings Plan activity report by the Executive Director.

4. Review of audit reports:

KPMG Peat Marwick audit report entitled "Pension and Welfare Benefits Administration Review of the Thrift Savings Plan Audit Performed by the U.S. Central Intelligence Agency, Office of the Inspector General."

Metcalf Rice Fricke & Davis audit report entitled "Executive Summary of Fiscal Year 1992 Federal Agency Fiduciary Compliance Review."

CONTACT PERSON FOR MORE INFORMATION: Tom Trabucco, Director, Office of External Affairs, (202) 523–5660.

Dated: April 5, 1993.

Francis X. Cavanaugh,

Executive Director, Federal Retirement Thrift Investment Board.

[FR Doc. 93–8305 Filed 4–5–93; 4:28 pm]

BILLING CODE 6760–01–M

UNITED STATES INTERNATIONAL TRADE COMMISSION

TIME AND DATE: April 15, 1993 at 9:30 a.m.

PLACE: Room 101, 500 E Street S.W., Washington, DC 20436.

STATUS: Open to the public.

1. Agenda for future meetings.
2. Minutes.
3. Ratification list.
4. Petitions and complaints: Certain Recombinantly Produced Human Growth Hormones (Docket Number 1750).
5. Continuation of discussion of APO matters.
6. Outstanding action jacket requests: 1. GC-93-030, Annual **Federal Register** notice on administrative protective order violations.
7. Any items left over from previous agenda.

CONTACT PERSON FOR MORE INFORMATION: Paul R. Bardos, Acting Secretary, (202) 205–2000.

Issued: April 5, 1993.

Paul R. Bardos,

Acting Secretary.

[FR Doc. 93–8342 Filed 4–6–93; 11:37 am]

BILLING CODE 7020–02–P

Corrections

Federal Register
Vol. 58, No. 66
Thursday, April 8, 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 AGRICULTURE

Commodity Credit Corporation

7 CFR Part 1413

RIN 0560-AC64

1993 Extra Long Staple Cotton Program

Correction

In rule document 93-4917 beginning on page 12332 in the issue of Thursday, March 4, 1993, make the following correction on page 12333, in the first column, in amendatory instruction 2.D., "paragraph (d)(3)(ii)" should read "paragraph (d)(3)(iii)."

BILLING CODE 1505-01-D

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[Order No. 633]

Termination of Foreign-Trade Subzone 15B, Kansas City, MO

Correction

In notice document 93-5676 appearing on page 13583 in the issue of Friday, March 12, 1993, make the following correction in the third column, in the first paragraph, in the second line, "revised" should read "reviewed."

BILLING CODE 1505-01-D

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project Nos. 2436-007, et al.]

Hydroelectric Applications; Consumer Power Co., et al.

Correction

In notice document 93-6446 beginning on page 15333 in the issue of Monday, March 22, 1993, make the following correction on page 15336, in the first column, paragraph 9.b. should read "*b. Project No.:* 2599-005."

BILLING CODE 1505-01-D

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[RS92-23-005, RP91-203-026, RP92-132-028 (Consolidated, In part)]

Tennessee Gas Pipeline Co.; Telephone Technical Conference

Correction

In notice document 93-7054 beginning on page 16532 in the issue of Monday, March 29, 1993, in the heading, the numbers appearing in brackets are correctly set forth above.

BILLING CODE 1505-01-D

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket Nos. ER93-449-000, et al.]

Western Resources, et al.; Electric Rate, Small Power Production, and Interlocking Directorate Filings

Correction

In notice document 93-7121 beginning on page 16527 in the issue of Monday, March 29, 1993, make the following correction on page 16528, in the third column, under the heading "**15. Entergy Power, Inc.,**" the docket numbers should read "[Docket Nos. ER92-611-001, ER92-664-001, ER92-843-001, and ER93-45-001]."

BILLING CODE 1505-01-D

FEDERAL COMMUNICATIONS COMMISSION

Applications for Consolidated Hearings

Correction

In notice document 93-5771 appearing on page 13759 in the issue of Monday, March 15, 1993, make the following correction, in the second column, in part III of the Table, in the third column, "93-44" should read "93-42".

BILLING CODE 1505-01-D

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Parts 520 and 522

[Docket No. 89N-0312]

New Animal Drugs; Removal of Obsolete Regulations and Recodification

Correction

In rule document 93-19442 beginning on page 37318 in the issue of Tuesday, August 18, 1992, make the following corrections:

§ 520.88d [Corrected]

1. On page 37319, in the third column, in § 520.88d, in the title of the section, "power" should read "powder."

§ 522.90b [Corrected]

2. On page 37331, in the second column, in § 522.90b, the paragraph designated " (d)(2)(i)(B)" should be designated "(d)(2)(ii)."

BILLING CODE 1505-01-D

UNITED STATES INFORMATION AGENCY

22 CFR Part 514

[Rulemaking No. 101]

Exchange Visitor Program

Correction

In rule document 92-5900 beginning on page 15180 in the issue of Friday, March 19, 1993, make the following correction:

§514.44 [Corrected]

On page 15212, in the second column, in § 514.44, the second paragraph designated "(a)(1)(ii)" should read "(a)(1)(iii)."

BILLING CODE 1505-01-D

federal register

Thursday
April 8, 1993

Part II

Department of Education

34 CFR Part 698
Campus Sexual Offenses Education and Prevention Program; Proposed Rule

DEPARTMENT OF EDUCATION

34 CFR Part 698

RIN: 1840–AB60

Campus Sexual Offenses Education and Prevention Program

AGENCY: Department of Education.

ACTION: Notice of Proposed Rulemaking.

SUMMARY: The Secretary proposes to implement the Campus Sexual Offenses Education and Prevention Program recently enacted in section 1541 of the Higher Education Amendments of 1992 (1992 Amendments). The program would provide grants to institutions of higher education (IHEs) and consortia of IHEs to carry out sexual offenses education and prevention programs. The proposed regulations would incorporate statutory requirements and provide rules for applying for and spending Federal funds under this program.

The program has not received funding in fiscal year 1993. Applications are not expected until the program receives funding. If the program receives funding, the Secretary will invite applications in a **Federal Register** notice.

The Secretary does not normally publish regulations for an unfunded program. The Secretary is proposing these regulations at this time, however, because of a statutory deadline for the publication of these proposed regulations.

DATES: Comments must be received on or before May 10, 1993.

ADDRESSES: All comments concerning these proposed regulations should be addressed to H. Reed Saunders, U.S. Department of Education, Regional Office Building 3, 7th and D Streets, SW., room 3012, Washington, DC 20202–5170.

FOR FURTHER INFORMATION CONTACT: H. Reed Saunders. Telephone: (202) 708–8922. Individuals with hearing impairments or deafness may call the Federal Dual Party Relay Service at 1–800–877–8339 (in the Washington, DC 202 area code, telephone 708–9300) between 8 a.m. and 7 p.m.. Eastern time.

SUPPLEMENTARY INFORMATION: These proposed regulations would implement the Campus Sexual Offenses Education and Prevention Program created in section 1541 of the Higher Education Amendments of 1992 (Pub. L. 102–325), enacted July 23, 1992. The program would provide grants to IHEs and consortia of IHEs to carry out sexual offenses education and prevention programs.

The Campus Sexual Offenses Education and Prevention Program addresses National Education Goal 6, that every school—including IHEs—will offer a safe and disciplined environment conducive to learning. This program reflects the objectives of Goal 5 by educating college personnel and college students on how to prevent sexual offenses. The program also is designed to educate college students on how to report and prosecute perpetrators of sexual offenses and seek counseling if they have been the victims of a sexual offense.

Summary of Major Provisions

The following is a summary of the major regulatory provisions implementing the Campus Sexual Offenses Education and Prevention Program. The summary distinguishes between those regulatory provisions that restate the statutory language of the 1992 Amendments and other regulatory provisions that (1) contain interpretations of statutory text or (2) provide standards and procedures for the program that were not stated in the statutory text. Commenters are requested to direct their comments to the latter two categories.

Section 698.1 What is the Campus Sexual Offenses Education and Prevention Program?

The 1992 Amendments provide that the Campus Sexual Offenses Education and Prevention Program awards grants and contracts to IHEs and consortia of IHEs to carry out sexual offenses education and prevention programs. The Secretary has decided to fund this program solely through grants. As a result, no references to "contracts" appear in these proposed regulations.

The Secretary reserves the right to provide funds under this program through contracts at a later time. If the Secretary decides to provide funds for this program through contracts, those contracts will be administered under the Federal Acquisition Regulation (FAR), 48 CFR chapter 1, and the Department of Education Acquisition Regulation (EDAR), 48 CFR chapter 34, rather than under these proposed regulations.

Section 698.2 Who is eligible for a grant?

The 1992 Amendments impose certain restrictions on the IHEs or consortia of IHEs that are eligible for a grant under the program. The 1992 Amendments provide that an IHE (or each IHE within a consortium of IHEs) must (1) have a student code of conduct, or other written policy governing student behavior, that explicitly prohibits all forms of sexual offenses; and (2) have a written policy, in effect and implemented, requiring the disclosure to the victim of any sexual offense of the outcome of any investigation by campus police or campus disciplinary proceedings brought as a result of the victim's complaint against the alleged perpetrator of the sexual offense. These statutory provisions are stated in section 1541(d) (1) and (2) of the 1992 Amendments and have been incorporated in this section of the proposed regulations.

Section 698.3 What activities does the Secretary fund?

There are two types of grants under the Campus Sexual Offenses Education and Prevention Program: (a) General Sexual Offense Prevention and Education Grants, and (b) Model Grants. General Sexual Offense Prevention and Education Grants fund the following activities: (1) Providing training for campus security and college personnel, including campus disciplinary or judicial boards, that addresses the issues of sexual offenses; (2) developing, disseminating, or implementing campus security and student disciplinary policies to prevent and discipline sexual offense crimes; (3) developing, enlarging, or strengthening support services programs that include medical or psychological counseling to assist victims of sexual offense crimes in their recovery; (4) creating, disseminating, or otherwise providing assistance and information about victims' options, on and off campus, to bring disciplinary or other legal action against perpetrators of sexual offenses; and (5) implementing, operating, or improving sexual offense education and prevention programs, including programs making use of peer-to-peer education. These provisions are stated in section 1541(b) of the 1992 Amendments and have been incorporated in this section.

Model Grants may be used to fund only model demonstration programs. These model demonstration programs must be coordinated with local rape crisis centers. These model demonstration programs develop and implement quality rape-prevention and education curricula, and local programs to provide services to student sexual offense victims. Not less than 25 percent of the funds appropriated in any fiscal year must be allocated by the Secretary for Model Grants. These provisions are stated in 1541(c) of the 1992 Amendments and have been incorporated in this section of the proposed regulations.

An issue raised by the 1992 Amendments is whether the Secretary should fund activities through General Sexual Offense Prevention and Education Grants that IHEs are required to perform under title II of the Crime Awareness and Campus Security Act of 1990 (CACSA)(20 U.S.C. 1092) to be eligible for student financial assistance programs under title IV of the Higher Education Act of 1965. The CACSA requires, among other things, that IHEs prepare, publish, and distribute to all current students, and to any applicant for enrollment, a statement of campus policies and procedures relating to the reporting and prevention of all criminal actions—including sexual offenses.

Two of the authorized activities under the General Sexual Offense Prevention and Education Grants fall within the above obligation of IHEs under the CACSA to prepare, publish, and distribute information to prevent or report sexual criminal offenses. These two activities are those that (1) "* * * develop, disseminate, or implement campus security and student disciplinary policies to prevent and discipline sexual offense crimes," and programs that (2) "* * * create, disseminate, or otherwise provide assistance and information about victims' options on and off campus to bring disciplinary or other legal action." These two provisions are stated in section 1541(b) (2) and (4), respectively, of the 1992 Amendments. The Secretary has determined that grants under the program should not be used for activities required to meet the minimum requirements of the CACSA. Commenters are directed to the proposed regulations for the CACSA (57 FR 30826) for a more detailed explanation of the minimum requirements of the CACSA.

Section 698.5 What definitions apply?

The 1992 Amendments define the term "sexual offenses education and prevention" to include programs that provide education seminars, peer-to-peer counseling, operation of hotlines, self-defense courses, prepare informational materials, and any other effort to increase campus awareness of the facts about, or on how to help prevent, sexual offenses. This definition is stated in section 1541(g) of the 1992 Amendments and has been incorporated in this section of the proposed regulations.

The Secretary also has provided definitions of "sexual offense" and "sexual offense crime." These terms are used, but not defined, in the 1992 Amendments. The Secretary would define "sexual offense" to mean (1) a sexually related civil or criminal offense recognized under State law; (2) conduct that would constitute sexual harassment under either Title VII of the Civil Rights Act of 1964 or Title IX of the Education Amendments of 1972; or (3) a sexually related crime recognized under Title 18 of the U.S. Code. The Secretary would define "sexual offense crime" to mean (1) a sexually related crime recognized under State law; or (2) a sexually related crime recognized under Title 18 of the U.S. Code. The Secretary particularly requests comment on the proposed definitions of these terms.

Section 698.11 What must an application for a Campus Sexual Offenses Education and Prevention Program grant contain?

Each IHE or consortium of IHEs that wishes to receive a grant under the program must file an application with the Secretary. The 1992 Amendments provide that an application for a Campus Sexual Offenses Education and Prevention Program grant must: (1) Include the activities and programs to be carried out with the funds awarded; (2) estimate the cost for establishing and operating those activities and programs; (3) explain how the activities and programs intend to address the issue of sexual offenses; (4) provide assurances that the Federal funds made available under this part will be used to supplement and, to the extent practical, to increase the level of funds that would, in the absence of those Federal funds, be made available by the applicant for the purposes of the program and, in no case, to supplant those funds; and (5) include other information and assurances as the Secretary determines to be necessary. These statutory provisions are stated in section 1541(e)(2) of the 1992 Amendments and have been incorporated in this section of the proposed regulations.

Section 698.21 What selection criteria apply to General Sexual Offense Prevention and Education Grants?

Section 698.22 What selection criteria apply to Model Grants?

The Secretary has formulated separate selection criteria for General Sexual Offense Prevention and Education Grants and Model Grants. The Secretary would incorporate these selection criteria into §§ 698.21 and 698.22 of the program regulations, respectively.

Section 698.23 What additional factors does the Secretary consider?

The 1992 Amendments state that in determining which IHEs should receive a grant under the program, the Secretary must consider the equitable participation of private and public IHEs and the equitable geographic participation of IHEs. This provision is stated in section 1541(a)(3) of the 1992 Amendments and has been incorporated in this section of the proposed regulations.

Section 698.24 What priorities does the Secretary establish?

The 1992 Amendments require the Secretary to establish certain priorities in determining which IHEs or consortia of IHEs will receive funding under the program. Specifically, the 1992 Amendments provide that priority must be given to IHEs and consortia of IHEs that (1) show the greatest need for the sums requested; and (2) do not have an established campus education program regarding sexual offenses. These priorities are stated in sections 1541(a)(4) and (d)(3), respectively, of the 1992 Amendments. The Secretary would base the priority for "greatest need" on (1) the adequacy of an applicant's financial resources to implement a campus education program regarding sexual offenses; and (2) the nature and frequency of sexual offenses on an applicant's campus.

The Secretary would give a competitive preference to applicants who satisfy these priorities. An applicant would receive five points if the applicant does not have an established campus education program regarding sexual offenses. An applicant also might receive up to five points for satisfying either basis of the "greatest need" priority. Each year, the Secretary will notify prospective applicants through a notice in the **Federal Register** of how the points awarded under the "greatest need" priorities will be allocated. If an applicant satisfies all three priorities, it could receive up to 15 points. The priority points awarded to an applicant would be in addition to the points received under the selection criteria in either § 698.21 or § 698.22.

In addition to the competitive preferences discussed above, the Secretary may also select on an annual basis one or more of the activities listed in §§ 698.3(a) and 698.3(b)(1) for an absolute priority. This absolute priority will be administered in accordance with 34 CFR 75.105(c)(3). The Secretary would incorporate these priorities into this section of the proposed regulations.

Section 698.30 Must a grantee file an annual performance report?

The 1992 Amendments require that each grantee file an annual performance report with the Secretary. The annual performance report must explain the

activities carried out under its project and provide an assessment of the effectiveness of those activities in achieving the purposes of the program. The 1992 Amendments also provide that the Secretary is required to suspend funding if an applicant fails to submit the annual performance report. These statutory provisions are stated in section 1541(f) of the 1992 Amendments and are incorporated in this section of the proposed regulations.

Executive Order 12291

These proposed regulations have been reviewed in accordance with Executive Order 12291. They are not classified as major because they do not meet the criteria for major regulations established in the order.

Regulatory Flexibility Act Certification

The Secretary certifies that these proposed regulations would not have a significant economic impact on a substantial number of small entities.

The small entities that would be affected by these proposed regulations are small institutions of higher education (IHEs) receiving Federal funds under this program. However, the regulations would not have a significant economic impact on small IHEs because the regulations would not impose excessive regulatory burdens or require unnecessary Federal supervision. The regulations would impose minimal requirements to ensure the proper expenditure of program funds.

Paperwork Reduction Act of 1980

Sections 698.2, 698.11, 698.21, 698.22, 698.24, and 698.30 contain information collection requirements. If this program receives funding, the Secretary will submit information to fulfill these requirements to the Office of Management and Budget, under the Paperwork Reduction Act of 1980 (44 U.S.C. 3504(h)), at a later date.

Intergovernmental Review

This program is subject to the requirements of Executive Order 12372 and the regulations in 34 CFR part 79. The objective of the Executive Order is to foster an intergovernmental partnership and a strengthened federalism by relying on processes developed by State and local governments for coordination and review of proposed Federal financial assistance.

In accordance with the order, this document is intended to provide early notification of the Department's specific plans and actions for this program.

Invitation to Comment

Interested persons are invited to submit comments and recommendations regarding these proposed regulations.

All comments submitted in response to these proposed regulations will be available for public inspection, during and after the comment period, in room 4069, 330 C Street, SW., Washington, DC, between the hours of 8:30 a.m. and 4 p.m., Monday through Friday of each week except Federal holidays.

To assist the Department in complying with the specific requirements of Executive Order 12291 and the Paperwork Reduction Act of 1980 and their overall requirement of reducing regulatory burden, the Secretary invites comment on whether there may be further opportunities to reduce any regulatory burdens found in these proposed regulations.

Assessment of Educational Impact

The secretary particularly requests comments on whether the proposed regulations in this document would require transmission of information that is being gathered by or is available from any other agency or authority of the United States.

List of Subjects in 34 CFR Part 698

College and universities, Grant program—education, Reporting and recordkeeping requirements, Sexual crimes, Sexual offenses.

Dated: March 31, 1993.

(Catalog of Federal Domestic Assistance Number has not been assigned)

Richard W. Riley,

Secretary of Education.

The Secretary proposes to amend Title 34 of the Code of Federal Regulations by adding a new part 698 to read as follows:

PART 698—CAMPUS SEXUAL OFFENSES EDUCATION AND PREVENTION PROGRAM

Subpart A—General

Sec.

698.1 What is the Campus Sexual Offenses Education and Prevention Program?
698.2 Who is eligible for a grant?
698.3 What activities does the Secretary fund?
698.4 What regulations apply?
698.5 What definitions apply?

Subpart B—How Does One Apply for a Grant?

698.10 How does an applicant apply for a grant?
698.11 What must an application for a Campus Sexual Offenses Education and Prevention Program grant contain?

Subpart C—How Does the Secretary Make an Award?

698.20 How does the Secretary evaluate an application for a Campus Sexual Offenses Education and Prevention Program grant?
698.21 What selection criteria apply to General Sexual Offense Prevention and Education Grants?
698.22 What selection criteria apply to Model Grants?
698.23 What additional factors does the Secretary consider?
698.24 What priorities does the Secretary establish?

Subpart D—What Conditions Must Be Met After an Award?

698.30 Must a grantee file an annual performance report?

Authority: 20 U.S.C. 1145h, unless otherwise noted.

Subpart A—General

§ 698.1 What is the Campus Sexual Offenses Education and Prevention Program?

(a) Under the Campus Sexual Offenses Education and Prevention Program, the Secretary provides grants to institutions of higher education (IHEs) or consortia of IHEs to carry out sexual offenses education and prevention programs.

(b) Under the program, the Secretary awards two types of grants:

(1) General Sexual Offense Prevention and Education Grants as described in § 698.3(a).

(2) Model Grants as described in § 698.3(b).

(Authority: 20 U.S.C. 1145h)

§ 698.2 Who is eligible for a grant?

(a) An IHE or a consortium of IHEs that satisfies the eligibility requirements of paragraph (b) of this section is eligible for a grant under the Campus Sexual Offenses Education and Prevention Program.

(b) To be eligible for a grant under this program, an IHE or each IHE within a consortium of IHEs must—

(1) Have a student code of conduct, or other written policy governing student behavior, that explicitly prohibits all forms of sexual offenses; and

(2) Have a written policy, in effect and implemented, requiring the disclosure to the victim of any sexual offense of the outcome of any investigation by campus police or campus disciplinary proceedings brought as a result of the victim's complaint against the alleged perpetrator of the sexual offense. However, this paragraph does not authorize disclosure to any person other than the victim.

(Authority: 20 U.S.C. 1145h)

§ 698.3 What activities does the Secretary fund?

(a) The Secretary awards General Sexual Offense Prevention and Education Grants for the following activities:

(1) Providing training for campus security and college personnel, including campus disciplinary or judicial boards, that addresses the issues of sexual offenses.

(2) Developing, disseminating, or implementing campus security and student disciplinary policies to prevent and discipline the perpetrators of sexual offense crimes.

(3) Developing, enlarging, or strengthening support services programs that include medical or psychological counseling to assist victims of sexual offense crimes in their recovery.

(4) Creating, disseminating, or otherwise providing assistance and information about victims' options, on and off campus, to bring disciplinary or other legal action against perpetrators of sexual offenses.

(5) Implementing, operating, or improving sexual offense education and prevention programs, including programs making use of peer-to-peer education.

(b)(1) The Secretary awards Model Grants for model demonstration programs that will be coordinated with local rape crisis centers for developing and implementing—

(i) Quality rape-prevention and education curricula; and

(ii) Local programs to provide services to student sexual offense victims.

(2) The Secretary awards not less than 25 percent of the funds appropriated under this part in any fiscal year for the Model Grants described in paragraph (b)(1) of this section.

(c) The Secretary does not make grants for activities that are necessary to meet the minimum requirements of the Crime Awareness and Campus Security Act of 1990, Pub. L. 101–542.

(Authority: 20 U.S.C. 1145h)

§ 698.4 What regulations apply?

The following regulations apply to the Campus Sexual Offenses Education and Prevention Program:

(a) The Education Department General Administrative Regulations (EDGAR) as follows:

(1) 34 CFR part 74 (Administration of Grants to Institutions of Higher Education, Hospitals, and Nonprofit Organizations).

(2) 34 CFR part 75 (Direct Grant Programs).

(3) 34 CFR part 77 (Definitions that Apply to Department Regulations).

(4) 34 CFR part 79 (Intergovernmental Review of Department of Education Programs and Activities).

(5) 34 CFR Part 82 (New Restrictions on Lobbying).

(6) 34 CFR Part 85 (Governmentwide Debarment and Suspension (Nonprocurement) and Governmentwide Requirements for Drug-Free Workplace (Grants)).

(7) 34 CFR Part 86 (Drug-Free Schools and Campuses).

(b) The regulations in this part 698.

(Authority: 20 U.S.C. 1145h)

§ 698.5 What definitions apply?

(a) Definitions in EDGAR. The following terms used in this part are defined in 34 CFR 77.1:

Applicant
Application
Award
Budget period
EDGAR
Facilities
Fiscal year
Private
Project
Project period
Public
Secretary

(b) *Other definitions.* The following definitions also apply to this part:

Consortium means two or more institutions of higher education that jointly submit an application for a grant under the Campus Sexual Offenses Education and Prevention Program.

Institution of higher education (IHE) means an institution that satisfies the definition of that term in section 1201(a) of the Higher Education Act of 1965, as amended (20 U.S.C. 1141(a)).

Sexual offense means—

(1) A sexually related civil or criminal offense recognized under State law;

(2) Conduct that would constitute sexual harassment under either title VII of the Civil Rights Act of 1964 (42 U.S.C. 2000e *et seq.*) or title IX of the Education Amendments of 1972 (20 U.S.C. 1681); or

(3) A sexually related crime recognized under title 18 of the U.S. Code.

Sexual offense crime means—

(1) A sexually related crime recognized under State law; or

(2) A sexually related crime recognized under title 18 of the U.S. Code.

Sexual offenses education and prevention includes programs that provide education seminars, peer-to-peer counseling, operation of hotlines, self-defense courses, prepare informational materials, and any other effort to increase campus awareness of the facts about, or help prevent, sexual offenses.

(Authority: 20 U.S.C. 1145h)

Subpart B—How Does One Apply for a Grant?

§ 698.10 How does an applicant apply for a grant?

An IHE or consortium of IHEs shall submit an application to the Secretary at such time and in such a manner as the Secretary prescribes.

(Authority: 20 U.S.C. 1145h)

§ 698.11 What must an application for a Campus Sexual Offenses Education and Prevention Program grant contain?

An application for a Campus Sexual Offenses Education and Prevention Program grant must—

(a) Include the activities and programs to be carried out with the funds awarded;

(b) Estimate the cost for establishing and operating those activities and programs;

(c) Explain how the activities and programs intend to address the issue of sexual offenses;

(d) Provide assurances that the Federal funds made available under this program will be used to supplement and, to the extent practical, to increase the level of funds that would, in the absence of those Federal funds, be made available by the applicant for the purposes described in this part and, in no case, to supplant those funds; and

(e) Include other information and assurances as the Secretary reasonably determines to be necessary.

(Authority: 20 U.S.C. 1145h)

Subpart C—How Does the Secretary Make an Award?

§ 698.20 How does the Secretary evaluate an application for a Campus Sexual Offenses Education and Prevention Program grant?

(a)(1) The Secretary evaluates an application for a General Sexual Offense Prevention and Education Grant on the basis of the selection criteria in § 698.21.

(2) The Secretary evaluates an application for a Model Grant on the basis of the selection criteria in § 698.22.

(3) The Secretary awards up to 100 points for these criteria.

(4) The maximum possible points for each criterion is indicated in parentheses.

(b) The Secretary awards up to 15 additional points to applicants who satisfy the priorities in § 698.24(b).

(Authority: 20 U.S.C. 1145h)

§ 698.21 What selection criteria apply to General Sexual Offense Prevention and Education Grants?

The Secretary uses the following criteria to evaluate an application for a

General Sexual Offense Prevention and Education Grant:

(a) *Meeting the purposes of the authorizing statute.* (10 points) The Secretary reviews each application to determine how well the project will meet the purpose of the statute authorizing the program, including consideration of—

(1) The objectives of the project; and

(2) How the activities to be funded under a General Sexual Offense Prevention and Education Grant further the objectives of the project.

(b) *Extent of need for the project.* (12 points) The Secretary reviews each application to determine the extent to which the project meets specific needs recognized in the Campus Sexual Offenses Education and Prevention Program, including consideration of—

(1) The needs addressed by the project (3 points);

(2) How the applicant identified those needs (3 points);

(3) How those needs will be met by the project (3 points); and

(4) The benefits to be gained by meeting those needs (3 points).

(c) *Plan of operation.* (32 points) The Secretary reviews each application to determine the quality of the plan of operation for the project, including—

(1) The quality of the design of the project (20 points);

(2) The extent to which the project includes specific intended outcomes that—

(i) Will accomplish the purposes of the program;

(ii) Are attainable within the project period, given the project's budget and other resources;

(iii) Are objective and measurable; and

(iv) For a multi-year project, include specific objectives to be met during each annual budget period that can be used to determine the progress of the project toward meeting its intended outcomes (3 points);

(3) The extent to which the plan of management ensures proper and efficient administration of the project (3 points);

(4) The ability of the applicant's plan to use its resources and personnel to achieve each objective and intended outcome during the project period (3 points); and

(5) How the applicant will ensure that project participants who are otherwise eligible to participate are selected without regard to race, color, national origin, gender, age, or disabling condition (3 points).

(d) *Quality of key personnel.* (10 points)

(1) The Secretary reviews each application to determine the quality of key personnel the applicant plans to use on the project, including—

(i) The qualifications of the project director (if one is to be used);

(ii) The qualifications of each of the other key personnel to be used in the project;

(iii) The time that each person referred to in paragraphs (d)(1) (i) and (ii) of this section will commit to the project; and

(iv) How the applicant, as part of its nondiscriminatory employment practices, will ensure that its personnel are selected for employment without regard to race, color, national origin, gender, age, or disabling condition.

(2) In determining the qualifications of key personnel under paragraph (d)(1) of this section, the Secretary considers—

(i) Experience and training in fields related to the objectives of the project; and

(ii) Any other qualifications that pertain to the quality of the project.

(e) *Budget and cost effectiveness.* (6 points) The Secretary reviews each application to determine the extent to which—

(1) The budget is adequate to support the project; and

(2) Costs are reasonable in relation to the objectives of the project.

(f) *Evaluation plan.* (10 points) The Secretary reviews each application to determine the quality of the evaluation plan for the project, including the extent to which the applicant's methods of evaluation—

(1) Are appropriate to the project;

(2) Will determine how successful the project is in meeting its intended outcomes; and

(3) Are objective and produce data that are quantifiable.

(g) *Adequacy of resources.* (5 points) The Secretary reviews each application to determine the adequacy of the resources that the applicant plans to devote to the project, including facilities, equipment, and supplies.

(h) *Extent of impact.* (10 points) The Secretary reviews each application to determine the potential impact of the proposed project. This review includes an examination of both the actual number and percentage of individuals who would be affected by the project.

(i) *Continuation of project.* (5 points) The Secretary reviews each application to determine the extent to which the applicant's plans demonstrate a commitment to continue the project after Federal financial assistance is terminated. The review will include an examination of the support for, and the amount of funds, personnel, and other resources committed to the continuation of the project after Federal financial assistance is terminated.

(Authority: 20 U.S.C. 1145h)

§ 698.22 What selection criteria apply to Model Grants?

The Secretary uses the following criteria to evaluate an application for a Model Grant:

(a) *Meeting the purpose of the authorizing statute.* (12 points) The Secretary reviews each application to determine how well the project will meet the purpose of the statute authorizing the program, including consideration of—

(1) The objectives of the project; and

(2) How the activities to be funded under a Model Grant further the objectives of the project; and

(3) The extent to which the project would contribute significantly to strengthening, expanding, or improving sexual offense education and prevention programs in IHEs throughout the nation.

(b) *Plan of operation.* (30 points) The Secretary reviews each application to determine the quality of the plan of operation for the project, including—

(1) The quality of the design of the project (15 points);

(2) The extent to which the project includes specific intended outcomes that—

(i) Will accomplish the purposes of the program;

(ii) Are attainable within the project period, given the project's budget and other resources;

(iii) Are objective and measurable; and

(iv) For a multi-year project, include specific objectives to be met during each annual budget period that can be used to determine the progress of the project toward meeting its intended outcomes (3 points);

(3) The extent to which the plan of management ensures proper and efficient administration of the project (3 points);

(4) The ability of the applicant's plan to use its resources and personnel to achieve each objective and intended outcome during the project period (3 points);

(5) How the applicant will ensure that project participants who otherwise are eligible to participate are selected without regard to race, color, national origin, gender, age, or disabling condition (3 points); and

(6) The adequacy of the resources that the applicant plans to devote to the project, including facilities, equipment, and supplies (3 points).

(c) *Coordination with a local rape crisis center.* (6 points) The Secretary reviews each application for information that shows the extent to which the project is coordinated with a

local rape crisis center, as demonstrated by the center's involvement in—

(1) Identifying the needs to be served by the project;

(2) Developing the application; and

(3) Operating the project.

(d) *Quality of key personnel.* (8 points)

(1) The Secretary reviews each application to determine the quality of key personnel the applicant plans to use on the project, including—

(i) The qualifications of the project director (if one is used);

(ii) The qualifications of each of the other key personnel to be used in the project;

(iii) The time that each person referred to in paragraphs (d)(1)(i) and (ii) of this section will commit to the project; and

(iv) How the applicant, as part of its nondiscriminatory employment practices, will ensure that its personnel are selected for employment without regard to race, color, national origin, gender, age, or disabling condition.

(2) In determining the qualifications of key personnel under paragraph (d)(1) of this section, the Secretary considers—

(i) Experience and training in fields related to the objectives of the project; and

(ii) Any other qualifications that pertain to the quality of the project.

(e) *Budget and cost effectiveness.* (6 points) The Secretary reviews each application to determine the extent to which—

(1) The budget is adequate to support the project; and

(2) Costs are reasonable in relation to the objectives of the project.

(f) *Evaluation plan.* (10 points) The Secretary reviews each application to determine the quality of the evaluation plan for the project, including the extent to which the applicant's methods of evaluation—

(1) Are appropriate to the project;

(2) Will determine how successful the project is in meeting its intended outcomes; and

(3) Are objective and produce data that are quantifiable.

(g) *Extent of impact.* (8 points) The Secretary reviews each application to determine the potential impact of the project. This review includes an examination of both the actual number and percentage of individuals who would be affected by the project.

(h) *Continuation of project.* (5 points) The Secretary reviews each application to determine the extent to which the applicant's plans demonstrate a commitment to continue the project after Federal financial assistance is terminated. The review will include an examination of the support for and the amount of funds, personnel, and other resources committed to the continuation of the project after Federal financial assistance is terminated.

(i) *Dissemination.* (15 points) The Secretary reviews each application to determine the extent to which the applicant has—

(1) An effective and efficient plan for disseminating information about the project, including the results of the project and any specialized materials developed by the project, at the local, State, or national level, as appropriate;

(2) A high quality design for the dissemination plan and procedures for evaluating the effectiveness of the dissemination plan;

(3) A description of the types of materials the applicant plans to make available and the methods for making the materials available;

(4) The capacity to demonstrate the methods and techniques used by the project; and

(5) The capacity to assist others to adopt and successfully implement the project or methods and techniques used by the project.

(Authority: 20 U.S.C. 1145h)

§ 698.23 What additional factors does the Secretary consider?

In addition to the criteria in §§ 698.21 and 698.22, the Secretary, to the extent possible, makes awards that ensure the following conditions:

(a) Equitable participation of private and public IHEs.

(b) Equitable geographic participation of IHEs.

(Authority: 20 U.S.C. 1145h)

§ 698.24 What priorities does the Secretary establish?

(a)(1) Each year, the Secretary may establish as an absolute priority one or more of the activities listed in § § 698.3(a) and 698.3(b)(1).

(2) The Secretary announces these priorities in a notice published in the **Federal Register.**

(b) The Secretary may award up to 15 additional points to applicants who—

(1) Show the greatest need for the sums requested as determined by—

(i) The adequacy of the applicant's financial resources to implement a campus education program regarding sexual offenses (0 to 5 points); or

(ii) The nature and frequency of sexual offenses on an applicant's campus (0 to 5 points); or

(2) Do not have an established campus education program regarding sexual offenses on campus (5 points).

(c) Each year, the Secretary notifies prospective applicants through a notice in the **Federal Register** of the basis on which the priority points in paragraphs (b)(1) (i) and (ii) of this section will be allocated.

(Authority: 20 U.S.C. 1145h)

Subpart D—What Conditions Must Be Met After an Award?

§ 698.30 Must a grantee file an annual performance report?

(a) Each grantee shall, in accordance with 34 CFR 74.82, file an annual performance report with the Secretary explaining the activities carried out under its project together with an assessment of the effectiveness of those activities in achieving the purposes of the Campus Sexual Offenses Education and Prevention Program.

(b) The Secretary suspends funding if an applicant fails to submit an annual performance report pursuant to paragraph (a) of this section.

(Authority: 20 U.S.C. 1145h, 1221e–3(a)(1) and 3474; OMB Circular A–110)

[FR Doc. 93–8151 Filed 4–7–93; 8:45 am]

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federal register

Thursday
April 8, 1993

Part III

Department of Commerce

National Oceanic and Atmospheric Administration

15 CFR Part 946

Weather Service Modernization; Proposed Rule

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

15 CFR Part 946

[Docket No. 920383–3051]

RIN 0648–AE73

Weather Service Modernization

AGENCY: National Weather Service, National Oceanic and Atmospheric Administration, Department of Commerce.

ACTION: Proposed rule; request for comments.

SUMMARY: On September 8, 1992, the National Weather Service issued proposed rules to establish an internal process for certifying that there will be no degradation of weather services as a result of consolidating, automating, or relocating a field office during the first stage of the modernization of the Weather Service. (57 FR 40877). That proposal is withdrawn and this proposed rule, which is a revision of the withdrawn proposal, is published for public comment instead. This revision incorporates clarifications and modifications to the certification process to conform to recently enacted Public Law 102–567. That Public Law defines more specifically the actions which are subject to the certification requirements; provides for the review of the criteria on which certifications will be based; provides additional substantive and procedural requirements for certifications; provides for participation by the Modernization Transition Committee mandated by the Public Law; and provides for a liaison officer in the affected service area.

DATES: Comments are requested until June 7, 1993.

ADDRESSES: Comments should be sent to Julie Scanlon, NOAA/GCW, SSMC2, room 18111, 1325 East-West Highway, Silver Spring, Maryland 20910.

FOR FURTHER INFORMATION CONTACT: Louis Boezi, (301) 713–0397.

SUPPLEMENTARY INFORMATION: On September 8, 1992, the National Weather Service (NWS) published proposed regulations setting forth its proposed internal procedures for certifying that there would be no degradation of services as a result of consolidating, automating, or relocating a field office during the initial stage of modernization (57 FR 40877). These proposed regulations were based on the provisions of Public Law 100–685. The NWS, in recognition that legislation pending at the time the regulations were published could become law and require modification of these procedures, stated that the regulations would be amended to make any of the required modifications.

On October 29, 1992, Public Law 102–567 was enacted, title VII of which constitutes the Weather Service Modernization Act (the Act). The Act substantially endorses the process proposed by the September 8, regulations, clarifies certain points, and establishes additional procedural requirements.

1. The Act specifically identifies as "changes in operations at a field office" a number of actions associated with modernization which do not require certification, (transfer service responsibility, commission weather observation systems, decommission a National Weather Service radar, change staffing levels significantly, or move a field office to a new location inside the local commuting and service area). The Act, also defines more clearly two of the four actions that do require certification ("automate" and "relocate")

2. Within a year the NWS must complete a review of the scientific and technical criteria for certain changes in operations such as commissioning new weather observing systems and decommissioning NWS radars and of the criteria for certifying no degradation of service. This review involves:

(a) A contract with the National Research Council (NRC) to assess the existing criteria (due July 29, 1993);

(b) Consultation with the Modernization Transition Committee (described below);

(c) Solicitation of public comment; and

(d) Publication of the final criteria by October 29, 1993.

The proposed regulations are another step in this process and serve as an initial request for comments.

3. The Act provides for establishing a Modernization Transition Committee (the Committee) representing interested Federal agencies (five members) and private users (seven members) to comment on proposed certifications in certain cases and to advise on the modernization generally.

4. In addition to the three elements of a certification required by Public Law 100–685, the Act requires the certification to contain: A description of local weather characteristics and weather related concerns in the relevant service area; an identification of any area of the state that will not receive radar coverage at 10,000 feet; and any report of the Committee evaluating the certification. The Act makes certifications subject to additional review procedures involving consultation with the Committee and a 60-day public review period.

5. The Act requires the NWS to consult with the FAA prior to commissioning an Automated Surface Observing System (ASOS) at an airport to ensure that weather services will continue to be in full compliance with applicable flight aviation rules. NWS must also complete an air safety appraisal in consultation with the FAA and the Committee before relocating or closing any field office located at an airport.

6. The Act requires the NWS to maintain a liaison officer in the service area of any field office closed, consolidated, automated, or relocated for two years after taking the action.

Background

The modernization of the NWS is a highly complex process involving the introduction of three major high technology systems into an office structure that has been developing for well over a century. This technology, office structure, and the modernization process were all described in detail in the Preamble to the September 8, 1992, proposed regulations. A condensed description is included here to aid in understanding these proposed implementing regulations, but interested readers may wish to refer to the description in the September 8, issue of the **Federal Register** or to still more comprehensive discussions in the Strategic Plan submitted to Congress on March 10, 1989, or in the National Implementation Plan, the latest revision of which is dated June 1992. The documents can be obtained through the contact listed above.

Structure of NWS and Modernization

The field office structure of today's NWS consists of 52 Weather Service Forecast Offices (WSFOs), with forecast and warning responsibilities organized on a geographical basis, and about 200 smaller Weather Service Offices (WSOs) that take weather observations and issue local area forecasts and warnings based on the products of the WSFOs. After full modernization, there will be 116 Weather Forecast Offices (WFOs) with uniform service responsibilities at locations determined primarily by the coverage of the Next Generation Radars (NEXRAD) to be installed nearby. Most surface observing responsibilities will be taken over by ASOS units and the warning responsibilities of the WSOs will be assumed by the appropriate WFOs using the improved observation,

information processing, and dissemination systems.

Transition to the fully modernized NWS will be accomplished in two stages. The first stage will be characterized by specific improvements in weather detection capability at individual offices generally resulting from the deployment of the new observational technologies, NEXRAD and ASOS. During this stage, the existing, outmoded radars will be decommissioned and manual observations will give way to automated observations, but no field office will be closed. Public Law 102–567 prohibits any such closure before January 1, 1996.

The second stage of modernization will begin with commissioning of the third new technological element of the modernization, the Advanced Weather Interactive Processing System (AWIPS). This system will permit each WFO to access advanced centrally produced guidance products and observational data from both local and adjacent weather offices as well as satellite data and will allow it to carry out analyses and prepare and disseminate weather services and products of the type that will be needed to support the certification that services to the area affected by the closure of the field offices will not be degraded.

Agency Implementation of Statutory Requirements

As indicated above, these proposed regulations describe the agency's initial view of the requirements of Public Law 102–567 and other scheduled procedures that will accompany modernization. The agency will not only be considering public comment regarding these views but will also be consulting with NRC and the Modernization Transition Committee, as appropriate.

The introduction of these new technologies and the resulting changes in operations raised the concerns underlying the requirements of Public Law 100–685 and 102–567. Congress was interested in promoting confidence that the data derived from the new technology would be at least as accurate and reliable as those from the old equipment; that NEXRAD coverage would be at least equal to that provided by the existing radars; and that the employees operating the new equipment would be adequately trained both in operations and maintenance. In short, services at least equal to existing services must be provided to users.

As set forth in the previously proposed regulations, the above issues will be addressed during the first stage of the transition primarily through the documentation that accompanies commissioning a NEXRAD and decommissioning the obsolete radar and/or commissioning an ASOS and replacing manual observations. Initially, these events introduce the new technology and functions to the NWS. The NWS will rely exclusively on this new technology and functions, however, only after decommissioning the old technology and/or replacing the relevant employees at an existing field office. Consequently, it is these latter events that are pivotal in the modernization process and require assurance that there will be no degradation of services.

Following installation of a NEXRAD or ASOS unit and a brief operational demonstration of its capabilities in a field setting, a Commissioning Report will be prepared based on the operational and technical criteria contained in Weather Service Operations manual, chapter A–73. This Commissioning Report will document the results of the basic engineering and performance tests which are part of the contractual site acceptance. It will also document that the employees are adequately trained, and that maintenance support is in place.

The criteria for this report are being reviewed by the NRC in accordance with section 704 of the Act. The NRC also is reviewing draft criteria provided by the NWS for three remaining reports which will support most certifications during stage 1. These are the Confirmation of Services Report, the Decommissioning Report and the Surface Observation Modernization Report. The first will document the necessary interaction with all affected users after the new technology has been commissioned and used operationally to confirm that services have not been degraded. The second will reconfirm that the area served by the old radar is fully covered by one or more commissioned NEXRADs and that this radar can be turned off; and the last will document that NWS surface observers are no longer required at the site.

In addition to provisions dealing with the NRC's review of the criteria for commissioning and decommissioning new technology, these regulations contain provisions for the NRC's review of the certification criteria and for incorporating these criteria into the certification process. In reading the following discussion, it may be useful to keep in mind the general sequence of events that will lead to certification, particularly in the two field office situations that are likely to result in a majority of certifications during stage 1. Both situations involve field offices that are currently responsible for taking radar and/or manual surface observations. The first and most common situation is that of a WSO that is scheduled to be phased out. The anticipated sequence will be:

(1) Technical coordination with affected users;

(2) Installation and acceptance testing of NEXRAD and/or ASOS unit(s);

(3) Operational demonstration of the unit(s) and technical coordination with users;

(4) Preparation of the Commissioning Report(s);

(5) Commissioning and subsequent fully operational use;

(6) Transfer of service responsibility to the NEXRAD field office while continuing to operate radar at old office (if it operates a radar);

(7) Confirmation that services to users are maintained and preparation of Confirmation of Services Report;

(8) Preparation of Decommissioning Report and/or Surface Observation Modernization Report;

(9) Decommissioning any obsolete radar;

(10) Certification of "No Degradation"; and

(11) Consolidated and/or automation (i.e., the removal or replacement of the radar operators and/or surface observers and reassignment to office where needed).

The second situation involves a WSFO which will make the transition to a WFO. Here, the sequence is somewhat more complex since these offices have more extensive service responsibilities, (i.e., forecast responsibilities). Initially, these offices will separate their service responsibilities from their observation responsibilities, transferring the former to the site of the new WFO while continuing, temporarily, to carry out its usual observations at the existing office. During this first stage of the transition, the sequence of events will be:

(1) Technical coordination with affected users;

(2) Transfer of service responsibilities (warnings and forecast) to the future WFO; and

(3) Change in service staff levels as personnel responsible for issuing warnings and forecasts (but not observations) are transferred to the future WFO.

At this point, the existing office will be operating exactly as the WSO described in the first type of certification (and will be known as a "residual WSO"). Consequently, as the relevant NEXRAD and/or ASOS units are commissioned and this type of office is phased out, the sequence will be the same as the sequence outlined above for a WSO except that the transfer of service

responsibility (step 6) will have occurred already.

Major Changes in the Regulations

In the Purpose section, the proposed regulations add a new subsection to address a concern that has been expressed since passage of the Act: That decisions made in implementing this Act could limit an employee's personnel rights under other regulations. This subsection emphasizes that the purpose of the Act and these regulations is to promote public safety. Therefore, decisions relating to modernization and whether a certification is or is not required, should be based on matters of public safety, not on matters relating to employee personnel rights. In particular, determinations of whether field offices are being "relocated" for purposes of this Act will not affect determinations under other regulations of whether affected employees are entitle to relocation allowances in connection with these moves.

Change in Field Office Operations

One area of clarification contained in Public Law 102–567 was a delineation of NWS modernization actions that require certification and those that do not. This clarification is accomplished in large part by defining several significant terms in section 702 of the Act and § 946.2 of the regulations.

The Act defines a new term, "change operations at a field office." Through this term, the Act makes explicit the concept embodied in the previously proposed regulations that certain steps leading to certifiable actions (previously called "transition actions" and now called "restructuring") should not be subject to the certification process. The Act defines these steps to include commissioning a NEXRAD or ASOS, decommissioning a NWS radar, transferring service responsibility, changing staffing levels significantly, and moving a field office to a location within the local commuting and service area (section 702(2)).

This definition explicitly identifies many of the steps in the sequence described earlier involved in phasing out a WSO. Specific changes of operations are the commissioning of a NEXRAD, the transfer of warning responsibility from the old office to the office with the NEXRAD, and the decommissioning of the old radar. These changes of operations all precede the certifiable event, the draw down of staff following decommissioning of the radar and/or completion of the Surface Observation Modernization Report.

The definition of "change operations" also identifies two of the preliminary steps in the more complex sequence for WSFO's, the initial transfer of forecasting and warning responsibility to the future WFO, and the significant change in staffing levels as the forecasters and other service personnel are transferred to the new office.

The statutory definition of "change operations" covers any significant change in staffing levels at a field office including the draw down of staff at a WSO (or "residual WSO") following decommissioning of its radar. However, the NWS has decided that it will certify that no degradation of services will occur before it reassigns the employees who have been operating the existing radar and have been responsible for ensuring the availability of these traditional observations. Consequently, the regulations provide that the change in staffing levels resulting from the decommissioning of a radar at a WSO (or "residual" WSO) will be deemed a consolidation which requires certification, and not a "change of operations".

Automation and Relocation

The Act expressly defines two of the four actions requiring certification, "automate" and "relocate." The first term, "automate," is redefined as, "replacing employees with automated surface or other weather observation equipment." The net effect, as reflected in the proposed regulations, is to require certification if those employees carrying out surface observations at a field office are assigned elsewhere or if they are assigned other duties at that office. However, this definition, when read together with the definition of "change of operations," recognizes that an ASOS unit can be commissioned without certification and its benefits enjoyed in a variety of settings, provided employees remain available to augment or back up the system or to take manual observations until the additional certification requirements can be met.

The Act defines the term "relocate" as a move of a field office "outside the local commuting or service area." In contrast, a move "within the local commuting and service area" is a "change of operations." Therefore, whether the move of an entire field office is a certifiable "relocation" or a non-certifiable "move" depends on whether the event takes place within this "local commuting and service area," which the Act does not define.

As stated in the previous regulations, the NWS believes that a field office normally can be moved anywhere within its service area and continue to provide exactly the same services throughout the entire service area. These office moves involve no change in staff or technology and simply result in providing the same services to the same users through the same media only emanating from a different part of the service area. However, the NWS recognizes that many local communities continue to believe that their weather services will suffer if their local office is moved outside their boundaries, presumably the concern that prompted Congress to require certification when moving outside the local commuting and service area.

These proposed regulations define commuting area in terms of the basic population area served by an existing field office, relying primarily on the Metropolitan Areas (MA) which the Office of Management and Budget (OMB) has defined for statistical purposes. The relevant field offices are all located within a MA and the regulations ensure that these basic urban areas will not lose a field office that they have come to view as "theirs" until the Secretary certifies that there will be no degradation of service to the affected area. The fact that commuting patterns are a significant element in determining MA's makes these areas particularly appropriate for use in this context. In those cases where a field office is located within a Consolidated Metropolitan Statistical Area, which can be quite extensive, the local commuting and service area is defined in terms of the Primary Metropolitan Statistical Area within the Consolidated Area. NWS specifically requests comments on the appropriateness of the use of these areas for purposes of these regulations.

Finally, the definition clarifies that a field office is "relocated" only when the entire office is moved at one time. An entire office is not relocated, for example, when a WSFO transfers its forecasters to the site of a future WFO or when the remainder of that WSFO which has continued to carry out observations at the existing site (the "residual WSO") is finally automated and/or consolidated, after these actions have been certified. Similarly, the definition of "change operations" clarifies that "a move inside the local commuting and service area" occurs only if the entire office is involved. These clarifications simply ensure consistency between the definitions of "relocate," "consolidate" and "change operations" so that certifications will occur at the appropriate time.

Clearly the scope of both the notification requirements for "change operations" and the certification requirements themselves depend on the definition of "field office." The previously proposed regulations defined

the term, "Field Office" as a WSFO or a WSO in line with the long standing NWS interpretation and the Act adopted this definition. Other offices such as River Forecast Centers, the National Hurricane Center or Severe Storm Laboratory, or the Weather Service Meteorological Observatories are not covered.

Finally, the regulations propose to modify the definition of "decommission" which was somewhat broadly defined in the previously proposed regulations to include every situation where official responsibility for providing weather data is withdrawn from an existing radar. The present regulations recognize two situations where official responsibility is withdrawn and transferred to back-up radars and where "decommissioning" is not the appropriate term. The first of these is where the radar or part of the system fails and it is necessary to seek emergency backup until the radar can be restored.

The second situation involves 14 radars, defined as "Category 1 radars," which will be replaced by NEXRADs built on the precise site or on an immediately adjacent site within 400 feet. Because of physical and/or electromagnetic interference, these radars must be dismantled before construction of the NEXRAD begins. In these situations too, official responsibility must be transferred to a backup radar until the replacement radar is commissioned.

Transferring responsibility to a backup radar is a change of operations as discussed earlier and is, therefore, subject to the notification requirements of section 706(a) when undertaken pursuant to the Strategic Plan, i.e., to replace a Category 1 radar. Notification is not feasible in the case of system failure and is not required by the Act.

The Notification provisions (§ 946.3) are similar to those in the previously proposed regulations except that the new section incorporates the new statutory requirement that the National Implementation Plan for fiscal year 1994 and succeeding years must accompany the Department of Commerce's annual budget documents for those years. This section of the regulations also contains a new provision allowing the NWS to adjust its modernization schedule between the annual cycles in an appropriate amendment of the Plan. This amendment must be provided to Congress 90 days before taking any action in the amended Plan.

The proposed regulations contain two sections setting forth procedures applicable to changes in operations (§§ 946.5 and 946.6). Section 946.5 deals with commissioning and decommissioning observing systems and outlines the basic elements that must be satisfied. These provisions are subject to appropriate regard to public comment and opinions from the NRC.

Section 946.5 recognizes that the criteria for commissioning and decommissioning will be set forth in the NWS' Commissioning and Decommissioning Plans and describes the process for reviewing these criteria by the NRC and others. The NWS will continue to commission NEXRAD and ASOS units during this review but will reexamine those units commissioned during this time in light of any applicable revisions to the criteria.

Section 946.5 also incorporates a new requirement for consultation with the FAA prior to commissioning an ASOS to ensure continued compliance with the FAA's flight aviation rules.

Section 946.6 deals with transfers of responsibilities and moves within local commuting and service areas, elaborating on concepts already discussed in connection with the definitions of "change in operations" and "relocation."

The basic certification procedures proposed for public comment at this time are contained in § 946.7 and include the new statutory elements and the expanded review process, all of which have been described earlier. This section recognizes that more detailed guidance will be contained in the final certification criteria to be published after consultation with the NRC and the Committee. In contrast to commissioning new observation systems, actions requiring certifications themselves will not take place until the final criteria have been published.

Sections 946.7 (d) through (f) specify the evidence required by section 706(b) to support three types of certifications. Subsections (d) and (e) deal with consolidations and automations, respectively, and prescribe essentially the same elements as did the previously proposed regulations. Generally, these certifications are based on the results of the on-site testing involved in commissioning the new technology and decommissioning the old.

Section 946.7 (f) addresses relocations which were not addressed previously because none were anticipated. Under the new legislation and these regulations, one field office will be "relocated," as that term is defined, the WSFO at Redwood City, California. This office has no observation responsibilities and will move its entire operation to Monterey, California, a site that is outside the local commuting area, though still within the same service area.

The evidence to support this certification cannot be based on the type of on-site testing that leads to a consolidation or automation because no new equipment is involved. Unlike the tests conducted when commissioning a NEXRAD or ASOS, which are completed before existing operations are discontinued, the on-site tests involved in a relocation cannot begin until the equipment is moved from the old office to the new office. (Much of this equipment is no longer manufactured and spare units are not even available within the NWS; consequently, it is impossible to test duplicate equipment at the new office before shutting down the old.) If the NWS were to base the evidence for this certification on the actual results of testing the relocated equipment at the new office, it would then have to wait at least 60 days while it published the certification before resuming operation. This would be clearly contrary to Congressional intent because it would result in a serious degradation of services.

However, since the relocated office will provide the same area with exactly the same services and products using the same equipment and communications systems, ensuring that no degradation will result is essentially a matter of ensuring proper coordination with users and proper installation of the equipment and communications lines at the new location.

Consequently, § 946.7(f) provides that the "evidence based upon operational demonstration of modernized weather service operation" required for certification will be based on the results of similar moves within a service area which have already been completed. The NWS has developed proven procedures to enable the responsible meteorologist to determine that the new office is functioning properly prior to resuming operations. Comments of affected users about the proposed move will also be obtained and reviewed. Interested and affected users will be afforded the full 60-day comment period on the adequacy of the proposed certification while the existing office is still operational and before the old office has been disconnected. The relocated office will become fully operational as quickly as possible.

Section 946.10 incorporates the statutory requirement that a liaison officer be provided.

A. Classification Under Executive Order 12291

NOAA has concluded that these regulations are not major because they will not result in:

(1) An annual effect on the economy of $100 million or more;

(2) A major increase in costs or prices for consumers, individual industries, Federal, state or local government agencies, or geographic regions; or

(3) 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.

These proposed regulations establish procedures and criteria for certifying that certain actions to modernize NWS will not result in any degradation of weather services to the affected service area. They will not result in any direct or indirect economic or environmental impacts.

B. Regulatory Flexibility Act Analysis

The regulations set forth procedures certifying "no degradation" of weather services to areas affected by the closure, consolidation, automation or relocation of a field office in the course of modernizing NWS. Since these proposed regulations relate to the internal management of the National Weather Service, notice-and-comment rulemaking is not required. A Regulatory Flexibility Analysis is therefore not required for this Notice of Proposed Rulemaking. These rules do not directly affect "small government jurisdictions" as defined by Public Law 96–354, the Regulatory Flexibility Act.

C. Paperwork Reduction Act of 1980

These regulations will impose no information collection requirements of the type covered by Public Law 96–511, the Paperwork Reduction Act of 1980.

D. E.O. 12612

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

E. National Environmental Policy Act

NOAA has concluded that publication of the proposed rules does not constitute a major Federal action significantly affecting the quality of the human environment. Therefore, an environmental impact statement is not required. A programmatic Environmental Impact Statement (EIS) regarding NEXRAD was prepared in November 1984, and an Environmental Assessment to update the portion of the EIS dealing with the bioeffects of NEXRAD non-ionizing radiation is being reviewed.

List of Subjects in 15 CFR Part 946

Administrative practice and procedure, National Weather Service, Weather service modernization.

Dated: April 2, 1993.

Elbert W. Friday, Jr.,

Assistant Administrator for Weather Services.

Accordingly, it is proposed to amend subchapter C of title 15 of the CFR by adding a new part 946 as follows:

PART 946—MODERNIZATION OF THE NATIONAL WEATHER SERVICE

Sec.

946.1 Purpose.
946.2 Definitions.
946.3 Notification of change in operations and restructuring.
946.4 Menu of services.
946.5 Change in operations—commissioning and decommissioning.
946.6 Change in operations—transferring responsibility and moving field offices.
946.7 Preparation of proposed certification for restructuring.
946.8 Review of proposed certification for restructuring.
946.9 Certification of restructuring.
946.10 Liaison officer.

Authority: Pub. L. 102–567, 106 Stat. 4303, Title VII (15 U.S.C. 313 note).

§ 946.1 Purpose.

(a) This subpart sets forth the procedures for certification by the Secretary of Commerce that the closure, consolidation, automation or relocation of any field office of the National Weather Service (NWS) pursuant to the implementation of the Strategic Plan for the Modernization of the NWS will not result in any degradation of weather services. Section 706 of Public Law 102–567 requires that no such field office be closed, consolidated, automated, or relocated until such certification is made. This subpart distinguishes these modernization activities which require certification from those changes in operations at a field office which do not require certification.

(b) This subpart, including specifically those sections which determine when certifications are required, is intended to promote confidence that public safety is being adequately considered during the modernization process. It is not intended to affect in any way the personnel rights of employees affected by the process as determined by other regulations of NOAA, the Office of Personnel Management, and the General Services Administration. In particular, a determination that the move of a field office is not a "relocation" for purposes of these regulations does not affect an employee's rights to relocation assistance.

§ 946.2 Definitions.

Automate (or automation) means to replace employees performing surface observations at a field office with automated weather service observation equipment. For the purposes of this definition, an employee performing surface observations is replaced when he or she is:

(1) Removed from Federal service because of new technology or equipment;

(2) Removed from a field office because that office is no longer performing the surface observations; or

(3) Formally requested to cease performing any observational responsibilities.

Category 1 radar means an existing NWS radar which is to be replaced by a NEXRAD on the same site or on an adjacent site (within 400 feet) from which the two radars cannot operate concurrently. A Category 1 radar must be turned off and dismantled before a replacement NEXRAD can be built and/or operationally demonstrated and commissioned.

Change operations at a field office means to transfer service responsibility, commission weather observation systems, decommission a National Weather Service radar, move an entire field office to a new location inside the local commuting and service area, or significantly change the staffing level of a field office except where the staffing change constitutes a consolidation or automation.

Close (or closure) means to remove all weather services, equipment, and personnel from a field office. It does not include a consolidation, automation, or relocation or a move of a field office to another location within the current local commuting and service area.

Commission means to officially charge a new observational technology (*e.g.*, NEXRAD and ASOS) with responsibility for providing weather data within a defined service area or to charge a new weather office support system (*e.g.*, AWIPS) with responsibility for supporting office operations.

Committee means the Modernization Transition Committee established by the Secretary as provided for by section 707 of Public Law 102–567.

Consolidate (or consolidation) means to remove some personnel from a field office (without closing that office) after the commissioning of one or more

NEXRADs, the decommissioning of the radar operated by that office, if any, and the combination of that office's responsibilities with those of another field office.

Decommission (or Permanently Decommission means to permanently withdraw existing official responsibility for providing weather data or weather office support from an existing technology which includes turning off the technology. It does not include temporarily withdrawing responsibility for providing radar data where this action results from (1) system failure or (2) the need to dismantle a Category 1 radar to allow construction and/or operation of a replacement NEXRAD.

Degradation of weather services means a decrease in (1) the inventory of the weather services or products provided to users in an affected service area; (2) the timeliness of the delivery of the services or products to users; or (3) the reliability or accuracy of the data on which such services or products depend, including specifically the reliability or accuracy of surface weather observations or of the data provided by existing weather radar coverage at an elevation of 10,000 feet.

Field office means a National Weather Service Office (WSO) or a National Weather Service Forecast Office (WSFO).

Inventory of Services means all of those weather services listed on the menu of services that are provided to the public by a field office in its service area prior to a transition action.

Local Commuting Area means the population center (or two or more neighboring ones) served by an existing field office and includes those surrounding localities that can reasonably be considered part of this single area for transportation purposes. The Local Commuting Area of any field office located in a Metropolitan Area defined by the office of Management and Budget for statistical purposes shall be the Metropolitan Statistical Area or Primary Metropolitan Statistical Area.

Menu of Services means all of the weather services currently provided by the NWS and listed in section 946.4.

National Implementation Plan means the plan submitted to Congress as part of the budget justification documents for Fiscal Year 1994 and for each subsequent fiscal year until the modernization is complete.

Regional Director means the Director of one of the six geographical regions of the NWS.

Relocate (or Relocation) means to move an entire field office, including all personnel positions, equipment and service responsibility to a location outside the current local commuting or service area of that field office.

Responsible Meteorologist means an employee of the NWS in charge of the office that will be responsible for providing weather services to the area affected by a closure, consolidation, automation, or relocation of a field office.

Restructure means to close, consolidate, automate, or relocate a field office.

Secretary means the Secretary of Commerce or his or her delegate.

Service Area means the geographical area for which an existing field office provides weather services or conducts observations.

Strategic Plan means the 10-year strategic plan for the modernization of NWS which was submitted to the Congress by the Secretary on March 10, 1989.

Weather service means a service or product provided to a service area by a field office.

§ 946.3 Notification of changes in operations and restructuring.

(a) Beginning with the fiscal year 1994 budget submission to Congress and until the modernization is complete, the NWS will submit to Congress annually a National Implementation Plan. The NWS may amend a Plan prior to the submission of the next Plan to include modifications provided that notification of any additional proposed changes in operations or identification of any additional proposed restructuring actions shall be provided to Congress at least 90 days prior to the date of the action.

(b) The NWS will not change operations at nor restructure any field office after September 30, 1993, pursuant to the implementation of the Strategic Plan unless it has provided notification of the relevant action in the most current edition of the National Implementation Plan, or an amendment thereof, and has complied with all requirements of these regulations.

§ 946.4 Menu of services.

Surface Observations
Upper Air Observations
Radar Observations
Public Forecasts and Warnings
Aviation Forecasts and Warnings
Marine Forecasts and Warnings
Hydrologic Forecasts and Warnings
Fire Weather Forecasts and Warnings
Agricultural Forecasts and Advisories
NOAA Weather Radio Broadcasts
Climatological Services
Emergency Management Support
Special Products and Service Programs

§ 946.5 Change in operations—commissioning and decommissioning.

(a) Before commissioning any new NEXRAD or ASOS weather observation system, the NWS shall prepare a Commissioning Report documenting that the system involved will perform to the Government's specifications; the system has been tested on site and performs reliably; satisfactory maintenance support is in place; sufficient staff with adequate training are available to operate the system; technical coordination with weather service users has been completed; and the system satisfactorily supports field office operations.

(b) The Report required by paragraph (a) of this section shall be based on the scientific and technical criteria (including all requirements and procedures) set forth in the NWS' NEXRAD and ASOS Commissioning Plans, as appropriate, revised in accordance with paragraph (d) of this section. In the case of an ASOS commissioning, the Report shall also document that the NWS has consulted with the Federal Aviation Administration (FAA) and has determined that the weather services provided after commissioning will continue to be in full compliance with the applicable FAA flight aviation rules.

(c) Before decommissioning any NWS radar, the NWS shall prepare a Decommissioning Report documenting that all replacement radars needed to provide equal coverage have been commissioned; confirmation of services with users has been completed; and that the radar being decommissioned is no longer needed to support field office operations. This Decommissioning Report shall be based on the scientific and technical criteria (including all requirements and procedures) contained in the NWS' NEXRAD Decommissioning Plan as revised in accordance with paragraph (d) of this section. The NWS shall not decommission any NWS radar under this subsection until the final criteria have been adopted.

(d) The NWS will review the criteria contained in its Commissioning and Decommissioning Plans in effect on the date of these regulations and make necessary revisions taking into account the report of the National Research Council (NRC) required by section 704 assessing these criteria; the results of its consultations with the NRC and the Committee; and public comment on any proposed revisions to these criteria which will be solicited for at least 30 days prior to adoption of the final criteria.

(e) If the final criteria adopted pursuant to paragraph (d) of this section

significantly modify the criteria upon which the previous commissioning of a NEXRAD and/or ASOS were based, the NWS shall confirm that the relevant system conforms with the final criteria adopted.

§ 946.6 Change in Operations—Transferring Responsibility and Moving Field Offices.

(a) After providing any notification required by § 946.3(b), NWS may change operations at a field office to implement the Strategic Plan, including:

(1) Transferring its official responsibility for taking radar observations to a NEXRAD Weather Service Forecast Office (NWSFO) or a NEXRAD Weather Service Office (NWSO) that is being established as a future Weather Forecast Office following commissioning of the NEXRAD at the new office;

(2) Transferring its official responsibility for taking observations from a Category 1 radar to a backup radar or radars in order to dismantle the Category 1 radar prior to constructing and/or operating a replacement NEXRAD. Before transferring responsibility, the Responsible Meteorologist shall document that technical coordination with users has been completed and that the transition to the replacement radar can be completed expeditiously;

(3) Transferring its service responsibility for issuing watches, warnings, forecasts and other products to a NWSFO or NWSO;

(4) Significantly reducing its staffing level by transferring or reassigning personnel to support the service responsibilities transferred under paragraph (a)(3) of this section provided that the field office continues to assign the appropriate number of positions established by the NWS Operations Manual to carry out its observation responsibilities; and

(5) Moving an entire field office to a location within the local commuting and service area of that office.

(b) A field office may not significantly reduce its staffing level assigned to support any observation responsibility, including those responsibilities transferred under paragraph (a)(2) of this section and those retained under paragraph (a)(4) of this section, until the Secretary has certified that the automation and/or consolidation will not degrade service in accordance with § 946.7.

(c) In accordance with section 704 of the Act, the NWS will review the criteria used in evaluating staffing needs at field offices taking into account the report of the NRC required by section 704(a), the results of its consultations with the NRC and the Committee, and public comment which will be solicited for at least 30 days before adoption.

§ 946.7 Preparation of proposed certification for restructuring.

(a) Whenever it becomes appropriate to restructure a field office identified in the National Implementation Plan, but prior to taking such action, the Responsible Meteorologist shall prepare a proposed certification that there will be no degradation of service. The proposed certification shall be prepared in accordance with this section. The proposed certification may address all related restructuring actions that occur as part of a coordinated step described in the National Implementation Plan.

(b) The proposed certification shall include (1) a description of local weather characteristics and weather-related concerns which affect the weather services provided within the service area; (2) a detailed comparison of the services provided within the service area prior to such action and the services to be provided after such action; (3) any recent or expected modernization of NWS operations which will enhance services to the affected area; (4) an identification of any area within any state which will not receive NEXRAD coverage at an elevation of 10,000 feet; (5) evidence based upon operational demonstration of modernized National Weather Service operations which supports a determination that no degradation in service will result; and (6) any report of the Committee issued under section 707(c) of the Act.

(c) In preparing the comparison of services for a certification, the Responsible Meteorologist shall prepare (1) a current inventory of services for the relevant field office; (2) a detailed list of weather services which will be provided to the service area after the transition action is completed; and (3) a Confirmation of Services report including a list of those users contacted during the confirmation process to ensure that services will not be degraded. These users shall include the appropriate Federal Aviation Administration official if the restructuring involves a field office located at an airport and consultation with the FAA has not been conducted in accordance with § 946.5(b).

(d) If the restructuring proposed to be certified involves the commissioning of a NEXRAD, the Responsible Meteorologist shall base the certification on evidence from operational demonstration of modernized operations to support the conclusion that no degradation of service will result including:

(1) The Commissioning Report containing the elements described in § 946.5(a);

(2) The Decommissioning Report containing the elements described in § 946.5(c); and

(3) The Confirmation of Services Report.

(e) If the restructuring proposed to be certified involves the commissioning of an ASOS unit, the Responsible Meteorologist shall base the certification on the following evidence from operational demonstration of modernized operations, to support the conclusion that no degradation of service will result:

(1) The Commissioning Report containing the elements described in § 946.5(a);

(2) The NWS Surface Observation Modernization Report documenting that manual observations being discontinued are no longer needed to provide mission field services, based on the scientific and technical criteria (including all requirements and procedures) finally adopted by the NWS in accordance with paragraph (g) of this section;

(3) The Confirmation of Services Report; and

(4) Any other documentation necessary.

(f) If the restructuring proposed to be certified involves the relocation of a field office, the Responsible Meteorologist shall base the certification on the following evidence from operational demonstration of modernized operations, to support the conclusion that no degradation in service will result:

(1) Evidence resulting from earlier modernization actions in which an entire field office was moved from one location to another including specifically the impact of such moves on services;

(2) A checklist, to be completed by the Responsible Meteorologist, setting forth all operational tests and inspections that will be performed at the new location to ensure that the relocated equipment is fully operational.

(3) A list of all users notified prior to the relocation, and a list of the contacts that will be made with the relevant users to confirm operational status after the relocation;

(4) Comments received from notified users and those received during the public comment period; and

(5) Any other documentation necessary.

(g) In accordance with section 704 of the Act, the NWS will publish its final criteria for certifying restructuring

actions. These criteria shall include the criteria contained in:

(1) The Commissioning and Decommissioning Plans published in accordance with § 946.5(e);

(2) The Confirmation of Services Reports required by this section as evidence for any certification involving the commissioning of a NEXRAD or ASOS;

(3) The Surface Observation Modernization Plan required by this section as evidence for any certification involving an ASOS; and

(4) The checklist required by paragraph (f) of this section.

These criteria will take into account the mandated report of the NRC, the results of consultations with the NRC and the Committee, and public comment which will be solicited for at least 30 days. The NWS will not certify any restructuring action until the final criteria have been published. In addition, the NWS shall not close any Field Office before January 1, 1996.

§ 946.8 Review of proposed certification for restructuring.

The Responsible Meteorologist shall transmit the proposed certification and the accompanying documentation to the Regional Director for review. The Regional Director may amend or supplement the documentation provided subsequent readers can easily identify his or her amendments or supplements. If the Regional Director agrees with the proposed certification, he or she shall endorse the proposed certification, and transmit it along with all the accompanying documentation to the Secretary.

§ 946.9 Certification of restructuring.

(a) The Secretary shall publish each proposed certification in the **Federal Register** at least 60 days prior to certification. If, after consideration of the public comments received, the Secretary agrees that the proposed restructuring will not result in any degradation of service to the service area, he or she shall so certify by submitting a certification report to Congress. Upon transmittal of the certification by the Secretary, NWS shall promptly publish the certification in the **Federal Register** stating where copies of the certification and the accompanying documents may be obtained.

(b) The Responsible Meteorologist may restructure only after the certification has been submitted to Congress.

(c) Any field office for which restructuring has been certified under this section shall also be subject to additional certification if that office is closed during stage 2 of the modernization (after January 1, 1996).

§ 946.10 Liaison officer.

Prior to restructuring a field office, the Responsible Meteorologist shall designate at least one person in the affected service area whose duties shall be to act as a liaison officer for at least a 2-year period and:

(a) Provide timely information regarding the activities of the NWS which may affect service to the community including specifically modernization and restructuring activities; and

(b) Work with area users, including persons associated with general aviation, civil defense, emergency preparedness, and the news media, with respect to the provision of timely weather warnings and forecasts.

[FR Doc. 93–8146 Filed 4–7–93; 8:45 am]

BILLING CODE 3510–12–M

federal register

Thursday
April 8, 1993

Part IV

Department of the Interior

Bureau of Indian Affairs

Indian Gaming; Notice

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

Indian Gaming

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice of approved tribal-state compact.

SUMMARY: Pursuant to 25 U.S.C. 2710, of the Indian Gaming Regulatory Act of 1988 (Pub. L. 100–497), the Secretary of the Interior shall publish, in the **Federal Register**, notice of approved Tribal-State Compacts for the purpose of engaging in Class III (casino) gambling on Indian reservations. The Assistant Secretary—Indian Affairs, Department of the Interior, through his delegated authority, has approved Amendment Three to the Tribal-State Compact for the Crow Creek Sioux Tribe and the State of South Dakota, enacted on December 11, 1992.

DATES: This action is effective on April 8, 1993.

FOR FURTHER INFORMATION CONTACT: Hilda Manuel, Director, Indian Gaming Management Staff, Bureau of Indian Affairs, Washington, DC 20240, (202) 219–4068.

Dated: March 26, 1993.

Eddie F. Brown,

Assistant Secretary, Indian Affairs.

[FR Doc. 93–8236 Filed 4–7–93; 8:45 am]

BILLING CODE 4310–02–M

federal register

Thursday
April 8, 1993

Part V

Department of the Interior

Bureau of Indian Affairs

Receipt of Petition for Federal Acknowledgment of Existence as an Indian Tribe; Notice

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

Receipt of Petition for Federal Acknowledgment of Existence as an Indian Tribe

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice.

SUMMARY: This is published in the exercise of authority delegated by the Secretary of the Interior to the Assistant Secretary—Indian Affairs by 209 DM 8.

Pursuant to 25 CFR 83.8(a) (formerly 25 CFR 54.8(a)) notice is hereby given that the Council for the Benefit of Colorado Winebagoes, c/o Janice E. Stott, P.O. Box 31397, Aurora, Colorado 80041, has filed a petition for acknowledgment by the Secretary of the Interior that the group exists as an Indian tribe. The petition was received by the Bureau of Indian Affairs (BIA) on January 26, 1993, and was signed by members of the group's governing body.

This is a notice of receipt of petition and does not constitute notice that the petition is under active consideration. Notice of active consideration will be sent by mail to the petitioner and other interested parties at the appropriate time.

Under § 83.8(d) (formerly 54.8(d)) of the Federal regulations, interested parties may submit factual and/or legal arguments in support of or in opposition to the group's petition. Any information submitted will be made available on the same basis as other information in the BIA's files. Such submissions will be provided to the petitioner upon receipt by the BIA. The petitioner will be provided an opportunity to respond to such submissions prior to a final determination regarding the petitioner's status.

ADDRESSES: The petition may be examined, by appointment, in the Department of the Interior, Bureau of Indian Affairs, Branch of Acknowledgment and Research, room 1362–MIB, 1849 C Street, NW., Washington, DC 20240, Phone: (202) 208–3592.

FOR FURTHER INFORMATION CONTACT: Holly Reckord, (202) 208–3592.

Dated: February 26, 1993.

Eddie F. Brown,

Assistant Secretary—Indian Affairs.

[FR Doc. 93–8237 Filed 4–7–93; 8:45 am]

BILLING CODE 4310–02–M

federal register

Thursday
April 8, 1993

Part VI

Department of Transportation

Coast Guard

33 CFR Part 151

Ballast Water Management for Vessels Entering the Great Lakes; Rule

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 151

[CGD 91-066]

RIN 2115-AD80

Ballast Water Management for Vessels Entering the Great Lakes

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: The Coast Guard is issuing regulations to require Ballast Water Management practices for each vessel entering the Great Lakes After operating on waters beyond the Exclusive Economic Zone. These requirements, which will replace voluntary guidelines published on March 15, 1991, will help to prevent the additional introduction of nonindigenous aquatic nuisance species through the ballast water of vessels entering the Great Lakes.

EFFECTIVE DATE: May 10, 1993.

ADDRESSES: Unless otherwise indicated, documents referenced in this preamble are available for inspection or copying at the office of the Executive Secretary, Marine Safety Council (G-LRA/3406), U.S. Coast Guard Headquarters, 2100 Second Street, SW., room 3406, Washington DC 20593-0001 between 8 a.m. and 3 p.m., Monday through Friday, except Federal holidays. The telephone number is (202) 267-1477.

FOR FURTHER INFORMATION CONTACT: Lieutenant Jonathan C. Burton, Project Manager, Division of Marine Environmental Protection (G-MEP-1), (202) 267-6714.

SUPPLEMENTARY INFORMATION:

Drafting Information

The principal persons involved in drafting this document are Lieutenant Jonathan C. Burton, Project Manager, Marine Environmental Protection Division, and Ms. Helen Boutrous, Project Counsel, Office of Chief Counsel.

Regulatory History

On October 2, 1992, the Coast Guard published a notice of proposed rulemaking entitled "Ballast Water Management For Vessels Entering the Great Lakes" in the **Federal Register** (57 FR 45591). The Coast Guard received eleven letters commenting on the proposal. One individual requested a public hearing to educate the public on general information about nonindigenous aquatic nuisance species. The request did not specify any need to hold a public hearing on the proposed regulations. The Coast Guard determined, therefore, that a public hearing was not necessary and one was not held.

Background and Purpose

This final rule implements the regulatory requirements of the Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990. Historical records suggest that over 100 non-native species have been introduced into the Great Lakes. The introduction of non-native fish and other aquatic organisms through the discharge of ballast water alters the balance of the ecosystem, often to the detriment of the system. Scientists believe that in the 1980's alone, ballast water discharges have introduced six nuisance species to the Great Lakes: Two species of zebra mussel (*Dreissena polymorpha, Dreissena* sp.); the European ruffe (*Gymnocephalus cernuus*); the spiny waterflea (*Bythotrephes cederstroemi*); the tubenose goby (*Proterorhinus marmoratus*); and the round goby (*Neogobius melanostomus*).

Many vessels take on water as ballast in foreign harbors or in the nearshore waters. These waters are often rich in living organisms. When these vessels arrive in the Great Lakes to take on cargo, they discharge ballast water. Any organisms contained in the water then enter the Great Lakes.

Many of these transplanted species do not survive in this new environment. However, some of those that do survive quickly adapt and in some instances thrive in their new environment, particularly where there are no natural predators to control the species population growth. This uncontrolled population growth can be detrimental to a delicately balanced ecosystem.

The zebra mussel provides a good example of the harmful effects of a newly introduced species. In June 1988, this small bivalve mollusk, native to the Black, Azov, and Caspian Seas in eastern Europe, was discovered on the Canadian side of Lake Saint Clair in the Great Lakes. In July of that year, it was discovered on the United States side in the western basin of Lake Erie. Scientists believe that it was introduced in 1986 in its preadult planktonic phase by the discharge of freshwater ballast of vessels from northern Europe, where it has spread over the last century.

The zebra mussel is a major fouling pest-species: Hundreds of millions can be found on and in pipes, screens, conduits, boat bottoms, floats, buoys, rocks, submerged objects, and native animals and plants. As a filter-feeding organism, it removes vast quantities of microscopic organisms from the water, the same organisms that fish larvae and young fish rely upon for their food supply. It also completely covers rocks and other substrates normally used by Great Lakes fish for laying eggs.

Since its introduction into the Great Lakes, the zebra mussel has reproduced and spread to each of the Great Lakes, the Saint Lawrence River, and the Erie Canal. It now affects intakes to municipal water-filtration and electric power plants in Michigan, Ohio, and New York. The economic impact on communities affected by its introduction into the Great Lakes may reach $5 billion by the year 2000. Natural range expansion and secondary transfer media has led to its establishment in all connecting waters of the Great Lakes and eventually will lead to its establishment in many other North American rivers and lakes.

Solutions

Currently, the most practical method of helping to protect the Great Lakes from foreign organisms that may exist in discharged ballast water is the exchange of ballast water in the open ocean, beyond the continental shelf. Water in the open ocean contains organisms that are adapted to the physical, chemical, and biological conditions (such as high salinity) of the ocean. These organisms will not, or are unlikely to, survive if introduced into a freshwater system.

Another method of protecting the Great Lakes from nonindigenous species carried through ballast water is the retention of ballast water on board vessels while in the Great Lakes. Seals on the tanks or holds carrying ballast water will ensure that there is not an accidental or intentional discharge. However, most vessel operators loading and unloading cargo in the Great Lakes need to discharge ballast water, necessitating the ballast water exchange requirements of this final rule. Retention of ballast water as a method of ballast water management is discussed further under "Discussion of Comments and Changes".

In addition to ballast water exchange and retention, there are other possible methods of ballast water control. They include discharging ballast water to reception facilities ashore, heating or chemically treating ballast water, disinfecting ballast water with ultraviolet light, depriving ballast water of oxygen, installing filters, and modifying vessel design. However, there is a lack of research and practical experience on the cost, safety, effectiveness, and environmental impact of these methods.

International Recognition

The introduction and spread of nonindigenous species by vessel's ballast water has been a focus of attention at the International Maritime Organization (IMO). IMO, the United Nations' specialized agency for maritime affairs, recognizes this issue as an international problem, which requires an international solution. In November 1990, the Marine Environment Protection Committee (MEPC) of IMO formed a working group to consider research information and solutions proposed by member states of IMO and by nongovernmental organizations. The working group concluded that voluntary guidelines were the appropriate first step in addressing this problem. The group reviewed and modified the Canadian delegation's draft resolution and guidelines. The MEPC adopted the draft resolution and guidelines in July 1991. Those guidelines call for ballast water exchange in the open ocean as a primary method of helping to control the introduction of nonindigenous nuisance species.

Canadian Voluntary Guidelines

In May 1989, the Canadian Coast Guard introduced the first voluntary guidelines for controlling ballast water discharges into the Great Lakes. The Canadian Coast Guard developed these guidelines in full consultation with the United States Coast Guard, the Great Lakes Fishery Commission, and representatives of commercial shipping. These guidelines encouraged all vessels transiting the Eastern Canadian Region Vessel Traffic Service (ECAREG VTS) Zone inbound for the Saint Lawrence River and the Great Lakes to exchange freshwater ballast collected in foreign harbors or near coastal waters for saltwater ballast collected from the open ocean. This exchange was to occur far enough from any coastline such that the new ballast water contained few organisms, if any, that could survive in the freshwater of the Great Lakes.

United States Legislation

On November 29, 1990, the United States enacted the Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990 (Public Law 101–646, codified at 16 U.S.C. 4701 *et seq.*) (the Act). The Act required the United States Coast Guard, in consultation with the government of Canada, to issue voluntary guidelines to help prevent additional introduction and spread of aquatic nuisance species into the Great Lakes through the ballast water of vessels, by May 29, 1991. Joint United States and Canadian voluntary guidelines, which closely tracked the Canadian guidelines discussed above, went into effect on March 15, 1991 (56 FR 11330). Including vessels that achieved only partial exchange, participation by the commercial shipping industry has been high with an estimated 90 percent rate of voluntary compliance. The regulations adopted in this final rule replace the joint voluntary guidelines.

The Act requires that regulations be issued in consultation with the Task Force created by the Act. The Task Force, which includes the Director of the United States Fish and Wildlife Service, the Under Secretary of Commerce for Oceans and Atmosphere, the Administrator of the Environmental Protection Agency, and the Commandant of the United States Coast Guard, has other responsibilities as well, including establishing a program for waters of the United States to help prevent introduction and dispersal of aquatic nuisance species.

The Act requires that the regulations apply to vessels that enter a United States port on the Great Lakes after operating on the waters beyond the Exclusive Economic Zone (EEZ). The Act further requires that the regulations shall prohibit the operation of a vessel in the Great Lakes if the master of the vessel has not certified to the Secretary or Secretary's designee, by not later than the vessel's departure from the first lock in the St. Lawrence Seaway, that the vessel has complied with the requirements of the regulations.

The Act provides for civil and criminal penalties (16 U.S.C. 4711(c) and (d)). Any person who violates the regulations shall be liable for a civil penalty not to exceed $25,000. Each day of a continuing violation will constitute a separate violation. A vessel operated in violation of the regulations will be liable in rem for any civil penalty assessed for that violation. Any person who knowingly violates the regulations will be guilty of a class C felony. A class C felony is punishable by imprisonment of not more than 12 years (18 U.S.C. 3581(b)(3)) and a fine of not more than $250,000 for an individual or not more than $500,000 for an organization (18 U.S.C. 3571(c)(3)).

Discussion of Comments and Changes

General Comments

A number of comments noted spelling and other grammatical errors in the scientific names of species. The Coast Guard has corrected these errors in this final rule.

Several comments pointed out that ocean waters do not contain fewer organisms than fresh water, as erroneously stated in the NPRM, but rather, ocean waters contain organisms that will not, or are unlikely to, survive in fresh water. The Coast Guard has made the appropriate corrections in this final rule.

Five comments were strongly in favor of the regulations and called for firm enforcement. The Coast Guard will seek to vigorously enforce these regulations in accordance with its statutory authority and will continue to educate mariners on the problems associated with nonindigenous aquatic species importation.

One comment called for more stringent regulations. The Coast Guard has determined that the regulations adopted in this final rule accurately reflect the requirements of the Act and represent the most practical and effective ballast water management method available at this time. The Task Force will continue its efforts to develop more efficient and effective methods of protecting the Great Lakes from nonindigenous aquatic nuisance species.

Applicability (§ 151.1502)

Serveral comments expressed confusion over the applicability of the proposed rules. In response to these comments, the Coast Guard has revised the applicability section to clarify which vessels are subject to these regulations.

The Act states that the rules are to apply to all vessels (foreign or domestic) carrying ballast water that, after operating beyond the EEZ, enter a United States port on the Great Lakes. The Act defines the EEZ as including both the EEZ of the United States and the equivalent zone of Canada. The Great Lakes is defined to include the Saint Lawrence River to the Canadian border. Snell Lock at Massena, New York is the first U.S. port that vessels enter on the Great Lakes. Vessels travelling to any port on the Great Lakes must first enter Snell Lock. Accordingly, these regulations apply to only those vessels that have operated beyond the EEZ of both the United States and Canada and then enter Snell Lock. Vessels exclusively engaged in transit between ports within the United States or between ports within the United States and Canada, without entering waters beyond the EEZ of Canada and the United States, are not subject to these regulations.

One comment questioned whether the regulations apply to vessels that make stops after operating beyond the EEZ but before entering the Great Lakes. These

rules apply to vessels carrying ballast water that at any time during a voyage have operated on the waters outside of the EEZ and then enter Snell Lock. Therefore, vessels that make intermediate stops after operating beyond the EEZ and then enter Snell Lock are subject to the requirements of these regulations. For example, if a vessel travels from a foreign port such as Istanbul, to a port in the United States or Canada before entering Snell Lock, the vessel is subject to these regulations despite the fact that Snell Lock is not the first stop made by the vessel after operating beyond the EEZ. In this instance, absent extraordinary circumstances, any exchange of ballast water must take place outside of the EEZ either enroute to the vessel's first port of call or between that port and entering Snell Lock, provided that the exchange occurs beyond the EEZ in a depth of not less than 2,000 meters.

To further clarify the applicability of these rules, the Coast Guard has defined the term "voyage" to include intermediate port calls and has revised the definition of EEZ to include the equivalent zone of Canada as provided in the Act.

Ballast Water Management (§ 151.1510)

Since the publication of the NPRM the Coast Guard has gained additional experience in ballast water management through implementation of the joint voluntary guidelines. Through this experience, the Coast Guard has determined that operating ballast pumps until they lose suction, as proposed in the NPRM, could create a hazardous situation in some circumstances. The crucial factor in helping to prevent the spread of nonindigenous species carried through ballast water is the salinity of the ballast water released into the fresh water of the Great Lakes. Accordingly, § 151.1510 has been revised to require that mariners carry out ballast water exchanges such that at the conclusion of exchanges, tanks from which ballast water will be discharged into the Great Lakes contain water with a minimum salinity level of 30 parts per thousand. Because the typical salinity of water at high seas is 35 parts per thousand, mariners effecting complete ballast water exchanges will have no trouble meeting this standard. Salinity can be measured by Coast Guard or other officials designated by the Coast Guard Captain of the Port (COTP). The reporting requirements of § 151.1516 and onsite communication with mariners also will allow Coast Guard or other officials designated by the COTP to confirm compliance. The inclusion of a required salinity level for ballast water to be discharged into the Great Lakes, along with the deletion of the requirement calling for a vessel's pump to be run until it loses suction, will provide for a safe and effective method of ballast water management.

One comment noted that the retention of ballast water while in the waters of the Great Lakes is a method of ballast water management currently in use by mariners. The NPRM proposed, in § 151.1514, that this method of ballast water management would be allowed only as an alternative method under extraordinary circumstances. Since study on the nonindigenous aquatic nuisance species problem in the Great Lakes, began, the Coast Guard has recognized that the retention of ballast water on board a vessel could be both a simple and effective ballast water management method. However, the Coast Guard was concerned that if vessels carrying foreign ballast water were allowed into the waters of Great Lakes, the danger of accidental or intentional discharge would be too great, thereby calling into question the effectiveness of this form of ballast water management. The Coast Guard has determined that this problem can be addressed, as suggested in a comment, through the use of seals on vessels' tanks or holds containing ballast water. Coast Guard or other officials designated by the COTP, will place the seals on the tank or holds prior to the vessel exiting the Snell Lock, inbound for the Great Lakes and remove them when the vessel exits the Snell Lock, outbound from the Great Lakes. The Coast Guard has added a paragraph to § 151.1510 to include this ballast water management option, and to alert vessel operators that their ballast water tanks are subject to being sealed for the duration of their voyage within the Great Lakes if they choose this method of ballast water management. The Coast Guard has determined that this provision is not overly burdensome to mariners because masters of vessels not wishing to submit to this procedure are provided with the option of ballast water exchange as described in § 151.1514(a) or with the option of obtaining approval of an alternate method as described in § 151.1514(c). Inclusion of this ballast water management method, for which mariners have expressed support, along with the precautionary provision regarding placement of ballast water tank seals, will provide mariners with a simple, inexpensive, and effective method of protecting the waters of the Great Lakes.

One comment recommended that, in the interest of maintaining consistency, one entity, rather than the Captain of the Port, be provided with the authority to approve ballast water management alternatives. After considering this comment, the Coast Guard has determined that approval of alternative ballast water management methods by the Commandant will result in the most efficient and consistent approval process. In consideration of the time involved in submitting, analyzing, and approving potential alternative methods of ballast water management, requests should be submitted well in advance of a vessel's voyage.

On comment asked whether or not vessel operators are required to dispose of sediment from ballast water tanks under the rules. The comment noted that most mariners retain the sediment contained in ballast water tanks. The Coast Guard did not intend to require the disposal of sediment. However, recognizing that sediment in ballast water tanks is a potential vector for nonindigenous species, the Coast Guard is requiring that if sediment is separately discharged from the ballast water tanks of vessels subject to these regulations, the sediment must be disposed of ashore, in accordance with local requirements. The Coast Guard has revised § 151.1510 to clarify this requirement.

Ballast Water Management Alternatives Under Extraordinary Conditions (§ 151.1514)

One comment suggested that alternate ballast water discharge areas be specified in the rules. The establishment of alternative discharge areas must be based on the best scientific data available at any given time. Therefore, the Coast Guard has determined that it is appropriate for alternate discharge areas to be established as needed, after consultation with the government of Canada and other interested parties, by the Captain of the Port, Buffalo, NY. The Coast Guard has revised § 151.1514 to specify that requests under this provision be submitted to the Captain of the Port of the Zone that covers the Saint Lawrence River.

Compliance Monitoring (§ 151.1516)

One comment stated that the requirements of proposed § 151.1516 would not provide for sufficient assurance of mariners' compliance with the regulations. The comment suggested that mariners be required to install tamper-proof devices capable of measuring and recording ballast water salinity and temperature that could be remotely read by any U.S. Coast Guard Marine Safety Office. The comment stated that remote reading devices are in use by utility companies. The Coast

Guard has determined that, given present technology in the maritime industry, it is not feasible to require remote salinity testing devices. In order to assure compliance with the regulations, the Coast Guard will develop protocols to provide guidance for boarding officers monitoring mariners subject to these regulations.

One comment suggested that a standard form be adopted for reporting the information required by § 151.1516(a). It is the Coast Guard's position that a standard form is not necessary and would be an undue burden and expense on both industry and the Federal government.

Regulatory Evaluation

This final rule is not major under Executive Order 12291 and not significant under the "Department of Transportation Regulatory Policies and Procedures" (44 FR 11040; February 26, 1979). A final Regulatory Evaluation is available in the docket for inspection or copying where indicated under ADDRESSES.

The Coast Guard estimates that the impact of the regulations on United States flag vessels will be minimal. Due to size constraints, only smaller vessels are able to transit the Saint Lawrence River. Such U.S. vessels generally do not engage in foreign voyages which would place them on waters beyond the EEZ. Only vessels that have operated on waters beyond the EEZ and enter a port on the Great Lakes will be subject to the requirements of the regulations. During the 1990 shipping season, 455 foreign oceangoing vessels entered the Saint Lawrence River. Of these, 198 or 44 percent carried ballast water and would have been subject to the rules. It is not expected that the number of vessels entering the Saint Lawrence River will increase. The number has declined in recent years. The typical ocean carrier bound for the Great Lakes in full ballast condition could have on board from 7,000 to 10,000 tons of ballast water. Canadian officials determined in 1990 that, including the cost of diesel fuel, power generating costs to operate the pumps to effect a ballast water exchange would have cost approximately $900 per vessel. Manpower costs will not be an appreciable factor since the exchange will be conducted by crew members already employed on the vessel for the voyage. Reporting and recordkeeping costs will add $35 per vessel. The time lost due to decrease in speed necessary to effect a ballast water exchange will be minimal because the ships affected by the rules should be able to effect the exchange while in transit on the high seas. Adding a 10 percent factor for wear and tear, plus 4 percent each year for inflation, the total cost per vessel in 1993 will be $1,147. Therefore, the estimated cost to foreign vessels for 1993, assuming 200 foreign vessels will be affected at a cost of $1,147 per vessel, will be $229,400. Total costs through the year 2000 are estimated to be $2,113,744. The Coast Guard expects that costs to consumers will be minimal. Assuming that all costs will be passed on to the consumer, the cost per ton of foreign cargo on vessels subject to the regulations will increase $.099 per ton in 1993 and $.910 through the year 2000.

Measures to help prevent the introduction of nonindigenous species into the Great Lakes will be of great benefit. The over 100 non-native species introduced into the Great Lakes in the last 100 years have had a profound effect on the native species and the economic welfare of the Great Lakes area. The economic impact on communities affected by the introduction of the zebra mussel may reach $5 billion by the year 2000. The experience of the zebra mussel infestation demonstrates the tremendous benefit of implementing regulations to help prevent the introduction of nonindigenous nuisance species before they become established in an ecosystem.

Small Entities

The Coast Guard has not identified any United States flag vessels that routinely enter the Great Lakes after operating on waters beyond the EEZ. The Coast Guard estimates the impact on foreign flag vessels to be minimal. Therefore, the Coast Guard certifies under section 605(b) of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) that this rule will not have a significant economic impact on a substantial number of small entities.

Collection of Information

This rule contains a collection of information requirements. The Coast Guard has submitted the requirements to the Office of Management and Budget (OMB) for review under section 3504(h) of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*), and OMB has approved them. The section number is § 151.1516 and the corresponding OMB approval number is OMB Control Number 2115–0598.

Federalism

The Coast Guard has analyzed this final rule in accordance with the principles and criteria contained in Executive Order 12612 and has determined that this final rule does not have sufficient federalism implications to warrant preparation of a Federalism Assessment.

The authority to issue regulations requiring ballast water management practices for vessels entering the Great Lakes has been committed to the Coast Guard by the Act. Standardizing the minimum requirements for vessels entering the Great Lakes after operating in waters beyond the EEZ is necessary to effectively help prevent additional introductions of nonindigenous species. Therefore, the Coast Guard intends this rule to preempt State and local regulations that are inconsistent with the requirements of this rule. These regulations were developed in consultation with the Task Force which is charged with coordinating action among, and providing technical assistance to, regional, State, and local entities regarding environmentally sound approaches toward prevention and control of aquatic nuisance species. Additionally, in accordance with the Act, the Coast Guard has consulted with the Government of Canada throughout the development of the guidelines and regulations in order to develop an effective international program.

Environment

The Coast Guard considered the environmental impact of this rule and concluded that preparation of an environmental impact statement is not necessary. An Environmental Assessment and a Finding of No Significant Impact are available for inspection or copying where indicated under ADDRESSES. Most of the comments received expressed support for the proposed regulations as a means to help reduce the introductions of nonindigenous aquatic nuisance species into the Great Lakes. No comments were received on the draft Environmental Assessment. The exchange of ballast water in the open ocean will benefit the Great Lakes Environment by helping to prevent the additional introduction of nonindigenous nuisance species through the ballast water of vessels, which has caused millions of dollars of damage to date. Initial study has concluded that the discharging of vessels' seawater ballast into Great Lakes ports does not constitute a sufficiently high volume of water to change the salinity or temperature levels of the local waters. Species contained in water collected from the open ocean are unlikely to survive a fresh water environment. Vessels retaining ballast water will employ a ballast water management method which results in no impact on the environment. Therefore, the Coast Guard concludes

that the regulations will have no significant impact on the environment.

List of Subjects in 33 CFR Part 151

Administrative practice and procedure, Oil pollution, Penalties, Reporting and recordkeeping requirements, Water pollution control.

For the reasons set out in the preamble, the Coast Guard amends 33 CFR part 151 as follows:

1. The heading for part 151 is revised to read as follows:

PART 151—VESSELS CARRYING OIL, NOXIOUS LIQUID SUBSTANCES, GARBAGE, MUNICIPAL OR COMMERCIAL WASTE, AND BALLAST WATER

2. Subpart C, consisting of §§ 151.1500 through 151.1516, is added to read as follows:

Subpart C—Ballast Water Management for Control of Nonindigenous Species

Sec.

151.1500 Purpose.
151.1502 Applicability.
151.1504 Definitions.
151.1506 Restriction on operation.
151.1508 Revocation of clearance.
151.1510 Ballast water management.
151.1512 Vessel safety.
151.1514 Ballast water management alternatives under extraordinary conditions.
151.1516 Compliance monitoring.

Subpart C—Ballast Water Management for Control of Nonindigenous Species

Authority: 16 U.S.C. 4711; 49 CFR 1.46.

§ 151.1500 Purpose.

The purpose of this subpart is to implement the provisions of the Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990 (16 U.S.C. 4701 *et seq.*).

§ 151.1502 Applicability.

This subpart applies to each vessel that carries ballast water and that after operating on the waters beyond the Exclusive Economic Zone during any part of its voyage enters Snell Lock, at Massena, New York, regardless of other port calls in the United States or Canada during that voyage.

§ 151.1504 Definitions.

The following terms are defined as used in this subpart.

Ballast water means any water used to manipulate the draft, trim, or stability of a vessel, regardless of how it is carried on the vessel.

Captain of the Port (COTP) means the Coast Guard officer designated as COTP of the Buffalo, NY, Marine Inspection Zone and Captain of the Port Zone described in part 3 of this chapter or an official designated by the COTP.

Commandant means the Commandant of the Coast Guard or an authorized representative.

Exclusive Economic Zone (EEZ) means the area established by Presidential Proclamation Number 5030, dated March 10, 1983, (48 FR 10605, 3 CFR, 1983 Comp., p. 22), which extends from the base line of the territorial sea of the United States seaward 200 miles, and the equivalent zone of Canada.

Environmentally sound method means methods, efforts, actions, or programs, either to prevent introductions or to control infestations of aquatic nuisance species, that minimize adverse impacts to the structure and function of an ecosystem, minimize adverse effects on non-target organisms and ecosystems, and that emphasize integrated pest management techniques and non-chemical measures.

Great Lakes means Lake Ontario, Lake Erie, Lake Huron (including Lake Saint Clair), Lake Michigan, Lake Superior, and the connecting channels (Saint Mary's River, Saint Clair River, Detroit River, Niagara River, and Saint Lawrence River to the Canadian border), and includes all other bodies of water within the drainage basin of such lakes and connecting channels.

Port means a terminal or group of terminals or any place or facility that has been designated as a port by the COTP.

Voyage means any transit by a vessel destined for the Great Lakes from a port or place outside of the EEZ, including intermediate stops at a port or place within the EEZ.

§ 151.1506 Restriction on operation.

No vessel subject to the requirements of this subpart, may be operated in the Great Lakes unless the master of the vessel has certified, in accordance with § 151.1516, that the requirements of this subpart have been met.

§ 151.1508 Revocation of clearance.

A COTP may request the District Director of Customs to withhold or revoke the clearance required by 46 U.S.C. app. 91 for a vessel subject to this subpart, the owner or operator of which is not in compliance with the requirements of this subpart.

§ 151.1510 Ballast water management.

(a) The master of each vessel subject to this subpart shall employ one of the following ballast water management practices:

(1) Carry out an exchange of ballast water on the waters beyond the EEZ, in a depth exceeding 2000 meters, prior to entry into Snell Lock, at Massena, New York such that, at the conclusion of the exchange, any tank from which ballast water will be discharged into the Great Lakes contains water with a minimum salinity level of 30 parts per thousand.

(2) Retain the vessel's ballast water on board the vessel. If this method of ballast water management is employed, the COTP may seal any tank or hold containing ballast water on board the vessel for the duration of the voyage within the waters of the Great Lakes.

(3) Use an alternative environmentally sound method of ballast water management that has been submitted to, and approved by, the Commandant prior to the vessel's voyage. Requests for approval of alternative ballast water management methods must be submitted to the Commandant (G–M), U.S. Coast Guard Headquarters, 2100 Second Street SW., Washington, DC 20593–0001.

(b) No master of a vessel subject to this subpart shall separately discharge sediment from tanks or holds containing ballast water unless it is disposed of ashore in accordance with local requirements.

(c) Nothing in this subpart authorizes the discharge of oil or noxious liquid substances (NLSs) in a manner prohibited by United States or international laws or regulations. Ballast water carried in any tank containing a residue of oil, NLSs, or any other pollutant must be discharged in accordance with the applicable regulations. Nothing in this subpart affects or supersedes any requirement or prohibitions pertaining to the discharge of ballast water into the waters of the United States under the Federal Water Pollution Control Act (33 U.S.C. 1251 *et seq.*).

§ 151.1512 Vessel safety.

Nothing in this subpart relieves the master of the responsibility for ensuring the safety and stability of the vessel or the safety of the crew and passengers, or any other responsibility.

§ 151.1514 Ballast water management alternatives under extraordinary conditions.

The master of any vessel subject to this subpart who, due to weather, equipment failure, or other extraordinary conditions, is unable to effect a ballast water exchange before entering the EEZ, must employ another method of ballast water management listed in § 151.1510, or request from the COTP permission to exchange the vessel's ballast water within an area agreed to by the COTP at the time of the request and must discharge the vessel's

ballast water within that designated area.

§151.1516 Compliance monitoring.

(a) The master of each vessel subject to this subpart shall provide, upon request, the following information, in written form, to the COTP:

(1) The vessel's name, port of registry, and official number or call sign.

(2) The name of the vessel's owner(s).

(3) Whether ballast water is being carried.

(4) The original location and salinity, if known, of ballast water taken on, before an exchange.

(5) The location, date, and time of any ballast water exchange.

(6) The salinity of any ballast water to be discharged into the territorial waters of the United States.

(7) The intended discharge port for ballast water and location for disposal of sediment carried upon entry into the territorial waters of the United States, if ballast water or sediment are to be discharged.

(8) The signature of the master attesting to the accuracy of the information provided and certifying compliance with the requirements of this subpart.

(b) The COTP may take samples of ballast water to assess the compliance with, and the effectiveness of, this subpart.

Dated: March 5, 1993.

A.E. Henn,

Rear Admiral, U.S. Coast Guard, Chief, Office of Marine Safety, Security and Environmental Protection.

[FR Doc. 93–8270 Filed 4–7–93; 8:45 am]

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