AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

6–1–93
Vol. 58 No. 103

federal register

Tuesday
June 1, 1993

United States
Government
Printing Office
SUPERINTENDENT
OF DOCUMENTS
Washington, DC 20402

OFFICIAL BUSINESS
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SECOND CLASS NEWSPAPER

Postage and Fees Paid
U.S. Government Printing Office
(ISSN 0097–6326)

6–1–93
Vol. 58 No. 103
Pages 31147–31330

federal register

Tuesday
June 1, 1993

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

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

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DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

8 CFR Part 103

[INS No. 1316–92]

RIN 1115–AC15

Availability of Material Under the Freedom of Information Act

AGENCY: Immigration and Naturalization Service, Justice.

ACTION: Final rule.

SUMMARY: This final rule amends agency regulations pertaining to the Freedom of Information Act (FOIA) to make them consistent with other Departmental regulations. This amendment is necessary to make editorial changes; to clarify the Immigration and Naturalization Service's (Service) procedures for granting "access" to records; to update the list of offices from which records may be requested; to correct internal references in the regulations; to correct the reference to the form used to provide a notarized signature; and to correctly identify references to system managers as responsible officials. Also, minor technical changes have been made to help clarify paragraph references. These changes will improve our service to the public in providing access to agency records.

EFFECTIVE DATE: This rule is effective June 1, 1993.

FOR FURTHER INFORMATION CONTACT: Mildred Carter, FOIA/PA Program Specialist, Immigration and Naturalization Service, 425 I Street, NW., room 5027, Washington, DC 20536, telephone (202) 514–1722.

SUPPLEMENTARY INFORMATION: The Freedom of Information Reform Act (FOIA) of 1986 Public Law 99–570 dealt with the question of fees to be charged to requesters; and Executive Order 12600, issued on June 23, 1987, established structured procedures for notifying those who submit business information to the government when that information becomes the subject of a FOIA request. To comply with these requirements, the Department of Justice (DOJ) incorporated these changes into 28 CFR part 16, and in doing so, caused several paragraphs to be altered and renumbered. The Immigration and Naturalization Service (Service) is incorporating these requirements into title 8 of the Code of Federal Regulations and, as necessary, correcting the paragraph references made to title 28 of the Code of Federal Regulations.

On January 17, 1992, the Service published a proposed rule in the **Federal Register** at 57 FR 2057 with request for comments by February 18, 1992. The Service received 19 comments, of which 3 contained comments from individuals, and 16 endorsed the comments prepared by the American Immigration Lawyers Association (AILA). The discussion that follows summarizes the issues which have been raised relating to the proposed rule, provides the Service's position on the issues, and indicates the revisions adopted in the final rule.

Section-by-Section Analysis

Section 103.8(a) Definition, and Section 103.10(d)(1) Form of Grant

All commenters objected to the proposed definition of access in 8 CFR 103.8(a) because of their apparent belief that the Service was asserting a right to limit or refuse access to agency records because of administrative inconvenience. The procedure described in 8 CFR 103.8(a) is intended to minimize the delays and inconvenience to the requester. This procedure should not be confused with 5 U.S.C. 552(a)(2), which requires agencies to "make available for public inspection * * *" certain records. This mandate is satisfied by having the required records available in the Service Public Reading Rooms in Headquarters and district offices. Nor should it be confused with the provisions authorized by 8 CFR 103.2(b)(2) for allowing an applicant or petitioner, or his attorney or personal representative to inspect the current record of proceeding in a Service office.

Neither the FOIA nor judicial interpretations of the FOIA define what is meant by the requirement in 5 U.S.C. 552(a)(3) to "make the records * * * available * * *." Generally, the Service, like virtually all other federal agencies, satisfied this requirement by sending copies of nonexempt records to requesters. Nothing in the proposed regulation is intended to change that general practice; i.e., any requester who wishes to obtain copies of nonexempt records will still be able to do so. The intent of this interpretation is to minimize the delays and inconvenience to the requester or the Service caused by attempts to arrange a mutually convenient time for an in-person review. Instead, the Service may elect to send a copy of the requested records as soon as they have been reviewed and processed for disclosure.

One comment suggests that there is nothing to prevent the Service from "frustrating public access by labelling the request 'disruptive' and evading the request under the guise of administrative convenience," or "making a file available for in-person review in Seattle to a requester in New York." The only time the Service will consider making records available through personal inspection is when the requester specifically requests this form of access. It is the intent of 8 CFR 103.8(a) that the Service will honor requests for personal inspection whenever possible. The Service will not, however, transfer records from one location to another solely to comply with a request for personal review. Requesters wishing to conduct a personal inspection must be willing to come to the office where the records are located. If they are not, they must accept a copy of the record. Moreover, since the FOIA does not require agencies to allow personal inspection, it is entirely proper for the Service to grant its officers broad discretion in determining whether or not to grant requests for that form of access.

Another commenter stated that an in-person review was less wasteful and less expensive, since the information an attorney is normally interested in is contained on a few pages as opposed to the entire file. Requesters can assist in this regard by describing the requested records as precisely as possible and by asking for access to specific documents, rather than for broad access to an entire file when only particular documents are sought. Regardless of whether in-person

review is allowed or a copy of a record is provided, the records requested must be completely reviewed and processed for disclosure of the nonexempt information. If a copy is provided, it will be sent to the requester along with the written notification of the decision on disclosure. If in-person review is provided, the requester will be given written notification of the disclosure decision and will be asked to contact the office to make an appointment to review the records in-person. Therefore, providing a copy of the records requested is almost always more timely than in-person review.

We have further revised the definition of the term access in § 103.8(a) to clarify the Service's intentions.

Section 103.10(c)(2) Treatment of Delay as a Denial

One commenter stated that the regulation "attempts to place failure or delay in answer on the road to further administrative appeal." He also states that "INS may allow a requester the option of administrative appeal where the delay may be treated as denial. The Immigration and Naturalization Service (INS) cannot mandate [sic] contrary to the statute." The proposed rule was not intended to change the language in this paragraph, but to correct the citations of the paragraphs referenced and to remove the last sentence with regard to the agency's providing a projected date of response that is beyond the date required by the statute. Therefore, the objection raised by the commenter is aimed at a provision that has been in effect since the enactment of the FOIA. 5 U.S.C. 552 (a)(6)(C) provides that requesters "shall be deemed to have exhausted [their] administrative remedies" if an agency fails to respond to an initial request within the requirements of subparagraphs (A) and (B) (i.e., 10 working days plus any authorized extension). The proposed regulation merely continued the existing practice of extending to requesters the option of filing an administrative appeal in lieu of pursuing a judicial remedy.

Section 103.21(a) Access to Available Records

Several commenters observed that we asked that envelopes be marked "Privacy Act (PA) Request," and suggested that marking an envelope "FOIA Requests" should be equally acceptable. Apparently, these commenters are interpreting this language as meaning that INS will not process a request under the Privacy Act unless the requester places this legend on the envelope. This interpretation is incorrect. INS processes all requests under the PA and/or the FOIA as appropriate regardless of whether the requester puts the correct legend, or any legend at all on the envelope. A correct legend will, however, allow prompt delivery to the proper office.

Section 103.21(b)(2)

Most commenters suggested that INS use INS Form G-651 (Affidavit of Identity), rather than DOJ Form 361 (Certification of Identity). The correct form number for this title is INS form G–652, but that form is now obsolete. Use of DOJ Form 361 is not a requirement, but it does serve as a convenient method of providing proof of identity. The Service will continue to accept any and all properly notarized signatures.

Section 103.22 Records Exempt in Whole or in Part

Some commenters urged INS to reconsider the wording in this section on the ground that it would confuse the public about the right of access to records. The proposed rule stated that "if the mere disclosure of the existence of a criminal law enforcement proceeding record could itself interfere with a pending law enforcement proceeding * * * then the individual may be advised that there is no record." Another commenter suggested that the section encourages the language to be read out of context and to be applied in an overly broad manner.

It was not the Service's intention to have this provision read broadly. Thus, since the proposed language has created some confusion, we have modified it to remove the word "mere," and to amend the last portion of the paragraph beginning with the word "then" through to the end of the sentence, and to extract the language from the statute 5 U.S.C. 552(c)(1) to be included in the regulation as follows: "the Service may, during only such time as that circumstance continues, treat the records as not subject to the requirements of 5 U.S.C. 552."

This rule is being published with an immediate effective date based upon provisions found under 5 U.S.C. 553(d)(1) and (2).

In accordance with 5 U.S.C. 605(b), the Commissioner of the Immigration and Naturalization Service certifies that this rule will not have a significant adverse economic impact on a substantial number of small entities. This is not a major rule within the meaning of section 1(b) of E.O. 12291, nor does this rule have federalism implications requiring the preparation of a federalism assessment in accordance with E.O. 12612.

This rule contains an information collection requirement which has been approved by the Office of Management and Budget (OMB) under the provisions of the Paperwork Reduction Act. The OMB control number for this collection is 1115–0087.

List of Subjects in 8 CFR Part 103

Administrative practice and procedure, Freedom of Information/Privacy Act.

Accordingly, part 103 of chapter 1 of title 8 of the Code of Federal Regulations is amended as follows:

PART 103—POWERS AND DUTIES OF SERVICE OFFICERS; AVAILABILITY OF SERVICE RECORDS

1. The authority citation for part 103 continues to read as follows:

Authority: 5 U.S.C. 552, 552a; 8 U.S.C. 1101, 1103, 1201, 1252 note, 1252b; 1304, 1356; 31 U.S.C. 9701; E.O. 12356, 47 FR 14874, 15557; 3 CFR, 1982 Comp., p. 166; 8 CFR part 2.

§ 103.7 [Amended]

2. In § 103.7, paragraph (b)(2) is amended by revising the reference to "28 CFR 16.9." to read: "28 CFR 16.10.".

3. Section 103.8 is amended by redesignating paragraphs (a), (b), and (c) as (b), (c), and (d) respectively, and by adding a new paragraph (a) to read as follows:

§ 103.8 Definitions pertaining to availability of information under the Freedom of Information Act.

* * * * *

(a) The term *access* means providing a copy of the record requested or affording the opportunity for an in-person review of the original record or a copy thereof. The determination to permit an in-person review is discretionary and will only be made when specifically requested. Whenever providing in-person access will unreasonably disrupt the normal operations of an office, the requester may be sent a copy of the requested records that are nonexempt in lieu of the in-person review.

* * * * *

4. Section 103.10 is amended by:

a. Revising paragraphs (a)(1), (b)(1), (c)(2), and (d)(1) and (e);

b. Adding to the end of paragraph (a)(2) the following sentence: "Individuals seeking access to records about themselves by mail shall establish their identity by submitting a notarized signature along with their address, date of birth, place of birth, and alien or employee identification number if applicable.";

c. Revising in paragraph (c)(1) the reference to "28 CFR 16.5(c)." to read: "28 CFR 16.1(d).";

d. Revising in the first sentence of paragraph (d)(2) the phrase "the Associate Commissioner, Information Systems, by a regional commissioner, by a district director, or by one of their designees." to read: "one of the officials specified in paragraph (b)(1) of this section.";

e. Revising in the fourth sentence in paragraph (d)(2) the reference to "28 CFR 16.7," to read: "28 CFR 16.8,"; and by

f. Removing and reserving paragraph (b)(2), and by removing paragraph (f) to read as follows:

§ 103.10 Requests for records under the Freedom of Information Act.

(a) * * *

1. *Place.* Records should be requested from the office that maintains the records sought, if known, or from the Headquarters of the Immigration and Naturalization Service, 425 I Street, NW., Washington, DC 20536. Records are maintained in the Headquarters, regional offices, service centers, district offices and the following suboffices: Agana, Guam; Albany, NY; Charlotte, NC; Cincinnati, OH; Hartford, CT; Indianapolis, IN; Las Vegas, NV; Louisville, KY; Memphis, TN; Milwaukee, WI; Norfolk, VA; Pittsburgh, PA; Providence, RI; Reno, NV; St. Louis, MO; Salt Lake City, UT; Spokane, WA; and St. Albans, VT. In certain cases, a district director may designate another Service office as a file control office. For locations of the Service's regional offices, service centers, district offices, and sub-offices see 8 CFR 100.4.

* * * * *

(b) * * *

(1) *Grant or deny.* The Associate Commissioner for Information Resources Management, regional administrators, district directors, service center directors, and heads of suboffices specified in paragraph (a)(1) of this section, or their designees, may grant or deny requests under exemptions in 5 U.S.C. 552 (b) and (c).

(2) [Reserved]

* * * * *

(c) * * *

(2) *Treatment of delay as a denial.* If no substantive reply is made at the end of the 10 working day period, and any properly invoked extension period, requesters may deem their request to be denied and exercise their right to appeal in accordance with 28 CFR 16.8 and paragraph (d)(3) of this section.

(d) * * *

(1) *Form of grant.* When a requested record is available, the responsible office shall notify the requester when and where the record will be available. The notification shall also advise the requester of any applicable fees under 28 CFR 16.10. The Service shall have fulfilled its duty to grant access whenever it provides a copy of the record, or, at its discretion, makes the original record or a copy available for in-person review in response to an express request for such review. In-person review is discretionary and shall not be granted when doing so would unreasonably disrupt the normal operations of a Service office.

* * * * *

(e) *Agreement to pay fees.* In accordance with 28 CFR 16.3(c) a requester automatically agrees to pay fees up to $25.00 by filing a Freedom of Information Act request unless a waiver or reduction of fees is sought. Accordingly, all letters of acknowledgment must confirm the requester's obligation to pay.

5. Section 103.11 is added to read as follows:

§ 103.11 Business information.

Business information provided to the Service by a business submitter shall not be disclosed pursuant to a Freedom of Information Act request except in accordance with 28 CFR 16.7.

§ 103.20 [Amended]

6. Section 103.20 is amended in the second sentence of paragraph (a) by revising the phrase "Civil Service Commission regulations." to read: "regulations of the Office of Personnel Management.", and in paragraph (b) introductory text by revising the reference to "16.56," to read: "16.58,".

7. Section 103.21, is amended by revising paragraphs (a) and (b)(2); by removing paragraph (b)(3); and by adding a new paragraph (f) to read as follows:

§ 103.21 Access by individuals to records maintained about them.

(a) *Access to available records.* An individual who seeks access to records about himself or herself in a system of records must submit a written request in person or by mail to the Freedom of Information/Privacy Act Officer at the location where the records are maintained. If the location is unknown, the request may be submitted to the nearest Service office or to the Headquarters FOIA/PA Officer, 425 I Street, NW., Washington, DC 20536. The outside of the envelope should be marked "Privacy Act Request." A Form G–639, Freedom of Information/Privacy Act Request may be used for convenience and to facilitate identification of the record requested. However, a request may be made in any written form and should clearly identity the record sought by the name and any other personal identifiers for the individual (such as the alien file number or Social Security Account Number), date and place of birth, and type of file in which the record is believed to be located.

(b) * * *

(2) Individuals seeking access to records about themselves by mail shall establish their identify by submitting a notarized signature along with their address, date of birth, place of birth, and alien or employee identification number if applicable. Form DOJ 361, Certification of Identity, may be obtained from any Service office and used to obtain the notarized signature needed to verify identity.

* * * * *

(f) *Agreement to pay fees.* In accordance with 28 CFR 16.3(c) a requester automatically agrees to pay fees up to $25.00 by filing a Privacy Act request unless a waiver or reduction of fees is sought. Accordingly, all letters of acknowledgement must confirm the requester's obligation to pay.

8. Section 103.22, paragraph (a) is revised to read as follows:

§ 103.22 Records exempt in whole or in part.

(a) When individuals request records about themselves which are exempt from access pursuant to the Privacy Act exemptions in 5 U.S.C. 552a(d)(5), (j) or (k), their requests shall also be considered under the Freedom of Information Act, 5 U.S.C. 552, and, unless the records are exempt under both Acts, the request shall be granted. If exemptions under both Acts permit the denial of the records sought and there is good reason to invoke the exemptions, the individual shall be provided a denial of his/her request in writing with the governing exemptions cited. If the disclosure of the existence of a criminal law enforcement proceeding record could itself interfere with a pending law enforcement proceeding of which there is reason to believe the subject is unaware, the Service may, during only such time as the circumstance continues, treat the records as not subject to the requirements of 5 U.S.C. 552.

* * * * *

9. Section 103.23 is amended by revising paragraph (a) to read as follows:

§ 103.23 Special access procedures.

(a) *Records of other agencies.* When information sought from a system of records of the Service includes information from other agencies or

components of the Department of Justice that has been classified under Executive Order 12356, the request and the requested documents shall be referred to the appropriate agency or other component for classification review and processing. Only with the consent of the responsible agency or component, may the requester be informed of the referral as specified in section 3.4(f) of E.O. 12356.

* * * * *

§§ 103.23, 103.24, 103.28, 103.30 [Amended]

10. Part 103 is amended by revising the phrase "system manager" to read: "responsible official as specified in § 103.10(a) of this part" whenever it appears in the following sections:

Section 103.23(b)
Section 103.24
Section 103.28(f)
Section 103.30(a)

§ 103.25 [Amended]

11. In section 103.25, paragraph (a) is amended in the first sentence by revising the phrase: "The system manager of the system from which information is sought or his delegate" to read: "The responsible official as specified in § 103.10(a) of this part", and in paragraph (b) by revising the reference to "28 CFR 16.45" to read: "28 CFR 16.1(d)".

§ 103.26 [Amended]

12. Section 103.26 is amended in the first sentence by revising the reference to "28 CFR 16.46." to read: "28 CFR 16.47."

§ 103.27 [Amended]

13. Section 103.27 is amended by revising the reference to "28 CFR 16.47." to read: "28 CFR 16.48.".

§ 103.28 [Amended]

14. Section 103.28 is amended by: a. Revising paragraph (a);

b. Removing the second sentence in paragraph (b) beginning with "If the record . . .";

c. Revising in paragraph (b) the reference to "28 CFR 16.46." to read: "28 CFR 16.47." and revising the reference to "28 CFR 16.48." to read: "28 CFR 16.50."; and by

d. Revising in paragraphs (c), (d) and (e) the reference to "28 CFR 16.48" to read: "28 CFR 16.50", to read as follows:

§ 103.28 Requests for correction of records.

(a) *How made.* A request for amendment or correction is made by the individual concerned, either in person or by mail, by addressing the written request to the FOIA/PA Officer at the location where the record is maintained. The requester's identity must be established as provided in § 103.21 of this part. The request must indicate the particular record involved, the nature of the correction sought, and the justification. A request made by mail should be addressed to the FOIA/PA Officer at the location where the system of records is maintained and the request and envelope must be clearly marked "Privacy Correction Request." Where the requester cannot determine the precise location of the system of records or believes that the same record appears in more than one system, the request may be addressed to the Headquarters FOIA/PA Officer, Immigration and Naturalization Service, 425 I Street, NW., Washington, DC 20536. That officer will assist the requester in identifying the location of the records.

* * * * *

§ 103.33 [Amended]

15. Section 103.33 is amended by revising the reference to "28 CFR 16.53." to read: "28 CFR 16.55.".

§ 103.35 [Amended]

16. Section 103.35 is amended by revising the reference to "28 CFR 16.55." to read: "28 CFR 16.56.".

§ 103.36 [Amended]

17. Section 103.36 is amended by revising the reference to "28 CFR 16.56." to read: "28 CFR 16.57.".

Dated; May 24, 1993.

Chris Sale,

Acting Commissioner, Immigration and Naturalization Service.

[FR Doc. 93–12734 Filed 5–28–93; 8:45 am]

BILLING CODE 4410–01–M

FEDERAL DEPOSIT INSURANCE CORPORATION

12 CFR Part 327

RIN 3064–AB14

Assessments

AGENCY: Federal Deposit Insurance Corporation.

ACTION: Final rule.

SUMMARY: The Board of Directors (Board) of the Federal Deposit Insurance Corporation (FDIC) is revising its existing schedule for increasing the reserve ratio of the Bank Insurance Fund (BIF) to the designated reserve ratio of 1.25 percent. Under section 7(b) of the Federal Deposit Insurance Act (FDI Act), the Board must set semiannual assessment rates for BIF members in accordance with the BIF recapitalization schedule promulgated by the FDIC. In addition to revising the BIF recapitalization schedule, the Board also is retaining the current assessment rate schedules applicable to members of the BIF and members of the Savings Association Insurance Fund (SAIF) for the semiannual period beginning July 1, 1993. The intended effects of this rule are to revise the BIF recapitalization schedule by incorporating updated assumptions about the future of the banking industry and to provide for the recapitalization of the BIF and SAIF, within the designated periods of time, by retaining the current assessment rate schedules for BIF and SAIF members.

EFFECTIVE DATE: The final rule is effective July 1, 1993.

FOR FURTHER INFORMATION CONTACT: Arthur J. Murton, Deputy Director, Division of Research and Statistics, (202) 898–3938; George French, Associate Director, Division of Research and Statistics (202) 898–3929; Jennifer L. Eccles, Senior Financial Analyst, Division of Research and Statistics, (202) 898–8537; or Joseph A. DiNuzzo, Senior Attorney, Legal Division, (202) 898–7349, Federal Deposit Insurance Corporation, Washington, DC.

SUPPLEMENTARY INFORMATION:

Paperwork Reduction Act

No collections of information pursuant to section 3504(h) of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*) are contained in the final rule. Consequently, no information has been submitted to the Office of Management and Budget for review.

Regulatory Flexibility Act

The Board hereby certifies that the final rule will not have a significant economic impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). It will not impose burdens on depository institutions of any size and will not have the type of economic impact addressed by the Act. Moreover, to the extent the final rule relates to the assessment rates to be paid by BIF- and SAIF-member institutions, the Act does not apply to a rule of particular applicability relating to rates, wages, corporate or financial structures or reorganizations thereof. Accordingly, the Act's requirements regarding an initial and final regulatory flexibility analysis (*Id.* at 603 & 604) are not applicable here.

The Proposed Rule

On April 5, 1993, the Board published in the **Federal Register** proposals to revise the BIF recapitalization schedule and to retain the current assessment rate schedules applicable to BIF and SAIF

members for the semiannual period beginning July 1, 1993. 58 FR 17533 (April 5, 1993). The comment period for the proposed rule closed on May 5, 1993.

The FDIC received 20 comments on the proposals. The comments are addressed below.

Statutory Requirements

Section 7(b)(1)(C)(iv) of the FDI Act (12 U.S.C. 1817(b)(1)(C)(iv)) states that the FDIC may, by regulation, amend a BIF recapitalization schedule promulgated under clause (iii) of section 7(b)(1)(C) of the FDI Act. Pursuant to clause (iii) of section 7(b)(1)(C) of the FDI Act, the FDIC adopted a BIF recapitalization schedule effective November 2, 1992. 57 FR 45263 (October 1, 1992). The Board is exercising its authority under section 7(b) of the FDI Act to revise the BIF recapitalization schedule to incorporate recent industry financial data and to reflect corresponding updated assumptions about the future of the banking industry.

Section 7(b) of the FDI Act states, in relevant part, that the semiannual rates for BIF members must be set in accordance with the BIF recapitalization schedule. 12 U.S.C. 1817(b)(1)(C)(ii). The revisions to the BIF recapitalization schedule will become effective on July 1, 1993. In that connection, the Board is retaining the current rate schedule for BIF members for the semiannual period beginning July 1, 1993, and subsequent semiannual periods.

The Board's rationale for retaining the current BIF assessment rates is provided below.

Section 7(b) of the FDI Act also provides, in relevant part, that, if the reserve ratio for the SAIF is less than the designated reserve ratio of 1.25 percent, the Board must set an assessment rate for SAIF members, as the Board determines to be appropriate, to increase the reserve ratio to the designated reserve ratio within a reasonable period of time. *Id.* at 1817(b)(1)(D)(i). For the reasons discussed below, the Board is retaining the current assessment rate schedule for SAIF members for the semiannual period beginning July 1, 1993, and subsequent semiannual periods.

Revisions to the BIF Recapitalization Schedule

1. Background

The Board adopted a BIF recapitalization schedule effective November 2, 1992. 57 FR 45265 (October 1, 1992). In establishing the recapitalization schedule, the Board reviewed a set of assumptions regarding the three primary factors affecting the long-term condition of the BIF. Those factors were the number and size of future bank failures, the costs of resolving those failures, and the amount of assessment income received from BIF member institutions.

Because future economic conditions affecting these factors cannot be predicted with certainty, the FDIC assumed values for each factor ranging from reasonably optimistic to reasonably pessimistic. Projected failed bank assets were divided into two categories: Short-term and long-term. The range of short-term projections was based on various public and private sector forecasts, with the mid-point generally consistent with the results of FDIC projections. Long-term failed bank assets projections, as well as assumptions regarding resolution costs and growth in the banking industry (which affects assessment revenue) were based on historical experience.

Various scenarios representing a combination of values across the range were examined for each of the factors, and each scenario was assigned a probability based on the combination of the respective probabilities estimated for each of the values individually. Composite projections were derived from the various scenarios and probabilities. The existing recapitalization schedule was developed from these projections and reflected the premium revenues expected to be derived from the risk-based premium system adopted by the Board.[1]

2. 1992 Performance Overview

BIF-member institutions FDIC-insured commercial banks recorded their four highest-ever quarterly profits in 1992, resulting in record annual earnings of $32.2 billion and a return on assets of 0.96 percent. Only 6.5 percent of all banks were unprofitable for the year, compared to 11.6 percent in 1991. The 1992 performance resulted from favorable interest rates and improving asset quality.

Noncurrent loans and other real estate owned improved to 2.51 percent of total assets at year-end 1992 from 2.99 percent at year-end 1991. One hundred commercial banks failed or received assistance in 1992, the lowest total since 1984. At year-end 1992, the average equity-to-assets ratio for commercial banks was 7.52 percent, compared to 6.75 percent a year earlier. Nearly 96 percent of all commercial and BIF-insured savings banks qualify as well-capitalized under FDICIA standards, with another 3 percent categorized as adequately capitalized.[2] These two groups hold 99 percent of the industry's total assets. Critically undercapitalized banks declined from 40 (with total assets of $15 billion) on September 30, 1992, to 19 (with total assets of $2 billion) on December 31.

The 414 BIF-insured savings banks reported an aggregate profit of $385 million for the fourth quarter and net earnings of $1.4 billion for the year. This marked the fourth consecutive quarterly profit for this group of institutions after 11 consecutive quarters of losses, and the first full-year profit since 1988.

These improvements should not obscure the fact that significant potential trouble spots continue to exist. Troubled asset rates remain at historically high levels, and problems—particularly in real estate lending—persist in some regional markets. Troubled assets in the Northeast improved during 1992 but remain high at 3.49 percent, while the West deteriorated to 3.44 percent by year-end.

Furthermore, 787 commercial banks remain on the FDIC's "Problem List". Although this is the lowest year-end level since 1983, assets of "Problem" banks are $408 billion, and while assets have declined for three consecutive quarters, they remain higher than at any time prior to 1991. Seventy-six BIF-insured savings banks with $56 billion in assets remain on the problem list. These figures are down from their peak (88 institutions in 1992 and $82 billion in assets in 1991) levels, but are still high by historical standards.

3. BIF Recapitalization Schedule Assumption Changes

Given the significant improvement in the condition of the banking industry since the date of the Board's adoption of the BIF recapitalization schedule, the Board has reconsidered all the assumptions affecting the recapitalization schedule. The FDIC's assumptions for the proposed recapitalization schedule are summarized in Table 1 below.

[1] On October 1, 1992, the Board issued a regulation establishing a transitional risk-based deposit insurance system under which institutions posing a higher risk of loss to the BIF or to the SAIF pay deposit premiums at a higher rate than lower-risk institutions. 57 FR 45278 (October 1, 1992). The Board established this system in order to mitigate the effects of the higher assessment rates required to recapitalize the funds.

[2] Based on Call report information only and not reflecting supervisory upgrades or downgrades.

TABLE 1.—BIF RECAPITALIZATION SCHEDULE ASSUMPTIONS—MAY 1993

Dollars in billions	1992	1993	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006
Assumptions:															
1 Deposit and asset growth	2.8%	2.8%	2.8%	2.8%	2.8%	2.8%	2.8%	2.8%	2.8%	2.8%	2.8%	2.8%	2.8%	2.8%	2.8%
2 FDIC borrowing rate	3.5%	3.5%	3.5%	3.5%	3.5%	3.5%	3.5%	3.5%	3.5%	3.5%	3.5%	3.5%	3.5%	3.5%	3.5%
3 FDIC investment rate	3.5%	3.5%	3.5%	3.5%	3.5%	3.5%	3.5%	3.5%	3.5%	3.5%	3.5%	3.5%	3.5%	3.5%	3.5%
4 Bank industry assets	3,721	3,825	3,932	4,042	4,155	4,272	4,391	4,514	4,641	4,770	4,904	5,041	5,183	5,328	5,477
5 Failed bank assets	44	25	45	50	32	28	22	19	19	20	21	21	22	22	23
6 Loss ratio	.....	14%	14%	14%	14%	14%	14%	14%	14%	14%	14%	14%	14%	14%	14%
7 Insured deposits	1,943	1,950	2,005	2,061	2,119	2,178	2,239	2,302	2,366	2,433	2,501	2,571	2,643	2,717	2,793
8 Average assessment base ...	2,429	2,438	2,506	2,577	2,649	2,723	2,799	2,877	2,958	3,041	3,126	3,213	3,303	3,396	3,491
9 Assessment rate	0.230%	0.248%	0.246%	0.246%	0.246%	0.246%	0.246%	0.246%	0.246%	0.246%	0.135%	0.100%	0.100%	0.100%	0.100%
10 Assessment revenue	5.6	6.0	6.2	6.3	6.5	6.7	6.9	7.1	7.3	7.5	4.2	3.2	3.3	3.4	3.5
11 Net income	6.9	1.2	0.8	2.4	2.9	3.8	4.1	4.4	4.8	5.1	1.9	0.9	0.9	0.9	0.9
12 Fund	(0.1)	1.1	1.9	4.3	7.2	11.0	15.1	19.5	24.3	29.4	31.3	32.1	33.0	33.9	34.8
13 Ratio	−0.01%	0.06%	0.09%	0.21%	0.34%	0.50%	0.67%	0.85%	1.03%	1.21%	1.25%	1.25%	1.25%	1.25%	1.25%

A. Failed Bank Assets

The short-term (1993–1998) failed bank asset assumptions in the recapitalization schedule have been updated. Long-term failed bank assets continue to be calculated based on a percentage of total industry assets. The percentage used, 0.42 percent, is based on a weighted average of historical bank failure rates, and reflects the expectation that the industry will stabilize at failure rates considerably below the current highs but not as low as the nearly inconsequential rates that prevailed prior to the deregulation and financial innovation of the 1980s. Table 2 below presents a comparison of failed bank assets assumptions used in the original schedule, and as revised.

TABLE 2.—FAILED BANK ASSET ASSUMPTIONS

[Dollars in billions*]

Year	Annual projections			Cumulative difference
	Revised	Original	Difference	
1992	44	37	7	7
1993	25	76	−51	−44
1994	45	68	−23	−67
1995	50	52	−2	−69
1996	32	35	−3	−71
1997	28	31	−3	−74
1998	22	26	−4	−78
1999	19	25	−6	−84
2000	19	25	−6	−89
2001	20	20	0	−89
2002	21	20	1	−89
2003	21	20	1	−88
2004	22	21	1	−87
2005	22	21	1	−86
2006	23	22	1	−85

*Numbers may not add due to rounding.

B. FDIC Loss Rates

FDIC staff performed an analysis of the loss on failed bank assets to determine an appropriate updated projected loss rate for a revised recapitalization schedule. The loss rate was lowered from 17 percent, in the original recapitalization schedule, to 14 percent.

There are two reasons for this change. First, loss rates in recent years appear to have decreased. By updating a five-year moving average of loss rates, the figure declines by approximately 1.5 percent of assets. Second, the balance sheets of banks, including those expected to fail, have shifted in recent years to assets which historically have resulted in lower losses when banks fail. Adjusting for this change further reduces the estimated loss rate by 1.5 percent of assets.

C. Deposit and Industry Asset Growth Rates

The growth rate assumption affects the fund projections in several ways. First, industry assets are used to project long-term failed bank assets. Thus, a higher growth rate will yield higher long-term failed bank assets. Next, deposit growth rates affect the growth of insured deposits and the assessment base. To the extent that insured deposits grow faster, a higher fund balance will be required to achieve a 1.25 percent reserve ratio. Additionally, a higher assessment base yields higher assessment revenue.

While the banking industry's asset growth in 1992 was higher than projected in the existing recapitalization schedule, growth in insured deposits and the assessment base was lower than projected. Consequently, the recapitalization schedule employs the same conservative 2.8 percent growth rate as used in the original schedule.

The actual average assessment base in 1992, calculated based on actual assessment revenue collected during the year, was slightly lower than the level estimated in the original recapitalization schedule (based on a 2.8 percent growth rate). The 1993 projected average assessment base was estimated by using the average of the projected first semiannual period base given assessment revenue received to date and the projected second semi-annual period base, assuming a 1 percent semi-annual growth.

D. Assessment Revenue

One of the intended effects of the risk-related premium system is to reward banks that pose less risk to the fund, and therefore motivate banks to improve their financial performance. A bank's financial performance is affected by economic conditions influencing overall industry performance, as well. Thus, when banking and thrift industry conditions improve, as has been the case over the past year, banks and thrifts will shift toward the lower-paying end of the assessment schedule, thereby generating less assessment revenue to the BIF and SAIF. Concurrently, improved conditions lower the exposure of the funds, thereby requiring a lower outflow of fund resources.

The reverse is true when conditions deteriorate: institutions pay higher assessment rates as they move into higher-paying cells, thereby supporting the greater needs of the fund. While assessment revenue will vary over time, it will remain consistent with the BIF recapitalization schedule in that revenue will move in the same direction as fund exposure.

In a similar fashion, the weighted average assessment rate for each fund will change over time as the distribution of institutions shifts among the cells of the matrix. The result is a lower average assessment rate for the fund than initially anticipated for 1993. Last September, the projected weighted-average assessment rate based on the estimated distribution of institutions using June 1992 data was 25.4 basis points. Based on BIF assessment revenue received to-date for the first semi-annual period of 1993, it appears that the actual average rate will be closer to 25.1 basis points, generating semi-annual assessment revenue of $3.04 billion.

By adjusting the distribution to reflect capital ratios at December 31, 1992, the second semi-annual average assessment rate was estimated to be slightly less than 24.6 basis points, producing revenue of $3.01 billion. The average assessment rate for the year 1993 is thus projected to be 24.8 basis points.

4. Revised Recapitalization Schedule

Given the changes to the assumptions described above, staff ran the BIF projections to determine a revised recapitalization schedule. Lower failed bank assets and loss rate assumptions combined with current assessment rates result in recapitalization of the fund in 2002, four years sooner than projected in the existing schedule. The revised results are shown with the original schedule below in Table 3.

TABLE 3.—COMPARISON OF RECAPITALIZATION SCHEDULES

Semi-Annual Period	Reserve Ratio	
	Original (percent)	Revised (percent)
1991.2	−0.36	−0.36
1992.1	−0.28	−0.28
1992.2	−0.37	−0.01
1993.1	−0.44	0.03
1993.2	−0.50	0.06
1994.1	−0.52	0.08
1994.2	−0.53	0.09
1995.1	−0.53	0.15
1995.2	−0.53	0.21
1996.1	−0.51	0.28
1996.2	−0.49	0.34
1997.1	−0.45	0.42
1997.2	−0.40	0.50
1998.1	−0.34	0.59
1998.2	−0.28	0.67
1999.1	−0.21	0.76
1999.2	−0.14	0.85
2000.1	−0.06	0.94
2000.2	0.03	1.03
2001.1	0.13	1.12
2001.2	0.22	1.21
2002.1	0.32	1.25

TABLE 3.—COMPARISON OF RECAPITALIZATION SCHEDULES—Continued

Semi-Annual Period	Reserve Ratio	
	Original (percent)	Revised (percent)
2002.2	0.41	1.25
2003.1	0.51	1.25
2003.2	0.61	1.25
2004.1	0.72	1.25
2004.2	0.82	1.25
2005.1	0.93	1.25
2005.2	1.04	1.25
2006.1	1.15	1.25
2006.2	1.25	1.25

Alternatively, recapitalizing the fund over 15 years requires an annual average assessment rate of approximately 20 basis points beginning in the second semi-annual period of 1993. As noted below, an average rate below 23 basis points will not be allowed by statute as of January 1, 1994 until the BIF is recapitalized.

Under the revised assumptions, the BIF is recapitalized by the first semi-annual period of 2002.

Retention of Current BIF Member Assessment Rate Schedule

1. Current BIF Assessment Rates

The current annual assessment rates applicable to BIF members range from 0.23 to 0.31 percent. The BIF assessment rate schedule is contained in § 327.13(c)(2) of the FDIC's regulations. 57 FR 45286 (October 1, 1992), to be codified at 12 CFR 327.13(c)(2).

2. Need for Retaining the Current Rates

The Board has decided to maintain BIF-member assessment rates at their current levels for the second semi-annual assessment period of 1993. Although the average assessment rate for BIF members obtained under the current rates is expected to recapitalize the BIF sooner than originally projected in the 15-year recapitalization schedule (and a lower average rate would recapitalize the BIF over the original 15 year period), the BIF is projected nevertheless to remain below its congressionally mandated 1.25 percent target for nine years. The Board believes that, because it is possible to recapitalize the BIF sooner than 15 years without placing an undue burden on the banking industry, it is in the public interest to do so. Furthermore, although there is currently no minimum prescribed average assessment rate for BIF members, the Board will be prohibited by law from lowering the average rate below 23 basis points as of January 1, 1994, until the fund has reached the designated reserve ratio of 1.25 percent. See section 302 of the FDIC Improvement Act of 1991 (Pub. L. 102–242, 105 Stat. 2239).

3. Impact on BIF Industry of Retaining Current Rates

In setting assessment rates the FDIC considers the impact of such rates on insured institutions, including the effect on income and capital. Table 4 provides information on the effect of the assessment burden on BIF-insured institutions under the current premium-rate matrix, which incorporates a range of premiums from 23 basis points of domestic deposits to 31 basis points. As noted above, the Board has decided to retain these assessment rates. For purposes of comparison, however, Table 4 provides information on the change in assessment burden between the current rate matrix and the flat rate of 23 basis points that was in effect in 1992.

The distribution of institutions among insurance groups in Table 4 is as of the first assessment period in 1993. These groupings were set based on mid-1992 financial data. However, the financial data reported in Table 4 are for year-end 1992. In addition, the assessment revenue figures are annualized estimates based on Call Report data and do not correspond exactly to amounts actually received by the FDIC.

TABLE 4.—IMPACT OF ASSESSMENT SCHEDULE ON BIF—INSURED INSTITUTIONS [1]

[Risk groups are as of 6/30/92. Financial data are as of 12/31/92]

12/31/92 Primary insurer capital classification supervisory subgroup assessment rate	BIF									
	Well capitalized			Adequately capitalized			Undercapitalized			All BIF-insured institutions
	A	B	C	A	B	C	A	B	C	
	23	26	29	26	29	30	29	30	31	
Number of institutions	8,915	1,642	494	223	133	194	15	16	179	11,811
Total assets ($ mill.)	$1,973,284.9	$402,559.9	$98,892.3	$411,713.4	$482,181.4	$270,647.2	$10,278.7	$1,175.7	$60,843.8	$3,711,577.4
Assessment base	1,379,829.6	312,393.6	76,725.7	281,780.6	270,306.6	115,496.5	1,996.2	1,028.4	52,095.5	2,491,652.7
Equity capital	161,393.2	30,046.5	7,207.3	30,036.5	31,358.5	16,067.6	776.2	77.5	3,038.9	280,002.2
Noninterest income	$33,847.4	$5,974.6	$1,377.0	$7,706.3	$10,130.6	$6,677.4	$350.6	$14.9	$819.8	$66,898.7
Noninterest expense	66,894.2	15,906.5	4,399.9	15,549.9	18,444.9	11,860.6	458.1	60.4	2,667.0	136,241.6
Securities gains/losses	1,980.6	677.0	306.5	370.6	502.2	342.9	0.4	1.7	125.5	4,307.4
Income before taxes	34,385.0	4,134.0	183.9	6,323.9	3,160.2	452.4	236.5	(7.4)	(332.2)	48,536.3
Applicable taxes	10,635.1	1,339.4	54.9	2,151.6	852.7	317.3	89.9	(0.8)	(11.8)	15,428.3
Income before extra items	23,749.9	2,794.6	129.0	4,172.3	2,307.5	135.1	146.5	(6.6)	(320.4)	33,108.0
Extraordinary items	123.7	185.5	39.3	(6.5)	100.3	25.9	0.3	0.3	(1.5)	467.4
Net income	23,873.6	2,980.0	168.4	4,165.8	2,407.8	161.0	146.9	(6.3)	(321.9)	33,575.4
Estimated assessments, 1993 rates	$3,173.6	$812.2	$222.5	$732.6	$783.9	$346.5	$5.8	$3.1	$161.5	$6,241.7
—Percent of total overhead	4.74%	5.11%	5.06%	4.71%	4.25%	2.92%	1.26%	5.11%	6.06%	4.58%
—Percent of pre-tax net income	9.20%	18.80%	99.66%	11.60%	24.04%	72.44%	2.44%	N/M	N/M	12.74%
—Percent of noninterest income	9.38%	13.59%	16.16%	9.51%	7.74%	5.19%	1.65%	20.74%	19.70%	9.33%
—Percent of equity capital	1.97%	2.70%	3.09%	2.44%	2.50%	2.16%	0.75%	3.98%	5.31%	2.23%
Estimated assessments, 1992 rate	$3,173.6	$718.5	$176.5	$648.1	$621.7	$265.6	$4.6	$2.4	$119.8	$5,730.8
—Percent of total overhead	4.74%	4.52%	4.01%	4.17%	3.37%	2.24%	1.00%	3.92%	4.49%	4.21%
—Percent of pre-tax net income	9.20%	16.63%	79.04%	10.26%	19.07%	55.54%	1.94%	N/M	N/M	11.69%
—Percent of noninterest income	9.38%	12.03%	12.82%	8.41%	6.14%	3.98%	1.31%	15.90%	14.62%	8.57%
—Percent of equity capital	1.97%	2.39%	2.45%	2.16%	1.98%	1.65%	0.59%	3.05%	3.94%	2.05%
Impact of rate change, '92–'93	$0.0	$93.7	$46.0	$84.5	$162.2	$80.8	$1.2	$0.7	$41.7	$510.9
—Percent change in premium	0.0%	13.0%	26.1%	13.0%	26.1%	30.4%	26.1%	30.4%	34.8%	8.9%
—Percent of total overhead	0.00%	0.59%	1.05%	0.54%	0.88%	0.68%	0.26%	1.19%	1.56%	0.38%
—Percent of pre-tax net income	0.00%	2.17%	20.62%	1.34%	4.97%	16.90%	0.51%	N/M	N/M	1.04%
—Percent of noninterest income	0.00%	1.57%	3.34%	1.10%	1.60%	1.21%	0.34%	4.84%	5.08%	0.76%
—Percent of equity capital	0.00%	0.31%	0.64%	0.28%	0.52%	0.50%	0.15%	0.93%	1.37%	0.18%

[1] Assessment base estimates are taken from quarterly financial reports and do not reflect other adjustments. This table does not adjust for "Oakar" institutions.

N/M—Not meaningful.

Seventy-five percent of BIF members are paying the same assessment rate they paid in 1992, 23 basis points. This represents about 4.7 percent of overhead (defined as total noninterest expense) for these institutions as a group. Measuring the burden in other ways, premiums for this group amounted to a little over eight percent of pre-tax net income, 9.4 percent of noninterest income, or about two percent of equity capital.

The remaining 25 percent of BIF members are estimated to pose a higher risk to the BIF and are paying more than 23 basis points—and, therefore, more than they paid in 1992. The measured burden of assessments is greater for these institutions than for the lowest-rate-paying institutions, not only because of their higher premium rates but also because of their lower income and capital. In fact, two of the highest rate-paying groups had negative net income in aggregate, so that ratios of assessments to income are not meaningful. For other insurance groups, assessments ranged from about two percent to about 50 percent of pre-tax net income. These figures highlight the drawbacks of measuring the assessment burden relative to income: reported income is highly variable over time due to variations in provisions, chargeoffs and the spread between short-term and long-term interest rates.

Better measures of burden are the assessment rate relative to capital, and relative to total overhead expense. For no insurance group does the assessment exceed 5.3 percent of equity capital, and for six of the nine groups the assessment is less than three percent of equity capital.

Perhaps the most stable and intuitively understandable measure of the assessment burden among those presented here is the relation to total overhead expense. For this purpose, overhead is salaries and benefits, expenses on premises and fixtures as well as all other noninterest expense—in short, all the costs of running the bank other than funding costs. Deposit insurance expenses currently range from 1.3 percent to 6.1 percent of overhead and generally are in the four-to-six percent range. Two groups have a lower assessment burden relative to overhead, but this is only because they have very high overhead expenses.

Further perspective on these figures can be obtained through comparisons with prior years. As shown below in Table 5, because of improving net income, the ratio of BIF assessments to pre-tax net income has declined since 1991, to about the same ratio which prevailed in 1990 when premium rates were half what they are now. Relative to equity capital and overhead, assessments have slightly less than doubled since 1990, although to relatively moderate levels.

TABLE 5.—IMPACT OF ASSESSMENT RATES ON BIF-MEMBER INSTITUTIONS

	1990	1991	1992	1993[1]
Average assessment rate	0.12%	0.215%	0.23%	0.248%
Percent of:				
Pre-tax net income	11.82	16.93	10.65	11.30
Overhead expense	2.33	3.95	4.21	4.58
Equity capital	1.21	2.09	2.05	2.23

[1] Estimated 1993 assessments as a percent of 1992 income, expense and capital amounts.

Based on this analysis, the Board believes that the current levels of BIF-member deposit insurance premiums are not unduly burdensome. This is especially the case since deposit insurance presumably benefits most institutions by lowering somewhat the interest rates they must pay for deposits.

Retention of the Current SAIF Member Assessment Rates

1. Current SAIF Member Assessment Rates

The current annual assessment rates applicable to SAIF members range from 0.23 to 0.31 percent. The SAIF assessment rate schedule is contained in § 327.23(d)(2) of the FDIC's regulations. 57 FR 45286 (October 1, 1992), to be codified at 12 CFR 327.23(d)(2).

2. Need for Retaining the Current Rates

In October 1992 (effective beginning with the first semiannual period in 1993), the Board set rates for SAIF members consistent with the requirement to recapitalize the SAIF within a reasonable period of time. 57 FR 45272 (October 1 1992). The Board has decided to maintain SAIF-member assessment rates at their current levels for the second semiannual assessment period of 1993 for several reasons. First, although much of the industry has shown consistent improvement over the past year, a number of problem institutions remain. Second, the SAIF is projected to be negative until 2001 if it is recapitalized solely through industry assessments, due to the large percentage of assessment revenue diverted to the Financing Corporation. Finally, tremendous uncertainty remains concerning the appropriations of Treasury funding to support the SAIF. Given the above, the Board believes there is no compelling reason to change the assessment rates for SAIF members at present.

Moreover, section 7(b)(1)(D)(iv) of the FDI Act provides that from January 1, 1991, through December 31, 1993, the assessment rate for SAIF members shall not be less than 0.23 percent. 12 U.S.C. 1817(b)(1)(D)(iv).

3. Impact on SAIF Industry of Retaining Current Rates

In setting SAIF assessment rates the FDIC is required to consider the impact of such rates on insured institutions, including the effect on income and capital. Table 6 provides information on the effect of the assessment burden on SAIF-insured institutions under the current premium-rate matrix, which incorporates a range of premiums from 23 basis points of domestic deposits to 31 basis points. As noted above, the Board has decided to retain these assessment rates. For purposes of comparison, however, Table 6 provides information on the change in the assessment burden between the current rate matrix and the flat rate of 23 basis points that was in effect in 1992.

The distribution of institutions among insurance groups is as of the first assessment period in 1993. These groupings were set based on mid-1992 financial data. However, the financial data reported in Table 6 are for year-end 1992. In addition, the assessment revenue figures are annualized estimates

based on Thrift Financial Report data and do not correspond exactly to amounts actually received by the FDIC.

TABLE 6.—IMPACT OF ASSESSMENT SCHEDULE ON SAIF—INSURED INSTITUTIONS [1]

[Risk groups are as of 6/30/92. Financial data are as of 12/31/92]

12/31/92 Primary insurer, capital classification (as of 6/30/92), supervisory subgroup (6/30/92), assessment rate	SAIF									All SAIF-insured institutions
	Well capitalized			Adequately capitalized			Undercapitalized			
	A	B	C	A	B	C	A	B	C	
	23	26	29	26	29	30	29	30	31	
Number of institutions	1,301	194	28	150	124	67	12	42	118	2,036
Total assets ($ mill.)	$388,693.9	$65,033.9	$11,392.1	$144,031.1	$76,195.1	$28,392.2	$7,560.2	$15,056.6	$89,490.9	$825,846.0
Assessment base	312,983.1	48,315.5	8,320.3	111,219.5	58,040.0	21,668.9	2,292.0	11,596.5	68,646.5	643,082.4
Equity capital	32,835.0	4,602.3	1,051.7	8,356.6	4,573.9	1,645.7	167.0	695.4	4,074.8	58,002.4
Noninterest income	$2,890.4	$575.4	$166.8	$1,295.1	$594.5	$325.2	$518.8	$82.5	$829.9	$7,278.7
Noninterest expense	8,364.1	1,852.7	418.5	3,286.0	1,916.7	968.7	441.0	299.6	2,638.1	20,185.5
Securities gains/losses	168.5	27.2	10.9	45.6	25.1	15.6	1.4	6.0	73.4	373.8
Income before taxes	6,175.5	512.3	25.4	1,332.4	222.3	16.5	31.5	135.4	(290.6)	8,160.8
Applicable taxes	2,138.5	224.4	19.2	359.7	65.2	3.1	11.3	51.3	64.2	2,936.9
Income before extr items	4,037.0	287.9	6.2	972.7	156.8	13.8	20.2	84.1	(355.8)	5,223.1
Extraordinary items	110.4	14.0	17.0	125.8	14.5	5.6	0.4	(68.7)	33.5	252.6
Net income	4,147.4	301.9	23.2	1,098.6	171.4	19.0	20.6	15.5	(322.2)	5,475.2
Estimated assessments, 1993 rates	$719.9	$125.6	$24.1	$289.2	$168.3	$65.0	$6.6	$34.8	$212.8	$1,646.3
—Percent of total overhead	8.61%	6.78%	5.77%	8.80%	8.78%	6.71%	1.51%	11.61%	8.07%	8.16%
—Percent of pre-tax net income	11.45%	23.87%	56.95%	19.83%	71.15%	294.03%	20.84%	52.14%	N/M	19.57%
—Percent of noninterest income	24.91%	21.83%	14.47%	22.33%	28.31%	19.99%	1.28%	42.15%	25.64%	22.62%
—Percent of equity capital	2.19%	2.73%	2.29%	3.46%	3.68%	3.95%	3.98%	5.00%	5.22%	2.84%
Estimated assessments, 1992 rate	$719.9	$111.1	$19.1	$255.8	$133.5	$49.8	$5.3	$26.7	$157.9	$1,479.1
—Percent of total overhead	8.61%	6.00%	4.57%	7.78%	6.96%	5.14%	1.20%	8.90%	5.98%	7.33%
—Percent of pre-tax net income	11.45%	21.11%	45.17%	17.54%	56.43%	225.42%	16.53%	39.97%	N/M%	17.58%
—Percent of noninterest income	24.91%	19.31%	11.47%	19.75%	22.45%	15.32%	1.02%	32.32%	19.02%	20.32%
—Percent of equity capital	2.19%	2.41%	1.82%	3.06%	2.92%	3.03%	3.16%	3.84%	3.87%	2.55%
Impact of rate change, '92–'93	$0.0	$14.5	$5.0	$33.4	$34.8	$15.2	$1.4	$8.1	$54.9	$167.3
—Percent change in premium	0.0%	13.0%	26.1%	13.0%	26.1%	30.4%	26.1%	30.4%	34.8%	11.3%
—Percent of total overhead	0.00%	0.78%	1.19%	1.02%	1.82%	1.57%	0.31%	2.71%	2.08%	0.83%
—Percent of pre-tax net income	0.00%	2.75%	11.78%	2.29%	14.72%	68.61%	4.31%	12.17%	N/M%	1.99%
—Percent of noninterest income	0.00%	2.52%	2.99%	2.58%	5.86%	4.66%	0.27%	9.84%	6.62%	2.30%
—Percent of equity capital	0.00%	0.31%	0.47%	0.40%	0.76%	0.92%	0.82%	1.17%	1.35%	0.29%

[1] Assessment base estimates are taken from quarterly financial reports and do not reflect other adjustments. This table does not adjust for "Oakar" institutions.

N/M—Not meaningful.

Sixty-four percent of SAIF members are paying the same assessment rate they paid in 1992, 23 basis points (not including Oakar institutions). This represents about 8.6 percent of overhead (defined as total noninterest expense) for these institutions as a group. Measuring the burden in other ways, premiums for this group amounted to about 10.3 percent of pre-tax net income, 24.9 percent of noninterest income, or just over two percent of equity capital.

The remaining 36 percent of SAIF members have been estimated to pose a higher risk to the SAIF and are paying more than 23 basis points—and, therefore, more than they paid in 1992. The measured burden of assessments is greater for these institutions than for the lowest-rate-paying institutions, not only because of their higher premium rates but also because of their lower income and capital. In fact, the highest-rate-paying group had negative net income in aggregate, so that ratios of assessments to income are not meaningful. For other insurance groups, assessments ranged from about 10 percent to about 75 percent of pre-tax net income. These figures highlight the drawbacks of measuring the assessment burden relative to income: reported income is highly variable over time due to variations in provisions, chargeoffs and the spread between short-term and long-term interest rates.

Better measures of burden are the assessment rate relative to capital, and relative to total overhead expense. The general level of assessments relative to equity capital is broadly similar to the ratios for BIF members. Although slightly higher than the BIF ratios due to SAIF members' somewhat lower equity ratios, the ratio of assessments to equity is generally between two percent and four percent, and slightly exceeds

five percent for two of the weakest insurance groups.

Perhaps the most stable and intuitively understandable measure of the assessment burden among those presented here is the relation to total overhead expense. For this purpose, overhead is salaries and benefits, expenses on premises and fixtures as well as all other noninterest expense—in short, all the costs of running the thrift other than funding costs. In general, deposit insurance expenses currently range from six percent to nine percent of SAIF-members' overhead. The exception is two insurance groups with small numbers of institutions—12 and 42—that have assessment-to-overhead ratios of about two percent and 12 percent, respectively. The ratio of assessments to overhead is generally two to three percentage points higher for SAIF members than for BIF members, due to BIF members' slightly higher overhead expenses.

Table 7 below compares the relative expense of assessment rates on SAIF members over the years. Because of improving net income, the ratio of SAIF assessments to pre-tax net income has declined since 1991. Assessments continue to be between 7 percent and 8.2 percent of overhead expense. Finally, improvements in thrift industry capital have resulted in a lower assessment expense to equity capital ratio since 1990.

TABLE 7.—IMPACT OF ASSESSMENT RATES ON SAIF-MEMBER INSTITUTIONS

	1990	1991	1992	1993[1]
Average assessment rate	0.208%	0.23%	0.23%	0.253%
Percent of:				
Pre-tax net income	N/M	27.12	14.95	16.37
Overhead expense	7.88	8.11	7.33	8.16
Equity capital	3.47	3.19	2.55	2.84

[1] Estimated 1993 assessments as a percent of 1992 income, expense and capital amounts.

Based on this analysis, the Board believes that the current levels of SAIF-member deposit insurance premiums are not unduly burdensome. This is especially the case since deposit insurance presumably benefits most institutions by lowering somewhat the interest rates they must pay for deposits.

Comments

The FDIC received 20 comment letters on the proposal. Of the 20 letters, 11 were from banks, 4 from thrifts, and 5 from trade groups. Over half of the respondents suggested that, in one way or another, the FDIC should lower assessment rates. In particular, it was suggested that BIF-member rates be decreased now that the FDIC's projections for bank failures have been lowered with the recent improvement in industry performance and the concomitant decrease in the exposure of the BIF. As noted above, the Board believes that it is desirable to recapitalize the BIF as soon as possible without imposing an undue burden on the banking industry. FDIC analysis indicates that retaining the current rate schedule for BIF-members would not result in an undue burden on the industry.

In addition, as of January 1, 1994, the FDIC will be prohibited by statute from lowering the average BIF assessment rate below 23 basis points until the BIF has been recapitalized. This means that, starting next year, assessment rates could be at most approximately one basis point lower than current rates. While the statute does not impose a direct restriction on assessment rates in the upcoming assessment period, the Board believes that a significant reduction in the assessment rate would be inconsistent with the notion that the current system represents a transition to next year's risk-related premium system.

Similarly, a number of commenters suggested that the range of rates be widened from the existing range of 23 to 31 basis points. In particular, these respondents suggested that institutions posing less risk to the fund pay a rate low enough to offer better incentives for improved performance. While these suggestions are helpful, they are not applicable to the current proposal. The FDIC adopted a transitional risk-related premium system in September 1992 to last throughout 1993. 57 FR 45278 (October 1, 1992). The FDIC is now finalizing its proposal for the 1994 risk-related premium system, and has solicited comments for that proposal, specifically seeking comment on the criteria for and range of rates to charge. 57 FR 62503 (December 31, 1992). The structure of the assessment schedule will not change for the second semi-annual assessment period of 1993.

Three letters expressly supported the amended BIF recapitalization schedule, stating that it was preferable to shorten the recapitalization period, given changes in industry conditions, in order to act in the best interests of the public. In supporting the revised recapitalization schedule, two respondents agreed with the FDIC's proposal to retain the existing assessment rate schedules for BIF and SAIF members. While these two respondents agreed with the FDIC's proposal, they both questioned the FDIC's assumptions regarding future bank and thrift failures and loss rates as being overly pessimistic given recent trends in the banking and thrift industries.

Three respondents opposed the amended BIF recapitalization schedule, arguing that the FDIC should use the full 15 years allotted by the Congress for the recapitalization. In particular, these respondents suggested that it would be preferable to lower assessment rates and recapitalize over 15 years. As noted above, the FDIC believes it is preferable to recapitalize the BIF as soon as possible without unduly burdening the banking industry. Also, the FDIC will be prohibited from charging BIF members an average assessment rate below 23 basis points as of January 1, 1994.

One commercial bank suggested that the FDIC shorten the anticipated recapitalization time span of the SAIF, and that SAIF-member assessment rates should be altered to achieve this goal. Under current law, the FDIC is required to recapitalize the SAIF within a reasonable amount of time, and the Board is not required to issue a SAIF recapitalization schedule until 1998. Thus, the Board believes that the current schedule of rates is sufficient to recapitalize the SAIF within a reasonable amount of time.

Finally, four respondents commented on the issue of parity between SAIF-member and BIF-member assessment rates. In general, it was suggested that insured depository institutions be charged a premium based on their risk to the applicable insurance fund, but

that risk-based premiums should not depend on which fund an institution belongs. It was argued that differentiating based on fund membership would result in institutions in one industry suffering from a competitive disadvantage. Section 7 of the FDI Act requires the Board to set assessment rates for each fund independently. In particular, the Board is required to set rates in order to recapitalize each fund. At present, identical rate matrices produce different average rates for each fund, and those average rates are sufficient to achieve each fund's recapitalization target. It is not clear that the funds will have identical rate matrices in the future. The FDIC is aware of the concern that different matrices could lead to members of one fund having a competitive advantage over the other, and will try to establish an equitable risk-related premium structure for each fund while achieving the mandated recapitalization goals.

List of Subjects in 12 CFR Part 327

Assessments, Bank deposit insurance, Financing Corporation, Savings associations.

For the reasons set forth in the preamble, part 327 of Chapter III of title 12 of the Code of Federal Regulations is amended as follows:

PART 327—ASSESSMENTS

1. The authority citation for part 327 continues to read as follows:

Authority: 12 U.S.C. 1441, 1441b, 1817–1819.

2. Paragraph (d) of § 327.13 is revised to read as follows:

§ 327.13 Payment of assessment.

* * * * *

(d) *Recapitalization schedule.* The following schedule, which begins with the semiannual assessment period ending December 31, 1991, indicates the stages by which the Corporation seeks to achieve the BIF designated reserve ratio of 1.25 percent:

Semi-annual period	Target reserve ratio (percent)
1991.2	−0.36
1992.1	−0.28
1992.2	−0.01
1993.1	0.03
1993.2	0.06
1994.1	0.08
1994.2	0.09
1995.1	0.15
1995.2	0.21
1996.1	0.28
1996.2	0.34
1997.1	0.42
1997.2	0.50
1998.1	0.59
1998.2	0.67
1999.1	0.76
1999.2	0.85
2000.1	0.94
2000.2	1.03
2001.1	1.12
2001.2	1.21
2002.1	1.25

By order of the Board of Directors.

Dated at Washington, DC, this 25th day of May 1993.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[FR Doc. 93–12839 Filed 5–28–93; 8:45 am]

BILLING CODE 6714–01–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 92–NM–224–AD; Amendment 39–8581; AD 93–10–03]

Airworthiness Directives; Airbus Industrie Model A320 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD), applicable to certain Airbus Industrie Model A320 series airplanes, that requires installation of a nylon insulation plate on each attachment bracket in the center fuel tank, and installation of new support bracket assemblies on the fuel probes in the left- and right-hand inner wing fuel tanks. This amendment is prompted by reports of insufficient clearance between the fuel probes and their attachment brackets of the center and inner wing fuel tanks. The actions specified by this AD are intended to prevent the occurrence of electrical arcing between the fuel probes and the center and inner wing fuel tanks in the event of a lightning strike on the airplane.

DATES: Effective July 1, 1993.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of July 1, 1993.

ADDRESSES: The service information referenced in this AD may be obtained from Airbus Industrie, 1 Rond Point Maurice Bellonte, 31707 Blagnac Cedex, France. This information may be examined at the Federal Aviation Administration (FAA), Transport Airplane Directorate, Rules Docket, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Greg Holt, Aerospace Engineer, Standardization Branch, ANM–113, FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington 98056–4056; telephone (206) 227–2140; fax (206) 227–1320.

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations to include an airworthiness directive (AD) that is applicable to certain Airbus Industrie Model A320 series airplanes was published in the **Federal Register** on February 5, 1993 (58 FR 7196). That action proposed to require installation of a nylon insulation plate on each attachment bracket in the center fuel tank, and installation of new support bracket assemblies on the fuel probes in the left- and right-hand inner wing fuel tanks.

Interested persons have been afforded an opportunity to participate in the making of this amendment. Due consideration has been given to the comments received.

Two commenters support the proposed rule.

Another commenter requests that the FAA clarify the modification number references in paragraphs (a) and (b) of the proposal. For the sake of clarity, this commenter suggests revising the numerical references for the modification from 22647J0833 to 22647 (the more common usage) in paragraph (a) of the proposal, and from 22855J0899 to 22855 (the more common usage) in paragraph (b) of the proposal. The FAA concurs that clarification is warranted. In order to avoid confusion, the FAA has revised paragraphs (a) and (b) of the final rule to specify these shortened modification number references.

Since issuance of the proposal, Airbus Industrie has issued Revision 3 of Service Bulletin A320–28–1040, dated January 15, 1993. This revision of the service bulletin is essentially identical to the original issue, but itemizes the correct kit parts. Paragraphs (a) and (b) of the final rule have been revised to include Revision 3 of the service bulletin as an additional source of service information.

Paragraph (b) of the final rule has been revised to refer correctly to a certain fuel probe as 21QT2, rather than 21TQ2.

After careful review of the available data, including the comments noted

above, the FAA has determined that air safety and the public interest require the adoption of the rule with the changes previously described. The FAA has determined that these changes will neither increase the economic burden on any operator nor increase the scope of the AD.

The FAA estimates that 48 airplanes of U.S. registry will be affected by this AD, that it will take approximately 91 work hours per airplane to accomplish the required actions, and that the average labor rate is $55 per work hour. The cost of required parts is expected to be negligible. Based on these figures, the total cost impact of the AD on U.S. operators is estimated to be $240,240, or $5,005 per airplane. This total cost figure assumes that no operator has yet accomplished the requirements of this AD.

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

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

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

93–10–03 Airbus Industrie: Amendment 39–8581. Docket 92–NM–224–AD.

Applicability: Model A320 series airplanes, as listed in Airbus Industrie Service Bulletin A320–28–1040, Revision 1, dated April 3, 1992; certificated in any category.

Compliance: Required as indicated, unless accomplished previously.

To prevent the occurrence of electrical arcing between the fuel probes and the center and inner wing fuel tanks, accomplish the following:

(a) For airplanes on which Modification 22647 has not been accomplished: Within 9 months after the effective date of this AD, remove fuel probes 35QT, 36QT, 37QT, 38QT, and 39QT; install a nylon plate on each attachment bracket in the center fuel tank, Modification 22647; reinstall the fuel probes; and perform a functional check; in accordance with Airbus Industrie Service Bulletin A320–28–1040, Revision 1, dated April 3, 1992; or Revision 3, dated January 15, 1993.

(b) For airplanes on which Modification 22855 has not been accomplished: Within 9 months after the effective date of this AD, remove fuel probes 21QT1, 21QT2, 22QT1, 22QT2, 23QT1, 23QT2, 25QT1, 25QT2, 26QT1, 26QT2, 27QT1, 27QT2, 29QT1, 29QT2, 31QT1, and 31QT2; install new support bracket assemblies on fuel probes 1 and 2 in the inner fuel tanks of the left- and right-hand wings, Modification 22855; reinstall fuel probes; and perform a functional check; in accordance with Airbus Industrie Service Bulletin A320–28–1040, Revision 1, dated April 3, 1992; or Revision 3, dated January 15, 1993.

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

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

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

(e) The removal, modification, reinstallation and functional check shall be done in accordance with the following Airbus Industrie service bulletins, which contain the specified effective pages, as applicable:

Service bulletin referenced and date	Page no.	Revision level shown on page	Date shown on page
A320–28–1040, Revision 1, April 3, 1992.	1–5, 7, 9, 12–13, 27–29.	1	4–3–92
	6, 8, 10–11, 14–26.	(Original).	1–31–92
A320–28–1040, Revision 3, January 15, 1993.	1–4, 7, 9–23, 26–38.	3	1–15–93
	5–6, 8, 24–25.	(Original).	1–31–92

This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from Airbus Industrie, 1 Rond Point Maurice Bellonte, 31707 Blagnac Cedex, France. Copies may be inspected at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

(f) This amendment becomes effective on July 1, 1993.

Issued in Renton, Washington, on May 18, 1993.

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 93–12803 Filed 5–28–93; 8:45 am]

BILLING CODE 4910–13–P

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14 CFR Part 39

[Docket No. 92–NM–222–AD; Amendment 39–8582; AD 93–10–04]

Airworthiness Directives; Gulfstream Aerospace Corp. Model G1159 (G–II), G1159A (G–III), G1159B (G–IIB), and G–IV Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment supersedes an existing airworthiness directive (AD), applicable to all Gulfstream Model G1159 (G–II), G1159A (G–III), G1159B (G–IIB), and G–IV series airplanes, that currently requires inspections of the electrical power leads to the engine fire extinguishers to determine proper installation, and correction of the installation, if necessary. This action also requires modification of the electrical leads and plumbing

connections to the fire extinguishers, which terminates the requirement for inspections following maintenance on the fire extinguishing system. This amendment is prompted by the development of a modification that eliminates incorrect installation of the electrical power lead to the engine fire extinguishing system. The actions specified by this AD are intended to prevent fire bottles being discharged into the wrong nacelle.

DATES: Effective July 1, 1993.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of July 1, 1993.

ADDRESSES: The service information referenced in this AD may be obtained from Gulfstream Aerospace Corporation, Technical Operations Department, P.O. Box 2206, Savannah, Georgia 31402–9980. This information may be examined at the Federal Aviation Administration (FAA), Transport Airplane Directorate, Rules Docket, 1601 Lind Avenue, SW., Renton, Washington; or at the FAA, Small Airplane Directorate, Atlanta Aircraft Certification Office, suite 210C, 1669 Phoenix Parkway, Atlanta, Georgia; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Steve Flanagan, Aerospace Engineer, Airframe Branch, ACE–120A, FAA, Small Airplane Directorate, Atlanta Aircraft Certification Office, suite 210C, 1669 Phoenix Parkway, Atlanta, Georgia 30349; telephone (404) 991–2910; fax (404) 991–3606.

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations by superseding AD 89–05–05, Amendment 39–6198 (54 FR 15744, April 19, 1989), which is applicable to all Gulfstream Model G1159 (G–II), G1159A (G–III), G1159B (G–IIB), and G–IV series airplanes, was published in the **Federal Register** on March 2, 1993 (58 FR 12004). That action proposed to require inspections of the electrical power leads to the engine fire extinguishers to determine proper installation, and correction of the installation, if necessary. That action also proposed to require modification of the electrical leads and plumbing connections to the fire extinguishers, which will terminate the requirement for inspections following maintenance on the fire extinguishing system.

Interested persons have been afforded an opportunity to participate in the making of this amendment. No comments were submitted in response to the proposal or the FAA's determination of the cost to the public. The FAA has determined that air safety and the public interest require the adoption of the rule as proposed.

There are approximately 540 Model G1159 (G–II), G1159A (G–III), G1159B (G–IIB), and G–IV series airplanes of the affected design in the worldwide fleet. The FAA estimates that 363 airplanes of U.S. registry will be affected by this AD, that it will take approximately 8 work hours per airplane to accomplish the required actions, and that the average labor rate is $55 per work hour. Required parts will cost approximately $334 per airplane. Based on these figures, the total cost impact of the AD on U.S. operators is estimated to be $280,962, or $774 per airplane. This total cost figure assumes that no operator has yet accomplished the requirements of this AD.

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

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

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

2. Section 39.13 is amended by removing amendment 39–6198 (54 FR 15744, April 19, 1989), and by adding a new airworthiness directive (AD), amendment 39–8582, to read as follows:

93–10–04 Gulfstream Aerospace Corporation: Amendment 39–8582. Docket 92–NM–222–AD. Supersedes AD 89–05–05, Amendment 39–6198.

Applicability: All Model G1159 (G–II), G1159A (G–III), G1159B (G–IIB), and G–IV series airplanes, certificated in any category.

Compliance: Required as indicated, unless accomplished previously.

To prevent fire bottles being discharged into the wrong nacelle, accomplish the following:

(a) Within 3 days or 10 hours time-in-service after May 8, 1989 (the effective date of AD 89–05–05, Amendment 39–6198), whichever occurs later, perform an inspection to determine proper configuration of electrical power leads to the engine fire extinguishing system, in accordance with the following Gulfstream Alert Customer Bulletins, dated February 2, 1989: G–II Bulletin No. 20 (for Model G1159/G1159B series airplanes); G–III Bulletin No. 4 (for Model G1159A series airplanes); or G–IV Bulletin No. 5 (for Model G–IV series airplanes); as applicable. If the configuration is not correct, prior to further flight, correct the installation in accordance with the applicable alert customer bulletin.

(b) Immediately following any maintenance performed on the engine fire extinguishing system, perform the inspection procedures required by paragraph (a) of this AD in accordance with the applicable alert customer bulletin to ensure that the system is functioning properly.

(c) Within 2 years after the effective date of this AD, modify the electrical leads and plumbing connections to the fire extinguishers in accordance with the following Gulfstream Aircraft Service Changes: Gulfstream II/IIB Change No. 401, dated December 6, 1991 (for Model G1159/G1159B series airplanes); Gulfstream III Change No. 195, dated December 6, 1991 (for Model G1159A series airplanes); or Gulfstream Change No. 146, dated September 5, 1991 (for Model G–IV series airplanes); as applicable. Accomplishment of this modification constitutes terminating action for the inspection procedures required by paragraph (b) of this AD.

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

Note: Information concerning the existence of approved alternative methods of

compliance with this AD, if any, may be obtained from the Atlanta ACO.

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

(f) The inspections shall be done in accordance with Gulfstream G–II Alert Customer Bulletin No. 20, dated February 2, 1989 (for Model G1159/G1159B series airplanes); Gulfstream G–III Alert Customer Bulletin No. 4, dated February 2, 1989 (for Model G1159A series airplanes); or Gulfstream G–IV Alert Customer Bulletin No. 5, dated February 2, 1989 (for Model G–IV series airplanes); as applicable. The modification shall be done in accordance with Gulfstream II/IIB Aircraft Service Change No. 401, dated December 6, 1991 (for Model G1159/G1159B series airplanes); Gulfstream III Aircraft Service Change No. 195, dated December 6, 1991 (for Model G1159A series airplanes); or Gulfstream IV Aircraft Service Change No. 146, dated September 5, 1991 (for Model G–IV series airplanes); as applicable. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from Gulfstream Aerospace Corporation, Technical Operations Department, P.O. Box 2206, Savannah, Georgia 31402–9980. Copies may be inspected at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the FAA, Small Airplane Directorate, Atlanta Aircraft Certification Office, suite 210C, 1669 Phoenix Parkway, Atlanta, Georgia; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

(g) This amendment becomes effective on July 1, 1993.

Issued in Renton, Washington, on May 18, 1993.

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 93–12804 Filed 5–28–93; 8:45 am]

BILLING CODE 4910–13–P

COMMODITY FUTURES TRADING COMMISSION

17 CFR Part 1

Contemporaneous Written Records of Orders Placed With Contract Market Members by Other Members Present on the Floor

AGENCY: Commodity Futures Trading Commission.

ACTION: Final rule.

SUMMARY: The Commodity Futures Trading Commission ("Commission") has implemented the statutory directive set forth in section 203 of the Futures Trading Practices Act of 1992 ("Futures Trading Act"),[1] by amending Commission Regulation 1.35 to require that contemporaneous written records be made of all orders for execution on a contract market placed by a contract market member who is present on the floor at the time such order is placed. The final amendments generally would require that orders placed with a contract market member by another member present on the floor ("CTI–3 orders"),[2] be recorded on order tickets in the same manner as is currently required for customer orders, or, alternatively, by both the member initiating a CTI–3 order and the member receiving such order for execution recording certain information on their trading cards or other records reflecting the placement of the order and its execution, respectively. The amendments also would permit exchanges to adopt rules exempting certain CTI–3 spread transactions from the contemporaneous written record requirement.

EFFECTIVE DATE: This rule shall be effective August 30, 1993.

FOR FURTHER INFORMATION CONTACT: Lloyd F. Bernard, Attorney, Division of Trading and Markets, Commodity Futures Trading Commission, 2033 K Street, NW., Washington DC 20581. Telephone (202) 254–8955.

SUPPLEMENTARY INFORMATION:

I. Introduction

Commission Regulation 1.35 instructs futures commission merchants, introducing brokers and contract market members as to their recordkeeping responsibilities in connection with all customer and option customer orders, including CTI–3 orders.[3] On December 30, 1992, the Commission published for public comment in the **Federal Register** proposed amendments to Regulation 1.35(a–1),[4] which were intended to improve the audit trail for CTI–3 orders by requiring that order tickets or other indications of order placement be prepared for such orders.[5]

II. Comments Received

The Commission received three comment letters on the proposed amendments, each of which was from a contract market.[6] Each commenter indicated its substantial agreement with the Commission's proposed amendments and also requested clarification or modification of certain provisions of the proposed amendments. The Commission has carefully reviewed and considered the comments received, and, as a result, has modified and clarified the proposed amendments as appropriate.

III. Amendments to Regulation 1.35

The final amendments, in compliance with the statutory mandate for a contemporaneous written record of CTI–3 orders, generally would require that CTI–3 orders be recorded either on order tickets or other trading records. The final amendments would permit exchanges to adopt rules providing for an alternative to the order ticket or trading record method of generating contemporaneous written records for CTI–3 orders. The final amendments also would permit exchanges to adopt rules which provide an exemption from the contemporaneous written record requirements for certain spread transactions. Finally, the amendments require that contract markets' surveillance programs review effectively for compliance with the CTI–3 recordkeeping requirements.

A. Order Tickets

1. The Proposed Amendments

The proposed amendments would have permitted the preparation of order tickets as one method of recordkeeping

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[1] Section 203 of the Futures Trading Act amends Section 4c of the Commodity Exchange Act ("Act") (7 U.S.C. 6c) by adding a new subsection (g) which directs the Commission to "adopt rules requiring that a contemporaneous written record be made, as practicable, of all orders for execution on the floor or subject to the rules of each contract market placed by a member of the contract market who is present on the floor at the time such order is placed." Futures Trading Practices Act of 1992, Public Law 102–546, section 203, 106 Stat. 3590 (1992).

[2] These member-to-member orders are classified under Commission Regulation 1.35(e) as customer type indicator ("CTI") three orders. Regulation 1.35(e) requires each contract market to maintain a single record for each futures or option trade including, among other things, symbols indicating for whom an order is executed. The paragraph directs that CTI–3 be used to show that the person executing the trade was trading for another member present on the exchange floor, or an account controlled by such other member.

[3] CTI–3 orders, also known as "oral orders," are transmitted verbally or are handsignalled to a contract market member from another member present on the floor. These orders may be for the account of the member placing the order or for an account under his control and are not required to be recorded pre-execution on written records.

[4] 57 FR 62244 (December 30, 1992).

[5] Commission Regulation 1.35(a–1)(2) currently requires that a written record (order ticket) be prepared by a contract market member who receives an order on the floor other than in the form of a written record. However, Regulation 1.35(a–1)(3) exempts CTI–3 orders from this requirement provided that the member receiving and executing the order notes the time of execution on his trading card or other record immediately upon execution of the order.

[6] Comment letters were received from the Chicago Board of Trade ("CBT"), Chicago Mercantile Exchange ("CME") and New York Futures Exchange, Inc. ("NYFE").

for CTI–3 orders. The order ticket could be prepared by either the member initiating the CTI–3 order ("initiating member") or the broker receiving and executing the order ("executing broker"). Therefore, order tickets for CTI–3 orders would be prepared in the same manner as is currently required for customer orders under Commission Regulation 1.35(a–1)(2).[7] The order ticket would be prepared in non-erasable ink, and would include the account identification, order number and a time-stamped date and entry time. The proposed amendments also would have required the executing broker to have the order ticket time-stamped to the nearest minute when the report of the order's execution is made, as is currently required for customer orders under Commission Regulation 1.35(a–1)(4).

2. Comments Received

In its comment letter, the CBT requests clarification as to whether the proposed requirement of an order ticket for CTI–3 orders would apply to transactions that are placed into the "normal customer order flow process" by a member present on the floor. The "normal customer order flow process" contemplates an order transmitted to the executing broker from a trading desk pursuant to an order ticket prepared at the desk or delivered to the desk by the initiating member or his clerk.

The amendments are intended to enhance the audit trail for CTI–3 orders by establishing the timeframe in which a CTI–3 order is active on the floor. One of the stated means of doing so is to prepare an order ticket. Accordingly, the Commission's regulations as amended would be satisfied if an order ticket were prepared in the "normal customer order flow process."

B. Trading Cards or Other Records

1. The Proposed Amendments

The proposed amendments would have provided that the contemporaneous written record for CTI–3 orders may appear on separate trading cards or other records. Under this procedure, the initiating member would record on his sequentially-numbered trading card information reflecting the order's terms and the time of placement to the nearest minute. The executing broker would record on his trading card or other record the terms of execution, the time of execution to the nearest minute and other trading card recordkeeping requirements in accordance with the provisions of Commission Regulation 1.35(d).[8] The proposed amendments also required that the executing broker return his trading card or other record on which the execution of the trade is recorded to the initiating member. The initiating member then would be required to submit both his own trading card and the record he received from the executing broker together to contract market personnel or to his clearing member.[9]

2. Comments Received

In its comment letter, the CBT expresses concern with the provision requiring that the separate trading records reflecting order placement and execution be submitted together to clearing, and suggested that this requirement be amended to require that "both documents be maintained at a single clearing member firm and/or contract market." The CBT argues that CTI–3 orders often are transmitted by handsignals due to the lack of proximity between trading pits, and that busier members or those without clerks may find it difficult and burdensome to obtain both trading records to submit to clearing within the Commission's trade submission requirements prescribed under Regulation 1.35(j).[10] The CBT also states that the proposal's intent is met by CBT Rule 332.09, which requires that both documents be kept on file with the clearing member firm, but not necessarily together.[11] In this connection, the CBT states that the applicable documents, even though separately maintained, are not difficult to locate during a trade surveillance review.

3. Regulation 1.35(a–1)(2)(ii)(B)

The Commission has determined to make the proposed amendments final as written, maintaining the requirement that trading records be submitted together to the clearing firm. In surveillance reviews and investigations, the Commission has found that when the trading records are maintained separately, it is very difficult and time-consuming to locate both records. The Commission also believes that the requirement that the documents be placed together is likely to foster overall compliance with these amendments. With respect to members' ability to comply, the Commission points out that the CME has had such a requirement in place since 1990 and its members have had no notable difficulty in complying. In sum, the Commission believes that this is a requirement which will provide regulatory benefits without adversely impacting trading.

C. Alternative Exchange Rules

The proposed amendments also would have permitted exchanges to adopt rules providing for an alternative to the order ticket or other record method of generating contemporaneous written records for CTI–3 orders. Any rules promulgated under this authority were to be submitted to the Commission pursuant to Section 5a(a)(12)(A) of the Act and Regulation 1.41. The proposed amendments set forth minimum standards required to be met by any alternative method. Under the proposed amendments, any alternative contemporaneous written records would have to: (1) reflect the terms of the order; (2) include reliable timing data sufficient to permit the complete and effective reconstruction of the time and sequence of CTI–3 order executions; and (3) provide that the written records be submitted together to the clearing member. In sum, such rules must effectively restrict opportunities for fabrication of CTI–3 orders and executions. No comments were received related to this portion of the proposed amendments. The Commission, however, has clarified that the necessary

[7] The conference report on the Futures Trading Act specified that "if a written order is prepared as required for customers under Commission regulations, then that record would satisfy the requirements" for a contemporaneous written record of CTI–3 orders. H.R. Conf. Rep. No. 978, 102d Cong., 2d Sess. 54 (1992).

[8] Regulation 1.35(d) states, among other things, that a member's trading card or record shall show the member's name, clearing member's name, transaction date and time, quantity, commodity, price, month, opposite broker or trader and opposite clearing member. Trades must be recorded in non-erasable ink, on consecutive lines of numerically sequenced trading cards.

[9] The trading card or other record used by the executing broker to record the trade execution and timing information may be a non-sequenced trading card or another record such as is used to record flashed orders. This record would denote the time of execution and would be submitted to clearing together with the initiating member's sequenced trading card indicating the time the order was placed. By establishing verifiable placement and execution times and other order information, the documents collectively would furnish the critical audit trail data necessary for trade reconstruction.

[10] Under Commission Regulation 1.35(j), members' trading records are to be submitted to contract market personnel or to clearing firms within 15 minutes of designated intervals not to exceed 30 minutes.

[11] CBT Rule 332.09, which addresses CTI–3 orders, provides for CTI–3 order placement information to be recorded on a sequentially-numbered trading card by the initiating member, and for the order execution time to be recorded on a trading record by the executing broker. The rule also requires the executing broker to return his trading record to the initiating member. However, the CBT's rule does not require that those records be submitted together to the initiating member's clearing firm. By contrast, CME Rule 536 presents the same recordkeeping and procedural standards as the CBT's rule, but requires that the separate records be submitted together to the clearing firm.

timing data must include times for both the initiation and execution of the order.

D. Exemption for Spread Transactions

1. The Proposed Amendments

The proposed amendments would have provided a limited exception from the order ticket and trading record requirements for certain spread transactions. Exchange members placing a CTI–3 order for a portion of an inter-commodity [12] or futures/option spread which could not be executed in a single transaction at a differential, and where the initiating member personally executed one or more legs of the spread, would not have been required to prepare a contemporaneous written record of the order. For the CTI–3 component of such trades, the proposed amendments would have maintained the current Commission requirement that the executing broker immediately upon the execution of the order, record on his trading card or other record the time of execution to the nearest minute.[13]

2. Comments Received

Comments regarding the spread exemption were received from the CME and NYFE. The CME states that the proposed spread exemption was drawn too narrowly, while NYFE requested clarification as to the exemption's applicability.

The CME states that the proposal would seriously affect market liquidity and efficiency by impeding floor traders' ability to transact legged spread trades. The CME states that the exemption should apply: (1) To intra-commodity spreads [14] and combination (futures/option) spreads, in addition to inter-commodity spreads; and (2) without consideration for whether a spread could be executed in a single transaction at a differential.

The CME argues that the Commission's rationale for the spread exemption, preserving market efficiency and liquidity, applies equally to intra-commodity as well as inter-commodity spreads. The CME emphasizes the time-sensitive nature of intra-commodity spreads, and states that:

[r]equiring a member to prepare a written record for one leg of an *intra-commodity spread* while executing another leg could delay execution of both legs, making it more difficult to execute the spread for the intended quantity at the desired price, thus reducing market liquidity and impairing market efficiency.[15]

Using its Eurodollar pit as an example, the CME cites the pit's size, number of months traded in separate locations and the difficulty of accessing the designated area for trading intra-commodity Eurodollar spreads in a single transaction at a differential due to the "physical impossibility of moving within the pit" as reasons why intra-commodity spread traders would be burdened by the proposal's recordkeeping requirements. The CME states that the proposal would subject intra-commodity spread traders who leg in to the same burdens the Commission seeks to avoid imposing on members legging into inter-commodity spreads.

With respect to spreads executed in a single transaction, the CME further states that "even if every pit had a designated area where intra-commodity spread transactions could be executed in a single transaction at a differential, many members will still choose to leg such spreads if they believe that they can achieve a more favorable price." The exchange asserts that single transaction execution availability should have no bearing on whether a trader is exempted from the recordkeeping requirements for legged spreads. The determining factor, according to the CME, should be whether or not the member actually places a verbal order to transact the spread simultaneously at a differential, or, instead, elects to execute one or more legs himself while placing a verbal order for the other leg. The CME argues that only in the former case should the recordkeeping requirements apply.

NYFE expresses concerns as to how the proposed spread exemption applies to arbitrage trading.[16] Arbitrage trading is described as an "important component" of trading in NYFE's NYSE Composite Index futures contract.[17] NYFE argues that requiring the initiating member at NYFE to execute personally one leg of the spread to qualify for the spread exemption would create "unnecessary, burdensome obstacles" which would discourage such trading and result in a significant erosion of liquidity in the NCI trading ring. Under the proposal, the NYFE initiating member would have to leave the telephone, execute one leg of the spread in the trading ring and then give instructions for execution of the other leg(s). NYFE believes that the preparation of an order ticket by the initiating member immediately upon report of the fill should satisfy the Commission's regulations.

3. Regulation 1.35(a–1)(3)(i)

After reviewing the comments, the Commission has determined to modify certain aspects of the spread exemption. The modified spread exemption will not be limited to inter-commodity spreads or spreads that cannot be executed in a single transaction at a differential. Any spread transaction where the initiating member personally executes at least one leg of the spread and where the executing broker records the trade and time of execution on his trading record would be exempted from the CTI–3 recordkeeping requirements.

The spread exemption was proposed so as not to unreasonably burden members legging into inter-commodity or futures/option spreads by having them prepare a written record for the CTI–3 order while executing a leg of the spread and signalling or verbally transmitting the order for another leg(s). The Commission believed that imposing additional recordkeeping requirements on the initiating member for these spread transactions would unduly impair the member's ability to fulfill the intended spread trade at the desired price.

The Commission now believes that the risk of price movement during the time that an initiating member prepares a contemporaneous written record also could adversely affect execution of intra-commodity spreads. Accordingly, the proposed amendments have been modified to exempt all legged spreads from the contemporaneous written record requirement.[18]

With respect to spreads that could be executed in a single transaction at a differential, the Commission finds merit in the CME's argument that the spread exemption should apply to legged spreads even though there may be a

[12] An inter-commodity spread, as used in the proposed amendments, referred to a spread consisting of one or more legs in each of two or more economically-related commodities.

[13] Commission Regulation 1.35(a-1)(3).

[14] An intra-commodity spread consists of a long position in one or more contract months taken against a short position in another contract month(s) of the same contract market.

[15] Letter of comment from the CME to the Commission (January 29, 1993).

[16] Arbitrage trading occurs at NYFE as in the following example: a NYFE member would be in telephone contact with a CME or New York Stock Exchange ("NYSE") member and they are trading the differential between the NYSE Composite Index ("NCI") futures contract at NYFE and either the S&P 500 at the CME or the cash option of the NCI at the NYSE. The NYFE member would instruct another member trading on the NYFE floor to buy or sell NCI and would simultaneously tell the CME or NYSE member to sell or buy the respective contract at those exchanges. Prices may change rapidly and the orders, which are placed on a "fill or kill" basis, are cancelled if not immediately executed.

[17] NYFE states that such traders take on large lot executions which help the brokers filling customer orders.

[18] The Commission intends to monitor the operation of the spread exemption to determine whether it may be necessary to impose any additional identification requirements on CTI–3 spread trading.

location where the spread could have been executed in a single transaction. In this regard, the Commission recognizes that although a designated location may exist for execution of a particular spread, a member may choose to leg into a spread to seek a more advantageous fill. The Commission therefore believes that applying the spread exemption to such legged spreads is appropriate. Accordingly, the spread exemption applies to any legged spread where the initiating member executes a leg.

The Commission also is clarifying that arbitrage trading, as described by NYFE, where the trader receives an order on the telephone at a floor desk, flashes the order to the ring and then immediately prepares an order ticket, is not subject to the requirements of these amendments. Arbitrage traders who contemporaneously prepare order tickets at a desk for CTI–3 trades would not have to prepare any other record of the order.

E. Surveillance Programs

The proposal would have required each contract market, as part of its trade surveillance program, to conduct effective surveillance for compliance with the CTI–3 order ticket and trading card recordkeeping requirements and for potential trading abuses related to the execution of CTI–3 orders. Although no comments were received related to this provision, the Commission has made clear that this provision also applies to any exchange rules adopting a spread exemption.

F. Additional Comments

NYFE also suggested that the Commission exempt from the recordkeeping requirements CTI–3 trades that are executed at the discretion of the executing broker.[19] NYFE claims that this practice aids in the training of newer floor members, allows them to earn the capital necessary to form their own businesses and adds more trading members (therefore greater liquidity) to the trading ring. NYFE further claims that the recordkeeping that would have been required under the proposal is unduly burdensome and would result in an erosion of that liquidity.

NYFE proposes that this situation can be monitored effectively if the two members file a written statement with NYFE reflecting the accounts over which a particular member has discretion, and, for surveillance purposes, NYFE treats these discretionary trades as CTI–1 trades. Pursuant to Commission Regulation 1.35(e), CTI–1 is used to indicate a member trading for his personal account.

After reviewing the comment, the Commission is persuaded that NYFE's proposed treatment of these discretionary trades as CTI–1 trades is appropriate. This treatment simply would permit the executing member to record trades for another member's account which he controls as CTI–1 trades to which the amendments would not apply. In that situation, the initiating member and executing broker are the same person. The Commission believes that so identifying the trades is consistent with how many exchanges currently apply the CTI requirement. Moreover, this approach also would be consistent with the Commission's proposed dual trading rules, which would treat a member's personal accounts and those which he controls in the same manner.[20]

IV. Conclusion

The Commission believes that the final amendments to Regulation 1.35 fully implement the statutory requirement contained in the Futures Trading Act. The amendments balance the demonstrated need for improved recordkeeping with existing trading procedures and exchange requirements. The final amendments also would ensure to the extent practicable an enhanced audit trail by establishing the timeframe in which a CTI–3 order is active on the floor. With the ability to reconstruct the time of placement and execution of CTI–3 trades by review of written records, as provided for in the final amendments, it would be more difficult for CTI–3 trades to be used to facilitate possible trading abuses.

V. Related Matters

A. Regulatory Flexibility Act

The Regulatory Flexibility Act ("RFA"), 5 U.S.C. 601 et seq., requires that agencies, in proposing rules, consider the impact of those rules on small entities. The final amendments to Regulation 1.35 affect contract markets and contract market members. The Commission previously has determined that contract markets are not "small entities" for purposes of the RFA, and that the Commission, therefore, need not consider the effect of the proposed amendments on contract markets. 47 FR 18618, 18619 (April 30, 1982).

With respect to contract market members, the Commission has stated that it is appropriate to evaluate within the context of a particular rule proposal whether some or all members that would be affected by the rule should be considered small entities, and, if so, to analyze the economic impact on such entities at that time. 47 FR 18618, 18620 (April 30, 1982).

The Commission recognizes that contract market members would be subject to the final amendments and that certain contract market members could be considered to be small entities for the purposes of the RFA. However, the Commission believes that the final amendments, as designed, would not have a significant economic impact on a substantial number of small entities. The Commission is finalizing these amendments in accordance with the requirements of the Futures Trading Act. The Commission believes that the final amendments afford the exchanges and market participants substantial flexibility and would have minimal, if any, effect on current trading practices. Significantly, all but one exchange already have implemented rules regarding CTI–3 orders that impose requirements similar to those in the final amendments. Also, the final amendments generally are consistent with the recordkeeping standards currently applicable to non-CTI–3 orders.

Accordingly, the Acting Chairman, on behalf of the Commission, hereby certifies, pursuant to section 3(a) of the RFA, 5 U.S.C. 605(b), that the final amendments will not have a significant economic impact on a substantial number of small entities.

B. Paperwork Reduction Act

The Paperwork Reduction Act of 1980 ("PRA"), 44 U.S.C. 3501 et seq., imposes certain requirements on federal agencies (including the Commission) in connection with their conducting or sponsoring any collection of information as defined by the PRA. In compliance with the PRA, the Commission has submitted the final amendments and their associated information collection requirements to the Office of Management and Budget ("OMB"). The burden associated with

[19] NYFE describes this situation as involving a more capitalized floor member (X) who gives complete discretion to another member (Y) (who may recently have acquired floor trading privileges) to trade X's subaccount. At the end of the month, Y would get a percentage of any profits he has earned in the account.

[20] Proposed regulation 1.55.5(a)(4) defines dual trading as the execution of customer orders by a floor broker during the same trading session in which the floor broker executes directly or indirectly a transaction in the same contract market for: (1) The floor broker's own account; (2) any account in which the floor broker's ownership interest or share of trading profits is ten percent or more; (3) an account for which the floor broker has trading discretion; or (4) an account controlled by a person with whom such floor broker is subject to trading restrictions under section 4j(d) of the Act. 58 FR 13025 (March 9, 1993).

the entire collection, including the final amendments is as follows:

Average burden hours per response.....0.0166.
Number of Respondents.....1,126.
Frequency of response.....On occasion.

The burden associated with the final amendments is as follows:

Average burden hours per response.....81.86
Number of Respondents.....176,830
Frequency of response.....On occasion.

Copies of the OMB-approved information collection package associated with this rule may be obtained from Gary Waxman, Office of Management and Budget, Room 3228, NEOB, Washington, D.C., 20503, (202) 395–7340. Copies of the information collection submission to OMB are available from Joe F. Mink, CFTC Clearance Officer, 2033 K Street, NW, Washington, D.C., 20581, (202) 254–9735.

List of Subjects in 17 CFR Part 1

Commodity futures, Commodity options, Registration, Reporting and recordkeeping requirements.

In consideration of the foregoing and pursuant to the authority contained in the Commodity Exchange Act and, in particular, Sections 4c(g) and 8a(5) thereof, 7 U.S.C. 6c(g) and 12a(5), the Commission amends Part 1 of title 17 of the Code of Federal Regulations as follows:

PART 1—GENERAL REGULATIONS UNDER THE COMMODITY EXCHANGE ACT

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

Authority: 7 U.S.C. 2, 2a, 4, 4a, 6, 6a, 6b, 6c, 6d, 6e, 6f, 6g, 6h, 6i, 6k, 6l, 6m, 6n, 6o, 7, 7a, 7b, 8, 9, 12, 12a, 12c, 13a, 13a–1, 16, 16a, 19, 21, 23 and 24, unless otherwise noted.

2. Section 1.35 (a–1)(2), 3 and 4 are revised to read as follows:

§ 1.35 Records of cash commodity, futures, and options transactions.

* * * * *

(a–1) * * *

(2)(i) Each member of a contract market who on the floor of such contract market receives a customer's or option customer's order which is not in the form of a written record including the account identification, order number, and the date and time, to the nearest minute, such order was transmitted or received on the floor of such contract market, shall immediately upon receipt thereof prepare a written record of such order in non-erasable ink, including the account identification and order number and shall record thereon, by time-stamp or other timing device, the date and time, to the nearest minute, the order is received.

(ii) Except as provided in paragraph (a–1)(3) of this section:

(A) Each contract market member who on the floor of such contract market receives an order from another member present on the floor which is not in the form of a written record shall, immediately upon receipt of such order, prepare a written record of the order or obtain from the member who placed the order a written record of the order, in non-erasable ink including the account identification and order number and shall record thereon, by time-stamp or other timing device, the date and time, to the nearest minute, the order is received; or

(B) When a contract market member present on the floor places an order, which is not in the form of a written record, for his own account or an account over which he has control, with another member of such contract market for execution: (*1*) The member placing such order immediately upon placement of the order shall record the order and time of placement to the nearest minute on a sequentially-numbered trading card maintained in accordance with the requirements of paragraph (d) of this section; (*2*) the member receiving and executing such order immediately upon execution of the order shall record the time of execution to the nearest minute on a trading card or other record maintained pursuant to the requirements of paragraph (d) of this section; and (*3*) the member receiving and executing the order shall return such trading card or other record to the member placing the order. The member placing the order then must submit together both of the trading cards or other records documenting such trade to contract market personnel or the clearing member, in accordance with contract market rules adopted pursuant to paragraph (j)(1) of this section.

(iii) Each contract market may adopt rules, which must be submitted to the Commission pursuant to section 5a(a)(12)(A) of the Act and Commission Regulation 1.41, that provide alternative requirements to those contained in paragraph (a–1)(2)(ii) of this section. Such rules shall, at a minimum, require that the contemporaneous written records: (A) Contain the terms of the order; (B) include reliable timing data for the initiation and execution of the order which would permit complete and effective reconstruction of the order placement and execution; and (C) be submitted to contract market personnel or clearing members in accordance with contract market rules adopted pursuant to paragraph (j)(1) of this section.

(3)(i) The requirements of paragraph (a–1)(2)(ii) of this section will not apply if a contract market maintains in effect rules which have been submitted to the Commission pursuant to section 5a(a)(12)(A) of the Act and Commission Regulation 1.41, which provide for an exemption where: (A) a contract market member places with another member of such contract market an order that is part of a spread transaction; (B) the member placing the order personally executes one or more legs of the spread; and (C) the member receiving and executing such order immediately upon execution of the order records the time of execution to the nearest minute on his trading card or other record maintained in accordance with the requirements of paragraph (d) of this section.

(ii) Each contract market shall, as part of its trade practice surveillance program, conduct surveillance for compliance with the recordkeeping and other requirements under paragraphs (a–1) (2) and (3) of this section, and for trading abuses related to the execution of orders for members present on the floor of the contract market.

(4) Each member of a contract market reporting the execution from the floor of the contract market of a customer's or option customer's order or the order of another member of such contract market received in accordance with paragraphs (a–1)(2)(i) or (a–1)(2)(ii)(A) of this section, shall record on a written record of such order, including the account identification and order number, by time-stamp or other timing device, the date and time to the nearest minute such report of execution is made. Each member of a contract market shall submit the written records of customer orders or orders from other contract market members to contract market personnel or to the clearing member responsible for the collection of orders prepared pursuant to this paragraph as required by contract market rules adopted in accordance with paragraph (j)(1) of this section. The execution price and other information reported on such order tickets must be written in non-erasable ink.

* * * * *

Issued in Washington, DC, on May 25, 1993, by the Commission.

Jean A. Webb,

Secretary of the Commission.

[FR Doc. 93–12779 Filed 5–28–93; 8:45 am]

BILLING CODE 6351–01–M

17 CFR Part 156

Registration of Broker Associations

AGENCY: Commodity Futures Trading Commission.

ACTION: Final rule.

SUMMARY: The Commodity Futures Trading Commission ("Commission") has enacted new rules which define entities commonly known as "broker associations" and require that such entities register with their respective contract markets pursuant to contract market rules. The regulations prohibit a member of a broker association from receiving or executing orders unless the broker association is registered with its respective contract market and also require each contract market to prohibit such conduct under its rules. In addition, the Commission is requiring each contract market to implement procedures necessary to ensure that registration procedures are followed and to integrate the data collected from registration into its affirmative compliance programs.

EFFECTIVE DATE: This rule is effective on August 30, 1993.

FOR FURTHER INFORMATION CONTACT: Christopher K. Bowen, Attorney-Advisor, Division of Trading and Markets, Commodity Futures Trading Commission, 2033 K Street NW., Washington, DC 20581. Telephone: (202) 254–8955.

SUPPLEMENTARY INFORMATION:

Paperwork Reduction Burden

The public reporting burden for this collection of information is estimated to average 81.86 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the entire collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to Joe F. Mink, CFTC Clearance Officer, 2033 K Street NW., Washington, DC 20581; and to the Office of Management and Budget, Paperwork Reduction Project (3038–0022), Washington, DC 20503.

I. Introduction

On December 3, 1992, the Commission published for comment in the **Federal Register** proposed Part 156 regulations. 57 FR 57116, December 3, 1992. The proposed regulations were the result of a 1990 Commission-mandated study of broker associations conducted by the Division of Trading and Markets ("Division"),[1] a review of available information with respect to these associations and recent Congressional legislation in the area of broker associations.[2]

In the 1990 Broker Association Study, as part of its ongoing oversight of trade practice programs, the Division reviewed the organization and trading practices of broker associations. As detailed in the preamble to the proposed rule, the Division concluded in its Broker Association Study that although market users ascribed certain advantages to broker associations, such broker relationships could increase the potential for trading abuse. As a result of its findings, the Division recommended that the Commission take steps through rulemaking to require the identification of broker association members and to monitor their trading activity.[3] In addition, in its original Part 156 rule proposal, the Commission noted that five exchanges had in place a range of self-regulatory programs intended to monitor associated broker activity and that, in the course of their surveillance, the exchanges identified a number of instances of abusive trading activity by association members.

On October 28, 1992, Congress enacted the Futures Trading Practices Act of 1992 ("Futures Act"), which included provisions governing the activities of broker associations. Pursuant to section 102 of the Futures Act, section 4j(d)(1) of the Commodity Exchange Act ("Act") as amended, 7 U.S.C. 6j, prohibits a floor broker from executing a customer order if that broker knows the opposite party to the transaction is a floor broker or floor trader with whom the floor broker has one of the following relationships: (1) A partner in a partnership, (2) an employer or employee or (3) such other affiliation as the Commission may specify by rule. This provision is scheduled to go into effect on July 25, 1993, 270 days after enactment of the Futures Act.

Pursuant to section 4j(d)(2) of the statute as amended, this trading restriction would not apply under two circumstances. First, it would not apply if the Commission adopted rules which the Commission certified to Congress require procedures and standards designed to prevent violations of the Act attributable to the broker association trading described in section 4j(d)(1). Second, the restriction would not apply to any contract market that implemented rules designed to prevent violations of the Act attributable to the broker association trading described in section 4j(d)(1) unless the Commission determined, by rule or order, that such rules were not adequate to prevent violations.

Using information developed in the Broker Association Study and an examination of other relevant information, the Commission developed the proposed rules to implement section 4j(d)(2) of the Futures Act. In proposing these rules, the Commission intended to assure that all exchanges have the capability to monitor for potential trade practice abuses which may stem from broker association activity and that these exchange programs satisfy uniform minimum standards. The proposed rules were intended to serve as the basis for certification to Congress that the Commission had in effect rules which require procedures and standards designed to prevent violations of the Act attributable to broker associations.

II. Overview of Comments Received

The Commission received comment letters from five exchanges regarding the proposed rules.[4] In general, a majority of the commenters supported the purpose and content of the proposed rules, and in particular the flexibility given to the exchanges to apply and implement the rules. Some commenters, however, expressed concern that certain portions of the proposed rules were overly broad. Specifically, these commenters stated that the proposed requirement would capture certain activities and relationships which posed little potential for trading abuses. This, in turn, could result in the collection of extraneous information which could dilute exchanges' abilities to use the registration requirement as a surveillance tool.

The Commission has carefully reviewed the comments and modified certain aspects of the proposed Part 156 rules.

III. Final Part 156 Rules

The final Part 156 rules exclude from the registration requirement certain relationships and activities where there would be little opportunity and/or incentive to engage in the types of trade

[1] *See* Division of Trading and Markets, Study on Broker Associations (January 4, 1990) ("Broker Association Study"). Copies of this report are available to the public.

[2] The Commission originally proposed Part 156 rules for comment in the **Federal Register** in April, 1990. 55 FR 13545, April 11, 1990. In response to the comments received to that proposal and in light of the legislative enactments discussed below, the Division modified its original rule proposal.

[3] Broker Association Study at 60.

[4] The exchanges are the Chicago Board of Trade ("CBT"), Chicago Mercantile Exchange ("CME"), Coffee, Sugar & Cocoa Exchange, Inc. ("CSC"), Commodity Exchange, Inc. ("Comex") and the New York Mercantile Exchange ("NYMEX").

practice abuses attributable to broker associations. The elimination of these relationships from coverage should improve the effectiveness of the rules by refining collection of information to that which is likely to have the greatest effect on the potential detection of such abuses.

As with the proposed rules, the final rules give exchanges flexibility in their implementation of the registration requirement. Exchanges have some discretion, subject to Commission oversight, to define the scope of activity subject to registration. Exchanges also are permitted to determine the administrative details of registration and how best to integrate registration data into their existing compliance programs.

A. Regulation 156.1: Definition of Broker Association

As proposed, the term "broker association" was defined to include two or more contract market members with floor trading privileges who: (a) are employees of the same employer, (b) are employer and employee, (c) share profits and losses associated with their brokerage or trading activity, or (d) regularly share a deck of orders.

Two commenters stated that the definition was overly broad and could result in the registration of entities which would not pose the potential for trading abuses ascribed to broker associations. The CME commented that the relationships covered by the proposed regulations should be more narrowly construed to define only those relationships connected to the handling and execution of floor brokerage. Similarly, the CBT stated that the definition failed to draw any connection between the "four types of relationships and actual floor brokerage activity or the execution of customer orders." According to these exchanges, such a construction would be consistent with the intent of the reauthorization legislation, which refers to arrangements between "floor brokers" and other members.

To illustrate its point, the CME gave the following examples: Exchange member A employs members B and C. All three of the members trade only for their personal accounts and do not handle customer orders. B is employed to keep technical charts and market information and C is employed as an outtrade clerk. According to the proposed broker association definition, the CME stated, A, B and C would technically be required to register as a broker association. The CME concluded that since each member trades only for his own account, an activity which is unrelated to floor brokerage activity, little regulatory purpose would be served by registering such persons as a broker association.

In addition, the CME gave an example that if contract market members D and E, who are not floor brokers, shared profits and losses associated with trading activity, they would technically be defined as a broker association under the definition. The CME also concluded that no regulatory purpose would be served by such registration.

The CBT commented specifically that employees of the same employer, without further qualification, should not be a criterion for registration as a broker association. According to the CBT, the proposed regulation could be stretched to the point that two members with trading privileges who were employees of the same employer would be required to be registered even if they traded exclusively in two different futures contracts in two different trading rooms.

After considering these comments, the Commission has revised the definition of a "broker association." The Commission believes that the exchanges' arguments have merit in that the proposed regulation would have captured activity unrelated to floor brokerage and the possible abuse of those orders and thus would have captured too many incidental relationships to be useful as a surveillance tool. The intent of the proposed rule was to detail relationships where potential for abuse of orders was such that identification and further monitoring of those relationships would be necessary. The Commission believes that, although these relationships are properly identified, the regulation should include a connection between these relationships and the potential for abuse in the handling and execution of floor brokerage. This is consistent with the intent of the Futures Act which, by identifying relationships between floor brokers and other members, is designed to prohibit abuse of customer orders.

Therefore, the Commission is making two modifications to its proposed definition to clarify the connection between specified relationships and floor brokerage activities. First, the "employees of the same employer" and "employer and employee" components of the definition are modified. The final rule now includes members who "engage in floor brokerage activity on behalf of the same employer" and those who "have an employer and employee relationship which relates to floor brokerage activity" as members of a broker association. For an employer or employee to be engaged in "floor brokerage activity," that person must be acting in a capacity either related to the pre-execution order flow process on the floor of the exchange or to the execution of the order. In contrast, a person employed as an outtrade clerk or to do market research for another member and who lacks access to pre-execution information about orders would have no opportunity to profit from order information. Therefore, identification of such relationships would not be useful. The Commission emphasizes that "floor brokerage activity" includes the execution of trades for all accounts other than for a member's personal account (*i.e.*, a CTI–2, CTI–3 or CTI–4 trade).

Second, the final rule qualifies the requirement that a broker association consist of "two or more contract market members with floor trading privileges." The final rule states that a broker association includes two or more contract market members with floor trading privileges, of whom at least one is acting as a floor broker." The intended effect of this amendment is to exclude from registration those profit and loss sharing arrangements where, due to the fact that all parties trade only for their own accounts, such relationships should not increase the opportunities for abuse of orders.[5]

The Commission, however, is not limiting the sharing of profits and losses to that related to floor brokerage activity. As noted above, section 4j(d)(1) of the Act would establish a prohibition on the execution of customer orders opposite "a floor broker or floor trader with whom such trader or broker has a relationship involving trading * * *." Therefore, to establish a registration requirement that the Commission could certify addresses similar conduct, it is necessary that the sharing of profits and losses related to "brokerage or trading activity" be covered by the regulation.[6]

The Commission also is not limiting broker association membership to members in the same pit, as suggested by the CBT. In this regard, the Commission believes that identification of broker-related financial and other relationships across pits would aid in the detection and deterrence of order abuse. For example, persons with a pre-

[5] For example, two locals who only shared profits and losses stemming from the sharing of a joint trading account would not be required to be registered as a broker association. Absent floor-brokerage related activity, mere registration as a "floor broker" by a contract market member would not implicate the broker association registration requirement.

[6] The Commission emphasizes that the sharing of profits and losses component of the definition is unqualified as to the percentages allocated among the participants and the means selected for effecting that allocation.

existing relationship who broker in separate pits where related contracts are traded could profit from the knowledge of each others' orders. Registration would be essential to identifying such a relationship.

In addition, the Commission is clarifying its definition so that the term "broker association" applies only to relationships within "each board of trade." For example, a relationship involving a NYMEX member and a Comex member would not, under this definition, be considered a broker association.

B. Regulation 156.2(a): Registration of Broker Association

As proposed, this provision would have prohibited any member of a broker association from receiving orders or executing a transaction unless such entity had been registered with the appropriate contract market. Two commenters, the CME and the CBT, offered that the proposed trading prohibition is broader than would be required to prevent trading abuses related to the execution of customer orders. They pointed to the language of Section 102 of the Futures Act, which would prohibit a floor broker from knowingly executing a customer order with a broker or trader with whom that broker had certain relationships.

For these reasons, the final rule deletes the prohibition against unregistered broker association members from "executing a transaction." Final Regulation 156.2(a) continues, however, to prohibit members of an unregistered broker association from receiving or executing an order. As with the proposed rule, this provision makes failure to register a violation of the regulations which could be enforced directly by the Commission against individual members of the association.

C. Regulation 156.2(b): Contract Market Rules Required

Final Regulation 156.2(b) requires that each contract market adopt and maintain in effect rules that, at a minimum, define the term "broker association" to include those relationships set forth in Regulation 156.1, prohibit a member from acting as part of a broker association as described in Regulation 156.2(a), and require registration of each relationship defined by its rules as a broker association no later than 10 days after establishment of such a relationship.[7] Except for non-substantive language changes, the final regulation is the same as the proposed regulation. The regulation further specifies the categories of identifying information that each contract market must collect. The Commission intends that the information specified by the minimum information necessary for the identification of relationships among broker association members.

One commenter, the CME, stated that it agreed with the types of information proposed to be collected by the regulation. The CME further stated, however, that to the extent that exchanges already collect this information and integrate it into their compliance systems, the Commission should not require that it be separately collected. Similarly, the CBT noted that the registration requirement covers only that information which had not already otherwise been provided to the exchange.

Another commenter, Comex, questioned the benefit of requiring the collection of certain information. The Exchange stated that brokers who would be subject to registration under this rule should not be required to submit their account numbers to the Exchange.[8] According to Comex, the requirement is cumbersome and would not benefit trade practice surveillance. The Exchange mentions that such account information would be subject to constant change and thus reporting of this information would become unmanageable for floor members and exchange staff. Further, Comex stated that, at present, it already requires the submission of account information for all trades executed on the Exchange and routinely makes use of this information in conjunction with its trade surveillance program.

The Commission believes that the type of account information required to be collected by the proposed rule is central to the identification and monitoring of broker associations and thus this portion of the final rule remains unchanged from the proposed rule. To the extent that an exchange already routinely collects any information required to be collected by the regulation, such as account numbers, the Commission does not intend to impose duplicative collection requirements. However, consistent with the responsibilities outlined in Regulation 156.3, such information must be collected routinely, must be used by contract markets to identify and to monitor broker association activity and be integrated into the exchange's trade practice surveillance systems.

Final Regulation 156.2(b), as with the proposed rule, does not expressly state whether the broker association, its members or specifically identified individuals would be responsible for the administrative requirements of registration. As noted in the preamble to the proposed rule, the Commission believes that each contract market should determine the most effective means for assuring compliance.

D. Regulation 156.2(c): Other Contract Market Rules

Proposed Regulation 156.2(c) would have permitted exchanges to submit rules which (1) define, in a manner consistent with the purposes of this part, those relationships covered by the term "regularly share a deck of orders" and (2) set forth circumstances under which exemptions may be granted for *de minimis* activity. Such rule would be submitted to the Commission pursuant to Section 5a(12) of the Act and Commission Regulation 1.41.[9] These provisions were intended to provide exchanges with the flexibility necessary to address the widely varied and constantly changing nature of broker association activity. In addition to generally favorable comments, one commenter, NYMEX, particularly mentioned that it appreciated the opportunity to define the term "regularly share a deck of orders" and to create exemptions for *de minimis* activity.

In creating the *de minimis* exemption, the Commission recognizes that there may be certain individual relationships or circumstances which may technically come within the definition of a broker association but which do not implicate the types of potential order abuse that this regulation and Section 4j(d)(1) of the Futures Act intend to address.

For example, Member A regularly acts as a floor broker in the pork belly pit until the close of trading. After such time, A trades in the S&P 500 pit for a joint account which A maintains with Local B who trades exclusively in the S&P 500 pit. Although the broker

[7] The proposed rule stated that these rules would have to be submitted pursuant to section 5a(12) of the Act and Commission Regulation 1.41. In the final rule, the statutory reference to section 5a(12) is changed to 5a(a)(12)(A) to reflect the recent amendment of that portion of the statute by the Futures Act. This amendment results in no substantive change.

[8] Proposed Regulation 156.2(b) states that a registration statement should contain, among other things, "[a]ccount numbers for all accounts of any association member, accounts in which any association member or members have an interest, and any proprietary or customer accounts controlled by a member or members of the association."

[9] As with Final Regulation 156.2(b), the statutory references to Section 5a(12) of the Act are changed to Section 5a(a)(12)(A). For further explanation, *see* footnote 6.

association definition could apply because A and B share trading profits and losses and because A acts as a floor broker, the relationship presents no opportunity for A and B to abuse A's pork belly orders. In that situation, the purposes of registration would not be served and, therefore, registration need not be required. The Commission believes that this and other similar situations can be addressed via the exemption provisions.

Final Rule 156.2(c) makes non-substantive clarifications to the regulation as proposed. The final regulation states that each contract market may submit rules that "interpret when contract market members would be deemed to 'regularly share a deck of orders.'" The final regulation emphasizes that, in the absence of a rule submission to the Commission defining the term "regularly share a deck of orders," a contract market must determine whether a deck sharing relationship involves "regular" sharing and document the reasons for each such determination on a case-by-case basis. Each exchange should advise its membership of the substance of such determinations so as to provide guidance regarding the scope of the requirement.

Moreover, in addition to permitting a contract market to submit rules exempting *de minimis* activity, the final regulation also would require that in such a submission, the contract market would have to submit procedures for granting such an exemption.

E. Regulation 156.3: Contract Market Program for Enforcement

Final Regulation 156.3 requires each contract market to implement a program to monitor the trading activity of broker association members that is integrated with the contract market's overall trade practice surveillance system. The final regulation clarifies that each contract market have a program to monitor the trading activity of broker associations and their members "for potential abuse." As stated in the original proposal, the regulation does not require an exchange to employ any particular method for integrating broker association registration information into its compliance program. Each exchange retains the flexibility to tailor implementation to its existing compliance systems. The one comment received regarding this regulation, from the CBT, supported the Commission's approach.

As noted in the proposed rule, the Commission's approach is consistent with the congressional intent of the Futures Act. The Conference Report accompanying the Futures Act states that the Commission should take into account the availability of existing data collection systems which can be used effectively for compliance purposes. The Commission will apply proposed Regulation 156.3 in a manner consistent with that principle. The Commission re-emphasizes that any exchange surveillance system, at a minimum, must be able to identify broker association members and the patterns of trading among these members.

IV. Effective Date of Regulation

Each exchange will have 90 days after publication of these final regulations to have implementing rules in effect. This 90-day period also will give exchanges an opportunity to develop appropriate procedures and systems to implement this registration requirement and related surveillance. Each exchange also may provide in its rules for a reasonable initial period for its members engaged in broker association activity to register. For that purpose, the Commission believes that 30 days is an appropriate time period.

V. Conclusion

In its part 156 rules, the Commission has required procedures and standards designed to focus exchange surveillance systems on broker association relationships to deter and detect potential trade practice abuses which may stem from such relationships. The Commission believes that the final Part 156 rules create a practical surveillance tool which strikes an appropriate balance of identifying those relationships which warrant special attention while limiting the data made available to that which is useful for monitoring trading among association members. In light of the foregoing, the Commission finds that it has in effect rules which require procedures and standards designed to prevent violations of the Act attributable to the trading described in section 4j(d)(1) of the Futures Act. The Commission will assess the effectiveness of these provisions upon implementation and, based upon its experience, may determine that modifications are appropriate.

As noted in the proposed rules, based on the experience gained through the operation of this regulation, the Commission will determine what, if any, further oversight of broker association activity is necessary and appropriate.

VI. Related Matters

A. Regulatory Flexibility Act

The Regulatory Flexibility Act ("RFA"), 5 U.S.C. *et seq.*, requires that agencies, in proposing rules, consider the impact of those rules on small businesses. The part 156 rules will affect contract markets, futures commission merchants ("FCMs"), contract market members, and broker associations.

The Commission previously has determined that contract markets are not "small entities" for the purposes of the RFA, and the Commission, therefore, need not consider the effect of the proposed regulations on contract markets. 47 FR 18618, 18619, April 30, 1982.

With respect to contract market members and broker associations, as the Commission noted in the proposal, certain contract market members and broker associations could be considered small entities for the purposes of the RFA.[10] The regulation has been designed, however, so that it can be implemented without imposing a significant economic burden on a substantial number of small entities. The regulation will have no effect on the types of conduct which would have the greatest economic impact on members and broker associations: (1) The ability of the members to associate and (2) the extent to which members of an association trade with each other or with anyone else.

Further, contract market members already are required by exchange rules to file information substantially similar to the information that would be required to be filed, such as identifying information for membership applications and large trader and speculative position limit reporting requirements. With respect to broker associations, the information required to be filed would be substantially similar to the information required for contract market members, as well as the information required for floor broker registration, and thus should not require a burdensome separate and distinct information gathering process. Moreover, at several exchanges, broker associations and their members already are subject to informational reporting requirements. As a result of the above, the Chairman, based on an initial review of available data, certified that this rule would not have a significant economic impact on a substantial number of small entities.[11]

[10] 57 FR 57122.

[11] 57 FR 57123.

The revisions to the proposed rules will further reduce any potential economic burden on small entities which may result from the regulations. As discussed in detail above, the regulations have been revised to eliminate any potential overbreadth. In the final rules, both the types of relationships which are potentially subject to the registration requirement and the categories of information required to be collected by contract markets have been carefully circumscribed.

Accordingly, pursuant to Section 3(a) of the RFA, Public Law 96–354, 94 stat. 1168 (5 U.S.C. 605(b)), the Acting Chairman certifies that these regulations will not have a significant impact on a substantial number of small entities.

B. Paperwork Reduction Act

The Paperwork Reduction Act of 1989 ("PRA"), 44 U.S.C. 3501 *et seq.*, imposes certain requirements on federal agencies in connection with their conducting or sponsoring any collection of information as defined by the PRA. In compliance with the PRA, the Commission previously submitted this rule in proposed form and its associated information collection requirements to the Office of Management and Budget ("OMB"). At that time, the Commission anticipated no increase in burden. The Office of Management and Budget approved the collection of information associated with this on June 28, 1990 and assigned OMB control number 3038–0022 to the rule. The burden associated with this entire collection, including this final rule, is as follows:

Average burden hours per response.....81.86
Number of respondents.....6687
Frequency of response.....on occasion

The burden associated with this rule is borne by broker associations and their respective exchanges and is as follows:

Average burden hours per response.....2.033
Number of respondents.....800
Frequency of response.....annually

Copies of the OMB approved information collection package associated with this rule may be obtained from Gary Waxman, Office of Management and Budget, room 3220, NEOB, Washington, DC 20503, (202) 395–7340.

List of Subjects in 17 CFR Part 156

Broker associations, Commodity futures, Contract markets, Members of contract markets, Registration requirement.

In consideration of the foregoing, and pursuant to the authority contained in the Commodity Exchange Act and, in particular, sections 4b, 4c, 4j(d), 5a(b), and 8a(5) thereof, 7 U.S.C. 6b, 6c, 6j(d), 7a(b) and 12a(5), the Commission hereby amends chapter 1 of the title 17 of the Code of Federal Regulations as follows:

a. 17 CFR part 156 is added to read as follows:

PART 156—BROKER ASSOCIATIONS

Sec.
156.1 Definition.
156.2 Registration of broker association.
156.3 Contract market program for enforcement.

Authority: 7 U.S.C. 6b, 6b, 6j(d), 7a(b), and 12a.

§ 156.1 Definition.

For the purposes of this part, the term "broker association" as applied to each board of trade shall include two or more contract market members with floor trading privileges, of whom at least one is acting as a floor broker, who: (1) Engage in floor brokerage activity on behalf of the same employer, (2) have an employer and employee relationship which relates to floor brokerage activity, (3) share profits and losses associated with their brokerage or trading activity, or (4) regularly share a deck of orders.

§ 156.2 Registration of broker association.

(a) *Registration required.* It shall be unlawful for any member of a broker association to receive or to execute an order unless the broker association is registered with the appropriate contract market in accordance with part (b) of this section.

(b) *Contract market rules required.* Each contract market must adopt and maintain in effect rules, which have been submitted to the Commission pursuant to section 5a(a)(12)(A) of the Act and Commission Regulation 1.41, that, at a minimum, (1) define the term "broker association" to include the relationships set forth in § 156.1 of this part, (2) prohibit conduct described in paragraph (a) of this section, and (3) require registration of each relationship defined by its rules as a broker association no later than 10 days after establishment of such relationship. Contract market records of registration shall include the following information with respect to each broker association, if applicable:

(i) Name;

(ii) Form of organization, *e.g.*, partnership, corporation, trust, etc.;

(iii) Name of each person who is a member or otherwise has a direct beneficial interest in the association;

(iv) Badge symbols and numbers for all members;

(v) Account numbers for all accounts of any member, accounts in which any member(s) has an interest, and any proprietary or customer accounts controlled by any member(s);

(vi) Identification of all other broker associations with which each member is associated; and

(vii) Individual(s) authorized to represent the association in connection with its registration obligations.

Any registration information provided to the contract market which becomes deficient or inaccurate must be updated or corrected promptly.

(c) *Other contract market rules.*

(1) Each contract market may submit rules pursuant to section 5a(a)(12)(A) of the Act and Commission Regulation 1.41 that interpret when contract market members would be deemed to "regularly share a deck of orders." In the absence of such rules, a contract market must make such a determination on a case-by-case basis. The basis for a determination whether brokers "regularly share a deck of orders" must be documented.

(2) Each contract market may adopt rules, which must be submitted to the Commission pursuant to section 5a(a)(12)(A) of the Act and Commission Regulation 1.41, which set forth the basis and procedures for granting exemptions from the registration requirement contained in paragraph (b) of this section for de minimis activity.

§ 156.3 Contract market program for enforcement.

A contract market must, as part of its responsibilities pursuant to the Act and § 1.51, demonstrate effective use of broker association registration information to monitor the trading activity of broker associations and their members for potential abuse and to secure compliance with all other contract market bylaws, rules, regulations and resolutions which may pertain to such associations or their members.

Issued in Washington, DC, on May 25, 1993, by the Commission.

Jean A. Webb,

Secretary of the Commission.

[FR Doc. 93–12780 Filed 5–28–93; 8:45 am]

BILLING CODE 6351–01–M

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

21 CFR Parts 1301 and 1304

Definition and Registration of Mid-Level Practitioners

AGENCY: Drug Enforcement Administration (DEA), Justice.

ACTION: Final rule.

SUMMARY: This final rule amends part 1304 to define the term "mid-level practitioner" (MLP) and allow DEA, as needed, to inspect and copy certain state required documents relating to a MLP's authority to dispense controlled substances; and amends part 1301 to clarify the exemption from the registration requirement of practitioners in institutions and agents or employees of registered practitioners, and the conditions under which MLPs may conduct research as a coincident activity to their registration.

Together with these amendments, DEA will establish a new category of registration, MLP, under which advanced practice nurses, physician assistants, and others will receive individual DEA registrations granting controlled substances privileges consistent with the authority granted them under state law.

EFFECTIVE DATE: July 1, 1993, except that practitioner registrations currently held by MLPs will be converted to the MLP category by no later than June 1, 1993.

FOR FURTHER INFORMATION CONTACT: G. Thomas Gitchel, Chief, Liaison and Policy Section, Office of Diversion Control, Drug Enforcement Administration, Washington, DC 20537, Telephone (202) 307–7297.

SUPPLEMENTARY INFORMATION: On July 29, 1992, a notice of proposed rulemaking was published in the **Federal Register** (57 FR 33465). DEA proposed to amend parts 1301 and 1304 to define MLP, establish requirements with respect to research activities, the availability of records, and existing exemptions. Further, DEA would create a new category of practitioner registration under which individuals meeting the proposed definition of mid-level practitioner would be issued individual DEA registrations.

A total of 47 comments regarding the proposal were received. The majority of the commentors, 34, supported the proposal. Of the remainder, 12 commentors felt the proposal should be withdrawn and one commentor simply noted that its state law did not allow MLPs to handle controlled substances.

Commentors expressed concern regarding the overall structure of the proposed rule in the following general areas:

Use of the term "Dispense": There were seven comments regarding the use of the term "dispense", which is defined differently under state and Federal laws. For purposes of this rule, the Federal definition of the term must be used. Dispense is defined under section 802 of the Controlled Substances Act (CSA) (title 21, United States Code, 801 *et seq.*) as "* * * to deliver a controlled substance to an ultimate user or research subject by, or pursuant to the lawful order of, a practitioner, including the prescribing and administering of a controlled substance * * *" Thus, any person who administers, prescribes, or dispenses directly, i.e., effects the physical delivery of a controlled substance to the ultimate user or its agent, would be subject to the registration requirement unless exempted by law or pursuant to title 21, Code of Federal Regulations (CFR), §§ 1301.24–1301.29.

One commentor understood the definition to mean that an individual who administers, but does not prescribe, controlled substances would not be dispensing within the meaning of the definition. The acts of administering and prescribing controlled substances, either singly or in combination, are dispensing within the meaning of the definition. Any person who administers controlled substances is subject to the registration requirement unless exempted by law or regulation. The traditional act of a nurse administering in a hospital or office setting as an employee of an authorized registrant (doctor or hospital) does *not* require registration and is unaffected by this rule. The commentor also raised questions regarding the exemption from registration of independent contractors. DEA cannot provide a general response regarding circumstances involving the conditions of specific contracts. In cases other than those in which the contract specifies the individual will act as an agent of the registrant, the exemption from the registration requirement will depend upon the specific conditions under which the individual will handle controlled substances.

Four commentors questioned whether registered nurses who administer controlled substances or pharmacists who dispense controlled substances directly should obtain DEA registrations. These individuals administer or dispense controlled substances (other than by prescription) as employees of DEA registrants. As noted earlier regarding nurses, individuals engaging in such activities in the normal course of their activities as employees of an authorized registrant are not subject to the registration requirement.

Issuance of individual DEA registrations to MLPs: Coincident with the amendments of the regulations, DEA is establishing a separate category of practitioner registration under which mid-level practitioners will be issued individual DEA registrations. The DEA numbers issued to MLPs will differ in format from the DEA numbers issued to traditional practitioners. This will enable pharmacists and wholesalers to distinguish between the different categories of practitioners and alert them to the need to verify that the registrants are authorized to engage in such transactions. The registration numbers issued to MLPs will begin with the letter M rather than the letters A or B which appear in the registration numbers held by traditional practitioners.

MLPs will use the existing DEA Forms 224 and 224a to apply for registration. Since pursuant to 21 U.S.C. 823(f), DEA registers practitioners to handle controlled substances if the applicant is authorized to do so by the state in which he/she practices, when applying for registration or reregistration, MLPs will be required to certify on their application form the extent of the controlled substances authority they have been granted by the state, including whether they may administer, dispense directly, or prescribe controlled substances.

MLPs who currently hold practitioner registrations will be converted to an MLP registration by DEA. Conversion will consist of the assignment of a new registration number under the MLP format and issuance of a new registration certificate. Upon receipt of their new certificates, MLPs will be required to return their old registration certificates to DEA. DEA will give all affected registrants advance notice of the conversion of their numbers. The authority of MLPs to handle controlled substances will not be affected in any way by the conversion.

One commentor requested that DEA use a letter other than M in the first position of the registration number to avoid duplication of the format the state uses for its controlled substances registration numbers. M is the most appropriate character in the limited number of letters which remain available for DEA's use.

Two commentors expressed concern that the issuance of registration numbers to MLPs implies that DEA approves of the expansion of MLPs authority to prescribe controlled substances. Issuance of a registration to an individual who has been approved by the appropriate state authorities to handle controlled substances is not a discretionary matter, the requirement is established in 21 U.S.C. 823(f).

One commentor requested that DEA include a requirement in the final rule that in cases where MLPs have "dependent" authority, the name of the

supervising physician be included on the MLP prescriptions. DEA registrations are issued to persons to allow them to carry out controlled substance activities to the extent that they are authorized by the state in which they practice. All controlled substance activities carried out under an individual DEA registration are the ultimate responsibility of that registrant; cosignature would imply otherwise. However, where a state establishes requirements which go beyond those of DEA, the stricter requirement would apply.

Three commentors objected to the issuance of DEA registrations to MLPs on the grounds that MLPs do not have the education, training or experience necessary to allow them to properly dispense controlled substances. One commentor further questioned the variances in the authority granted to MLPs by the different states and the lack of assurance that there existed consistent standards regarding education, training, and experience. While DEA recognizes the commentors concerns, the authority of the states to regulate the practice of medicine, which includes setting the standards and requisite levels of education, training and experience is well established. However, in exercising its responsibility to review registrations for consistency with the public interest, DEA does take an interest in the circumstances and conditions under which state authority is granted. DEA plans to work with the appropriate state authorities and industry to encourage consistency and clarity of standards of education, training and the scope of controlled substance authority for MLPs.

Four commentors objected to the use of a separate category of registration for MLPs on the grounds that MLPs either practice medicine in the same manner as, or have been granted the same prescribing authority as traditional practitioners. This rule applies solely to controlled substance authority, not the authority to practice medicine. Further, the controlled substance authority granted to MLPs varies not only from state to state, but, often from MLP to MLP within a state at the discretion of the board or of a collaborating physician. The different format registration number serves as an indicator to pharmacists and wholesalers to be alert to the probability that the MLP's controlled substance authority may be subject to specific state restrictions.

Three commentors noted that the new number would not adequately reflect the authority granted to MLPs by the states, and recommended that the numbers be modified to differentiate between MLPs who have plenary authority and those who have derivative authority through a collaborative or supervisory relationship with a licensed physician. In light of the vast variety of levels of authority granted to MLPs, it is not possible to identify the scope solely in the registration number issued. DEA has adopted an approach by which it is possible to identify that MLPs may be subject to unique restrictions on their controlled substance authority, and allow the responsible parties in the distribution chain to contact the appropriate state officials to verify what authority the MLP has been granted.

Use of the title Mid-Level Practitioner: Seven commentors expressed concern that the title mid-level practitioner is demeaning and reflects a lesser level of health care, and that the regulations should refer to "advanced practice nurses and physician assistants." The title MLP is not the exclusive domain of advanced practice nurses and physician assistants. It applies to any individual practitioner other than a traditional practitioner, present or future, who is, or could be, granted some level of controlled substance authority by state authorities. The suggested title cannot be accepted since it does not reflect the variety of health care professionals DEA seeks to cover.

Registration of MLPs will increase the potential for abuse and diversion of controlled substances and overburden already strained local regulatory forces: Seven commentors objected to registering MLPs on these grounds. There has been no significant evidence supporting allegations that MLPs will or will not increase the potential for the diversion of abuse of controlled substances. With respect to regulatory resources, DEA cannot subordinate the requirements of Federal law to the availability of local resources. Since registration of MLPs does not occur until after a local determination regarding prescribing authority has been made, the appropriate forum for such issues is at the point the state considers expanding prescribing authority.

Separate registration for independent activities: Section 1301.22(b)(6) allows a person registered to dispense controlled substances to conduct research and instructional activities with those substances. The amended paragraph will clarify that MLPs may conduct research coincident to their practitioner registration only if expressly authorized by state statute.

Four commentors objected to the amendment of this section on the grounds that MLPs should be allowed the same authority as traditional practitioners. Current state practices in granting MLPs authority are such that it is not clear that the authority to conduct research as a coincident activity is intended. It is imperative that a state's intent that MLPs be allowed to conduct research with controlled substances be explicit. The commentor provided no documentation, nor has DEA identified any state which has determined such activities are within the approved scope of practice of any MLPs currently certified to dispense controlled substances.

Exemption of agents and employees; affiliated practitioners: Section 1301.24 provides for the exemption of agents or employees of DEA registrants from the registration requirement when they dispense controlled substances in the normal course of their employment or business.

One commentor objected to the use of the term affiliated practitioners in the title to § 1301.24 in light of the withdrawal of DEA's original proposal to define affiliated practitioners and exempt them from the registration requirement. Affiliated practitioner, which has been part of the title since the early 1970's, refers to any individual practitioner, rather than solely to a mid-level practitioner, who is affiliated with a DEA registrant.

Paragraph 1301.24(b) is being amended to provide that an individual practitioner, whether traditional or mid-level, may not act as an agent or employee of a mid-level practitioner for purposes of dispensing controlled substances.

Because of its specificity, paragraph (c) has been amended to include MLPs in the group of individual practitioners who may dispense controlled substances under the registration number of their employing hospital or other institution.

One commentor recommended that DEA not allow mid-level practitioners to register if they would qualify for exemption under § 1301.24(b). The section was provided to allow individual practitioners the option of exemption from the registration requirement; it is not grounds for excluding persons from registration.

Definition of Mid-Level Practitioner: The amendment to § 1304.02 to define mid-level practitioner generated a number of comments regarding the listing of the traditional practitioner activities (physician, dentist, etc.) and the examples of mid-level practitioner activities (nurse practitioners, physician assistants, etc.). With regard to the traditional practitioners, it was often noted that it is redundant to list osteopaths and ophthalmologists

separately from physicians since they are physicians. DEA concurs and the list will be revised to read "* * * a physician, dentist, veterinarian, or podiatrist." With respect to the examples of MLP activities, the question was raised whether the wording could inadvertently lead persons to believe that the examples listed were exclusive and it was recommended that clinical nurse specialists be included in the examples. This portion of the definition will be amended to begin "Examples of mid-level practitioners include, but are not limited to * * *" and clinical nurse specialists will be included.

An objection was received from a commentor regarding DEA's failure to include optometrists in the traditional practitioner group. DEA's decision to not include optometrists in the traditional practitioner group is based on the fact that optometrists are not granted controlled substances prescribing authority in the majority of states and that the authority they are granted varies from state to state. In at least one state optometrists are subject to regulatory requirements regarding collaborative or supervisory arrangements with licensed physicians as part of their practice. Under the circumstances, optometrists are accurately classified as MLPs.

One commentor expressed concern that by defining them separately, DEA would not hold MLPs responsible for compliance with regulations governing the controlled substances activities of traditional practitioners. An MLP is defined as "* * * an individual practitioner * * * other than * * *, therefore, any law or regulation which applies to a practitioner or individual practitioner would apply equally to an MLP, unless specifically excepted.

One commentor noted that the inclusion of the United States in the definition as a party which would license, register or permit an MLP to dispense a controlled substance might lead people to believe that legal authority to dispense could be achieved solely through registration by DEA. The definition of MLP is consistent with the definition of individual practitioner. DEA has long held that individuals practicing in a Federal jurisdiction must be licensed by a state before they may obtain a DEA registration. (See 21 U.S.C. 802(21) and 823(f) and 21 CFR 1304.02(d))

One commentor requested that the definition be modified to require that an MLP must be specifically authorized to dispense controlled substances by state statute in order to obtain a DEA registration. Again, the definition was written to remain consistent with the wording of the definition of individual practitioner. It has been DEA's experience that the definition will clearly limit the issuance of registrations to those individuals who have been properly authorized by the appropriate state authorities to dispense controlled substances.

Regarding the question of consistency of the definitions, it was found that the proposed definition of MLP used the word "in" (rather than the word "by" which is used in the definition of individual practitioner in 21 CFR 1304.02(d)) in the phrase "* * * who is licensed, registered, or otherwise permitted in the United States * * *" To remain fully consistent with the definition of individual practitioner, the definition of mid-level practitioner has been changed to use the word "by" in the referenced phrase.

Persons required to keep records and file reports: The proposal amended § 1304.03 by the addition of a new paragraph requiring that registered MLPs maintain protocols, practice guidelines, agreements and other documents required by the state in a readily retrievable manner and make them available to authorized employees of DEA for inspection and copying. The regulation encompasses those documents that state law requires an MLP to maintain. If state law does not require that an MLP maintain documents relating to their authority to dispense controlled substances then this requirement would not apply.

Three commentors understood this requirement to be the avenue by which DEA would confirm an MLP's state authority to dispense controlled substances prior to issuing a DEA registration. Issuance of a DEA registration is based on the verification by the appropriate state authority that the applicant is authorized to dispense controlled substances. The purpose of this requirement is to allow DEA timely access to state required documents outlining an MLPs specific authority to dispense controlled substances, if needed, during an inspection or investigation.

Further, four commentors found that itemizing the various documents (protocols, practice guidelines, agreements and other documents) was wordy, redundant, and could lead the reader to believe that all MLPs must maintain the specific format documents listed. DEA will reword the paragraph to require that "Each registered mid-level practitioner shall maintain in a readily retrievable manner those documents required by the state in which he/she practices describing the conditions and extent of his/her authorization to dispense controlled substances and shall make such documents available for inspection and copying by authorized employees of the Administration. Examples of such documentation include protocols, practice guidelines or practice agreements."

The Deputy Assistant Administrator, Office of Diversion Control, hereby certifies that this final rule will have no significant economic impact upon entities whose interests must be considered under the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.* Certain states have granted a new category of practitioners, MLPS, the authority to dispense controlled substances, thus making those MLPs subject to the registration requirement in § 1301.21. This final rule establishes the administrative process by which DEA may issue MLP registrations. This final rule is not a major rule for the purposes of Executive Order (E.O.) 12291 of February 17, 1981.

Pursuant to Sections 3(c)(3) and 3(e)(2)(c) of E.O. 12291, this final rule has been submitted to the Office of Management and Budget for review, and approval of that office has been requested pursuant to the provisions of the Paperwork Reduction Act of 1980, 44 U.S.C. *et seq.*

Modifications in many state practice acts related to controlled substance dispensing have created the need for MLPs to be registered with DEA under existing regulations. This final rule establishes the administrative process by which DEA will issue the MLP registration. Accordingly, it is not subject to the moratorium on regulations ordered by the President of the United States.

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

List of Subjects

21 CFR Part 1301

Administrative practice and procedure, Drug traffic control, Security measures.

21 CFR Part 1304

Drug traffic control, Reporting requirements.

For reasons set out above, 21 CFR parts 1301 and 1304 are amended as follows:

PART 1301—[AMENDED]

1. The authority citation for part 1301 continues to read as follows:

Authority: 21 U.S.C. 821, 822, 823, 824, 871(b), 875, 877.

2. Section 1301.22 is amended by revising paragraph (b)(6) as follows:

§ 1301.22 Separate registration for independent activities.

* * * * *

(b) * * *

(6) A person registered to dispense controlled substances in Schedules II through V shall be authorized to conduct research and to conduct instructional activities with those substances, except that a mid-level practitioner, as defined in § 1304.02(f), may conduct research coincident to his/her practitioner registration only to the extent expressly authorized by state statute.

* * * * *

3. Section 1301.24 is amended by revising paragraphs (b) and (c) introductory text to read as follows:

§ 1301.24. Exemption of agents and employees; affiliated practitioners.

* * * * *

(b) An individual practitioner, as defined in § 1304.02 of this chapter (other than an intern, resident, foreign-trained physician, or physician on the staff of a Veterans Administration facility or physician who is an agent or employee of the Health Bureau of the Canal Zone Government), who is an agent or employee of another practitioner (other than a mid-level practitioner) registered to dispense controlled substances may, when acting in the usual course of his/her employment, administer and dispense (other than by issuance of prescription) controlled substances if and to the extent that such individual practitioner is authorized or permitted to do so by the jurisdiction in which he/she practices, under the registration of the employer or principal practitioner in lieu of being registered him/herself. (For example, a staff physician employed by a hospital need not be registered individually to administer and dispense, other than by prescribing, controlled substances within the hospital.)

(c) An individual practitioner, as defined in § 1304.02 of this chapter, who is an intern, resident, mid-level practitioner, foreign-trained physician or physician on the staff of a Veterans Administration facility or physician who is an agent or employee of the Health Bureau of the Canal Zone Government, may dispense, administer and prescribe controlled substances under the registration of the hospital or other institution which is registered and by whom he/she is employed in lieu of being registered him/herself, provided that:

* * * * *

PART 1304—[AMENDED]

1. The authority citation for part 1304 continues to read as follows:

Authority: 21 U.S.C. 821, 827, 871(b), 958(d), 965, unless otherwise noted.

2. Section 1304.02 is amended by redesignating the current paragraphs (f) through (i) as paragraphs (g) through (j) and adding a new paragraph (f) to read as follows:

§ 1304.02. Definitions.

* * * * *

(f) The term *mid-level practitioner* means an individual practitioner (as defined in § 1304.02(d)), other than a physician, dentist, veterinarian, or podiatrist, who is licensed, registered, or otherwise permitted by the United States or the jurisdiction in which he/she practices, to dispense a controlled substance in the course of professional practice. Examples of mid-level practitioners include, but are not limited to, health care providers such as nurse practitioners, nurse midwives, nurse anesthetists, clinical nurse specialists and physician assistants who are authorized to dispense controlled substances by the state in which they practice.

* * * * *

3. Section 1304.03 is amended by redesignating the current paragraphs (e) through (g) as paragraphs (f) through (h), adding a new paragraph (e), and revising new paragraph (h) as follows:

§ 1304.03 Persons required to keep records and file reports.

* * * * *

(e) Each registered mid-level practitioner shall maintain in a readily retrievable manner those documents required by the state in which he/she practices which describe the conditions and extent of his/her authorization to dispense controlled substances and shall make such documents available for inspection and copying by authorized employees of the Administration. Examples of such documentation include protocols, practice guidelines or practice agreements.

* * * * *

(h) Notice required by paragraphs (f) and (g) of this section shall be given at the time the person applies for registration or reregistration and shall be made in the form of an attachment to the application, which shall be filed with the application.

Dated: December 31, 1992.

Gene R. Haislip,

Deputy Assistant Administrator, Office of Diversion Control.

[FR Doc. 93–12727 Filed 5–28–93; 8:45 am]

BILLING CODE 4410–09–M

DEPARTMENT OF AGRICULTURE

Forest Service

36 CFR Part 242

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 100

RIN 1018–AB43

Subsistence Management Regulations for Federal Public Lands in Alaska, Subpart D—1992–1993 Subsistence Taking of Fish and Wildlife Regulations; Amendment

AGENCY: Fish and Wildlife Service, Interior; and Forest Service, USDA.

ACTION: Final rule; amendment.

SUMMARY: On April 5, 1993, the Federal Subsistence Board (Board) amended that portion of the Subsistence Management Regulations for Federal Public Lands in Alaska, Subpart D regulations which previously prohibited the subsistence taking of rainbow trout on public lands in the Kuskokwim Fisheries Management Area. As a result, the regulations now authorize rural Alaska residents living in the communities of Goodnews Bay, Platinum, Quinhagak, Eek, Kwethluk, Akiachak, and Akiak to take rainbow trout for subsistence uses from the following waters: Those non-navigable waters that are located on public lands and that are tributary to the Kuskokwim River downstream from the confluence of the Kuskokwim and Holitna Rivers; and those non-navigable waters that are located on public lands found north of the community of Platinum, and that are tributary to waters which drain into Kuskokwim Bay.

During the effective dates of this amendment, residents of the seven communities may take an unlimited number of rainbow trout from those waters with gill nets, rod and reel, or by jigging through the ice, except that gill nets are prohibited from March 15–June 15, 1993; however, for the purposes of this amendment to the 1992–93 Subpart D subsistence regulations, the prohibition against gillnets becomes effective on April 5, 1993, and terminates as stated. This amendment to

the regulations will provide for the continuation of a customary and traditional subsistence use by rural Alaska residents, as required by Title VIII of the Alaska National Interest Lands Conservation Act (ANILCA).

EFFECTIVE DATES: April 5, 1993 through June 30, 1993.

FOR FURTHER INFORMATION CONTACT: U.S. Fish and Wildlife Service, Subsistence Office, 1011 E. Tudor Road, Anchorage, Alaska 99503, telephone (907) 271–2326. Norman Howse, Assistant Director for Subsistence, USDA, Forest Service, Alaska Region, P.O. Box 21628, Juneau, Alaska 99802–1628, telephone (907) 586–8890.

SUPPLEMENTARY INFORMATION: Subpart D of the Subsistence Management Regulations for Public Lands in Alaska, which became effective on July 1, 1992, continued from previous regulatory language a prohibition against the harvest of rainbow trout for subsistence uses from public lands found within the Kuskokwim Fisheries Management Area. The Association of Village Council Presidents (AVCP) had, in a request for reconsideration filed with the Board on August 12, 1991, urged the Board to amend the prohibition against subsistence trout harvest embodied in the 1991–92 Subpart D regulations. On September 25, 1991, the Board heard testimony from rural residents of western Alaska concerning AVCP's request. To consider AVCP's request further, the Board met on December 18, 1991, and determined that residents of Goodnews Bay, Platinum, Quinhagak, Eek, Kwethluk, Akiachak, and Akiak had customarily and traditionally used rainbow trout for subsistence purposes.

However, the Board did not immediately authorize the taking of rainbow trout from public lands for subsistence use because the evidence available at that time did not clearly establish that such subsistence harvest occurred on public lands, i.e., non-navigable waters in the Kuskokwim Fisheries Management Area. The Fish and Wildlife Service subsequently conducted field investigations, gathered evidence which defined the extent of subsistence harvest of rainbow trout on public lands, analyzed that evidence, and presented the evidence and accompanying analysis to the Board. On April 5, 1993, the Board invited and heard additional public comment, assessed the comments made and the aforementioned evidence and accompanying analysis, and concluded that residents of Goodnews Bay, Platinum, Quinhagak, Eek, Kwethluk, Akiachak, and Akiak customarily and traditionally harvested rainbow trout from the following waters: (1) Those non-navigable waters that are located on public lands and that are tributary to the Kuskokwim River downstream from the confluence of the Kuskokwim and Holitna Rivers; and (2) those non-navigable waters that are located on public lands found north of Platinum and that are tributary to waters which drain into the Kuskokwim Bay. Further, the Board found that gill nets, rod and reel, and jigging through the ice are the customary and traditional methods used to take rainbow trout by the identified rural residents in the identified non-navigable waters.

The Board also found that, in order to conserve healthy populations of rainbow trout, the use of gill nets must be prohibited from March 15–June 15, which constitutes the rainbow trout spawning period. Because rainbow trout congregate in headwaters of these drainages to spawn, they are particularly vulnerable to overharvest by gill nets during this critical time. It is essential to protect breeding rainbow trout from overharvest in order to provide for the continuation of subsistence uses and conserve healthy populations. During the 1992–93 regulatory year, this protection of the rainbow trout population begins on April 5, 1993, the date on which the Board took action.

The Board finds this amendment, which is effective from April 5, 1993, through June 30, 1993, to be exempt from the Administrative Procedures Act (APA) requirement that there be public notice and the opportunity for the public to comment on these amendments prior to their publication. Specifically, the Board has determined that such requirements in this instance are impracticable, unnecessary, and contrary to the public interest. Nevertheless, from March 23 to April 4, the Board did provide notice, through newspaper publication and other news releases, that the Board's agenda for a public meeting on April 5 would include "reconsideration of rainbow trout in the Kuskokwim Bay drainages." The Board heard and evaluated public comment on this issue during the public meeting held on April 5, 1993.

In order to accommodate, expeditiously, the customary and traditional uses of rainbow trout on public lands in the Kuskokwim Fisheries Management Area, the Board amended only that portion of the regulations that prohibited the taking of rainbow trout in this area. Without these modifications, residents of Goodnews Bay, Platinum, Quinhagak, Eek, Kwethluk, Akiachak, and Akiak would be denied a customary and traditional use of rainbow trout on public lands.

Formal notice and comment procedures at this time would impede and delay the subsistence priority for village residents, provide insignificant benefits in nature and impact, and fail to serve the public interest. Therefore, the Board has not applied the APA notice and comment procedures prior to the publication of these amendments.

In addition, the Board finds good cause to implement these amendments as of April 5, 1993, the date on which the Board made its decision known to the public and a representative from AVCP. Delay in the effective date would continue the prohibition against subsistence rainbow trout harvest, thereby restricting the customary and traditional uses of rainbow trout by residents of the seven communities. Because such a restriction adversely affects the continuation of subsistence uses by residents of these seven villages, the Board finds these amendments to be exempt, under the APA, from the requirement that they be published thirty days prior to the effective date.

In light of the Board's decisions, the following amendments are made in identical fashion to 36 CFR part 242 and 50 CFR part 100.

List of Subjects

36 CFR Part 242

Administrative practice and procedure, Alaska, Fish, National Forests, Public Lands, Reporting and recordkeeping requirements, Wildlife

50 CFR Part 100

Administrative practice and procedure, Alaska, Fish, National Forests, Public Lands, Reporting and recordkeeping requirements, Wildlife

For the reasons set out in the preamble, 36 CFR part 242 and 50 CFR part 100 are amended as follows:

36 CFR PART 242—[AMENDED]

50 CFR PART 100—[AMENDED]

1. The authority citation for both 36 CFR part 242 and 50 CFR part 100 continues to read as follows:

Authority: 16 U.S.C. 3, 472, 551, 668dd, 3101–3126; 18 U.S.C. 3551–3566, 43 U.S.C. 1733.

2. Effective April 5, 1993 through June 30, 1993, Subpart D is amended in 36 CFR Part 242 and 50 CFR Part 100 by adding a new paragraph § ____.26(e)(4)(xx) to read as follows:

§ _____.26 Subsistence taking of fish.

* * * * *

(e) * * *
(4) * * *

(xx) Rainbow trout may be taken by residents of Goodnews Bay, Platinum, Quinhagak, Eek, Kwethluk, Akiachak, and Akiak from the following waters: those non-navigable waters that are located on public lands and that are tributary to the Kuskokwim River downstream from the confluence of the Kuskokwim and Holitna Rivers and those non-navigable waters that are located on public lands found north of the community of Platinum and that are tributary to waters which drain into Kuskokwim Bay. The rainbow trout harvest authorized herein is subject to the following restrictions:

(A) Rainbow trout may be taken only by the use of gill nets, rod and reel, or jigging through the ice;

(B) The use of gill nets for taking rainbow trout is prohibited from March 15–June 15.

* * * * *

Ronald B. McCoy,

Interim Chair, Federal Subsistence Board.

Michael A. Barton,

Regional Forester, USDA-Forest Service.

[FR Doc. 93–12659 Filed 5–28–93; 8:45 am]

BILLING CODE 4310–55–M

POSTAL SERVICE

39 CFR Part 111

Purchasing of NDCBUs and Parcel Lockers

AGENCY: Postal Service.

ACTION: Final rule.

SUMMARY: The United States Postal Service amends Domestic Mail Manual (DMM) section 151 to delete the purchasing restriction that requires procurements of neighborhood delivery and collection box units (NDCBUs) and parcel lockers to be made in lots not to exceed 100 units.

EFFECTIVE DATE: This final rule becomes effective on July 1, 1993.

FOR FURTHER INFORMATION CONTACT: Mark Nepi, Approved Sources Program Manager, Procurement Quality Assurance, U.S. Postal Service, 475 L'Enfant Plaza SW., N. Bldg., suite 4000, Washington, DC 20260–6204. Telephone: (202) 268–4642.

SUPPLEMENTARY INFORMATION: In the **Federal Register** of April 8, 1993 (58 FR 18190), the Postal Service published a proposed rule to delete DMM Section 151.4. This change, to eliminate the purchasing restriction, was necessitated by the recent Postal Service management restructuring that reduced the number of field procurement offices. With 100,000 units now purchased annually versus 20,000 units purchased in 1981, it is no longer feasible to follow this 13-year old rule.

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 invited comment on the proposed revision of the Domestic Mail Manual. Interested parties were given 32 days to submit comments.

The Postal Service received three brief written comments from one primary manufacturer and two sub-contractors, and no oral comments. All three commenters praised and supported the proposed change, stating that they will be able to schedule production runs more efficiently, among other benefits to them and the Postal Service.

After considering these comments, the Postal Service has determined to adopt the proposed change. This action is taken to eliminate the burdens that have resulted from excessive administrative, quality control, and purchasing costs. In addition, preapproved manufacturers will be able to benefit from the operational economies that will result from the elimination of the purchasing unit restriction, thereby providing the Postal Service with high quality and service at a competitive cost.

This change does not modify Postal Service regulations for installing, maintaining and replacing NDCBUs and parcel lockers nor place any additional requirements on mailers or recipients of mail. Nor does this change affect the approval of currently authorized manufacturers.

Accordingly, the Postal Service adopts the following amendment to the Domestic Mail Manual, which is incorporated by reference in the Code of Federal Regulations. See 39 CFR part 111.

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.

A transmittal letter making these changes in the Domestic Mail Manual will be published and transmitted automatically to subscribers. Notice of issuance of the transmittal letter will be published in the **Federal Register** as provided by 39 CFR 111.3.

Stanley F. Mires,

Chief Counsel, Legislative Division.

[FR Doc. 93–12824 Filed 5–28–93; 8:45 am]

BILLING CODE 7710–12–M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 131

[WH–FRL–4660–9]

Water Quality Standards; Establishment of Numeric Criteria for Priority Toxic Pollutants; States' Compliance

AGENCY: Environmental Protection Agency.

ACTION: Correction notice; final rule.

SUMMARY: EPA is correcting typographical errors in the final rule for water quality standards for priority toxic pollutants which appeared in the **Federal Register** on December 22, 1992, 57 FR 60848.

FOR FURTHER INFORMATION CONTACT: David K. Sabock, Chief, Water Quality Standards Branch (WH–585), Office of Water, Environmental Protection Agency, 401 M Street, SW, Washington, DC 20460. Telephone number is 202–260–1318.

SUPPLEMENTARY INFORMATION: EPA promulgated a final rule to establish numeric water quality criteria for priority toxic pollutants applicable to State water quality standards under section 303(c) of the Clean Water Act on December 22, 1992 (57 FR 60848). These criteria became the enforceable criteria for all purposes under the Clean Water Act for the 12 States and 2 territories listed in the rule on February 5, 1993.

Description of Errors and Corrections

On Page 60911, EPA has been advised that the legibility of the matrix on some of the printed notices is such that it is

not clear that Arsenic is identified as number 2 on the table and Silver is number 11. In addition, pollutant number 12 is Thallium.

On page 60917, middle column, line 49, the phrase "* * * the lethal concentration of * * *" is incorrect. It should read "* * * the concentration lethal to * * *."

On page 60919, in the middle column dealing with paragraph (6) Florida, in subparagraph (ii), the applicable criteria for Class II and Class III (marine) were inadvertently omitted from the text. The applicable criteria for both Class II and Class III (marine) should read: "This classification is assigned the criteria in: Column D2–#16."

On page 60920, dealing with paragraph (10) California, in subparagraph (ii), the applicable criteria for "Waters of the Sacramento-San Joaquin Delta" should also include pollutant #67 in Column D1; this pollutant was inadvertently omitted from the list.

On page 60921 dealing with paragraph (10) California, in subparagraph (ii), the fifth paragraph beginning "All enclosed bays and estuaries" under the heading "Water and Use Classification", the words "that do not include an MUN designation" were omitted from the first line. The correct wording is: "All enclosed bays and estuaries that are waters of the United States *that do not include an MUN designation* and that the State has. . ."

On page 60922, dealing with paragraph (12) Alaska, in subparagraph (ii), the applicable criteria assigned to use classification (1)(A)(ii) is incorrectly printed as Column D1. The correct reference should be to Column D2.

Dated: May 25, 1993.

Tudor Davies,

Acting Assistant Administrator for Water.

[FR Doc. 93–12845 Filed 5–28–93; 8:45 am]

BILLING CODE 6560–50–M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 90–445; RM–7323 and RM–7425]

Radio Broadcasting Services; Brooksville and Quitman, MI

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This document substitutes Channel 255C3 for Channel 255A at Quitman, Mississippi, in response to a petition filed by Quitman Broadcasting Company, Inc. and allots Channel 255C3 to Brooksville, Mississippi, in response to a petition filed by G. Dean Pearce. See 55 FR 42740, October 23, 1990. The coordinates for Channel 255C3 at Quitman are 32–02–00 and 88–44–00. We shall also modify the license for Station WYKK(FM), Quitman, Mississippi, to specify operation on Channel 255C3 in lieu of Channel 255A in accordance with Section 1.420(g) of the Commission's Rules. The coordinates for Channel 255C3 at Brooksville are 33–24–45 and 88–29–25. There is a site restriction 21.4 kilometers (13.3 miles) northeast of the community. With this action, this proceeding is terminated.

DATES: Effective June 28, 1993. The window period for filing applications for Channel 255C3 at Brooksville, Mississippi, will open on June 29, 1993, and close on July 29, 1993.

FOR FURTHER INFORMATION CONTACT: Kathleen Scheuerle, Mass Media Bureau, (202) 634–6530.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Report and Order, MM Docket No. 90–445, adopted April 29, 1993, and released May 17, 1993. The full text of this Commission decision is available for inspection and copying during normal business hours in the Commission's Reference Center (Room 239), 1919 M Street NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, Downtown Copy Center, 1990 M Street NW., suite 640, Washington, DC 20036, (202) 452–1422.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

PART 73—[AMENDED]

1. The authority citation for part 73 continues to read as follows:

Authority: 47 U.S.C. 154, 303.

§ 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments under Mississippi, is amended by adding Brooksville, Channel 255C3, and by removing Channel 255A and adding Channel 255C3 at Quitman.

Federal Communications Commission.

Michael C. Ruger,

Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 93–12770 Filed 5–28–93; 8:45 am]

BILLING CODE 6712–01–M

47 CFR Part 73

[MM Docket No. 93–19; RM–8176]

Radio Broadcasting Services; Kennett, MO

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This document allots Channel 282A to Kennett, Missouri, in response to a petition filed by PM Broadcasting, Inc. See 58 FR 11204, February 24, 1993. The coordinates for Channel 282A are 36–20–07 and 90–04–39. There is a site restriction 10.9 kilometers (6.8 miles) northwest of the community. With this action, this proceeding is terminated.

DATES: Effective June 28, 1993. The window period for filing applications for Channel 282A at Kennett, Missouri, will open on June 29, 1993, and close on July 29, 1993.

FOR FURTHER INFORMATION CONTACT: Kathleen Scheuerle, Mass Media Bureau, (202) 634–6530.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Report and Order, MM Docket No. 93–19, adopted April 28, 1993, and released May 17, 1993. The full text of this Commission decision is available for inspection and copying during normal business hours in the Commission's Reference Center (Room 239), 1919 M Street NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Services, Inc., 2100 M Street NW., suite 140, Washington, DC 20037, (202) 857–3800.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

PART 73—[AMENDED]

1. The authority citation for part 73 continues to read as follows:

Authority: 47 U.S.C. 154, 303.

§ 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments under Missouri, is amended by adding Channel 282A at Kennett.

Federal Communications Commission.

Michael C. Ruger,

Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 93–12768 Filed 5–28–93; 8:45 am]

BILLING CODE 6712–01–M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 663

Pacific Coast Groundfish Fishery; Correction

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

ACTION: Final rule; correction.

SUMMARY: NMFS corrects the final rule allocating the 1993 U.S. Pacific whiting harvest guideline between fishing vessels delivering to processors located on shore and other fishing vessels, published Tuesday, April 20, 1993. This action is necessary because the final rule is effective only for the remainder of 1993, while the definitions added by the rule are necessary for other, permanent provisions and, therefore, were not intended to expire on any given date.

EFFECTIVE DATE: April 15, 1993.

FOR FURTHER INFORMATION CONTACT: Joe Clem at 301–713–2343.

SUPPLEMENTARY INFORMATION: The final rule is corrected to clarify that the definitions added to § 663.2 are effective April 15, 1993, without expiration. The rest of the rule will remain effective only from April 15, 1993, through December 31, 1993.

Correction

In final rule document 93–9208, beginning on page 21265, in the issue of Tuesday, April 20, 1993, the effective date is corrected to reads as follows: "**EFFECTIVE DATE:** April 15, 1993, except for § 663.23(b)(4), which is effective April 15, 1993, through December 31, 1993."

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

Dated: May 25, 1993.

Nancy Foster,

Acting Assistant Administrator for Fisheries, National Marine Fisheries Service.

[FR Doc. 93–12831 Filed 5–28–93; 8:45 am]

BILLING CODE 3510–22–M

Proposed Rules

Federal Register
Vol. 58, No. 103
Tuesday, June 1, 1993

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

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

21 CFR Part 1301

Amendment of the Fee Exemption for Federal, State and Local Government Employees

AGENCY: Drug Enforcement Administration (DEA), Justice.

ACTION: Proposed rule.

SUMMARY: DEA proposes to amend its regulations to limit the exemption from payment of application fees for registration or reregistration under § 1301.13 to Federal, state, or local government operated hospital/clinics.

The bulk of the registrants who claim fee exemptions are practitioners, many of whom use their exempt status to obtain reregistrations which they use in private practice outside of their official duties. By limiting the fee exemption DEA will eliminate the need to dedicate significant resources to verify the exemption status of these individuals.

DATES: Written comments and objections must be received on or before August 2, 1993.

ADDRESSES: Comments and objections should be submitted in quintuplicate to the Director, Office of Diversion Control, Drug Enforcement Administration, Washington, DC 20537, Attention: DEA Federal Register Representative/CCR.

FOR FURTHER INFORMATION CONTACT: G. Thomas Gitchel, Chief, Liaison and Policy Section, Office of Diversion Control, Drug Enforcement Administration, Washington, DC 20537, Telephone (202) 307–7297.

SUPPLEMENTARY INFORMATION: Since 1971, DEA and its predecessor agency have exempted from the payment of registration fees certain State, Federal or local agencies and certain employees thereof. The bulk of the registrants who claim fee exemptions are practitioners, many of whom use their exempt status to obtain registrations which they use in private practice outside of their official duties. DEA has been dedicating an ever-increasing amount of manpower and investigative resources to the verification of exemption status and investigation of exemption abuses.

Over the last three years, the Diversion Control Program of DEA has seen a significant increase in its regulatory responsibilities, including an increase in the regulated population from 786,000 to 870,000 registrants and the addition of major new programs. These expanded responsibilities have placed a great strain on the program's investigative resources, which have seen little change during the last three years. With these increase demands, it is not longer feasible to dedicate badly needed manpower and resources to the fee exemption activities.

By limiting the application of Section 1301.13 to hospital/clinics operated by Federal, state or local government entities, DEA will eliminate the need to dedicate significant manpower and resources to fee exemption activities. Because most practitioners who currently qualify for the fee exemption should be affiliated with a hospital/clinic operated by a Federal, state or local government agency and may administer and dispense directly controlled substances under the registration of the hospital/clinic without being required to obtain an individual registration, the effect of this rule should be minimal.

The limiting of the fee exemptions will not affect any person or agency which is exempt from registration itself, nor will it affect those law enforcement analytical laboratories which are described in Section 1301.26.

The Director, Office of Diversion Control, hereby certifies that this proposed rulemaking will have no significant impact upon entities whose interests must be considered under the Regulatory Flexibility Act, 5 U.S.C. 601 et seq. The rule will have an impact of less than $100.00 per year for most of the affected registrants. This proposed rule is not a major rule for the purposes of Executive Order (E.O.) 12291 of February 17, 1981.

Pursuant to Sections 3(c)(3) and 3(e)(2)(c) of E.O. 12291, this proposed rule has been submitted to the Office of Management and Budget for review, and approval of that office has been requested pursuant to the provisions of the Paperwork Reduction Act of 1980, 44 U.S.C. et seq.

This action has been analyzed in accordance with the principles and criteria in E.O. 12612, and it has been determined that the proposed rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

List of Subjects

21 CFR Part 1301

Administrative practice and procedure, Drug Enforcement Administration, Drug Traffic Control, Security Measures.

For reasons set out above, it is proposed that 21 CFR part 1301 be amended as follows:

PART 1301—[AMENDED]

1. The authority citation for part 1301 continues to read as follows:

Authority: 21 U.S.C. 821, 822, 823, 824, 871(b), 875, 877.

2. Section 1301.13 is amended by revising paragraphs (a) and (b) to read as follows:

§ 1301.13 Persons exempt from fee.

(a) The Administrator shall exempt from payment of an application fee for registration or reregistration any hospital or clinic which is operated by an agency of the United States (including the U.S. Army, Navy, Marine Corps, Air Force, and Coast Guard), of any State, or any political subdivision or agency thereof.

(b) In order to claim exemption from payment of a registration or reregistration application fee, the registrant shall have completed the certification on the appropriate application form, wherein the registrant's officer certifies to the status and address of the registrant.

* * * * *

Dated: March 24, 1993.

Gene R. Haislip,

Director, Office of Diversion Control.

[FR Doc. 93–12726 Filed 5–28–93; 8:45 am]

BILLING CODE 4410–09–M

PEACE CORPS

22 CFR Part 308

Compliance With Privacy Act of 1974: New System of Records—Exemption; Office of Inspector General Investigative Files and Records

AGENCY: Peace Corps of the United States.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Peace Corps proposes to exempt a new system of records from certain provisions of the Privacy Act of 1974, 5 U.S.C. 552a, to the extent that the system contains investigatory material pertaining to the enforcement of criminal laws or compiled for law enforcement purposes. The system of records to be exempted contains the investigative files and records of the Office of Inspector General of the Peace Corps (OIG).

DATES: Comments must be received no later than July 1, 1993.

ADDRESSES: Address comments to Margaret Aira, Legal Counsel, Office of Inspector General, Peace Corps, 1990 K Street NW., Washington, DC 20526.

FOR FURTHER INFORMATION CONTACT: Margaret Aira, Legal Counsel, Office of Inspector General, Room 5300, 1990 K Street NW., Washington, DC 20526. Telephone: (202) 606–3320. TDD (202) 606–1313 for party relay message. Copies of this notice may be obtained in an alternate format upon request.

SUPPLEMENTARY INFORMATION: In the notice section of today's **Federal Register**, the Peace Corps is publishing a notice proposing to establish a new system of records under the Privacy Act of 1974. The system, entitled the Office of Inspector General Investigative Files and Records, contains material pertaining to the enforcement of criminal laws and compiled for law enforcement purposes. The Director of the Peace Corps proposes to exempt this new system of records from specified provisions of the Privacy Act. Section (j)(2) of the Privacy Act provides that the head of an agency may promulgate rules to exempt any system of records within the agency from any part of section 552a, except subsections (b), (c)(1) and (2), (e)(4)(A) through (F), (e)(6), (7), (9), (10), and (11), and (i), if the system of records is maintained by "the agency or component thereof which performs as its principal function any activity pertaining to enforcement of criminal laws" and includes: "(A) Information compiled for the purpose of identifying individual criminal offenders and alleged offenders and consisting only of identifying data and notations of arrests, the nature and disposition of criminal charges, sentencing, confinement, release and parole and probation status; (B) information compiled for the purpose of criminal investigation, including reports of informants and investigators and associated with an identifiable individual; or (C) reports identifiable to an individual compiled at any stage of the process of enforcement of the criminal laws from arrest or indictment through release from supervision." Section 552a(k)(2) of the Privacy Act also provides that the head of an agency may promulgate rules to exempt any system of records within the agency from sections 552a(c)(3), (d), (e)(1), (e)(4)(G) through (I), and (f) of the Act, if the system of records is "investigatory material compiled for law enforcement purposes."

If a system of records is not exempted from these sections, the Privacy Act generally requires the agency to: Account for disclosures; permit individuals access to their records; permit individuals to request amendment to their records; maintain only necessary or relevant information in its system of records; publish certain information in the **Federal Register**, and promulgate rules that establish procedures for notice and disclosure of records. The exemptions that may be asserted with respect to investigatory systems of records permit an agency to protect information when disclosure would interfere with the conduct of the agency's investigations.

The Office of Inspector General Investigative Files and Records contain information of the type described in the above mentioned exemptions to the Privacy Act. The Inspector General Act of 1978, as amended (5 U.S.C. App. 3), authorizes the Inspector General of the Peace Corps to conduct investigations to detect fraud and abuse in the programs and operations of the Peace Corps and to assist in the prosecution of participants in such fraud or abuse. The Peace Corps Office of Inspector General maintains information in this system of records pursuant to its law enforcement and criminal investigation functions. Exemptions under sections 552(j)(2) and (k)(2) are necessary to maintain the integrity and confidentiality of the investigative files and to protect individuals from harm. Disclosure of information in these investigatory files or disclosure of the identity of confidential sources would seriously undermine the effectiveness of the Inspector General's investigations. Knowledge of such investigations also could enable suspects to take action to prevent detection of criminal activities, conceal or destroy evidence, or escape prosecution. Disclosure of this information could lead to intimidation of, or harm to, informants, witnesses, investigative personnel and their families. The imposition of certain restrictions of the manner in which information is collected, verified, or retained could significantly impede the effectiveness of the investigations of the Office of Inspector General and could preclude the apprehension and successful prosecution or discipline of persons engaged in fraud or other illegal activity.

For these reasons, the Peace Corps proposes to exempt the proposed system of records containing the Office of Inspector General Investigative Files and Records from certain provisions of the Privacy Act by amending 22 CFR 308.14.

Regulatory Flexibility Act

Pursuant to section 605(b) of the Regulatory Flexibility Act, 5 U.S.C. 605(b), the Director of the Peace Corps certifies that the amendments to 22 CFR part 308 will not, if adopted, have a significant impact on a substantial number of small entities.

Executive Order 12291

The Peace Corps has determined that the proposed rule is not a "major rule" under Executive Order No. 12291 since it will not have an annual effect on the economy of $100 million or more.

Paperwork Reduction Act of 1980

The proposed rule has been examined under the Paperwork Reduction Act of 1980 and has been found to contain no information collection requirements.

Energy and Environment Considerations

The proposed rule does not significantly affect either the quality of the human environment or the conservation of energy resources.

Executive Order 12778

The proposed rule has been reviewed under the principles set forth in section 2 of Executive Order 12778 (56 FR 55195) on Civil Justice Reform. The Peace Corps has determined that this rule meets the applicable standards of section 2 of Executive Order 12778.

Executive Order 12612

The proposed rule has been reviewed under Executive Order 12612 and it has been determined that it does not have sufficient implications on Federalism to warrant preparation of a Federalism assessment.

Regulatory Agenda

This proposed rule did not appear in the agency's semiannual agenda of regulations published on April 26, 1993 (58 FR 25190).

List of Subjects in 22 CFR Part 308

Privacy Act; Report and recordkeeping requirements.

For the reasons set out in the preamble, the Peace Corps proposes to amend part 308 as follows:

PART 308—IMPLEMENTATION OF THE PRIVACY ACT OF 1974

1. The authority citation of part 308 continues to read as follows:

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

2. Section 308.14 is proposed to be amended by revising the introductory paragraph and adding a new paragraph (d) as follows:

§ 308.14 Specific exemptions.

Records or portions of records in certain record systems specified in paragraphs (a) through (c) of this section shall be exempt from disclosure: *Provided, however,* That no such exemption shall apply to the provisions of § 308.12(a) (maintaining records with accuracy, completeness, etc. as reasonably necessary for agency purposes); § 308.12(b) (collecting information directly from the individual to whom it pertains); § 308.12(c) (informing individuals asked to supply information of the purposes for which it is collected and whether it is mandatory); § 308.12(g) (notifying the subjects of records disclosed under compulsory court process); § 308.16(d)(3) (informing prior recipient of corrected or disputed records); § 308.16(g) (civil remedies). With the above exceptions the following material shall be exempted from disclosure to the extent indicated:

(d) Records in the Office of Inspector General Investigative Files and Records system of records are exempt from certain provisions to the extent provided hereinafter.

(1) To the extent that the system of records pertains to the enforcement of criminal laws, the Office of Inspector General Investigative Files and Records system of records is exempt from all sections of the Privacy Act (5 U.S.C. 552a) except the following sections: (b) relating to conditions of disclosure; (c)(1) and (2) relating to keeping and maintaining a disclosure accounting; (e)(4)(A) through (F) relating to publishing a system notice setting the name, location, categories of individuals and records, routine uses, and policies regarding storage, retrievability, access controls, retention and disposal of the records; (e)(6), (7), (9), (10), and (11) relating to dissemination and maintenance of records and (i) relating to criminal penalties. This system of records is also exempt from the provisions of § 308.11 through § 308.17 to the extent that the provisions of these sections conflict with this paragraph.

(i) Authority: 5 U.S.C. 552a(j)(2).

(ii) Reasons:

(A) To prevent interference with law enforcement proceedings.

(B) To avoid unwarranted invasion of personal privacy, by disclosure of information about third parties, including other subjects of investigations, investigators, and witnesses.

(C) To protect the identity of Federal employees who furnish a complaint or information to OIG, consistent with section 7(b) of the Inspector General Act of 1978, as amended, 5 U.S.C. App. 3.

(D) To protect the confidentiality of non-Federal employee sources of information.

(E) To assure access to sources of confidential information, including those contained in Federal, State, and local criminal law enforcement information systems.

(F) To prevent disclosure of law enforcement techniques and procedures.

(G) To avoid endangering the life or physical safety of confidential sources.

(2) To the extent that there may exist within this system of records investigative files compiled for law enforcement purposes, other than material within the scope of subsection (j)(2) of the Privacy Act, the OIG Investigative Files and Records system of records is exempt from the following sections of the Privacy Act: (c)(3) relating to access to the disclosure accounting; (d) relating to access to records; (e)(1) relating to the type of information maintained in the records; (e)(4)(G), (H), and (I) relating to publishing the system notice information as to agency procedures for access and amendment, and information as to the categories of sources or records; and (f) relating to developing agency rules for gaining access and making corrections. *Provided, however,* That if any individual is denied any right, privilege, or benefit that they would otherwise be entitled by Federal law, or for which they would otherwise be eligible, as a result of the maintenance of such material, such material shall be provided to such individual except to the extent that the disclosure of such material would reveal the identity of a source who furnished information to the Government under an express promise that the identity of the source would be held in confidence, or, prior to January 1, 1975, under an implied promise that the identity of the source would be held in confidence. This system of records is also exempt from the provisions of § 308.11 through § 308.17 to the extent that the provisions of these sections conflict with this paragraph.

(i) Authority: 5 U.S.C. 552a(k)(2).

(ii) Reasons:

(A) To present interference with law enforcement proceedings.

(B) To protect investigatory material compiled for law enforcement purposes.

(C) To avoid unwarranted invasion of personal privacy, by disclosure of information about third parties, including other subjects of investigation, law enforcement personnel, and sources of information.

(D) To fulfill commitments made to protect the confidentiality of sources.

(E) To protect the identity of Federal employees who furnish a complaint or information to the OIG, consistent with section 7(b) of the Inspector General Act of 1978, as amended, 5 U.S.C. App. 3.

(F) To assure access to sources of confidential information, including those contained in Federal, State, and local criminal law enforcement systems.

(H) To prevent disclosure of law enforcement techniques and procedures.

(I) To avoid endangering the life or physical safety of confidential sources and law enforcement personnel.

Dated: May 21, 1993.

Barbara B. Busch,

Acting Domestic Chief of Operations, Peace Corps of the United States.

[FR Doc. 93–12693 Filed 5–28–93; 8:45 am]

BILLING CODE 6051–01–M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Chapter I

[DA 93–552]

Preemption of Zoning Regulation of Satellite Earth Stations

AGENCY: Federal Communications Commission.

ACTION: Notice of petition and request for comments.

SUMMARY: Hughes Network Systems (Hughes) has filed a Petition for Declaratory Ruling on the preemption of local zoning regulations of satellite antennas. The Commission is requesting comments on Hughes' Petition and is seeking to update the record compiled in response to the Petition for

Declaratory Relief filed by the Satellite Broadcasting and Communications Association of America concerning zoning practices. In addition, the Commission is seeking comments on the decision by the United States Court of Appeals for the Second Circuit reversing the Commission's order preempting the zoning ordinance of the Town of Deerfield, New York. By this Notice, the Commission is seeking to compile a complete record to be used in possible future Commission actions on this issue.

DATES: Comments: July 12, 1993; Replies: August 16, 1993.

ADDRESSES: Federal Communications Commission, 1919 M Street, NW., Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: Rosalee Chiara, (202) 634–1781.

SUPPLEMENTARY INFORMATION: Hughes Network Systems (Hughes) has filed a petition requesting a declaratory ruling revising the Commission's policies with respect to preemption of local zoning regulation of satellite earth stations as codified at 47 CFR 25.104. For purposes of reference only, this petition has been assigned File Number 45–DSS–MISC–93. Specifically, Hughes requests the Commission to declare that any restriction on installation of a satellite antenna two meters in diameter or smaller in a commercial or industrial zone is preempted as per se discriminatory and unreasonable, and that the requirement in the existing policy that a party exhaust its legal remedies as a condition to seeking Commission relief be revised and replaced by procedures to initiate Commission review of zoning controversies in the first instance. Hughes asserts that it is experiencing significant problems with local zoning regulation of VSAT systems in commercial areas. We seek comments on Hughes' petition.

In addition, we seek to update the record compiled in response to the petition for declaratory relief filed by the Satellite Broadcasting and Communications Association of America (SBCA), DA 91–577, Public Notice, 6 FCC Rcd 2600 (1991). SBCA's petition requests the Commission to make specific findings concerning abusive zoning practices, requests a more definitive interpretation of Section 25.104 and requests the Commission to establish an administrative enforcement scheme to address zoning complaints.

Finally, we seek comments on what action we should take as a result of the decision by the United States Court of Appeals for the Second Circuit reversing the Commission's Order preempting the zoning ordinance of the Town of Deerfield, New York. *Town of Deerfield, NY* v. *FCC*, No. 350 (2d Cir. April 27, 1993). The court held that the Commission did not have the authority to refuse to intervene in zoning disputes until other legal remedies had been exhausted and then review, alter or prevent enforcement of court judgments.

Comments or petitions filed in response to any or all of these matters should be filed on or before July 12, 1993 and replies should be filed on or before August 16, 1993. Copies of these documents can be obtained in the Public Reference Room, Domestic Facilities Division, room 6220, 2025 M Street, NW., Washington, DC or by contacting International Transcription Service, 202–857–3800.

Federal Communications Commission.

William F. Caton,

Acting Secretary.

[FR Doc. 93–12773 Filed 5–28–93; 8:45 am]

BILLING CODE 6712–01–M

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47 CFR Parts 2, 15, 22 and 99

[GEN Docket No. 90–314; DA 93–577]

Late-Filed Comments Regarding Proposed Personal Communications Service

AGENCY: Federal Communications Commissions.

ACTION: Proposed rule; acceptance of late-filed comments.

SUMMARY: This Public Notice announces the Commission's acceptance of late-filed comments on a proposed amendment of the Commission regulations to establish new personal communications services; and, the Commission's intention to accept comments and reply comments on these late-filed comments.

DATES: Comments must be received on or before June 21, 1993, and reply comments must be received on or before July 6, 1993.

ADDRESSES: Comments and reply comments should be sent to the Office of the Secretary, Federal Communications Commission, 1919 M Street, NW., Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: David Means, Office of Engineering and Technology, (301) 725–1585 ext. 206.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Public Notice. The full text of this notice is available for inspection and copying during normal business hours in the FCC Dockets Branch (room 230), 1919 M Street, NW., Washington, DC. The complete text of this notice also may be purchased from the Commission's duplicating contractor, International Transcription Services at (202) 857–3800 or 2100 M Street, NW., suite 140 Washington, DC 20037.

Summary of the Public Notice

On July 16, 1992, the Commission adopted a Notice of Proposed Rule Making and Tentative Decision in GEN. Docket No. 90–314 proposing amendment of the Commission's Rules to establish new personal communications services (57 FR 40672, 9/4/92). In this proceeding, the Commission proposed to allocate twenty megahertz of spectrum (1910–1930 MHz) for unlicensed PCS devices. In a related action, On September 17, 1992, the Commission adopted a report and order in ET Docket No. 92–9 permitting current fixed microwave operators in the 1850–1990 MHz band to continue operating for an indefinite period but providing for their voluntary relocation to other bands (57 FR 49020, 10/29/92).

The Commission has received a Report and Recommendations from the Unlicensed PCS Ad Hoc Committee for 2 GHz Microwave Transition and Management (UTAM). The Commission has also received a proposed Spectrum Etiquette from the Wireless Information Network Forum (WINForum).

The UTAM report proposes a method of managing and funding the voluntary relocation of the existing microwave licensees to facilitate the introduction of unlicensed PCS. WINForum's proposed etiquette both creates a process for spectrum access and sets certain transmission parameters for potential users of the band. Both the UTAM report and the WINForum etiquette and the proposals they contain represent new information that is important to resolution of the issues before the Commission in GEN. Docket No. 90–314. Accordingly, both documents are being accepted as late-filed comments and a period is being established for public review and comment.

Federal Communications Commission.

William F. Caton,

Acting Secretary.

[FR Doc. 93–12706 Filed 5–28–93; 8:45 am]

BILLING CODE 6712–01–M

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47 CFR Part 73

[MM Docket No. 93–121, RM–8220]

Radio Broadcasting Services; Buena Vista, CO

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This document requests comments on a petition for rule making filed on behalf of Riley M. Murphy, permittee of Station KBVC(FM), Channel 281A, Buena Vista, Colorado, seeking the substitution of Channel 281C3 for Channel 281A and modification of her permit accordingly to specify operation on the higher powered channel. Coordinates for this proposal are 38–39–49 and 106–12–50.

Petitioner's modification proposal complies with the provisions of Section 1.420(g) of the Commission's Rules. Therefore, we will not accept competing expressions of interest in the use of Channel 281C3 at Buena Vista, or require the petitioner to demonstrate the availability of an additional equivalent class channel.

DATES: Comments must be filed on or before July 6, 1993, and reply comments on or before July 21, 1993.

ADDRESSES: Secretary, Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner's counsel, as follows: Mark N. Lipp, Esq., Mullin, Rhyne, Emmons and Topel, P.C., 1000 Connecticut Avenue NW., suite 500, Washington, DC 20036.

FOR FURTHER INFORMATION CONTACT: Nancy Joyner, Mass Media Bureau, (202) 634–6530.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Notice of Proposed Rule Making, MM Docket No. 93–121, adopted April 16, 1993, and released May 17, 1993. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC's Reference Center (Room 239), 1919 M Street NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Service, Inc., (202) 857–3800, 2100 M Street NW., suite 140, Washington, DC 20037.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1204(b) for rules governing permissible *ex parte* contacts.

For information regarding proper filing procedures for comments, see 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

Michael C. Ruger,

Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 93–12767 Filed 5–28–93; 8:45 am]

BILLING CODE 6712–01–M

47 CFR Part 73

[MM Docket No. 93–134, RM–8226]

Television Broadcasting Services; Ishpeming, MI

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This document requests comments on a petition filed by Thomas Scanlan requesting the allotment of VHF Television 10 to Ishpeming, Michigan, as that community's first local television service. Channel 10 is site restricted 27.3 kilometers (16.9 miles) west of the community at coordinates 46–31–23 and 88–00–52. Channel 10 has a "minus" offset. Canadian concurrence will be requested for this allotment.

DATES: Comments must be filed on or before July 6, 1993, and reply comments on or before July 21, 1993.

ADDRESSES: Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner, or its counsel or consultant, as follows: Kevin C. Boyle, Latham & Watkins, 1001 Pennsylvania Avenue NW., suite 1300, Washington, DC 20004.

FOR FURTHER INFORMATION CONTACT: Kathleen Scheuerle, Mass Media Bureau, (202) 634–6530.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Notice of Proposed Rule Making, MM Docket No. 93–134 adopted April 30, 1993, and released May 17, 1993. The full text of this Commission decision is available for inspection and copying during normal business hours in the Commission's Reference Center (Room 239), 1919 M Street NW, Washington, DC.

The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Services, Inc., 2100 M Street NW., suite 140, Washington, DC 20036, (202) 857–3800.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1204(b) for rules governing permissible *ex parte* contact.

For information regarding proper filing procedures for comments, see 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Television broadcasting.

Federal Communications Commission.

Michael C. Ruger,

Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 93–12769 Filed 5–28–93; 8:45 am]

BILLING CODE 6712–01–M

47 CFR Part 73

[MM Docket No. 93–122, RM–8216]

Radio Broadcasting Services; Clarkrange, TN

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: The Commission requests comments on a petition filed by New Hope Radio proposing the allotment of Channel 284A to Clarkrange, Tennessee, as the community's first local FM service. Channel 284A can be allotted to Clarkrange in compliance with the Commission's minimum distance separation requirements with a site restriction of 1.1 kilometers (0.7 miles) southwest in order to avoid a short-spacing to the reference coordinates of Channel 284A, Coalmont, Tennessee. The coordinates for Channel 284A at Clarkrange are 36–10–29 and 85–01–31.

DATES: Comments must be filed on or before July 6, 1993, and reply comments on or before July 21, 1993.

ADDRESSES: Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner, or its counsel or consultant, as follows: Kirk A. Tollett, 4001 Highway 78 East, Jasper, Alabama 35501 (Consultant for petitioner).

FOR FURTHER INFORMATION CONTACT: Pamela Blumenthal, Mass Media Bureau, (202) 634–6530.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Notice of Proposed Rule Making, MM Docket No. 93–122, adopted April 16, 1993, and released May 17, 1993. The full text of this Commission decision is available for inspection and copying during

normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, ITS, Inc., (202) 857–3800, 2100 M Street, NW., suite 140, Washington, DC 20037.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1204(b) for rules governing permissible *ex parte* contacts.

For information regarding proper filing procedures for comments, see 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

Michael C. Ruger,

Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 93–12766 Filed 5–28–93; 8:45 am]

BILLING CODE 6712–01–M

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47 CFR Parts 80 and 87

[PR Docket No. 93–143; FCC 93–248]

Require Registration of 406 MHz Radiobeacons in the Marine Services and Aviation Services

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: The Commission has proposed rules to require registration of 406.025 MHz radiobeacons with the National Oceanic and Atmospheric Administration of the United States Department of Commerce (NOAA). This action is in response to a request from the United States Coast Guard (Coast Guard). The registration of 406.025 MHz radiobeacons aid search and rescue personnel.

DATES: Comments must be submitted on or before July 9, 1993; Reply comments on or before July 26, 1993.

FOR FURTHER INFORMATION CONTACT: James Shaffer, (202) 632–7197, Private Radio Bureau.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Notice of Proposed Rule Making FCC 92–248, adopted May 11, 1993, and released May 19, 1993. The full text of this Notice of Proposed Rule Making is available for inspection and copying during normal business hours in the FCC Reference Center, Room 230, 1919 M Street NW., Washington, DC. The complete text may be purchased from the Commission's copy contractor, International Transcription Service, Inc., 2100 M Street, suite 140, Washington, DC 20037, telephone (202) 857–3800.

The following collection of information contained in this proposed rule has been submitted to the Office of Management and Budget for review under section 3504(h) of the Paperwork Reduction Act (44 U.S.C. 3504(h)). Copies of the submission may be purchased from the Commission's copy contractor from the address given above. Persons wishing to comment on this collection of information should direct their comments to Jonas Neihardt, (202) 395–4814, Office of Management and Budget, room 3235 NEOB, Washington, DC 20503. A copy of any comment filed should also be sent to the following address at the Commission: Federal Communications Commission, Records Management Division, room 234, Paperwork Reduction Project, Washington, DC 20554. For further information, contact Judy Boley, (202) 632–7513.

OMB Number: None.
Title: 80.1061 Special requirements for 406.025 MHz EPIRBs, PR Docket No. 93–143.
Action: Proposed new collection.
Respondents: Individuals or households, businesses or other for-profit, including small businesses.
Frequency of Response: On occasion.
Estimated Annual Burden: Annual burden estimate is 9,500 respondents; .084 per response; 798 hours total.
Needs and Uses: The Notice of Proposed Rule Making solicits public comments on a proposal to require 406 MHz radiobeacon owners to register their radiobeacon with NOAA. Information will provide search and rescue forces with valuable information used to identify the ship or aircraft in distress and to select the proper rescue units and search methods.

OMB Number: None.
Title: 87.199 Special requirements for 406.025 MHz ELTs, PR Docket No. 93–143.
Action: Proposed new collection.
Respondents: Individuals or households, businesses or other for-profit including small businesses.
Frequency of Response: On occasion.
Estimated Annual Burden: Annual burden estimate is 500 respondents; .084 per response; 42 hours total.
Needs and Uses: The Notice of Proposed Rule Making solicits public comment on a proposal to require 406 MHz radiobeacon owners to register their radiobeacon with NOAA. Information will provide search and rescue forces with valuable information used to identify the ship or aircraft in distress and to select the proper rescue units and search methods.

Summary of Notice of Proposed Rule Making

1. The United States Coast Guard (Coast Guard) filed a petition (RM–8008), Public Notice No. 1894, requesting that the Commission amend Part 80 of the Rules, 47 CFR part 80, to require registration of emergency position indicating radiobeacons (EPIRBs) operating on the frequency 406.025 MHz with the National Oceanic and Atmospheric Administration (NOAA). Additionally, in the Report and Order in PR Docket No. 92–125, the Commission stated that it would address separately the issue of mandatory registration of emergency locator transmitters (ELTs) operating on the frequency 406.025 MHz in the Aviation Services.

2. The comments state that the proposed beacon registration is essential to realize the full benefit of the 406 MHz satellite system. The Air Force, Coast Guard, NOAA and National Aeronautics and Space Administration (NASA) agree that having access to registration information along with the improved location accuracy of the 406 MHz system can result in a reduction of the time needed to complete a SAR operation. NOAA and NASA estimate that registration will save on average 6 hours per mission. Further, NOAA states that its experience with voluntary registration of 406 EPIRBs shows that when 406 EPIRBs are registered in its database the Coast Guard has been able to avoid unnecessarily using SAR resources by screening false distress signals through telephone calls to registered owners. Typical mission costs of launching a single helicopter to locate and investigate a distress signal are approximately $4,000. The potential savings to the Federal government and SAR forces are substantial with no additional cost or burden to manufacturers and little burden to beacon users. The beacon user would be required to mail to NOAA the pre-paid, pre-addressed post card that the manufacturers currently provide requesting registration information. In view of the strong support in these comments, and because beacon registration can provide valuable distress information to SAR personnel

concerning the type and size of the aircraft/vessel as well as prevent launching potentially dangerous missions on false distress signals, we propose to require that 406 MHz ELTs and 406 MHz EPIRBs be registered in NOAA's database.

3. We certify that the Regulatory Flexibility Act of 1980 does not apply to this rule making proceeding because if the proposed rule amendments are promulgated, there will not be a significant economic impact on a substantial number of small business entities, as defined by Section 601(3) of the Regulatory Flexibility Act. The change proposed herein will have a beneficial effect on the marine and aviation community by enhancing information available to SAR personnel for use in distress situations and will not have a significant economic impact on any entity. The Secretary shall send a copy of this Notice of Proposed Rule Making, including the certification, to the Chief Counsel for Advocacy of the Small Business Administration in accordance with paragraph 605(b) of the Regulatory Flexibility Act. Pub. L. No. 96–354, 94 Stat. 1164, 5 U.S.C. 601–612 (1980).

List of Subjects

47 CFR Part 80

Communications equipment, Marine safety, aviation safety.

47 CFR Part 87

Communications equipment.

Federal Communications Commission.

William F. Caton,

Acting Secretary.

[FR Doc. 93–12772 Filed 5–28–93; 8:45 am]

BILLING CODE 6712–01–M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 216

Taking and Importing of Marine Mammals

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

ACTION: Notice of dolphin safe research program progress and proposed new research, with request for comments.

SUMMARY: NMFS developed, for 1992 and beyond, a plan for research to improve understanding of the behavioral association between dolphins and yellowfin tuna in the eastern tropical Pacific Ocean (ETP) and to develop new methods for locating and catching yellowfin tuna without the incidental taking of dolphins. Pursuant to amendments to the National Oceanic and Atmospheric Administration Marine Fisheries Program Authorization Act, NMFS, having completed the first year of the dolphin safe research plan, herein reports research projects conducted during 1992 and seeks comments on NMFS' plan for future research efforts.

DATES: Comments will be considered if received or postmarked on or before July 1, 1993.

ADDRESSES: Comments should be mailed to: Director's Office, Southwest Fisheries Science Center, NMFS, 8604 La Jolla Shores Drive, P.O. Box 271, La Jolla, CA 92038. A copy of the original research plan is available upon request.

FOR FURTHER INFORMATION CONTACT: Dr. Elizabeth F. Edwards or Ms. Julie Gilmore, NMFS, Tel 619–546–7176.

SUPPLEMENTARY INFORMATION: Section 302 (Development of dolphin safe methods of tuna fishing) of the NOAA reauthorization bill for 1993 (H.R. 2130–14) states that within 6 months of the date of enactment of that section, the Secretary of Commerce, in cooperation with the Inter-American Tropical Tuna Commission (IATTC), and after consultation with interested persons, shall publish a program plan for public comment that shall provide for (1) cooperative research to improve understanding of the behavioral association of dolphins and yellowfin tuna in the ETP; (2) development, testing, and implementation of new methods of locating and capturing yellowfin tuna without the incidental taking of dolphins; and (3) appropriate measures to ensure program participation and sharing of associated costs by each foreign government that conducts, or authorizes its nationals to conduct, yellowfin tuna fishing in the ETP.

The special meeting of the IATTC and participating observer governments in La Jolla, California, on April 21–23, 1992, concluded with the approval of an agreement reached at the 50th Annual Meeting of the IATTC resolving to adopt a multi-lateral program with the objectives of (1) progressively reducing dolphin mortality in the ETP tuna fishery to levels approaching zero through the setting of annual limits; and (2) with a goal of eliminating dolphin mortality in this fishery, seeking ecologically sound means of capturing large yellowfin tunas not in association with dolphin while populations of yellowfin tuna in the ETP remain at a level that will permit maximum sustained catches year after year.

The IATTC and participating observer governments further resolved to initiate research to adapt current technology to ensure that reduction targets (in dolphin mortality) can be achieved, to seek alternative methods for capturing large yellowfin tunas in the ETP that do no involve encircling dolphins, with particular emphasis on the use of fish-aggregating devices (FADs) to attract large tunas, taking special note of such methods employed in other oceans, and to study the impact on the ecosystem of achieving these reductions in dolphin mortality. The proposed IATTC international research program includes the following activities:

I. Improvements in Current Purse-Seining Technology

Evaluate the utility of using current profiles, net and cable modifications (e.g., Freitas panel, net lifting surfaces, alternative net and cable material), jet boats, and ROV-technology to reduce dolphin mortality.

II. Alternative Methods of Fishing Involving Dolphins, But Not Encirclement

Evaluate the potential utility of separating tunas and dolphins prior to encirclement using acoustic stimuli, prey, or stimuli. Further, evaluate the potential of using paired trawls to capture tunas associated with dolphin without encirclement. Finally, initiate tracking and other behavioral studies of tunas and dolphins.

III. Alternative Methods of Fishing That Would Not Involve Chase or Encirclement of Dolphin

Evaluate the potential utility of FADs and of bait for aggregating large yellowfin tuna, and the potential utility of light detecting and ranging devices (LIDAR), remote sensors, assessment technologies, or other optical sensors for locating free-swimming schools of the fish. Further, evaluate the potential for using oceanographic data to predict spatial distribution and catchability of large yellowfin tuna.

NMFS' research plan during 1992 was directed toward Activity III (non-encirclement methods). Specifically, projects were selected for their potential in improving understanding of the behavioral association between dolphins and yellowfin tuna in the ETP and in developing new methods for locating and catching yellowfin tuna without the incidental taking of dolphins, as directed by the U.S. Congress in its appropriation language. NMFS published this plan on May 18,

1992, in the **Federal Register** (57 FR 21081). No public comments were received.

NMFS' research program during 1992 provided funding for four specific studies: (1) Investigation of the feasibility of locating tuna not visibly associated with dolphins or other surface cues utilizing an airborne LIDAR—$80,000; (2) evaluation of the potential for using environmental predictors of yellowfin tuna abundance, catchability and distribution—$135,000 (joint study with the IATTC); (3) simultaneous tracking study of dolphin and tuna—$765,000 (joint study with the IATTC); and (4) studies of the food habits of tunas and dolphins—$166,000 (joint study with the IATTC). NMFS believes that these studies represent a significant contribution to the development of methods for fishing large yellowfin tuna in the ETP that are dolphin safe. It should be emphasized that these research projects are directed at developing alternative methods of fishing, rather than improving existing methods of fishing. Results from the research projects initiated by NMFS and IATTC during 1993 will be forthcoming in mid-1993 (LIDAR project, tracking project) and mid-1994 (food habits and oceanography).

During 1993, NMFS and IATTC scientists will be continuing research projects begun in 1992, in addition to initiating new projects. These new projects include: (1) Development of a Technological Innovations Workshop, co-sponsored by IATTC and NMFS; (2) development and deployment during 1993 of a cooperative research project between NMFS and IATTC to investigate further with sonic and radio tags, behavior of associated tunas and dolphins; (3) further testing of LIDAR technology (as part of a NMFS project to test and compare multiple sensors for detecting pelagic fish); (4) support of FAD projects proposed by U.S. tuna skippers; and (5) evaluation of innovative research planning procedures specifically applicable to problems in conservation of non-commercial populations impacted by commercial exploitation of related populations.

These projects specifically address the directives from Congress to undertake cooperative research to investigate new methods of locating and capturing yellowfin tuna without the incidental taking of dolphins.

The U.S. Congress directed NMFS to take appropriate measures to ensure program participation and sharing of associated costs by each foreign government that conducts, or authorized its nationals to conduct, yellowfin tuna fishing in the ETP. NMFS notes that in the resolution adopted at the April 1992 meeting of the IATTC and participating observer governments, it was agreed that the IATTC would strive to obtain funds for research at a level sufficient to achieve the objectives of the resolution and to establish with the IATTC an Advisory Board of technical specialists from the international communities of scientists, government agencies, environmental groups, and the fishing industry, to assist the Director of the IATTC in efforts to coordinate, facilitate, and guide research. Thus, cost-sharing is ensured by participation of ETP fishing nations that are party to the IATTC Agreement for the Conservation of Dolphins (reached at the 50th Annual meeting of the IATTC. In addition, NMFS intends to support the Advisory Board to the fullest extent possible.

Dated: May 20, 1993.

Michael F. Tillman,

Acting Deputy Assistant Administrator for Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration.

[FR Doc. 93–12781 Filed 5–28–93; 8:45 am]

BILLING CODE 3510–22–M

Notices

Federal Register
Vol. 58, No. 103
Tuesday, June 1, 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

Cooperative State Research Service

Extension Service

National Sustainable Agriculture Advisory Council; Meeting

In accordance with the Federal Advisory Committee Act, Public Law 92–463, the Cooperative State Research Service and Extension Service announce the following meeting:

Name: National Sustainable Agriculture Advisory Council.

Date: June 9–June 11, 1993.

Time: 7:30 a.m. to 4 p.m.

Place: Best Western Central Hotel, 3650 South 72nd Street, Omaha, Nebraska 68124.

Type of Meeting: Open to the public. Persons may participate in the meeting as the time and space permit.

Comments: The public may file written comments before or after the meeting with the contact person listed below. A tour of local farms using practices of sustainable agriculture will be held on the morning of June 10, 1993. A specific time for public comments will be scheduled for the afternoon of June 10, 1993.

Purpose: To serve as an organizational meeting for the National Sustainable Agriculture Advisory Council, and to advise the Secretary of Agriculture with respect to initiatives and priorities related to sustainable agriculture.

Contact Person for Agenda and More Information: Dr. George W. Bird, Director, Sustainable Agriculture Research and Education program, Cooperative State Service, U.S. Department of Agriculture, room 342, Aerospace Center, 12th and Independence Avenue, Washington, DC 20250, Telephone 202–401–4640.

Done at Washington, DC this 21st day of May, 1993.

John Patrick Jordan,

Administrator, Cooperative State Research Service.

Myron D. Johnsrud,

Administrator, Extension Service.

[FR Doc. 93–12811 Filed 5–26–93; 10:38 am]

BILLING CODE 3410–22–M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Florida Keys National Marine Sanctuary Advisory Council Open Meeting

AGENCY: Sanctuaries and Reserves Division (SRD), Office of Ocean and Coastal Resource Management (OCRM), National Ocean Service (NOS), National Oceanic and Atmospheric Administration (NOAA), Department of Commerce.

SUMMARY: The Council was established in December 1991 to advise and assist the Secretary of Commerce in the development and implementation of the comprehensive management plan for the Florida Keys National Marine Sanctuary.

TIME AND PLACE: June 14, 1993 from 9 a.m. until adjournment. The meeting location will be at the Hawks Key Resort, Mile Marker 61, Route 1, Duck Key, Florida.

AGENDA: 1. Discussion of process for choosing management alternatives.

PUBLIC PARTICIPATION: The meeting will be open to public participation; the time period from 4 p.m. to 5 p.m., will be set aside for oral comments and questions. Seats will be set aside for the public and the media. Seats will be available on a first-come first-served basis.

FOR FURTHER INFORMATION CONTACT: Pamala James at (305) 743–2437 or Ben Haskell at (301) 713–3137.

Federal Domestic Assistance Catalog Number 11.429 Marine Sanctuary Program.

Dated: May 25, 1993.

W. Stanley Wilson,

Assistant Administrator for Ocean Services and Coastal Zone Management.

[FR Doc. 93–12809 Filed 5–28–93; 8:45 am]

BILLING CODE 3510–08–M

Endangered Species; Permits

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

ACTION: Notice of receipt of a request to modify permit No. 790 (P509).

On September 2, 1992 (57 FR 41477) Permit No. 790 was issued to Robert van Dam, Physiological Research Laboratory, Scripps Institution of Oceanography, University of California, San Diego as authorized by the provisions of the Endangered Species Act (ESA) (16 U.S.C. 1531–1543) and the NMFS regulations governing listed fish and wildlife (50 CFR parts 217–227).

On May 13, 1993 (58 FR 29392) a Modification to Permit No. 790 was issued, extending the effective date of Permit No. 790 through December 31, 1993.

Permit No. 790 authorizes the take of up to 40 hawksbill sea turtles (*Eretmochelys imbricata*) to be captured, measured, tagged, photographed, and sampled for stomach contents.

The applicant requests to increase the authorized take from 40 to 80 hawksbill sea turtles. However, at most, only 40 of these turtles would be sampled for stomach contents.

Written data or views, or requests for a public hearing on this modification request, should be submitted to the Assistant Administrator for Fisheries, National Marine Fisheries Service, U.S. Department of Commerce, 1335 East-West Highway, room 8268, Silver Spring, MD 20910, within 30 days of the publication of this notice. Those individuals requesting a hearing should set forth the specific reasons why a hearing on this particular modification would be appropriate. The holding of such hearing is at the discretion of the Assistant Administrator for Fisheries. All statements and opinions contained in this summary are those of the applicant and do not necessarily reflect the views of NMFS.

The Application, Permit, Modification request, 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, room 8268, Silver Spring, Maryland 20910 (301/713–2232); and

Southeast Region, National Marine Fisheries Service, 9450 Koger Boulevard, St. Petersburg, Florida 33702 (813/893–3141).

Dated: May 20, 1993.

Herbert W. Kaufman,

Acting Director, Office of Protected Resources.

[FR Doc. 93–12778 Filed 5–28–93; 8:45 am]

BILLING CODE 3510–22–M

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Rescission of a Request to Consult and Cancellation of a Limit for Certain Wool Textile Products Produced or Manufactured in Brazil

May 25, 1993.

AGENCY: Committee for the Implementation of Textile Agreements (CITA).

ACTION: Announcing the rescission of a request to consult and issuing a directive to the Commissioner of Customs cancelling a limit.

EFFECTIVE DATE: June 2, 1993.

FOR FURTHER INFORMATION CONTACT: Nicole Bivens Collinson, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 482–4212.

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 United States Government has decided to rescind the request to consult with the Government of the Federative Republic of Brazil on men's and boys' wool suits in Category 443 and to cancel the current limit.

In the letter published below, the Chairman of CITA directs the Commissioner of Customs to cancel the current limit for Category 443. Textile products in Category 443 shall remain subject to the aggregate limit for the April 1, 1993 through March 31, 1994 restraint period.

Should it become necessary to discuss this category with the Government of the Federative Republic of Brazil at a later date, further notice will be published in the **Federal Register.**

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 21971, published on May 26, 1992; 57 FR 33320, published on July 28, 1992; and 58 FR 14381, published on March 17, 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.

Rita D. Hayes,

Chairman, Committee for the Implementation of Textile Agreements.

Committee for the Implementation of Textile Agreements

May 25, 1993.

Commissioner of Customs,
Department of the Treasury, Washington, DC 20229.

Dear Commissioner: Effective on June 2, 1993, this directive cancels the limit established in the directive issued to you on March 12, 1993, by the Chairman, Committee for the Implementation of Textile Agreements, for wool textile products in Category 443, produced or manufactured in Brazil and exported during the twelve-month period which began on April 1, 1993 and extends through March 31, 1994. Textile products in Category 443 shall remain subject to the aggregate limit for the April 1, 1993 through March 31, 1994 restraint period.

The Committee for the Implementation of Textile Agreements has determined that this action falls within the foreign affairs exception to the rulemaking provisions of 5 U.S.C. 553(a)(1).

Sincerely,

Rita D. Hayes,

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 93–12820 Filed 5–28–93; 8:45 am]

BILLING CODE 3510–DR–F

Adjustment of Import Limits for Certain Cotton and Wool Textile Products Produced or Manufactured in Costa Rica

May 25, 1993.

AGENCY: Committee for the Implementation of Textile Agreements (CITA).

ACTION: Issuing a directive to the Commissioner of Customs increasing limits.

EFFECTIVE DATE: June 2, 1993.

FOR FURTHER INFORMATION CONTACT: Nicole Bivens Collinson, 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) 927–5850. 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 Categories 347/348 and 443 are being increased by recrediting unused 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 48022, published on October 21, 1992.

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.

Rita D. Hayes,

Chairman, Committee for the Implementation of Textile Agreements.

Committee for the Implementation of Textile Agreements

May 25, 1993.

Commissioner of Customs,
Department of the Treasury, Washington, DC 20229.

Dear Commissioner: This directive amends, but does not cancel, the directive issued to you on October 15, 1992, by the Chairman, Committee for the Implementation of Textile Agreements. That directive concerns imports of certain cotton, wool and man-made fiber textile products, produced or manufactured in Costa Rica and exported during the twelve-month period which began on January 1, 1993 and extends through December 31, 1993.

Effective on June 2, 1993, you are directed to amend further the directive dated October 15, 1992 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 Costa Rica:

Category	Adjusted twelve-month limit [1]
347/348	1,223,341 dozen.
443	202,000 numbers.

[1] The limits have not been adjusted to account for any imports exported after December 31, 1992.

The Committee for the Implementation of Textile Agreements has determined that these actions fall within the foreign affairs exception to the rulemaking provisions of 5 U.S.C. 553(a)(1).

Sincerely,

Rita D. Hayes,

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 93–12819 Filed 5–28–93; 8:45 am]

BILLING CODE 3510–DR–F

Announcement of Import Restraint Limits for Certain Cotton, Wool, Man-Made Fiber, Silk Blend and Other Vegetable Fiber Textiles and Textile Products Produced or Manufactured in Indonesia

May 25, 1993.

AGENCY: Committee for the Implementation of Textile Agreements (CITA).

ACTION: Issuing a directive to the Commissioner of Customs establishing limits for the new agreement year.

EFFECTIVE DATE: July 1, 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 Bilateral Cotton, Wool, Man-Made Fiber, Silk Blend and Other Vegetable Fiber Textile Agreement, effected by exchange of notes dated September 25 and October 3, 1985, as amended and extended, and the Memorandum of Understanding (MOU) dated April 28, 1993, between the Governments of the United States and Indonesia establish limits for the agreement period beginning on July 1, 1993 and extending through June 30, 1994. The limits for Categories 336/636, 338/339, 341, 342/642, 350/650, 351/651, 638/639, 641 and 647/648 are adjusted to include a 5 percent allowance for traditional folklore products, as provided for in the bilateral agreement between the Governments of the United States and Indonesia.

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).

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 and the MOU, but are designed to assist only in the implementation of certain of their provisions.

Rita D. Hayes,

Chairman, Committee for the Implementation of Textile Agreements.

Committee for the Implementation of Textile Agreements

May 25, 1993.

Commissioner of Customs,
Department of the Treasury, Washington, DC 20229.

Dear Commissioner: Under the terms of section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854), and the Arrangement Regarding International Trade in Textiles done at Geneva on December 20, 1973, as further extended on December 9, 1992; pursuant to the Bilateral Cotton, Wool, Man-Made Fiber, Silk Blend and Other Vegetable Fiber Textile Agreement, effected by exchange of notes dated September 25 and October 3, 1985, as amended and extended, and the Memorandum of Understanding (MOU) dated April 28, 1993, between the Governments of the United States and Indonesia; and in accordance with the provisions of Executive Order 11651 of March 3, 1972, as amended, you are directed to prohibit, effective on July 1, 1993, entry into the United States for consumption and withdrawal from warehouse for consumption of cotton, wool, man-made fiber, silk blend and other vegetable fiber textiles and textile products in the following categories, produced or manufactured in Indonesia and exported during the twelve-month period beginning on July 1, 1993 and extending through June 30, 1994, in excess of the following levels of restraint:

Category	Twelve-month restraint limit
Levels in Group I	
219	6,811,761 square meters.
225	4,770,000 square meters.
300/301	2,915,000 kilograms.
313	12,359,872 square meters.
314	43,157,577 square meters.
315	19,610,000 square meters.
317/617/326	18,940,432 square meters of which not more than 2,798,654 square meters shall be in Category 326.
331/631	1,739,315 dozen pairs.
334/335	159,385 dozen.
336/636	445,200 dozen.
338/339	903,756 dozen.
340/640	1,060,000 dozen.
341	669,416 dozen.
342/642	278,250 dozen.
345	308,244 dozen.
347/348	1,166,000 dozen.
351/651	361,725 dozen.
359–C/659–C [1]	1,007,000 kilograms.
359–S/659–S [2]	1,060,000 kilograms.
369–S [3]	650,673 kilograms.
443	80,800 numbers.
445/446	54,143 dozen.
600	750,000 kilograms.
604–A [4]	506,075 kilograms.
611	4,494,714 square meters.
613/614/615	17,967,000 square meters.
618	4,240,000 square meters.
619/620	6,572,000 square meters of which not more than 6,360,000 square meters shall be in Category 619.
625/626/627/628/629.	20,110,007 square meters.
634/635	212,000 dozen.
638/639	1,157,520 dozen.
641	1,696,993 dozen.
645/646	557,847 dozen.
647/648	2,426,635 dozen.
669–P [5]	1,000,000 kilograms.
670–L [6]	1,000,000 kilograms.
847	291,999 dozen.
Group II	
200, 201, 218, 220, 222-224, 226, 227, 229, 237, 239, 330, 332, 333, 349, 350, 352–354, 359–O [7], 360–363, 369–O [8], 400, 410, 414, 431, 432, 433, 434, 435, 436, 438, 439, 440, 442, 444, 447, 448, 459, 464, 465, 469, 603, 604–O [9], 606, 607, 621, 622, 624, 630, 632, 633, 643, 644, 649, 650, 652–654, 659–O [10], 665, 666, 669–O [11], 670–O [12], 831–836, 838, 839, 840, 842–846, 850–852, 858 and 859, as a group.	68,200,000 square meters equivalent.
Sublevel Group II	
350/650	128,552 dozen.
Subgroup in Group II	
400, 410, 414, 431, 432, 433, 434, 435, 436, 438, 439, 440, 442, 444, 447, 448, 459, 464, 465 and 469, as a group.	2,424,000 square meters equivalent.

Category	Twelve-month restraint limit
In Group II subgroup 447	16,160 dozen.

[1] Category 359–C: only HTS numbers 6103.42.2025, 6103.49.3034, 6104.62.1020, 6104.69.3010, 6114.20.0048, 6114.20.0052, 6203.42.2010, 6203.42.2090, 6204.62.2010, 6211.32.0010, 6211.32.0025 and 6211.42.0010; Category 659–C: only HTS numbers 6103.23.0055, 6103.43.2020, 6103.43.2025, 6103.49.2000, 6103.49.3038, 6104.63.1020, 6104.63.1030, 6104.69.1000, 6104.69.3014, 6114.30.3044, 6114.30.3054, 6203.43.2010, 6203.43.2090, 6203.49.1010, 6203.49.1090, 6204.63.1510, 6204.69.1010, 6210.10.4015, 6211.33.0010, 6211.33.0017 and 6211.43.0010.

[2] Category 359–S: only HTS numbers 6112.39.0010, 6112.49.0010, 6211.11.2010, 6211.11.2020, 6211.12.3003 and 6211.12.3005; Category 659–S: only HTS numbers 6112.31.0010, 6112.31.0020, 6112.41.0010, 6112.41.0020, 6112.41.0030, 6112.41.0040, 6211.11.1010, 6211.11.1020, 6211.12.1010 and 6211.12.1020.

[3] Category 369–S: only HTS number 6307.10.2005.

[4] Category 604–A: only HTS number 5509.32.0000.

[5] Category 669–P: only HTS numbers 6305.31.0010, 6305.31.0020 and 6305.39.0000.

[6] Category 670–L: only HTS numbers 4202.12.8030, 4202.12.8070, 4202.92.3020, 4202.92.3030 and 4202.92.9020.

[7] Category 359–O: all HTS numbers except 6103.42.2025, 6103.49.3034, 6104.62.1020, 6104.69.3010, 6114.20.0048, 6114.20.0052, 6203.42.2010, 6203.42.2090, 6204.62.2010, 6211.32.0010, 6211.32.0025; 6211.42.0010 (Category 359–C); 6112.39.0010, 6112.49.0010, 6211.11.2010, 6211.11.2020, 6211.12.3003 and 6211.12.3005 (Category 359–S).

[8] Category 369–O: all HTS numbers except 6307.10.2005 (Category 369–S).

[9] Category 604–O: all HTS numbers except 5509.32.0000 (Category 604–A)

[10] Category 659–O: all HTS numbers except 6103.23.0055, 6103.43.2020, 6103.43.2025, 6103.49.2000, 6103.49.3038, 6104.63.1020, 6104.63.1030, 6104.69.1000, 6104.69.3014, 6114.30.3044, 6114.30.3054, 6203.43.2010, 6203.43.2090, 6203.49.1010, 6203.49.1090, 6204.63.1510, 6204.69.1010, 6210.10.4015, 6211.33.0010, 6211.33.0017, 6211.43.0010 (Category 659–C); 6112.31.0010, 6112.31.0020, 6112.41.0010, 6112.41.0020, 6112.41.0030, 6112.41.0040, 6211.11.1010, 6211.11.1020, 6211.12.1010 and 6211.12.1020 (Category 659–S).

[11] Category 669–O: all HTS numbers except 6305.31.0010, 6305.31.0020 and 6305.39.0000 (Category 669–P).

[12] Category 670–O: all HTS numbers except 4202.12.8030, 4202.12.8070, 4202.92.3020, 4202.92.3030 and 4202.92.9020 (Category 670–L).

Imports charged to these category limits for the period July 1, 1992 through June 30, 1993 shall be charged against those levels of restraint to the extent of any unfilled balances. In the event the limits established for this period have been exhausted by previous entries, such goods shall be subject to the levels set forth in this directive.

The limits set forth above are subject to adjustment in the future pursuant to the provisions of the current bilateral agreement between the Governments of the United States and Indonesia.

In carrying out the above directions, the Commissioner of Customs should construe entry into the United States for consumption to include entry for consumption into the Commonwealth of Puerto Rico.

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,

Rita D. Hayes,

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 93–12817 Filed 5–28–93; 8:45 am]

BILLING CODE 3510–DR–F

Adjustment of Import Limits for Certain Wool Textile Products Produced or Manufactured in Poland

May 25, 1993.

AGENCY: Committee for the Implementation of Textile Agreements (CITA).

ACTION: Issuing a directive to the Commissioner of Customs adjusting limits.

EFFECTIVE DATE: June 2, 1993.

FOR FURTHER INFORMATION CONTACT: Naomi Freeman, 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) 927–5850. 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 Categories 433 and 443 are being increased by application of swing, reducing the limit for Category 410 to account for the increases. Also, the limit for Category 433 is increased for carryover.

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 48022, published on October 21, 1992.

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.

Rita D. Hayes,

Chairman, Committee for the Implementation of Textile Agreements.

Committee for the Implementation of Textile Agreements

May 25, 1993.

Commissioner of Customs,

Department of the Treasury, Washington, DC 20229.

Dear Commissioner: This directive amends, but does not cancel, the directive issued to you on October 15, 1992, by the Chairman, Committee for the Implementation of Textile Agreements. That directive concerns imports of certain cotton, wool and man-made fiber textile products, produced or manufactured in Poland and exported during the twelve-month period which began on January 1, 1993 and extends through December 31, 1993.

Effective on June 2, 1993, you are directed to amend the directive dated October 15, 1992 to adjust the limits for the following categories, as provided under the terms of the current bilateral agreement between the Governments of the United States and the Republic of Poland:

Category	Adjusted twelve-month limit [1]
410	2,434,048 square meters.
433	18,998 dozen.
443	226,947 numbers.

[1] The limits have not been adjusted to account for any imports exported after December 31, 1992.

The Committee for the Implementation of Textile Agreements has determined that these actions fall within the foreign affairs exception to the rulemaking provisions of 5 U.S.C. 553(a)(1).

Sincerely,

Rita D. Hayes,

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 93–12818 Filed 5–28–93; 8:45 am]

BILLING CODE 3510–DR–F

COMMODITY FUTURES TRADING COMMISSION

New York Futures Exchange Option on Utility Index Futures Contracts

AGENCY: Commodity Futures Trading Commission.

ACTION: Notice of availability of the terms and conditions of proposed commodity futures option contract.

SUMMARY: The New York Futures Exchange (NYFE or Exchange) has applied for designation as a contract market in options on utility index futures contracts. The Director of the

Division of Economic Analysis (Division) of the Commission, acting pursuant to the authority delegated by Commission Regulation 140.96, has determined that publication of the proposal for comment is in the public interest, will assist the Commission in considering the views of interested persons, and is consistent with the purposes of the Commodity Exchange Act.

DATES: Comments must be received on or before July 1, 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 NYFE option on utility index futures contracts.

FOR FURTHER INFORMATION CONTACT: Please contact Steve Sherrod of the Division of Economic Analysis, Commodity Futures Trading Commission, 2033 K Street NW., Washington, DC 20581, telephone 202–254–7303.

SUPPLEMENTARY INFORMATION: Copies of the terms and conditions will be available for inspection at the Office of the Secretariat, Commodity Futures Trading Commisson, 2033 K Street, NW., Washington, DC 20581. Copies of the terms and conditions can be obtained through the Office of the Secretariat by mail at the above address or by phone at (202) 254–6314.

Other materials submitted by the NYFE 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)), except to the extent they are entitled to confidential treatment as set forth in 17 CFR 145.5 and 145.9. 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 17 CFR 145.7 and 145.8.

Any person interested in submitting written data, views, or arguments on the proposed terms and conditions, or with respect to other materials submitted by the NYFE, 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 May 25, 1993.

Gerald D. Gay,

Director.

[FR Doc. 93–12840 Filed 5–28–93; 8:45 am]

BILLING CODE 6351–01–M

DEPARTMENT OF DEFENSE

Office of the Secretary

Addition of Bases for Consideration

AGENCY: Defense Base Closure and Realignment Commission.

ACTION: Notice.

SUMMARY: Pursuant to sections 2903(d)(2)(C)(iii) and 2903(d)(2)(D) of title XXIX, Public Law 101–510, November 5, 1990, as amended, the Defense Base Closure and Realignment Commission provides notice of additional military installations that the Commission will consider as proposed additions to the Secretary of Defense's March 1993 list of military installations recommended for closure or realignment and/or as proposed increases in the extent of realignment recommended by the Secretary.

On May 21, 1993, the Commission voted to consider the following military installations as proposed changes to the Secretary's recommendations:

Army

Presidio of Monterey Annex/Ft. Ord CA
Ft. Monroe VA
Marcus Hook US Army Reserve Center PA
Ft. Lee VA
Ft. Gillem GA
Ft. McPherson GA
Tobyhanna Army Depot PA
Anniston Army Depot AL
Red River Army Depot TX
Army Information Processing Center Huntsville (Multi-Function Information Processing Activity Huntsville) AL
Army Information Processing Center Chambersburg (Multi-Function Information Processing Activity Chambersburg) PA

Navy

Portsmouth Naval Shipyard ME/NH
Ingleside Naval Station TX
Everett Naval Station WA
Pascagoula Naval Station MS
Long Beach Naval Shipyard CA
Norfolk Naval Shipyard VA
Memphis Naval Air Station TN
Oceana Naval Air Station VA
Corpus Christi Naval Air Station TX
Miramar Naval Air Station CA
Jacksonville Naval Aviation Depot FL
Cherry Point Naval Aviation Depot NC
North Island Naval Aviation Depot CA
Millington Naval Hospital TN
Beaufort Naval Hospital SC
Corpus Christi Naval Hospital TX
Great Lakes Naval Hospital IL
Louisville Naval Ordnance Station (Naval Surface Warfare Center) KY
Quincy Naval Reserve Center MA
Portsmouth Naval Electronics Systems Engineering Center VA
Chicopee Naval Reserve Center (Armed Forces Reserve Center) MA
Seal Beach Naval Weapons Station CA
Lawrence Naval and Marine Corps Reserve Center MA
Martinsburg Naval Air Facility WV
Johnstown Naval Air Facility PA
Ships Parts Control Center Mechanicsburg PA

Marine Corps

Beaufort Marine Corps Air Station SC
Tustin Marine Corps Air Station CA
Albany Marine Corps Logistics Base GA
Barstow Marine Corps Logistics Base CA

Air Force

Grand Forks Air Force Base ND
Fairchild Air Force Base WA
Plattsburg Air Force Base NY
Ogden Air Logistics Center Hill Air Force Base UT (Tactical Missile Workload)
Kelly Air Force Base TX
Warner-Robins Air Force Base GA
Tinker Air Force Base OK
Gentile Air Force Station OH

Defense

Defense Distribution Depot McClellan AFB CA
Defense Distribution Depot Oklahoma City OK
Defense Distribution Depot Warner-Robins GA
Defense Distribution Depot San Antonio TX
Defense Distribution Depot Norfolk VA
Defense Distribution Depot Barstow CA
Defense Distribution Depot Albany GA
Defense Distribution Depot Cherry Point NC
Defense Distribution Depot San Diego CA
Defense Distribution Depot Jacksonville FL
Defense Distribution Depot Anniston AL
Defense Distribution Depot Red River TX
Defense Contract Management District Northeast MA
Defense Information Technology Services Organization Cleveland (Resource Management Business Activity Cleveland) OH
Defense Information Technology Services Organization Columbus (Resource Management Business Activity Columbus) OH

Defense Construction Supply Center Columbus OH

Defense Information Technology Services Organization Denver (Resource Management Business Activity Denver) CO

Regional Processing Center Kelly AFB TX (Defense Information Systems Agency) (Logistics Systems Business Activity—Information Processing Center)

Regional Processing Center Tinker AFB, OK (Defense Information Systems Agency) (Logistics Systems Business Activity—Information Processing Center)

Regional Processing Center Warner-Robins AFB GA (Defense Information Systems Agency) (Logistics Systems Business Activity—Information Processing Center)

The following is a tentative list of additional regional hearings for the Commission to hear testimony from communities on the above consideration list:

June 1 Columbus OH
June 2 Grand Forks AFB ND
June 3 San Diego CA
June 4 Spokane, WA
June 6 Corpus Christi TX
June 8–9 Atlanta GA
June 11 Norfolk VA
June 12 Boston, MA

Less than 15 days notice given because consideration list and additional regional hearing locations could not be determined until after May 21, 1993, hearing.

FOR FURTHER INFORMATION CONTACT: Mr. Tom Houston, Director of Communications, at (703) 696–0504. Please contact the Commission to confirm dates, times and locations of, and the agenda for all upcoming hearings. Any person requiring special accommodation at any of the aforementioned hearings should contact the Commission no later than five (5) business days prior to the hearing.

Dated: May 27, 1993.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 93–12922 Filed 5–27–93; 11:56 am]

BILLING CODE 5000–04–M

DEPARTMENT OF ENERGY

[Docket PP–45–1]

Application To Amend Presidential Permit

AGENCY: Office of Fossil Energy, Department of Energy.

ACTION: Notice of application.

SUMMARY: Northern States Power Company has applied to the Department of Energy (DOE) to amend the Presidential permit contained in Docket No. PP–45 to allow for the upgrade of existing transmission facilities. The proposed amendment consists of enlarging and adding transmission equipment to an existing substation in North Dakota. According to the applicant, the proposed amendment will provide a reliable interconnection under both normal and emergency conditions during all seasons and also allow for more complete and efficient utilization of existing transmission lines and facilities.

DATES: Comments, protests or requests to intervene must be submitted on or before July 1, 1993.

ADDRESSES: Comments, protests or requests to intervene should be addressed as follows: Office of Coal & Electricity (FE–52), Office of Fuels Programs, Office of Fossil Energy, Department of Energy, 1000 Independence Avenue, SW., Washington, DC 20585.

Docket Number PP–45 should appear clearly on the envelope and the document contained therein.

FOR FURTHER INFORMATION CONTACT: William H. Freeman (Program Office) 202–586–5883 or Lise Howe (Program Attorney) 202–586–2900.

SUPPLEMENTARY INFORMATION: The construction, connection, operation, and maintenance of facilities at the international border of the United States for the transmission of electrical energy is prohibited in the absence of a Presidential permit pursuant to Executive Order No. 12038.

On March 10, 1993, Northern States Power Company (NSP) applied to the DOE to amend the Presidential permit in Docket No. PP–45 issued on September 16, 1969. The facilities previously authorized by Presidential Permit PP–45 consist of one three-phase, 60 cycle, 230,000 volt (230-kV) overhead transmission line which crosses the U.S.-Canadian international border from the State of North Dakota to the Province of Manitoba at a point approximately two miles west of the Red River. This facility is known as the Letellier-Drayton transmission line.

NSP proposes to expand the existing Prairie Substation near Grand Forks, North Dakota, (located at NW¼ of Section 7, T151N,R50W in Grand Forks County, North Dakota) by installing ten, 40 MVAR, 115-kV shunt capacitor banks and replacing two existing 230-kV transformers. NSP claims that the shunt capacitor banks are required to maintain adequate voltages in the Grand Forks, North Dakota area during system transients and for loss of any 230-kV transmission lines serving the area.

Procedural Matters

Any person desiring to be heard or to protest this application should file a petition to intervene or protest at the address provided above in accordance with §§ 385.211 or 385.214 of the Rules of Practice and Procedure (18 CFR 385.211, 385.214).

Any such petitions and protests should be filed with the DOE on or before the date listed above. Additional copies of such petitions to intervene or protests also should be filed directly with David Fisher, Manager, Land & Right-Of-Way, and Michael Connelly, Attorney, Northern States Power Company, 414 Nicollet Mall, Minneapolis, Minnesota 55401.

Pursuant to 18 CFR 385.211, protests and comments will be considered by the DOE 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 under 18 CFR 385.214. Section 385.214 requires that a petition to intervene must state, to the extent known, the position taken by the petitioner and the petitioner's interest in sufficient factual detail to demonstrate either that the petitioner has a right to participate because it is a State Commission; that it has or represents an interest which may be directly affected by the outcome of the proceeding, including any interest as a consumer, customer, competitor, or security holder of a party to the proceeding; or that the petitioner's participation is in the public interest.

A final decision will be made on this application after a determination is made by the DOE that the proposed transaction will not impair the sufficiency of electric supply within the United States.

NEPA Process

Before a Presidential permit may be issued or amended, the environmental impacts of the proposed DOE action must be evaluated pursuant to the National Environmental Policy Act of 1969 (NEPA). The NEPA compliance process is a cooperative, non-adversarial process involving members of the public, state governments and the Federal government. The process affords all persons interested in or potentially affected by the environmental consequences of a proposed action an opportunity to present their views, which will be considered in the preparation of the environmental

documentation for the proposed action. Intervening and becoming a party to this proceeding will not create any special status for the petitioner with regard to the NEPA process. Should a public proceeding be necessary in order to comply with NEPA, notice of such activities and information on how the public can participate in those activities will be published in the Federal Register, local newspapers, and public libraries and/or reading rooms in the vicinity of the electric transmission facilities.

Copies of this application will be made available, upon request, for public inspection and copying at the address provided above.

Issued in Washington, DC, on May 26, 1993.

Anthony J. Como,

Director, Office of Coal & Electricity, Office of Fuels Programs, Fossil Energy.

[FR Doc. 93–12848 Filed 5–28–93; 8:45 am]

BILLING CODE 6450–01–M

Federal Energy Regulatory Commission

[Docket No. QF93–95–000]

Freehold Cogeneration Associates, L.P.; Application for Commission Certification of Qualifying Status of a Cogeneration Facility

May 25, 1993.

On May 18, 1993, Freehold Cogeneration Associates, L.P. ((Applicant), c/o Constellation Energy, Inc., 250 W. Pratt Street, Baltimore, Maryland 21201, submitted for filing an application for certification of a facility as a qualifying cogeneration facility pursuant to § 292.207(b) of the Commission's Regulations. No determination has been made that the submittal constitutes a complete filing.

According to the applicant, the topping-cycle cogeneration facility which will be located in Freehold Township, New Jersey will consist of a combustion turbine generator, a steam turbine generator, and a heat recovery boiler. Steam from the facility will be used by Nestle Beverage Company for space heating and the manufacturing of freeze dried coffee. The primary energy source will be natural gas. The maximum net electric power production capacity will be 134.5 MW. The facility is scheduled for commercial operation January 1996.

Any person desiring to be heard or objecting to the granting of qualifying status should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with rules 211 and 214 of the Commission's Rules of Practice and Procedure. All such motions or protests must be filed within 30 days after the date of publication of this notice in the Federal Register and must be served on the applicant. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 93–12801 Filed 5–28–93; 8:45 am]

BILLING CODE 6717–01–M

[Docket Nos. ER93–650–000, et al.]

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

May 24, 1993.

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

1. PacifiCorp

[Docket No. ER93–650–000]

Take notice that PacifiCorp on May 18, 1993, tendered for filing in accordance with 18 CFR part 35 of the Commission's Rules and Regulations, Revision No. 6 to Exhibit A, Contract No. 14–06–400–3976, Weber Basin Project, for Water Exchange and Transmission Service, between PacifiCorp and Western Area Power Administration (Western), PacifiCorp's Rate Schedule FERC No. 286. Exhibit A specifies Points of Delivery of power and energy received by PacifiCorp at Points of Connection with Western's Weber Basin Project. Revision No. 6 to Exhibit A adds four new Points of Delivery.

PacifiCorp requests an effective date of April 28, 1993 be assigned to Exhibit A, Revision No. 6.

Copies of this filing were supplied to Western, the Public Utility Commission of Oregon and the Utah Public Service Commission.

Comment date: June 7, 1993, in accordance with Standard Paragraph E at the end of this notice.

2. Arizona Public Service Company

[Docket No. ER93–656–000]

Take notice that on May 20, 1993, Arizona Public Service Company (APS) tendered for filing an Amended and Restated Firm Transmission Service Agreement and an Agreement for Interconnection (Agreements) between APS and Yuma Cogeneration Associates (YCA). These Agreements provide for the interconnection requirements and firm transmission level wheeling service to be furnished for the sole purpose of effecting capacity and associated energy delivery from YCA's generating facilities to a point of delivery for sale to San Diego Gas & Electric Company.

YCA requests that the Commission issue its acceptance of this Agreement within 60 days of filing. An effective date of February 1, 1994 is requested, the date that YCA's generating facilities are anticipated to start operation and service is scheduled to commence.

Copies of this filing have been served upon YCA and the Arizona Corporation Commission.

Comment date: June 7, 1993, in accordance with Standard Paragraph E at the end of this notice.

3. Niagara Mohawk Power Corporation

[Docket No. ER93–553–000]

Take notice that on May 19, 1993, Niagara Mohawk Power Corporation (Niagara Mohawk), tendered for filing, an amendment (dated April 30, 1993) to its Marcy South Facilities Agreement with the Power Authority of the State of New York (NYPA), as Supplement No. 9.

The Marcy South Facilities Agreement was filed with the Commission on April 6, 1993, and consistent with the terms of the original agreement, the April 30, 1993 amendment constitutes an update of the facilities charge.

Copies of this filing were served upon NYPA and the Public Service Commission of New York.

Comment date: June 7, 1993, in accordance with Standard Paragraph E at the end of this notice.

4. Carolina Power & Light Company

[Docket No. ER93–655–000]

Take notice that Carolina Power & Light Company (CP&L), on May 19, 1993, tendered for filing proposed changes to the July 1981 Power Coordination Agreement between CP&L and the North Carolina Eastern Municipal Power Agency (Power Agency), which is designated FERC Rate Schedule No. 121. The proposed changes would affect the rates for certain backstand services provided by CP&L to Power Agency and the calculation of certain components used in the rate formulas set forth in FERC Rate Schedule No. 121. The proposed changes would also affect certain miscellaneous matters encompassed by

FERC Rate Schedule No. 121 that will not affect the rates for services provided by CP&L thereunder.

CP&L has proposed these changes pursuant to an agreement entered into by CP&L and Power Agency on April 7, 1993.

A copy of the filing was served upon the Power Agency, the North Carolina Utilities Commission, and the South Carolina Public Service Commission.

Comment date: June 7, 1993, in accordance with Standard Paragraph E at the end of this notice.

5. New England Power Company

[Docket No. ER93–520–000]

Take notice that New England Power Company (NEP), on May 20, 1993, filed an amendment to its proposed unit power contract under which NEP would sell power from its Bear Swamp Unit Nos. 1 and 2 to Central Vermont Public Service Corporation.

Comment date: June 7, 1993, in accordance with Standard Paragraph E at the end of this notice.

6. Niagara Mohawk Power Corporation

[Docket No. ER93–658–000]

Take notice that on May 20, 1993, Niagara Mohawk Power Corporation (Niagara Mohawk) tendered for filing with the Commission a signed Service Agreement between Niagara Mohawk and Long Island Lighting Company (LILCO) for sales of system capacity and/or energy or resource capacity and/or energy under Niagara Mohawk's proposed Power Sales Tariff in Docket No. FR93–313–000. Niagara Mohawk filed its Power Sales Tariff on January 11, 1993 and requested an effective date of March 13, 1993 for the Tariff. In its May 14, 1993 filing of the proposed Service Agreement with LILCO, Niagara Mohawk requests an effective date for this Service Agreement of 60 days following its filing with FERC consistent with § 35.3 of the FERC's regulations.

A copy of this filing has been served upon LILCO and the New York State Public Service Commission.

Comment date: June 7, 1993, in accordance with Standard Paragraph E at the end of this notice.

6. Tucson Electric Power Company

[Docket No. ER93–355–000]

Take notice that on May 19, 1993, Tucson Electric Power Company (Tucson) tendered for filing certain cost support and data, in addition to a related Amendment No. 1 to an Agreement for the Sale/Purchase of Energy Between Louis Dreyfus Electric Power, Inc. (LDEP) and Tucson Electric Power Company (Tucson). The Agreement established the terms for the sale and purchase of capacity and energy by LDEP and Tucson for the period commencing February 1, 1993.

The filing is being made to (i) include Tucson's response to certain cost support and data requests received from the Commission's Staff and (ii) tender an Amendment No. 1 to the Agreement which reflects a change in the method of determining the ceiling rate under the Agreement.

The parties request an effective date of February 3, 1993, and therefore request waiver of the Commission's regulations regarding filing.

A copy of this filing have been served upon all parties affected by this proceeding.

Comment date: June 7, 1993, in accordance with Standard Paragraph E at the end of this notice.

8. Kansas Gas and Electric Company

[Docket No. ER93–653–000]

Take notice that on May 18, 1993 Kansas Gas and Electric Company (KG&E) tendered for filing a proposed change to its Federal Energy Regulatory Commission Electric Service Schedule No. 182. KG&E states the purpose of the change is to serve the City of Girard under Service Schedule SPP, Short-Term Participation Power Service effective June 1, 1993 through July 31, 1993.

Copies of the filing were served upon the City of Girard and the Kansas Corporation Commission.

Comment date: June 7, 1993, in accordance with Standard Paragraph E at the end of this notice.

9. Niagara Mohawk Power Corporation

[Docket No. ER93–652–000]

Take notice that on May 17, 1993 Niagara Mohawk Power Corporation (Niagara Mohawk) tendered for filing with the Commission a signed Service Agreement between Niagara Mohawk and TORCO Energy Marketing, Inc. (TORCO) for sales of system capacity and/or energy or resource capacity and/or energy under Niagara Mohawk's proposed Power Sales Tariff in Docket No. ER93–313–000. Niagara Mohawk filed its Power Sales Tariff on January 11, 1993 and requested an effective date of March 13, 1993 for the Tariff. In its May 12, 1993 filing of the proposed Service Agreement with TORCO, Niagara Mohawk requests an effective date for this Service Agreement of 60-days following its filing with FERC consistent with § 35.3 of the FERC's regulations.

A copy of this filing has been served upon VPPSA and the New York State Public Service Commission.

Comment date: June 7, 1993, in accordance with Standard Paragraph E end of this notice.

10. New England Power Service Company

[Docket No. ER93–522–000]

Take notice that on May 18, 1993, New England Power Service Company tendered for filing additional information to its original filing filed in this docket on March 31, 1993.

Comment date: June 7, 1993, in accordance with Standard Paragraph E at the end of this notice.

11. Allegheny Power Service Corporation

[Docket No. ER93–651–000]

Take notice that on May 18, 1993, Allegheny Power Service Corporation (Allegheny) tendered for filing a Notice of Cancellation of Rate Schedule Nos., FERC No. 48, FERC No. 49, and FERC No. 52.

Comment date: June 7, 1993, in accordance with Standard Paragraph E at the end of this notice.

12. Wisconsin Public Service Corporation

[Docket No. ER93–405–001]

Take notice that on April 30, 1993, Wisconsin Public Service Corporation (WPSC) tendered for filing its compliance filing in compliance with the Commission's letter ordered dated April 27, 1993 in the above-referenced docket.

Comment date: June 7, 1993, in accordance with Standard Paragraph E at the end of this notice.

13. Niagara Mohawk Power Corporation

[Docket No. ER93–657–000]

Take notice that on May 20, 1993, Niagara Mohawk Power Corporation (Niagara Mohawk) tendered for filing with the Commission a signed Service Agreement between Niagara Mohawk and Energy Exchange of Chicago, Inc. (EEoC) for sales of system capacity and/or energy or resource capacity and/or energy under Niagara Mohawk's proposed Power Sales Tariff in Docket No. ER93–313–000. Niagara Mohawk filed its Power Sales Tariff on January 11, 1993 and requested an effective date of March 13, 1993 for the Tariff. In its May 14, 1993 filing of the proposed Service Agreement with EEoC, Niagara Mohawk requests an effective date for this Service Agreement of 60-days following its filing with FERC consistent with § 35.3 of the FERC's regulations.

A copy of this filing has been served upon LILCO and the New York State Public Service Commission.

Comment date: June 7, 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. 93–12790 Filed 5–28–93; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. QF93–42–000]

Waste Conversion Systems of Georgia, Inc.; Supplement to Filing

May 25, 1993.

On May 20, 1993, Waste Conversion Systems of Georgia, Inc. (Applicant) tendered for filing a supplement to its filing in this docket. No determination has been made that the submittal constitutes a complete filing.

The supplement provides additional information pertaining primarily to the technical data and the ownership structure of the small power production facility.

Any person desiring to be heard or objecting to the granting of qualifying status should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with rules 211 and 214 of the Commission's Rules of Practice and Procedure. All such motions or protests must be filed by June 15, 1993, and must be served on the applicant. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 93–12802 Filed 5–28–93; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. JD93–08598T Louisiana–24]

State of Louisiana; NGPA Notice of Determination by Jurisdictional Agency Designating Tight Formation

May 25, 1993.

Take notice that on May 20, 1993, the Office of Conservation of the Department of Natural Resources for the State of Louisiana (Louisiana) submitted the above-referenced notice of determination pursuant to § 271.703(c)(3) of the Commission's regulations, that the Nacatoch Formation, underlying a portion of the Red River-Bull Bayou Field in DeSoto Parish, Louisiana, qualifies as a tight formation under section 107(b) of the Natural Gas Policy Act of 1978. The recommended area covers approximately 6,000 acres described as a portion of Sections 31 and 32 of Township 12 North, Range 10 West; a portion of Sections 3, 4, and 10 and all of Sections 5, 8, 9, 15–17 of Township 11 North, Range 10 West, DeSoto Parish, Louisiana.

The notice of determination also contains Louisiana's findings that the referenced portion of the Nacatoch Formation meets the requirements of the Commission's regulations set forth in 18 CFR part 271.

The application for determination is available for inspection, except for material which is confidential under 18 CFR 275.206, at the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426. Persons objecting to the determination may file a protest, in accordance with 18 CFR 275.203 and 275.204, within 20 days after the date this notice is issued by the Commission.

Louis D. Cashell,

Secretary.

[FR Doc. 93–12800 Filed 5–28–93; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. RP93–88–003]

Arkla Energy Resources Co.; Proposed Changes in FERC Gas Tariff

May 25, 1993.

Take notice that on May 17, 1993, Arkla Energy Resources Company (AER) tendered for filing as part of its FERC Gas Tariff the following tariff sheets with proposed effective date of April 1, 1993:

First Revised Volume No. 1–A
2nd Sub Sixth Revised Sheet No. 5
Second Revised Volume No. 2
Sub Eighteenth Rev'd Sheet No. 11
Second Revised Volume No. 2
Sub Eighteenth Rev'd Sheet No. 16

AER states that the tariff sheets are being filed to correct pagination in order to reconcile tariff sheets filed on March 1, 1993 in Docket No. RP91–49–000 and accepted for filing by order issued March 31, 1993 in Docket No. RP93–88–000, with the "motion" rates filed in Docket No. RP93–3–003 on March 31, 1993. AER states that the changes contained in the filing are solely ministerial changes.

AER states that copies of the filing has been mailed to each of AER's customers and interested state commissions.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rule 211 of the Commission's Rules of Practice and Procedure 18 CFR 385.211. All such protests should be filed on or before June 2, 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. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 93–12797 Filed 5–28–93; 8:45 am]

BILLING CODE 6717–01–M

[Project No. 2283, et al.]

Proposed Restricted Service List for Comments on a Programmatic Agreement for Managing Properties Included in or Eligible for Inclusion in the National Register of Historic Places

May 25, 1993.

In the matter of Central Maine Power Co., Project Nos. 2283, 2325, 2329, 2519, 2527, 2529, 2552, 2555, 2556, 2557, 2559, 2613; Kennebec Water Power Co., Project No. 2671.

Rule 2010 of the Commission's Rules of Practice and Procedure provides that, to eliminate unnecessary expense or improve administrative efficiency, the Secretary may establish a restricted service list for a particular phase or issue in a proceeding.[1] The restricted service list should contain the names of persons on the service list who, in the judgment of the decisional authority

[1] 18 CFR 385.2010.

establishing the list, are active participants with respect to the phase or issue in the proceeding for which the list is established.

The Commission is consulting with the Maine State Historic Preservation Officer (hereinafter, SHPO) and the Advisory Council on Historic Preservation (hereinafter, Council) pursuant to Section 106 of the National Historic Preservation Act, *as amended*, (16 U.S.C. 470f), to prepare a programmatic agreement in, the National Register of Historic Places at Project Nos. 2283, 2325, 2329, 2519, 2527, 2529, 2552, 2555, 2556, 2557, 2559, 2613, and 2671.

The programmatic agreement, upon approval by the Commission, the SHPO, and the Council, would satisfy the Commission's Section 106 responsibilities for all individual undertakings carried out in accordance with the agreement until the agreement expires or is terminated (36 CFR 800.13[e]). The Commission's Section 106 requirements for the above 13 projects would be fulfilled through one programmatic agreement, rather than by several individual requests for comments under Section 106.

Central Maine Power Company and the Kennebec Water Power Company, as prospective licensees for the projects, are being asked to participate in the consultation and are being invited to sign as concurring parties to the programmatic agreement.

For purposes of commenting on the programmatic agreement we propose to restrict the service list for Project Nos. 2283, 2325, 2329, 2519, 2527, 2529, 2552, 2555, 2556, 2557, 2559, 2613, and 2671, as follows:

Mr. Gerald C. Poulin, P.E., Vice President, Engineering, Central Maine Power Company and Kennebec Water Power Company, Edison Drive, Augusta, Maine 04336.

Mr. Earle Shettleworth, Jr., Director, Maine Historic Preservation Commission, State Historic Preservation Officer, 55 Capitol Street, State House Station 65, Augusta, Maine 04333.

Advisory Council on Historic Preservation, Eastern Office of Project Review, The Old Post Office Building, Suite 809, 1100 Pennsylvania Avenue, NW., Washington, DC 20004.

Any person on the official service list for the above-captioned proceedings may request inclusion on the restricted service list, or may request that a restricted service list not be established, by filing a motion to that effect within 15 days of this notice date. An original and 8 copies of any such motion must be filed with the Secretary of Commission (825 N. Capitol St., NE., Washington, DC 20426) and must be served on each such motions are filed, the restricted service list will be effective at the end of the 15 day period. Otherwise, a further notice will be issued ruling on the motion.

Lois D. Cashell.

Secretary.

[FR Doc. 93–12827 Filed 5–28–93; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. CP93–226–000]

Columbia LNG Corp.; Technical Conference Cancellation

May 25, 1993.

Take notice that on May 13, 1993, the Commission Staff issued a notice to convene a formal technical conference on June 3, 1993. Columbia LNG requested that the technical conference be postponed while it holds a new open season and evaluates its project. The technical conference is postponed until further notice.

For further information contact Horatio A. Cipkus, Office of Pipeline and Producer Regulation, Federal Energy Regulatory Commission, room 7300–L, 825 North Capitol Street NE., Washington, DC 20426 (202) 208–2150.

Lois D. Cashell,

Secretary.

[FR Doc. 93–12792 Filed 5–28–93; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. GT93–46–000]

Columbia Gas Transmission Corp.; Report of Refunds

May 25, 1993.

Take notice that Columbia Gas Transmission Corporation (Columbia) on April 26, 1993, tendered for filing with the Federal Energy Regulatory Commission (Commission) its Refund Report made in accordance with Article II of the Joint Settlement approved by the Commission's order issued February 11, 1993, in Docket No. RP85–203–011, et al.

Columbia states that on April 14, 1993, it refunded $5,971,425.96, inclusive of principal and interest to Panhandle Eastern Pipe Line Company (Panhandle), in accordance with Article II of the Joint Settlement dated February 6, 1992.

Columbia states that copies of the filing have been sent to Panhandle.

Any person desiring to protest said filing should file a protest with the Federal Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rule 211 of the Commission's Rules of Practice and Procedure 18 CFR 385.211. All such protests should be filed on or before June 2, 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. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 93–12798 Filed 5–28–93; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. CP90–1111–003]

East Tennessee Natural Gas Co.; Petition to Amend

May 25, 1993.

Take notice that on May 20, 1993, East Tennessee Natural Gas Company (East Tennessee), P.O. Box 2511, Houston, Texas 77252, filed in Docket No. CP90–1111–003 a petition to amend the certificate issued June 27, 1991, in Docket No. CP90–1111–000, as amended, to construct and operate an additional compressor unit at an existing compressor station, all as more fully set forth in the petition which is on file with the Commission and open to public inspection.

East Tennessee states that it is seeking to amend its authorization in the above-mentioned docket to construct and operate one fully-rated 1,360 turbine at its existing Compressor Station 3107, near Monterey, Putnam County, Tennessee at an estimated cost of $3,261,000. East Tennessee indicates that it requires the additional compressor unit to assure its ability to render the services presently authorized.

East Tennessee states that several independent but inter-related operational factors have combined to create the need to install the additional compressor. It is indicated that the pipeline simulation model used to predict the system operation in connection with the system authorized by the June 27, 1991, order, did not accurately predict the actual operating characteristics of the pipeline. It is also indicted that the implementation of unbundled services pursuant to Order No. 636 would dramatically reduce East Tennessee's control over the system, which could jeopardize East Tennessee's ability to make certificated deliveries absent the addition of the proposed compressor.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before June 9, 1993, file with the Federal

Energy Regulatory Commission, Washington, DC 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Lois D. Cashell,

Secretary.

[FR Doc. 93–12791 Filed 5–28–93; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. RP88–44–042]

El Paso Natural Gas Co. of Compliance Filing

May 25, 1993.

Take notice that on May 21, 1993, El Paso Natural Gas Company (El Paso) filed pursuant to part 154 of the Federal Energy Regulatory Commission Regulations Under the Natural Gas Act and in compliance with ordering paragraph (B) of the Commission's May 6, 1993 Order Granting in Part and Denying in Part Request for Rehearing and Clarification and Requiring Filing at Docket No. RP88–44–039, revised tariff sheets to its First Revised Volume No. 1–A Tariff.

El Paso states that it has tendered tariff sheets which comply with the Commission's May 6, 1993 order. El Paso states that it has revised the Rate section contained in Rate Schedules T–1, T–3 and FTS–S: (i) To add a statement providing that in the event El Paso offers to discount the rate applicable to the transportation of gas sold by El Paso's sales division under a sales contract in existence at the time of or entered into contemporaneously with the offer of discount, then El Paso must make a comparable discount available to other, similarly situated Shippers; (ii) to remove tariff language that allows El Paso to offer transportation discounts in the negotiation of its sales contracts; and (iii) to change the title of the subheading to Comparable Discounts to reflect the wording in the May 6, 1993 order.

El Paso requested waiver of the Commission's Regulations, as appropriate, in order that the tendered tariff sheets may become effective June 20, 1993, which is not less than thirty (30) days after the date of the filing.

El Paso states that copies were served upon all parties of record in Docket No. RP88–44–000, et al., and interested state regulatory commissions.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rule 211 of the Commission's Rules of Practice and Procedure 18 CFR 385.211. All such protests should be filed on or before June 2, 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. Copies of the filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 93–12799 Filed 5–28–93; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. TM93–12–4–000]

Granite State Gas Transmission, Inc.; Proposed Changes in Rates

May 25, 1993.

Take notice that on May 20, 1993, Granite State Gas Transmission, Inc. (Granite State), 300 Friberg Parkway, Westborough, Massachusetts 01581 filed Seventh Revised Sheet No. 24A in its FERC Gas Tariff, Second Revised Volume No. 1, containing changes in rates for effectiveness on June 20, 1993.

According to Granite State, its filing flows through revised take-or-pay costs that will be directly billed to Granite State by Algonquin Gas Transmission Company (Algonquin) as a result of Granite State's purchases of gas under Algonquin's Rate Schedule F–2. Granite State further states that the take-or-pay costs represent Granite State's allocated share of such costs directly billed to Algonquin by CNG Transmission Corp. (CNG) which supplies the gas for Rate Schedule F–2 service.

It is further stated that Algonquin filed in Docket No. TM93–16–20–000 on May 7, 1993 to direct bill its customers take-or-pay surcharges billed to it by CNG. Granite State further states that, consistent with the procedures previously established in Docket No. RP91–122–000 for flowing through directly billed take-or-pay surcharges from Algonquin, the surcharges in the instant filing will be billed to Bay State Gas Company.

Granite State further states that copies of its filing were served on its customers and the regulatory commissions of the states of Maine, Massachusetts and New Hampshire.

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 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All such motions or protests should be filed on or before June 2, 1993. Protest 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. 93–12796 Filed 5–28–93; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. RP93–5–013]

Northwest Pipeline Corp.; Proposed Change in FERC Gas Tariff

May 25, 1993.

Take notice that on May 19, 1993, Northwest Pipeline Corporation ("Northwest") tendered for filing and acceptance the following tariff sheets:

Second Revised Volume No. 1

Third Revised Sheet No. 125
Third Revised Sheet No. 128
Second Revised Sheet No. 130

Northwest states that the purpose of this filing is to change the gas cost component associated with Rate Schedule DS–1 from $1.9828 per MMBtu to $1.9609 per MMBtu to reflect a rate that is based upon a fifty percent load factor. References to Opinion No. 256 have also been removed from Northwest's PGA provision.

Northwest requests an effective date of April 1, 1993 for the above listed tariff sheets. Northwest has served a copy of this filing upon jurisdictional customers and state regulatory commissions in Northwest's market area.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rule 211 of the Commission's Rules of Practice and Procedure 18 CFR 385.211. All such protests should be filed on or before June 2, 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. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 93–12794 Filed 5–28–93; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. GT93–31–000]

Northwest Pipeline Corp.; Report of Refunds

May 25, 1993.

Take notice that Northwest Pipeline Corporation (Northwest) on April 8, 1993, tendered for filing with the Federal Energy Regulatory Commission (Commission) its Refund Report made in accordance with section 21 of the General Terms and Conditions of Northwest's Volume No. 1.

The report shows that during 1992 Northwest collected $1,725,480.02 in Gas Inventory Charge (GIC) revenues and that on March 31, 1993, Northwest refunded $1,615,364, inclusive of principal and interest, to its customers. Northwest notes that in anticipation that some producers will make claims for 1992 deficiencies, Northwest has retained ten percent of the 1992 GIC revenues received.

Northwest states that a copy of the refund report is being served on affected customers and state commissions.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rule 211 of the Commission's Rules of Practice and Procedure 18 CFR 385.211. All such protests should be filed on or before June 2, 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. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 93–12793 Filed 5–28–93; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. MT88–28–011]

Valero Interstate Transmission Co.; Proposed Changes in FERC Gas Tariff

May 25, 1993.

Take notice that Valero Interstate Transmission Company ("Vitco"), on May 17, 1993, tendered for filing the following tariff sheets:

FERC Gas Tariff, First Revised Volume No. 1

4th Revised Sheet No. 71
3rd Revised Sheet No. 71.01

Vitco states that the purpose of this filing is to revise the list of operating personnel shared by Vitco and its marketing affiliates.

The proposed effective date of the above filing is June 16, 1993. Vitco requests a waiver of any Commission order or regulations which would prohibit such filing or implementation by June 16, 1993.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rule 211 of the Commission's Rules of Practice and Procedure 18 CFR 385.211. all such protests should be filed on or before June 2, 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. Copies of this filing are on file with the Commission and are available for public information.

Lois D. Cashell,

Secretary.

[FR Doc. 93–12795 Filed 5–28–93; 8:45 am]

BILLING CODE 6717–01–M

Office of Energy Efficiency & Renewable Energy

National Advanced Manufacturing Technologies Initiative, 5-Year Program Plan

AGENCY: Office of Energy Efficiency & Renewable Energy, Department of Energy (DOE).

ACTION: Notice of Workshop.

SUMMARY: The Department of Energy (DOE) is developing the 5-year program plans specified in the Energy Policy Act of 1992, Section 2201, National Advanced Materials Initiative (NAMI) and Section 2202, National Advanced Manufacturing Technologies Initiative (NAMTI). The DOE intends to enhance the participation of affected interests by soliciting commentary on the development of the program plans and issues that influence their development. The DOE plans to conduct a workshop, open to the public, to solicit commentary from affected interests on the fundamental approaches and issues that must be addressed in establishing the initiatives.

DATES: The workshop is to be held July 19–21, 1993, at the Hyatt Regency Hotel, 1800 President Street, Reston, Virginia. The DOE will accept written comments on the development of the NAMI and the NAMTI 5-year program plans, and industries' advanced technology needs and priorities. Written comments should be submitted no later than July 10, 1993 to the addressee below.

ADDRESSES: Comments associated with the 5-year program plans and industry technology needs should be directed to Douglas E. Kaempf, U.S. Department of Energy, Office of Industrial Technologies, EE–23, Washington, DC 20585.

FOR FURTHER INFORMATION CONTACT: Carol MacKay, telephone (202) 646–5212. An information packet about EPAct Section 2201, EPAct Section 2202, and manufacturing technology needs identified to date is available.

SUPPLEMENTARY INFORMATION: Title XXII, section 2201 of the Energy Policy Act of 1992 directs the Secretary of Energy to establish a 5-year National Advanced Materials Program to "foster the commercialization of techniques for processing, synthesizing, fabricating, and manufacturing advanced materials and associated components." The key objectives of section 2201 are to: (1) Expedite the private sector deployment of advanced materials for use in high performance energy efficient and renewable energy technologies in the industrial, transportation, and buildings sectors that can foster economic growth and competitiveness; (2) include field demonstrations of sufficient scale and number to prove technical and economic feasibility; (3) develop a 5-year program plan to guide activities; (4) solicit proposals for conducting activities consistent with the 5-year program plan; and (5) establish, in consultation with the Administrator of the General Services Administration, a program to expedite the use, in goods and services acquired by the General Services Administration, of advanced materials technologies.

The National Advanced Manufacturing Technologies Initiative is required by the Energy Policy Act of 1992, Title XXII—Energy and Economic Growth, Section 2202. The Program objectives are to: (1) Foster the commercialization of advanced manufacturing technologies to improve energy efficiency and productivity in manufacturing; and (2) expedite the private sector deployment of advanced manufacturing technologies to improve productivity, quality, and control in manufacturing processes that can foster economic growth, energy efficiency, and

competitiveness. The Act requires that a 5-year program plan for the National Advanced Manufacturing Technologies Initiative be prepared to guide activities under section 2202. The solicitation of proposals for conducting activities consistent with the 5-year program plan will follow the submittal of the program plan. The program is to include field demonstrations to prove the technical and economic feasibility of the technologies.

The Department of Energy believes it is desirable to provide for early and comprehensive input from affected interests on important National issues. Sections 2201 and 2202 of the EPAct require consultation with representatives of industry academia, the DOE national laboratories, and technical and professional societies in the preparation of the 5-year program plans. Accordingly, the DOE is initiating contacts to gather information that will help it to identify how best to fulfill the requirements of sections 2201 and 2202 of the EPAct of 1992 while providing the greatest possible benefit to the affected parties. The Department feels that for this program to be successful it must target advanced technologies that are a priority of, and therefore have the pull of, industry. The planned workshop will ensure the important issues and challenges are identified and will assist in identifying potential information gaps, implementation problems, and needs of industry from an industry prospective.

The workshop is being organized by the Federation of Materials Societies (FMS) and the National Association of Manufacturers (NAM). Due to the overlap of the two initiatives, the workshop will include topics and issues from EPAct Section 2201, National Advanced Materials Initiative; and Section 2202, National Advanced Manufacturing Technologies Initiative. When topics are unique to either of these sections, separate break-out groups will be formed. A workshop format was selected because it will provide representatives of the affected interests with an opportunity to discuss the program issues with one another and to emphasize their respective positions and concerns. Although the workshop will foster clearer understanding of these programs, their goals and objectives, and areas of agreement and disagreement among the participants, no consensus is sought from the participants. Inputs will be used by the Department of Energy in making decisions related to the development of the 5-year program plans, one for each Section, that will facilitate achieving the requirements and the objectives of these Initiatives.

Workshop Format

A three-day workshop is being conducted that addresses both the National Advanced Manufacturing Technologies Initiative and the National Advanced Materials Initiative. To assure that the workshop addresses the issues affecting each of these initiatives in a consistent manner, it will have a pre-defined scope and agenda. However, the workshop format will be sufficiently flexible to allow for the introduction of any additional issues that the participants may want to raise. The DOE, or its representative, will begin each discussion period with a brief overview of the issues to be discussed. The remainder of the workshop will be devoted to a discussion of the issues by the participants.

Personnel from the Federation of Materials Societies (FMS) and the National Association of Manufacturers (NAM) will serve as facilitators for the workshop. The facilitators will chair the workshop sessions, ensure that participants are given an opportunity to express their viewpoints, assist participants in articulating their interests, ensure that participants are given the opportunity to question each other about their respective viewpoints, and assist in keeping the discussion moving at a pace that will allow all major issue areas to be addressed.

Robert L. San Martin,

Acting Assistant Secretary, Office of Energy Efficiency & Renewable Energy.

[FR Doc. 93–12847 Filed 5–28–93; 8:45 am]

BILLING CODE 6450–01–P

ENVIRONMENTAL PROTECTION AGENCY

[FR 4660–4]

Public Water Supply Supervision Program Revision for the State of Georgia

AGENCY: Environmental Protection Agency.

ACTION: Notice.

SUMMARY: Notice is hereby given that the State of Georgia is revising its approved State Public Water Supply Supervision Primacy Program. Georgia has adopted drinking water regulations for Lead and Copper, and Phase II (IOCs/SOCs). EPA has determined that these sets of State program revisions are no less stringent than the corresponding federal regulations. Therefore, EPA has tentatively decided to approve these State program revisions in accordance with the conditions set forth in the April 5, 1993 letter from the U.S. EPA to the State of Georgia.

All interested parties may request a public hearing. A request for a public hearing must be submitted by July 1, 1993 to the Regional Administrator at the address shown below. Frivolous or insubstantial requests for a hearing may be denied by the Regional Administrator. However, if a substantial request for a public hearing is made by July 1, 1993, a public hearing will be held. If no timely and appropriate request for a hearing is received and the Regional Administrator does not elect to hold a hearing on his own motion, this determination shall become final and effective on July 1, 1993.

Any request for a public hearing shall include the following: (1) The name, address, and telephone number of the individual, organization, or other entity requesting a hearing; (2) A brief statement of the requesting person's interest in the Regional Administrator's determination and a brief statement of the information that the requesting person intends to submit at such hearing; (3) The signature of the individual making the request, or, if the request is made on behalf of an organization or other entity, the signature of a responsible official of the organization or other entity.

ADDRESSES: All documents relating to this determination are available for inspection between the hours of 8 a.m. and 4:30 p.m., Monday through Friday, at the following offices:

Georgia Department of Natural Resources, Floyd Towers East, Suite 1066, 205 Butler Street SE, Atlanta, GA 30334

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

FOR FURTHER INFORMATION CONTACT: Philip H. Vorsatz, EPA, Region IV Drinking Water Section at the Atlanta address given above or telephone (404) 347–2913.

(Sec. 1413 of the Safe Drinking Water Act, as amended (1986), and 40 CFR 141 and 142 of the National Primary Drinking Water Regulations)

Dated: May 13, 1993.

Donald Guinyard,

Acting Regional Administrator, EPA, Region IV.

[FR Doc. 93–12756 Filed 5–28–93; 8:45 am]

BILLING CODE 6560–50–M

[FRC–4660–5]

Public Water Supply Supervision Program Revision for the State of North Carolina

AGENCY: Environmental Protection Agency.

ACTION: Notice.

SUMMARY: Notice is hereby given that the State of North Carolina is revising its approved State Public Water Supply Supervision Primacy Program. North Carolina has adopted drinking water regulations for Phase II (IOCs/SOCs). EPA has determined that this State program revision is no less stringent than the corresponding federal regulations. Therefore, EPA has tentatively decided to approve the State program revision.

All interested parties may request a public hearing. A request for a public hearing must be submitted by July 1, 1993 to the Regional Administrator at the address shown below. Frivolous or insubstantial requests for a hearing may be denied by the Regional Administrator. However, if a substantial request for a public hearing is made by July 1, 1993, a public hearing will be held. If no timely and appropriate request for a hearing is received and the Regional Administrator does not elect to hold a hearing on his own motion, this determination shall become final and effective on July 1, 1993.

Any request for a public hearing shall include the following: (1) The name, address, and telephone number of the individual, organization, or other entity requesting a hearing; (2) A brief statement of the requesting person's interest in the Regional Administrator's determination and a brief statement of the information that the requesting person intends to submit at such hearing; (3) The signature of the individual making the request, or, if the request is made on behalf of an organization or other entity, the signature of a responsible official of the organization or other entity.

ADDRESSES: All documents relating to this determination are available for inspection between the hours of 8 a.m. and 4:30 p.m., Monday through Friday, at the following offices:

North Carolina Department of Health & Natural Resources, Division of Environmental Health, 1330 St. Mary's Street, Raleigh, NC 27626.

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

FOR FURTHER INFORMATION CONTACT: Philip H. Vorsatz, EPA, Region IV, Drinking Water Section at the Atlanta address given above or telephone (404) 347–2913.

(Sec. 1413 of the Safe Drinking Water Act, as amended (1986), and 40 CFR parts 141 and 142 of the National Primary Drinking Water Regulations)

Dated: May 13, 1993.

Donald Guinyard,

Acting Regional Administrator, EPA, Region IV.

[FR Doc. 93–12757 Filed 5–28–93; 8:45 am]

BILLING CODE 6560–50–M

[FRL–4660–6]

Public Water Supply Supervision Program Revision for the State of Tennessee

AGENCY: Environmental Protection Agency.

ACTION: Notice.

SUMMARY: Notice is hereby given that the State of Tennessee is revising its approved State Public Water Supply Supervision Primacy Program. Tennessee has adopted drinking water regulations for the Lead & Copper and Phase II (Volatile Organic Chemicals, Synthetic Organic Chemicals, and Inorganic Chemicals) Rules. EPA has determined that these sets of State program revisions are no less stringent than the corresponding federal regulations. Therefore, EPA has tentatively decided to approve these State program revisions.

All interested parties may request a public hearing. A request for a public hearing must be submitted by July 1, 1993 to the Regional Administrator at the address shown below. Frivolous or insubstantial requests for a hearing may be denied by the Regional Administrator. However, if a substantial request for a public hearing is made by July 1, 1993, a public hearing will be held. If no timely and appropriate request for a hearing is received and the Regional Administrator does not elect to hold a hearing on his own motion, this determination shall become final and effective on July 1, 1993.

Any request for a public hearing shall include the following: (1) The name, address, and telephone number of the individual, organization, or other entity requesting a hearing; (2) A brief statement of the requesting person's interest in the Regional Administrator's determination and a brief statement of the information that the requesting person intends to submit at such hearing; (3) The signature of the individual making the request, or, if the request is made on behalf of an organization or other entity, the signature of a responsible official of the organization or other entity.

ADDRESSES: All documents relating to this determination are available for inspection between the hours of 8 a.m. and 4:30 p.m., Monday through Friday, at the following offices:

Tennessee Department of Environment and Conservation, L & C Tower, 401 Church Street, Nashville, Tennessee 37243–1549.

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

FOR FURTHER INFORMATION CONTACT: Philip H. Vorsatz, EPA, Region IV Drinking Water Section at the Atlanta address given above (telephone (404) 347–2913, (FTS) 257–2913).

(Sec. 1413 of the Safe Drinking Water Act, as amended (1986), and 40 CFR 142.10 of the National Primary Drinking Water Regulations)

Dated: May 13, 1993.

Donald Guinyard,

Acting Regional Administrator, EPA, Region IV.

[FR Doc. 93–12758 Filed 5–28–93; 8:45 am]

BILLING CODE 6560–50–M

[FRL–4661–3]

Science Advisory Board, Radiation Advisory Committee; Public Meeting and Conference Calls

Pursuant to the Federal Advisory Committee Act, Public Law 92–463, notice is hereby given that the Science Advisory Board's (SAB's) Radiation Advisory Committee (RAC), will conduct the following public conference calls and meeting.

1. The RAC will meet by conference call Monday June 14, 1993 from 11 a.m. to 1 p.m. Eastern Time to discuss to discuss preparation for a review of a revised draft document which was prepared by the Office of Radiation and Indoor Air (ORIA), entitled "Diffuse NORM (naturally-occurring radioactive material)—Waste Characterization and Preliminary Risk Assessment," dated April 1993, as well as other topics planned for the Committee's July meeting. The RAC may also briefly discuss and follow-up on other topics that were discussed at its April 27 and 28, 1993 meeting. The number of conference lines available is limited, therefore, persons wishing to participate should telephone Mrs. Diana Pozun, SAB Secretary for the SAB's RAC, no later than 2 p.m. Eastern Time Monday June 7 at (202) 260–6552.

2. The RAC will meet by conference call Monday June 21, 1993 from 11 a.m. to 1 p.m. Eastern Time to continue its discussion from the June 14 conference

call. The number of conference lines available is limited, therefore, persons wishing to participate should telephone Mrs. Diana Pozun, SAB for the SAB's RAC, no later than 2 p.m. Eastern Time Monday June 14 at (202) 260–6552.

3. The RAC will meet July 19–21 from 9 Monday July 19 until 5 Wednesday on July 21 at the Quality Inn Capitol Hill Hotel, 415 New Jersey Ave., NW., Washington, DC (Tel. 202–638 1616). There are a number of topics before the Committee. A major review topic deals with review of ORIA's draft entitled *"Diffuse NORM Wastes: Waste Characterization and Preliminary Risk Assessment."*

The charge for this review identifies the following questions for the review.

1. Does the information in the document present an adequate characterization of processes and sources of NORM, including the adequacy of the data?

2. Are parameters used in the risk assessment reasonable? Are the references and justifications adequate? Does the presentation properly reflect the best available scientific information?

3. Does the preliminary risk assessment adequately identify and characterize the key scenarios needed for evaluating individual and population risks from the sources characterized?

4. Does the PATHRAE methodology presented in this document adequately quantify risks from the sources and scenarios characterized?

5. Risk estimates calculated using the PATHRAE methodology are estimated to be within a factor of three of calculations made with more detailed codes. Given this error band, the methodology employed, and the lack of knowledge associated with the waste streams; is the Agency's characterization of uncertainty and sensitivity adequate for the purpose of this scoping study?

6. In what areas does the SAB's RAC recommend the greatest priority be given for developing additional information?

The draft document entitled "Diffuse NORM (naturally-occurring radionuclide material)—Waste Characterization and Preliminary Risk Assessment," dated April 1993, is available from the EPA's Air Docket at 401 M Street, SW., Washington, DC 20460 (202–260–7548). The Docket Number is R–82–01, and the Item Number is IIA–38. For technical information on the NORM report, please contact Mr. William E. Russo of ORIA at (202–233–9215). The RAC may also consider three draft Committee self-generated initiatives, namely: The report of the Radon Science Initiative Subcommittee, a retrospective consideration of previous Radiation Advisory Committee reports, and a commentary on waste classification. The RAC plans to initiate a review of a Radon Protocol Evaluation Study, which evaluates the suitability of using short-term measurements for mitigation decision-making on indoor radon. For further technical information on this topic, call Mr. Frank Marcinowski of ORIA at (202–233–9437). ORIA will provide an information briefing on its program to develop standards for cleanup of sites contaminated by radioactivity, including option selection, and may request review of technical documents and other information related to this program. For technical information on this topic, please contact Ms. Barbara Hostage of ORIA at (202–233–9350). The RAC may be briefed on other ORIA initiatives, and may also consider other topics relating to radiation and the environment as time permits.

FOR FURTHER INFORMATION CONTACT: Copies of the documents given to the Science Advisory Board for review are provided by the Agency to the public; they are not available from the Science Advisory Board staff. The contact persons for these documents are noted above. For technical or procedural information concerning these meetings or the RAC self-generated initiatives, please contact Dr. K. Jack Kooyoomjian, the Designated Federal Official for the RAC. For additional administrative information concerning these meetings, including draft agendas, please contact Mrs. Diana Pozun, Staff Secretary for the RAC, Science Advisory Board (A101F), U.S. Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460, Phone: (202) 260–6552; Fax: (202) 260–7118.

Written comments of any length (at least thirty-five copies) may be provided to the RAC up until the meetings. However, anyone who wishes to have the RAC receive their comments prior to the meeting should provide written public comments for any of the above announced meetings to Mrs. Pozun at the SAB staff office no later than ten days before the meeting; copies received after that date will be provided to the RAC at the meeting. On the conference call, opportunities for oral comment will generally be limited to no more than five minutes per speaker and no more than fifteen minutes per conference call. A fixed number of conference lines have been reserved for the meeting. For the conventional meetings, opportunities for oral comment will generally be limited to no more than ten minutes per speaker and no more than thirty minutes per day. The SAB expects that public statements presented at its meetings will not be repetitive of previously submitted oral or written statements. Commenters should register with Mrs. Pozun at least ten days before the meeting, being sure to specify at which meeting they wish to provide comments, if they wish to be formally listed on the agenda.

The conference calls and meeting are open to the public, however seating at the July meeting, as well as telephone lines for the June conference calls, is limited and is available on a first come basis.

Dated: May 18, 1993.

A. Robert Flaak,

Acting Staff Director, Science Advisory Board.

[FR Doc. 93–12836 Filed 5–28–93; 8:45 am]

BILLING CODE 6560–50–P

[FRL–4660–8]

Rhode Island Marine Sanitation Device Standard; Notice of Determination

On March 8, 1993, notice was published that the State of Rhode Island had petitioned the Regional Administrator, Environmental Protection Agency, to determine that adequate facilities for the safe and sanitary removal and treatment of sewage from all vessels are reasonably available for Great Salt Pond in the Town of New Shoreham, County of Washington, within the State of Rhode Island. The petition was filed pursuant to section 312(f)(3) of Public Law 92–500, as amended by Public Laws 95–217 and 100–4, for the purpose of declaring these waters a "no discharge area."

Section 312(f)(3) states: After the effective date of the initial standards and regulations promulgated under this section, if any State determines that the protection and enhancement of the quality of some or all of the waters within such States require greater environmental protection, such State may completely prohibit the discharge from all vessels of any sewage, whether treated or not, into such waters, except that no such prohibition shall apply until the Administrator determines that adequate facilities for the safe and sanitary removal and treatment of sewage from all vessels are reasonably available for such water to which such prohibition would apply.

The information submitted to me by the State of Rhode Island certified that there are four pump-out facilities available to service vessels in Great Salt Pond. Three of the facilities are

stationary pump-out units, and one is a mobile vessel mounted unit.

Pumpout facility No. 1 is a mobile, vessel-mounted unit owned by the Town of New Shoreham and operated by the Block Island Harbors Department. The pumpout unit is mounted on a 23-foot Ocean Scout motor launch and connected to a 300 gallon holding tank built into the hull. Pumpout service is provided from 7 to 11 a.m. and from 1 to 4 p.m. daily. Pumpout service is free for boats on Town-owned moorings, and costs $10 for boats on private moorings, at anchor, or alongside private docks.

Pumpout facility No. 2 is located at Champlin's Marina, on the southwestern shore of Great Salt Pond, and will accommodate vessels with a draft of 15 feet. This facility is open from 7 a.m. to 8 p.m., seven days a week. Pumpout service is free for marina patrons, and costs $15 for others.

Pumpout facility No. 3 is located at the Block Island Boat Basin, on the southern shore of Great Salt Pond, and will accommodate vessels with a draft of ten feet. This facility is open from 7 a.m. to 8 p.m., seven days a week. Pumpout service is free for customers, and costs $12.50 for others.

Pumpout facility No. 4 is located at Payne's Dock, in the southeastern corner of Great Salt Pond, and will accommodate vessels with a draft of 14 feet. This facility is open from 7 a.m. to 8 p.m., seven days a week. Pumpout service is available only to marina patrons, and is free of charge.

The State of Rhode Island certified that the three stationary pump-out units are connected to the municipal sewage system, and the pumpout boat discharges to the Block Island Boat Basin pumpout facility. The New Shoreham Water Pollution Control Facility is located on Spring Street, just south of Old Harbor, and discharges to the Atlantic Ocean. The facility was commissioned in 1977, and an upgrade to increase its capacity was completed in 1990. The facility provides secondary treatment utilizing activated sludge and extended aeration, and has consistently met EPA and Rhode Island Department of Environmental Management effluent discharge standards.

While there are only approximately 130 boats registered with the Town of New Shoreham, boat counts on weekends during the summer season (which extends from Memorial Day through Columbus Day) regularly exceed 1,000, and have approached 1,500 on some holiday weekends. The Block Island Harbors Department estimates that the live-aboard population on such weekends is on the order of 4,000. None of these vessels will be excluded from using one or more of the existing pumpout facilities.

No comments were received by the Agency on the merits of the petition prior to the deadline for receipt of comments. Therefore, based on an examination of the petition and its supporting information, which included a site visit by EPA Region I staff, I have determined that adequate facilities for the safe and sanitary removal and treatment of sewage from all vessels are reasonably available for all waters of Great Salt Pond east of a line from the landward end of the jetty located at the northwestern channel entrance to the landplaced red marker located approximately 600 feet northwest of the United States Coast Guard facility dock. This determination is made pursuant to section 312(f)(3) of Public Law 92–500, as amended by Public Laws 95–217 and 100–4.

Dated: May 11, 1993.

Patricia L. Meaney,

Acting Regional Administrator.

[FR Doc. 93–12837 Filed 5–28–93; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

Public Information Collection Requirement Submitted To Office of Management and Budget for Review

May 21, 1993.

The Federal Communications Commission has submitted the following information collection requirement to OMB for review and clearance under the Paperwork Reduction Act of 1980 (44 U.S.C. 3507).

Copies of this submission may be purchased from the Commission's copy contractor, International Transcription Service, Inc., 2100 M Street, N.W., suite 140, Washington, DC 20037, (202) 857–3800. For further information on this submission contact Judy Boley, Federal Communications Commission, (202) 632–0276. Persons wishing to comment on this information collection should contact Jonas Neihardt, Office of Management and Budget, room 3235 NEOB, Washington, DC 20503, (202) 395–4814.

Note: The Commission has requested expedited review of this item by June 15, 1993, under the provisions of 5 CFR 1320.18.

OMB Number: None

Title: Amendment of the Part 69 Allocation of General Support Facility Costs (Report and Order, CC Docket No. 92–222)

Action: New collection

Respondents: Businesses or other for-profit

Frequency of Response: Other: Tariffs required by CC Docket No. 92–222 must be filed by 6/17/93 (one-time collection)

Estimated Annual Burden: 73 responses; 328 hours average burden per response; 23,978 hours total annual burden

Needs and Uses: In the attached Report and Order, the Commission adopted the proposals presented in the Notice of Proposed Rulemaking (NPRM). Virtually all of the commenters supported the proposals. Correction of the allocation of general support facility (GSF) investment will complement and facilitate the achievement of several Commission goals. The revised rule will allocate costs among service categories in a manner that will result in more cost-based rates for access services. Correcting these misallocations will make access services more efficiently priced, which will stimulate additional usage of the access network by those services whose rates are lowered as a result. We believe that the action taken will facilitate the development of a competitive local access market and reduce the possibility that false economic signals will be sent to market entrants. The rates for special access and switched transport should be brought closer to cost by addressing the misallocation of GSF investment to non-common line categories directly. We believe that this will facilitate the implementation of expanded interconnection for special access, as well as our proposal for expanded interconnection for switched transport. LECs must make a tariff filing to implement the cost reallocation. Such a filing must contain a detailed showing justifying the reasonableness of the reallocated amount and reflect the 1992 ARMIS data. Tariffs cannot become effective until the Commission has had the opportunity to review the tariffs to ensure that their terms are just and reasonable and not unreasonably discriminatory.

Federal Communications Commission.

William F. Caton,

Acting Secretary.

[FR Doc. 93–12771 Filed 5–28–93; 8:45 am]

BILLING CODE 6712–01–M

[CC Docket No. 83–1376; FCC 93J–1]

Integration of Rates and Services for the Provision of Communications by Authorized Common Carriers Between the Contiguous States and Alaska, Hawaii, Puerto Rico and the Virgin Islands

AGENCY: Federal Communications Commission.

ACTION: Tentative recommendation and order inviting comments.

SUMMARY: In this Tentative Recommendation and Order Inviting Comments, the Alaska Federal-State Joint Board (Alaska Joint Board) adopts a tentative recommendation for the creation of a new market structure for the provision of interstate telecommunications service between Alaska and the contiguous states and between Alaska and Hawaii. The Alaska Joint Board tentatively concludes that this market structure represents the best balancing of the five objectives that the Alaska Joint Board has previously articulated: universal service, rate integration, revenue requirement neutrality, competition, and efficiency. The Tentative Recommendation requires the American Telephone & Telegraph Company (AT&T) and Alascom, Inc. (Alascom) to submit joint or separate plan(s) to implement this new market structure. The Tentative Recommendation invites all interested parties to comment on the new proposed market structure, on AT&T's and Alascom's implementation plan(s), and on a separate proposal by AT&T for resolution of the issues in this proceeding. After review of all the comments and proposals, the Alaska Joint Board intends to issue a final recommendation to the Federal Communications Commission.

DATES: The Alascom and AT&T implementation plan(s) must be received not later than June 7, 1993. Comments must be received on or before June 28, 1993; replies must be received on or before July 12, 1993.

ADDRESSES: Federal Communications Commission, 1919 M Street, NW., Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: Patrick Donovan, Kent Nilsson, or Rose Crellin, Policy and Program Planning Division, Common Carrier Bureau, (202) 632–1295, (202) 632–1302, (202) 632–1292.

SUPPLEMENTARY INFORMATION:

TENTATIVE RECOMMENDATION AND ORDER INVITING COMMENTS

Adopted: May 17, 1993.
Released: May 17, 1993.

By the Federal-State Joint Board.

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I. Introduction

1. In this Tentative Recommendation and Order Inviting Comments, we adopt a tentative recommendation for the creation of a new market structure for the provision of interstate telecommunications service between Alaska and the contiguous states (Lower 48) and between Alaska and Hawaii. We tentatively conclude that this market structure represents the best balancing of the five objectives that we have previously articulated: universal service, rate integration, revenue requirement neutrality, competition, and efficiency. We require the American Telephone & Telegraph Company (AT&T) and Alascom, Inc. (Alascom) to submit joint or separate plans(s) to implement this new market structure. We invite all interested parties to comment on the new proposed market structure and on AT&T's and Alascom's implementation plan(s). We additionally invite comment on a separate proposal by AT&T for resolution of the issues in this proceeding. It is our intent that after review of all the comments and proposals, we will then issue a final recommendation to the Federal Communications Commission (Commission).

II. Executive Summary

2. Alaska interstate message telephone service and wide area telecommunication service, hereinafter collectively referred to as MTS, is now provided under a Joint Service Arrangement (JSA) between AT&T and Alascom. Under the JSA, Alascom and AT&T serve Alaska jointly with AT&T providing northbound service and Alascom providing southbound service. Alascom furnishes facilities in Alaska and connects with AT&T in the Lower 48. AT&T reimburses Alascom for all expenses it incurs in its provision of interstate MTS service with AT&T. Pursuant to a "frozen" allocator, approximately 86% of Alascom's circuit equipment costs are assigned to the interstate jurisdiction. Private line service is not governed by the JSA and is furnished on a statewide basis principally by Alascom. We tentatively conclude that, subject to institution of suitable transition mechanisms, the JSA should be terminated and its service arrangements replaced by our proposed market structure. This termination is tentatively effective three calendar years after the date the Commission adopts a final order in this proceeding establishing effective transition mechanisms.

3. MTS between Alaska and Hawaii is provided by AT&T under arrangements with both Alascom and GCI Communications, Inc. (GCI). Any contracts between AT&T and Alascom for service to Hawaii would also terminate within three calendar years, and service shall thereafter be provided via tariff.

4. Under our proposed market structure, AT&T would provide interstate MTS between Alaska and the Lower 48 (northbound and southbound) at integrated rates and under the same terms and conditions applicable to its provision of service in the Lower 48. AT&T would also be obligated to furnish interstate MTS service between Alaska and Hawaii at integrated rates. To provide these services, AT&T must obtain the requisite authority pursuant to Section 214 of the Communications Act of 1934 (Communciation Act), 47 U.S.C. 214. After JSA is terminated, Alascom may provide interstate MTS independently from AT&T under its own tariff with no obligation to charge AT&T's integrated rates. Our market structure would not involve any mandatory requirements for transfer of customers in Alaska between Alascom and AT&T. To the extent the parties envision such transfers, these will need to be submitted and approved in transition plans.

5. We tentatively conclude that, in view of the prohibition against construction of duplicate facilities in rural Alaska, any services provided to interexchange carriers (IXCc) by

Alascom under tariff should ultimately be offered on a non-discriminatory basis at geographically averaged tariffed rates. We also would require that Alascom continue to provide interstate private line service upon reasonable request pursuant to its existing federal tariffing and Section 214 obligations.

6. We also tentatively conclude that the cost separations factor applicable to Alascom's interexchange circuit equipment should be reduced over a 10-year period from its current level of approximately 86% to 75%. However, payments for Alascom's interstate services would be made as if a 75% allocator were in effect. Alascom would recover the difference between 86% (or the current transition level) and 75% from a special, temporary fund called the Alaska Fund. The Alaska Fund would be administered by the National Exchange Carrier Association, Inc. (NECA). At the end of 10 years the 75% separations factor would be fully phased-in and the Alaska Fund fully phased-out.[1]

7. In addition, our tentative recommendation would require a reduction of Alascom's interstate and intrastate revenue requirement, funded by AT&T. We tentatively conclude that this is necessary to achieve a more competitive market for Alaska services and to protect against harmful jurisdictional cost shifts which are two of our five goals. Such a reduction in revenue requirement could be achieved through accelerated cost recovery and would be the subject of an implementation plan(s) to be filed by AT&T and Alascom.

8. Finally, under our tentatively recommended market structure, AT&T would be required to use Alascom's facilities for its Alaska traffic for three years with a phase-out of this obligation over the succeeding four years. At the end of seven years, AT&T would be permitted to provide service to and from Alaska without a requirement to use any Alascom facilities. Lastly, our tentative recommendation addresses a number of miscellaneous issues pertinent to the new market structure.

9. This Order solicits comments in response to a tentative recommendation for restructuring the Alaska interstate market but does not endeavor to specify all details of implementation of that market structure. This level of refinement necessarily follows adoption of the basic form and transition mechanisms for the market. The implementation plans and comments should assist in defining these details and in establishing the final timetable to be used for various aspects of the proposed market structure.

III. Background

10. Alaskan telecommunications issues have been before the Commission for over twenty years. Since 1985 the Alaska Joint Board has been attempting to determine the appropriate interstate telecommunications market structure for Alaska. During this period, interested parties have had numerous opportunities to comment in response to information requests by the Alaska Joint Board and several market proposals offered by the Alaska Joint Board and other parties.

A. Supplemental Order

11. On January 3, 1989, the Alaska Joint Board issued a Supplemental Order inviting comments on five objectives to govern the resolution of this proceeding and two alternative market structure options. Parties were also invited to present additional market structure proposals to suggest improvements in the current arrangement in the event that an acceptable alternative is not found.[2] The five objectives we identified to govern the resolution of this proceeding were:

(1) Preservation of universal service;
(2) Continuation of rate integration;
(3) Market based competitive entry;
(4) Increased efficiency; and
(5) Jurisdictional revenue requirement neutrality.

B. Master Agreement on GCI Petition

12. On January 29, 1992, AT&T, Alascom, Pacific Telecom, Inc. (PTI), and Telephone Utilities of Alaska, Inc. (TUA) filed a Joint Petition seeking approval of a Master Agreement (MA) for the provision of Alaska telecommunications services. General Communication Incorporated (GCI) also filed a petition on that date requesting that the Commission initiate a new proceeding independent of the CC Docket No. 83–1376 Joint Board to resolve Alaska market structure issues.[3]

13. Key terms contemplated under the Master Agreement were: (1) the JSA would be dissolved and AT&T could establish points of presence (POPs) in Alaska; (2) AT&T would be responsible for provision of interstate MTS at integrated rates and would purchase Alascom's customer list and capacity on the Alaska Spur to make service possible; (3) AT&T would make payments totaling $330 million to PTI and its holding companies; (4) Alascom would transfer a portion of its facilities to TUA;[4] (5) the restructured TUA would provide interstate access (pursuant to NECA tariff) and intrastate service in Alaska using a new statewide study area and the local exchange carrier (LEC) separations factor for circuit equipment;[5] (6) TUA would promise no interstate rate increases during a five year transition; (7) AT&T and TUA would enter into various lease agreements; and (8) PTI, Alascom, and TUA would not compete against AT&T for provision of interstate and international MTS services for three years. The MA was conditioned on regulatory approval of the Joint Petition and all related documents by November 1, 1992. This deadline was later extended to January 15, 1993.[6]

C. State Members' Plan: Alaska Market Structure

14. In response to the MA, other plans, and pleadings filed by commenting parties, the State Members of the Alaska Joint Board released a Memorandum of Principles—Alaska Market Structure: The State Members' Plan on November 5, 1992.[7] Major points of the State Members' Plan were: (1) the JSA would be eliminated after a suitable transition period; (2) there would be no consolidation of TUA and Alascom; (3) Alascom could continue to provide interstate MTS, but if it chose not to, it would be required to provide a plan for the smooth transition of its customers to alternate carriers; (4) Alascom would be required to provide interstate interexchange switching and transport facilities to all IXCs on an anti-discriminatory basis; (5) Alascom would be required to provide intrastate and private line services; (6) Alascom would

[1] United Utilities, Inc. (UUI) would also be required to use the 75% allocator for its interexchange circuit equipment and, concomitantly, would be eligible for payments from the Alaska Fund.

[2] Integration of Rates and Services for the Provision of Communications by Authorized Common Carriers between the Contiguous States and Alaska, Hawaii, Puerto Rico, and the Virgin Islands, CC Docket No. 83–1376, 54 FR 7471, February 21, 1989 4 FCC Rcd 395 (1989) (Supplemental Order).

[3] On March 4, 1992, the Joint Board issued a Public Notice requesting comments and reply comments on the MA and the GCI proposal.

[4] All of Alascom's communications facilities would be transferred to TUA, except for Alascom's interests in the Alaska Spur, certain assets necessary to provide interstate and international private line services, and assets necessary to serve Magadan, Russia.

[5] Changes from the IXC to the LEC separations factor would occur under a five year transition mechanism (Alaska Market Adjustment).

[6] In January, 1993, AT&T notified us that the MA had expired and that the parties had elected not to extend its effective date. In light of this development, the MA is moot. Given that it is no longer pending, we will not further address the merits of the MA in this Order.

[7] On December 2, 1992, a Public Notice was issued to invite comments on the State Members' Plan.

not participate in NECA; (7) AT&T would be responsible for interstate MTS at integrated rates; (8) Alascom would remain a dominant carrier; (9) during a three year transition, AT&T would be required to purchase its switching and transport services from Alascom and to make additional annual payments to allow Alascom to employ accelerated depreciation to reduce its interstate and intrastate net plant by at least an additional $50 million per year; and (10) Alascom would continue to employ the frozen circuit equipment factor.

IV. Market Structure

A. Introduction

15. The current structure of the interstate MTS market for Alaska was basically set in the late 1970s in response to the Commission's requirement for full rate integration. At that time, AT&T and Alascom entered into the JSA. While this Alaska market structure resembles the toll pool and settlements environment of the Lower 48 in the late 1970s, it has not tracked the dramatic changes that divestiture competition, and technology have produced since then in the Lower 48.

16. There are few, if any, advocates for the current market structure's preservation. On this issue alone, we find substantial agreement among interested parties that the market structure in Alaska needs to be changed. In this tentative recommendation, we outline a proposal for the termination of the JSA and for creation of a market structure similar to that in the Lower 48 with mechanisms to preserve universal service and provide for transitional cost support while Alascom adjusts to a competitive environment.

B. Existing Market Conditions and Structure

17. The Supplemental Order profiled the demographic composition of the Alaska market and took note of the characteristics that had required, and to some extent still do require, a unique market structure. It was reported in the Supplemental Order that the State of Alaska then had the lowest population density of any state, with the majority of the residents located in small communities of less than 500 people. Both per-capita income and cost-of-living for Alaska residents were higher than comparable national averages, with the gap between the national and state specific statistics being greater for cost-of-living than for per capita income.[8]

18. Twenty three exchange carriers provide local service in Alaska to approximately 270,000 access lines in about 250 exchanges.[9] Both intrastate and interstate equal access is available in most, if not all, of the exchanges served by competitive IXCs.

19. Alascom furnishes both interstate and intrastate long distance services over a mix of owned and leased satellite, microwave, and cable facilities located in Alaska, the Lower 48, and Canada.[10] Alascom provides interstate MTS in conjunction with AT&T pursuant to the JSA, an agreement jointly developed by Alascom and AT&T implementing rate integration and approved by the Commission. Interstate private line services are offered independently from the JSA, and AT&T has not significantly participated in the Alaska private line market. Generally, private line services are offered on an "end-on-end" basis, with each carrier developing separate rates for the portion of the circuit it provides based on its own costs.[11]

20. For MTS between Alaska and the Lower 48, Alascom interconnects its facilities with AT&T's network in the Lower 48. Communications signals are transmitted by Alascom between the connection point in the Lower 48 and gateway entry locations at or near Anchorage, Fairbanks, or Juneau. Each gateway location has one or two earth station antenna systems and a Class IV entry switch. Almost all of the AT&T/Alascom interstate message traffic passes through one of these switches to reach Alaska exchange carrier facilities.[12]

21. GCI, a nondominant carrier under the Commission's rules, provides interstate and intrastate message and private line services primarily through a satellite-based network of its own. It also uses access services obtained from other carriers. GCI's interstate MTS consists of both northbound and southbound offerings, with service provided both to end-users and to other carriers. GCI is the primary competitor to Alascom for the provision of interstate and intrastate service in Alaska.[13] In addition, a number of nondominant resellers also operate in the Alaska interstate interexchange market.

C. New Market Structure

1. Elimination of the JSA

a. Parties' recommendations.

22. In the *Supplemental Order*, we identified deficiencies in the JSA and stated five objectives to be followed in finding a resolution to the issues in this proceeding. We concluded that the JSA gave Alascom "little reason to control costs," that it could create incentives for a carrier "to inflate its rate base in order to increase earnings," and that it "complicates the determination of the rates that other IXCs should be charged for their use of the Alascom network."[14]

23. Most parties in this proceeding have opposed the long term continuation of the JSA, and even Alascom has participated with AT&T in an attempt to propose an alternative to the JSA.[15] AT&T strongly opposed the JSA, stating that the JSA was inappropriate and should be terminated as soon as possible.[16] AT&T has indicated that it has no desire to remain in a long term partnership arrangement with Alascom for the provision of service.[17]

24. The Alaska Telephone Association, Inc. (ATA) called for elimination of the JSA, after a suitable transition period, due to its anticompetitive effects.[18] The State of Alaska urged that we adopt the principle that the JSA may be terminated after a reasonable transition period.[19] GCI asserts that the "JSA is inconsistent with our objectives, the competition policies established by the Alaska Legislature, and the public interest."[20] MCI stated that the JSA should be terminated after a suitable transition period but urged that Alascom not be given "some protection or relief" from competition in order to end the JSA.[21]

b. Discussion. 25. Conditions have changed dramatically since 1980 when the Commission accepted the JSA. The interstate toll settlements pool has been eliminated and replaced by a competitive market structure with cost-based access charges. Multiple carriers now vie for interexchange customers, competing on price and quality of service. The Commission has recognized and promoted the benefits to be derived

[8] Supplemental Order, 4 FCC Rcd at 409, n. 18.

[9] APUC Annual Report to the Legislature, 1992.

[10] Alascom is a dominant carrier under the Commission's Rules. Policies and Rules Concerning Rates for Competitive Common Carrier Services and Facilities Authorizations Thereof, 98 FCC 2d 1191, 1201 n.33 (1984).

[11] *Supplemental Order*, 4 FCC Rcd at 396, para. 11.

[12] *Id.* at para. 10.

[13] *Id.* at para. 12–14.

[14] *Id.* at para. 58.

[15] Master Agreement, filed January 29, 1992.

[16] AT&T's Comments, December 18, 1992 at 4.

[17] Supplemental Comments of AT&T, March 12, 1990 at 1–2.

[18] ATA Comments, December 17, 1992 at 2.

[19] State of Alaska Reply Comments, January 15, 1993 at 5.

[20] General Communication, Inc. Comments, December 18, 1992 at 7.

[21] MCI Comments, December 18, 1992, at 1.

from a competitive toll market structure which encourages carriers to eliminate waste, adopt new technology, develop innovative services, and improve customer service. Local and toll access competition is now emerging and promises to bring the same incentives for economic efficiency, quality, and competitive prices to these markets.

26. Alascom, however, has not felt the presence of formidable interstate competition. As long as the JSA exists, there is little incentive for Alascom to control costs or trim its rate base as both its revenue requirement and a customer for its interstate services are virtually assured.

27. Based on current conditions and comments, we tentatively conclude that the public interest would be better served by terminating the JSA and thereby restructuring the interstate telecommunications market in Alaska to promote competition, open entry, and improved efficiency incentives. Merely terminating the JSA, however, does not, by itself, adequately address the market structure problems in Alaska. This action taken in isolation could harm carriers and adversely affect the public by accomplishing the goals of competition and efficiency at the expense of the goals of universal service and revenue requirement neutrality. Therefore, we tentatively recommend here that several transition mechanisms be implemented and that the JSA be terminated in conjunction with the transition mechanisms recommended in this order. We seek comment on this proposal.

2. Long Term Market Structure

28. We have developed an Alaska interstate market structure that we believe could be advanced to the Commission as our final recommendation, subject to consideration of the implementation plans and any comments that are filed. In the following sections we will explain the various aspects of our tentative recommendation and the reasoning behind its development. We seek comments on all aspects of our proposed long term market structure.

a. Facility issues. 29. Under the proposed long term market structure, Alascom and AT&T, after obtaining appropriate authorizations, may each individually build or lease facilities in order to provide their services under the same regulatory requirements that are applicable to dominant IXCs today in the rest of the nation, subject to any prohibition against construction of duplicative facilities in rural Alaska.[22]

30. A situation may arise where customers in a remote area of the state require interexchange service, but no facilities exist. Currently, Alascom has a commitment to build facilities to serve communities of 25 or more than request interexchange services.[23] We would tentatively recommend that this commitment on the part of Alascom continue and that Alascom be required to build facilities to meet the transport and switching requirements of its carrier customers.[24]

b. Service issues. (i) MTS 31. As stated in the Supplementary Order, we strongly support the objectives of universal service and rate integration. Consistent with these objectives, one or more carriers must be responsible for ensuring that interstate MTS is available at reasonable rates to all those requiring such service. AT&T currently has the obligation of providing MTS to Alaska at rate-integrated levels. We propose that AT&T should continue to be responsible for providing Alaskan consumers with interstate MTS at the same integrated rate levels and under the same terms and conditions available to other AT&T customers in the rest of the nation. This requirement would be broadened to include provision by AT&T of interstate MTS service between Alaska and Hawaii at integrated rates.

32. Alascom/AT&T MTS customers in Alaska currently perceive Alascom as the interstate IXC providing MTS in Alaska.[25] Customers are not generally aware that AT&T is involved in the provision of "Alascom's" service. If Alascom does not propose to provide interstate service under the new market structure, Alascom would be required to file under Section 214 of the Communications Act for authority to exit the market.[26] Among other things, that filing should include a proposal for the smooth shifting of Alascom's customers to alternative carrier(s) that allows sufficient time for the changeover to occur in an orderly fashion. The public interest requires that Alascom not be allowed to leave the MTS market until it is clear that service to its present customers will not be interrupted as a result of Alascom's business decision.[27]

(ii) Alascom common carrier services. 33. We propose that Alascom provide other IXCs with what it terms interstate "access" services to the facilities of LECs in Alaska.[28] Alascom would offer all interstate interexchange transport and switching services (hereinafter referred to as Alascom Common Carrier Services) needed to complete the long distance service of other carriers up to the Alascom point of interconnection with each Alaska local carrier. Under the proposed market structure, Alascom would be required to provide Alascom Common Carrier Services on a non-discriminatory tariffed basis to all carrier customers requesting interexchange switching and transport service.[29]

34. GCI has requested that both Alascom and AT&T be required to geographically average the access charges that they assess their carrier customers.[30] GCI stated that without a geographic rate averaging requirement, Alascom would be able to assign all of its network costs to the rural, non-competitive areas of the state. It is argued that IXCs would have no option but to pay Alascom's rates because Alascom retains a facilities monopoly in those areas. AT&T also supports statewide averaging of Alascom's Common Carrier Service rates stating a concern that costs for competitive services could be inappropriately allocated to other services for which Alascom is the sole provider.[31]

35. We generally concur with the concerns expressed by GCI and AT&T that Alascom not be able to lower its rates in the competitive urban areas and

[22] Whether duplicative facilities should be allowed in the Alaska bush is the subject of a separate proceeding.

[23] State of Alaska Comments, November 13, 1992 at 25.

[24] A requirement that Alascom meet all reasonable requests for service from its carrier customers is especially critical since duplicative facilities are not currently allowed in the Alaska bush.

[25] Southbound MTS services are offered under tariff filed by Alascom (rather than AT&T) with the Commission. Alascom bills and markets the southbound service in Alaska. AT&T was not listed as an option on the interstate presubscription ballot in Alaska nor is AT&T's involvement in this service publicized by Alascom.

[26] Alascom would not be allowed to leave the interstate MTS market prior to termination of the JSA.

[27] To achieve this end, Alascom may, at its discretion, sell its customer list to another carrier after the termination of the JSA. MCI stated that Alascom should not be allowed to sell its customer list, but provided no evidence or argument to support its position. MCI Comments, December 18, 1992 at 3. If Alascom sells its customer list to another carrier, customers must be notified of the change.

[28] Alascom Comments, December 18, 1992 at 9–11. Alascom would also continue to provide transport to existing locations where no LEC existed and to extend its facilities to serve new locations where no LEC existed, under the same conditions as it does today.

[29] Alascom states it "has no objection to reselling its services to other IXCs." Alascom Comments, December 18, 1992 at 30.

[30] GCI Comments December 18, 1992. GCI would also require geographic rate averaging for Alascom's end user customers.

[31] AT&T Reply Comments, January 15, 1993 at 9.

recover all or virtually all of its costs in the bush areas, where it is the monopoly provider and where all carriers with statewide service termination must pay Alascom's rates. Accordingly, we propose that a geographic averaging requirement be placed on Alascom's rates for its interstate Common Carrier Service in Alaska.

(iii) Private line services.

36. Alascom is the primary carrier providing statewide interstate and intrastate private line services to the Alaskan public, with some competition from GCI and presumably other carriers.[32] To insure that Alaska's private line services continue, we propose to recommend that the new market structure include a requirement that Alascom provide interstate private line services statewide.[33]

37. Today, AT&T does not directly serve as a private line carrier in Alaska. Under the proposed new market structure if AT&T chooses to provide interstate private line services in Alaska, it would be required to do so under the same rates, terms, and conditions as it does in the rest of the nation. Similarly, if AT&T chooses to provide private line services in Alaska, it must obtain the requisite Section 214 authority and make available its services statewide to the same extent as comparable AT&T services are available throughout the nation.

c. Dominant carriers.

38. The parties' comments reflect differing viewpoints regarding the dominance of AT&T and Alascom in the Alaska market.[34] AT&T has argued that it would be deemed nondominant for its southbound Alaska MTS if it had no Section 214 authority and no initial southbound customer base. AT&T further stated that there has been no finding that AT&T's "alleged dominance in the lower 48 states extends to southbound Alaska traffic".[35] GCI argued that AT&T's dominance in the Alaska market is a consequence of its dominant national position in the United States.[36]

39. We propose to recommend that both Alascom and AT&T retain their status as dominant carriers while the JSA is in effect. Because of AT&T's ongoing obligation to provide interstate MTS service in the Alaska market at integrated rates after the JSA is eliminated, we tentatively recommend that AT&T be deemed dominant in the provision of both northbound and southbound MTS services and that it be required to obtain all necessary authority to serve the southbound market. AT&T would also be considered dominant in the Alaska-Hawaii market and would need to acquire the requisite Section 214 authority for this service. We further propose to recommend that after elimination of the JSA, Alascom continue to be considered dominant in its provision of MTS and private line service and also be designated a dominant carrier for Alascom Common Carrier Services. That conclusion is based upon Alascom's primary control over the Alaska Spur, Alascom's statewide network, and Alascom's service and facilities monopolies in those areas where duplicative earth station construction is not allowed.[37]

V. Cost Allocations

A. Allocation Factor for Alascom Circuit Equipment

1. Background

40. The parties in this proceeding have historically taken divergent positions regarding what circuit equipment separations factor should be used by Alascom. AT&T has contended that Alascom, which currently employs a frozen mileage/minute based interexchange circuit equipment factor under § 36.126(e)(3) of the Commission's rules, 47 CFR 36.126(e)(3),[38] instead should either employ the termination/minutes-based LEC procedures or phase-in a reduction of the mileage used to calculate Alascom's separations factor to levels reflected by actual usage. It is argued that the current frozen factor is outdated; insupportable; unreasonable due to allocation of mileage insensitive costs on a mileage sensitive basis; unfair, due to the high percentage (about 86%)[39] of costs allocated to the interstate jurisdiction; and likely to make it difficult for Alascom to compete in the interstate market.[40] Alascom argues that by virtue of its provision of "access" services and its proposed withdrawal from the interstate MTS market, it would no longer be an interstate IXC and, therefore, it would be inappropriate for Alascom to employ the IXC separations factor.[41] Proponents of retaining the current separations factor, primarily the ATA, the State of Alaska, GCI, MCI, and UUI, argued for maintenance of the frozen allocator and claimed that no rationale exists for treating Alascom as a LEC.[42] It is further argued by GCI, the State of Alaska, and UUI that revision of the circuit equipment factor could lead to unacceptable and unreasonable increases in the intrastate revenue requirement. Estimates for the increase vary from $30 million to $50 million or more.[43]

2. Discussion

41. Our proposed market structure, by terminating the JSA, will eliminate the current mechanism under which Alascom is reimbursed for expenses incurred in provision of Alaska Common Carrier Service. Instead of virtually guaranteed reimbursement from AT&T via JSA payments, Alascom would recover its expenses through tariffed service charges. After transition mechanisms have concluded, Alascom would compete on equal footing with all other carriers for the provision of transport and switching services to IXCs like AT&T. For this and other reasons, it is apparent that our proposal would increase the competitive pressures faced by Alascom.

42. Under this new, more competitive market structure, we tentatively conclude that the separations rules

[32] Unlike MTS, private line services are not governed by the JSA.

[33] Alascom has stated no intention to leave the interstate private line market. If it decides to leave the interstate private line market, it must demonstrate to the Commission that its abandonment of service is in the public interest and consistent with Commission policy and that a suitable mechanism exists for shifting its private line customers smoothly to alternate carriers.

[34] AT&T Comments, December 18, 1992, at 10 n. 10, 15.

[35] *Id.* at 15.

[36] GCI Reply Comments, January 15, 1993 at 19.

[37] Alascom's dominant status for interstate MTS may be reviewed after the proposed transition period.

[38] A large part of Alascom's total costs are associated with radio and satellite communications transmission equipment (other circuit equipment). 47 CFR 36.126(e)(3) states that "Other Interexchange Circuit Equipment—Category 4.23" shall be allocated based on a company specific factor frozen at the levels reached on December 31, 1985. Both AT&T and Alascom employ this provision to allocate their other circuit equipment costs. The term "Circuit Equipment" encompasses the Radio Systems and Circuit Equipment recorded in Accounts 2230–2232 of the Uniform System of Accounts respectively. The term includes central office equipment, other than switching equipment and automatic message recording equipment, used to derive communications transmission channels or for the amplification, modulation, regeneration, testing, or balancing of control of signals transmitted over communications transmission channels. Examples of circuit equipment in general can be found at 47 CFR 36.126(a).

[39] Alascom estimates the frozen circuit equipment factor at about 86%. Response of PTI to Questions of the State Members of the Alaska Joint Board, October 4, 1991, Volume 1, Tab 10 at 5–1.

[40] Alascom Comments December 18, 1992 at 5–13, 46; Attachment B, 23–27; Alascom Reply Comments January 18, 1993 at 12, 25; AT&T Comments, December 18, 1992 at ii, 9–12; AT&T Reply Comments, January 15, 1993 at 4.

[41] Alascom Comments, December 18, 1992 at 11.

[42] ATA Comments, December 17, 1992 at 9; GCI Comments, December 18, 1992 at 22; MCI Comments, December 18, 1992 at 5; UUI Comments, December 18, 1982 at 1; State of Alaska Comments, November 13, 1992 at ii, 22; State of Alaska Reply Comments, January 15, 1993 at 4.

[43] UUI Comments, December 18, 1992 at 2.

applicable to Alascom should be changed. On the basis of the information before us, it does not appear, however, that Alascom provides "telephone exchange service" as the term is customarily understood under Section 3(r) of the Communications Act, 47 U.S.C. 153(r). The vast majority of services provided by Alascom are for the transmission and switching of communications between exchanges, and, thus, the LEC circuit equipment allocator would not, by its own terms, be applicable. We propose instead that the frozen separations allocator be transitioned down to 75% over a period of 10 years.

43. A modification in the separations factor that would assign relatively less to the interstate jurisdiction and somewhat more to the intrastate jurisdiction would reduce a substantial barrier to Alascom's ability to effectively compete in the interstate market. In addition, it could also promote competition in the intrastate market by assuring that other carriers would not be required to compete against Alascom's intrastate rates based on an assignment of only 14% of costs to the intrastate jurisdiction under the separations rules.

44. A 75% allocator would be more consistent with the character of Alascom's costs than the current 86% allocator. Alascom's satellite costs, which are a uniquely significant portion of is circuit equipment costs, are not mileage-sensitive in nature. Therefore, the current mileage-based factor does not lead to a cost-based allocation of this investment. We recognize as well, however, Alascom's use of microwave systems, the costs of are mileage sensitive. Alascom owns or leases microwave facilities throughout the southeastern Alaskan panhandle, along the Alyeska Pipeline, and from Fairbanks through southcentral Alaska linking major population centers.[44] Thus, we propose that we not use a wholly non-distance-sensitive allocator for Alascom's circuit equipment costs, either.[45] On balance, our analysis suggests that a more accurate recognition of the non-distance sensitive nature of satellite costs would warrant a reduction in the circuit equipment allocation factor to 75%. However, the reduction to 75% appears to be the maximum decrease to the interstate circuit equipment factor possible without compromising the goals we have identified.[46] We note that any future changes to Alascom's separations factor for circuit equipment would be considered by a Joint Board.

45. Given the features of our proposed transition plan designed to protect against immediate intrastate cost shifts, we tentatively conclude that a transition to a 75% frozen allocator would not cause an undue increase in interstate rates. Further, as discussed, it would substantially promote our goal of a more competitive market for interstate and intrastate Alaska communications. We believe that a 75% allocator would best achieve our goals of promoting competition and protecting intrastate ratepayers.

46. Accordingly, we tentatively recommend that the Commission amend the separations rules to establish a 75% frozen allocator for Alascom's circuit equipment phased-in over a transition period as discussed in Section VI. We seek comments on this recommendation.[47]

B. Allocation Factor for UUI Circuit Equipment

47. UUI is a small independent local exchange carrier operating in many of the remote areas of Alaska.[48] As a result of a past Commission decision, UUI was allowed an opportunity to obtain a one-half interest in a number of the earth stations that were then owned and operated by Alascom.[49] Historically the costs of UUI's joint venture earth stations were allocated between the jurisdictions based on Alascom's (not UUI's) separations factors.

48. We believe that for consistency in treatment, UUI should employ the same separations factor as Alascom for its portion of the earth station costs. We believe that the change in allocation factor to UUI would not prove a hardship since we also recommend that UUI be allowed to phase-in the separations factor change and to participate in the Alaska Fund described in the transition section of this order. We seek comments on this aspect of our recommendation.

VI. Transition Mechanisms

A. JSA Termination

49. Taken as a whole, our recommendation is designed to create an open and competitive market in Alaska without threatening intrastate rates or disrupting interstate toll service and integrated rates. It is, however, desirable to provide a transition period for Alascom during which it can focus on the network and administrative reorganizations that will be necessary when it no longer is assured full revenue requirement recovery, as it is now under the JSA. A transition period also would provide the time required for development of appropriate Alascom tariffs and for implementation of certain transition mechanisms. Therefore, we propose that the JSA be continued for a period of three years after the Commission approves the new market structure, including effective transition mechanisms. We believe that this, together with the implementation of other transition mechanisms we propose in this Order, will also give Alascom a reasonable opportunity to adjust and reduce its operating costs to a level that will enable it to offer competitively priced Alascom Common Carrier Services and to offer competitively priced interstate MTS if it eventually chooses to engage in that business.[50]

50. We seek comments on our tentative recommendation to continue the JSA for a three-year period as part of our market structure and on whether any changes to the terms of the JSA are necessary to accomplish our goals and implement the recommended market structure. We are also interested in comments regarding the feasibility of

[44] Numerous situations also exist where either microwave or radio links are employed to connect outlying villages with nearby earth stations.

[45] Various parties have recognized that if Alascom employed a non-mileage based factor similar to the LEC separations factor, its interstate circuit equipment allocator would decrease. This is demonstrated by the data filed by PTI where it is shown that when applied to Alascom, the non-distance-sensitive allocator currently used by LECs yields an allocation of approximately 62% to the interstate jurisdiction. *See* Second Set of Responses from PTI, Inc. to Questions of the State Members of the Federal-State Joint Board (CC Docket No. 83-1376) Posed Apr. 21, 1992 (Response dated May 8, 1992), Vol. 1, Tab i. Sixty-two percent is the average of the interstate percentages of relative use forecast by PTI for the years 1992 to 1997.

[46] We invite the parties to submit their estimates of the intrastate jurisdictional cost increase resulting from the change in frozen allocator from 86% to 75%.

[47] Changes in the separations factors applicable to other carriers are beyond the scope of this Joint Board. Consequently, our recommendation is applicable only to circuit equipment of Alaska carriers. Alaska is the only state where an extensive satellite system exists for the provision of interstate and intrastate long distance services. This separate treatment for Alaska would reflect the unique characteristics of the Alaska market.

[48] The Alaska Public Utilities Commission in its Annual Report to the Legislature for 1992, indicates that UUI had approximately 3,444 access lines and net plant of about $17 million during 1991. The Annual Report lists UUI as typically serving small Alaskan communities such as Akiak, Beaver, Chuathbaluk, and Eek.

[49] UUI's participation in the joint venture began in November, 1986. Comments of UUI, April 13, 1989 at 1.

[50] Alascom has vigorously argued that the services it would provide to IXCs after termination of the JSA should be classified as "access" services of the nature that local exchange carriers provide to IXCs. (*See* Alascom Comments, December 18, 1992 at 10-13 and Alascom Reply Comments, January, 15, 1993 at 23-29). Whether Alascom exits the interstate MTS market or not, Alascom will not become a local exchange carrier by virtue of elimination of the JSA.

terminating the JSA immediately upon the implementation of our market structure proposal and associated transition mechanisms and how this would affect the technical aspects of our tentative recommendation.[51] We seek comments as well on all other transitional mechanisms proposed in Section VI.

B. Alascom Common Carrier Services

51. As previously stated, we tentatively recommend that Alascom be required to make its Alascom Common Carrier Services available to all IXCs pursuant to tariff, concurrent with termination of the JSA.[52] Even though the reduction of the current frozen allocator to the 75% level will occur over a 10 year period (as described below), Alascom would begin using the 75% level immediately under the JSA and in its future tariff filings. The difference between the 75% and the transitional level of the allocator would be recovered through the Alaska Fund as described below.

C. Separation Factor Transition

52. Our tentative recommendation that Alascom separate its costs by using the 75% circuit equipment allocator will give AT&T an immediate reduction in its cost of doing business in Alaska under the JSA that would shift revenue requirements to the intrastate jurisdiction. The small size of the Alaskan customer base from which this cost shift must be collected[53] makes it appropriate that this cost shift be phased-in over time. Consequently, we recommend that the interstate circuit equipment separations factor be reduced from current levels to 75% over 10 years. During the first three years of that 10-year period, the interstate separations factor would remain at current levels (about 86%). During the remaining seven years, the interstate separations factor would gradually be reduced to 75% in equal increments. These reductions simplify and facilitate the accelerated cost recovery aspect of our recommendation as discussed below. It would also reduce the level of unpredictability in the transition to the new market structure, thus easing development of the tariff system that is to replace the JSA and ensuring better control over all aspects of the transition. Perhaps most importantly, the gradual change in separations factors, co-joined with accelerated cost recovery, would tend to mitigate any cost shifts to the intrastate jurisdiction and reduce rates in both jurisdictions.

D. Alaska Fund

53. As previously stated, during the transition, the proportion of circuit equipment costs allocated to the interstate jurisdiction for Alascom should initially continue at the current frozen level and then be reduced to 75%. However, in balancing the objectives of providing a more competitive market in Alaska and ensuring universal service, we have concluded that the incremental interstate revenue requirement represented by this difference (*i.e.*, 86%–75%) in jurisdictional allocation should be recovered from all interexchange carriers, not just AT&T which would continue to be the primary purchaser of Alascom's tariffed services under the recommended transitional purchase obligation. Specifically, we propose that 75% of Alascom's total circuit equipment costs be recovered through Alascom's Common Carrier Services rates and the remaining amount, represented by the difference between 86% (*i.e.*, current interstate levels) and 75%, be recovered from a special temporary fund called the Alaska Fund, with charges assessed against IXCs providing service in the United States.

54. We tentatively recommend that the Alaska Fund be administered by the NECA[54] and that NECA file, on behalf of Alascom and UUI, a tariffed charge that will be applicable to, and assessed against, IXCs that contribute to the Universal Service Fund. We recommend that the charge be computed by NECA on a monthly basis by dividing one-twelfth of the projected annual Alaska Fund revenue requirement[55] by the number of presubscribed access lines in the United States.[56] Beginning on January 1, 1994, NECA would bill and collect the charge, and disburse on a monthly basis the revenue associated therewith, less reasonable administrative expenses, to Alascom and UUI.

55. We further tentatively recommend that Alascom, UUI, and the interexchange carriers that will be billed by NECA, be required to provide to NECA the data necessary to compute the charge. In the case of Alascom and UUI, these data would include account balances in the total circuit equipment category and would also include all associated other expenses, the revenue requirement total, the amount of revenue requirement to be recovered from the Fund, and well developed support materials that document the revenue requirement calculations.[57] Required information concerning the Alaska Fund would be filed with the NECA on June 30 and December 30 of each year, except for the first such submission, which would be filed on December 1, 1993.

56. The temporary Alaska Fund would be computed based upon the existing circuit equipment allocator for the first three years after the Commission adopts a final order establishing transition mechanisms. During the next seven years, Alascom's frozen circuit equipment allocator would start to phase-down to 75%.[58] The reduction in the circuit equipment factor would correspondingly reduce the Alaska Fund until the Fund is zero. The amount of monies phased-out of the Alaska Fund would be recovered through the state jurisdiction. We would expect that the anticipated intrastate

[51] For example, what modifications, if any, to the JSA would be needed to prevent duplication of cost recovery as a result of revenues from other sources (e.g., the Alaska Fund, Alascom tariffs) under our proposal. In addition, we note that it may well be possible to implement our transition mechanisms at an earlier date and terminate the JSA at that time.

[52] Alascom states it "has no objection to reselling its services to other IXCs." Alascom Comments, December 18, 1992 at 30.

[53] There are only about 269,000 main access lines statewide in Alaska. APUC Annual Report to the Legislature, Statistical Information, Fiscal Year 1992, 63.

[54] We further tentatively recommend that NECA be required to establish a separate, wholly owned corporation to administer this fund; and that no employee, agent, or director of NECA who is directly or indirectly affiliated with, or otherwise has any financial interest in, Alascom or its affiliates (including Pacific Telecommunications, Inc.) or UUI or its affiliates shall be involved, in any way, with the administration of this fund. We further recommend that, when the Alaska Fund terminates, the subsidiary corporation be dissolved and NECA be required to distribute all net assets remaining from the operation of that corporation to interexchange carriers who have contributed to the Alaska Fund. We further recommend that the distribution to each carrier be directly proportional to payments to the Alaska Fund and, upon dissolution, that NECA be required to provide independently audited statements of the operations of the subsidiary to Alascom, UUI and to each interexchange carrier that made a payment to the Alaska Fund. Unless the context indicates otherwise, the term "NECA" hereafter is synonymous with the subsidiary corporation.

[55] The projected Alaska Fund revenue requirement would include a projection of NECA's expenses of administering the Fund.

[56] Our intention in this regard is that Alaska Fund support obligations be apportioned among interexchange carriers in the same proportions that are used for Universal Service Fund obligations.

[57] For the purpose of computing this revenue requirement, we recommend that Alascom be required to utilize the lesser of the authorized interstate rate of return applicable to exchange carriers (currently 11.25%) or the intrastate rate of return authorized for switched traffic in Alaska unless Alascom, by clear and convincing evidence, is able to justify a different rate of return for its interstate operations.

[58] Beginning January 1, 1997, the current allocator would be reduced at the annual rate of one-seventh (1/7) of the difference between the current allocator and seventy-five (75) percent.

cost shift would be minimized by Alascom through improved efficiencies, cost cutting, increased demand, and accelerated cost recovery.

E. Accelerated Cost Recovery

57. As more fully explained below, we have concluded that an accelerated cost recovery mechanism is necessary to help reduce the cost shifts to the intrastate jurisdiction that might result under the proposed new market structure. Consequently, we have included this transition mechanism as an integral part of our tentative recommendation.

1.a. State Members' Plan

58. The State Members' Plan stated that Alascom built its network while competition did not exist and at a time when regulators' primary policy objective was to create an interexchange network capable of providing dependable and high quality service to remote locations in Alaska under adverse conditions. After compeition was introduced to the Alaska market, the JSA continued to insulate Alascom from competitive pressures by providing for a cost-plus reimbursement mechanism. To the extent that competitors' operations were developed without the influence of the cost-plus reimbursement from the JSA, without a historical requirement to build the first network under regulatory oversight, and without a requirement to serve statewide, those competitors may offer more attractive rates to AT&T and other interexchange carriers, thereby enticing intereexchange carriers to bypass Alascom.

59. To address these concerns, the State Members' Plan proposed that Alascom would be required to accelerate depreciation of its interstate and intrastate plant to reduce, but not eliminate, its rate base and associated expenses. The State Members reasoned that this would significantly reduce the threat of stranded plant and extreme cost shifts to the intrastate jurisdiction. Funding for the additional accelerated depreciation was to come from AT&T through three payments of at least $50 million each during the transition period. These payments, and the associated accelerated depreciation expense, would be an exclusive obligation of AT&T. AT&T funding of Alascom's accelerated cost recovery was designed to help minimize cost shifts to the intrastate jurisdiction. The accelerated depreciation would also reduce AT&T's Alsaka costs for services it purchases from Alascom in the future and would place Alascom in a more effective competitive posture.[59]

1.b. Positions of Parties

60. In its comments on the Master Agreement, the State of Alaska also suggested that an asset write-down would be an important element for meeting the policy objectives of jurisdictional revenue requirement neutrality and universal service.[60] The State of Alaska reasoned that the write-down would be justified by the increase in competition and the demise of the JSA, both of which would make Alascom's interexchange assets less productive and less valuable.

61. In its market structure proposal, GCI had proposed that Alascom should accelerate depreciation of its interstate assets.[61] GCI stated that the use of accelerated depreciation would dramatically reduce Alascom's costs while compensating Alascom for its investment made in reliance upon the JSA.[62]

62. Alascom and AT&T each found the proposed accelerated cost recovery for Alascom to be objectionable. Alascom first argued that it is arbitrary and capricious to justify this action on the basis that there are disincentives for economic efficiency.[63] According to Alascom, investments must first be found to have been imprudent as a prerequisite to compelling a write-down.[64] Second, it argued that the State Members' Plan would make Alascom incapable of providing universal service that meets present standards and quality.[65] Alascom also stated that the constitutional claims of confiscation that it raised with respect to GCI's proposed write-down applied with equal force to the State Members' Plan.[66] Finally, it challenged the legal basis for applying accelerated depreciation to both its intrastate and interstate plant.[67]

63. AT&T claimed that the requirement that it alone fund the accelerated cost recovery raised a serious issue of unconstitutional taking, given its belief that under the JSA it had already paid for much of the plant that would be written down.[68] Further, AT&T posited that it is inequitable to place this financial responsibility on AT&T, given that Alascom alone made investment decisions without any input from AT&T. AT&T also contended that the proposal would fall short of accomplishing the intended goals of accelerated cost recovery. Last, AT&T questioned the legal basis for compelling the use of accelerated cost recovery to Alascom's interstate and intrastate plant.[69]

64. GCI disputed the claims made by Alascom and AT&T. First, GCI argued that Alascom's calculations of the financial impact of the $150 million accelerated cost recovery were flawed because they inaccurately and improperly assumed the elimination of the frozen allocator for separating circuit equipment. GCI also noted that the accelerated cost recovery was designed to reduce, and not totally eliminate, Alascom's costs. Consequently, GCI stated that there could be some intrastate cost impact arising from the new market structure that was not mitigated by the accelerated cost recovery. GCI stated that the payments to fund accelerated cost recovery should not be viewed as related to the JSA, since termination of the JSA could be ordered via regulatory action without any concomitant compensation. If anything, in GCI's view, the payments should be considered as a reward to Alascom for any conceivable reliance interest it may have in the JSA. As to the requirement that AT&T fund the accelerated cost recovery, GCI stated that such an action would be fair in light of the enormous economic and operational benefits conferred on AT&T as a result of the JSA termination.[70]

2. Discussion

65. Our tentative recommendation would allow AT&T to achieve its ultimate objective of serving Alaska through its own facilities or in any other manner it chooses. However, we recognize that if AT&T were to immediately cease using Alascom's facilities, it could result in a significant increase in the intrastate revenue requirement. Cost shifts to the intrastate jurisdiction in excess of the amount resulting from the reduced interstate circuit equipment allocator would raise significant questions with respect to achievement of our revenue requirement neutrality goal. Therefore, we have

[59] State Members' Plan, November 5, 1992 at 20–21.

[60] These comments were offered in response to the MA. Alaska Comments, April 20, 1992 at 30–31.

[61] GCI Proposal, October 2, 1992 at ii.

[62] *Id.* 2.

[63] Alascom Comments, December 18, 1992 at 41–42.

[64] *Id.* at 42; Alascom Reply Comments, January 15, 1993 at 14 n. 14.

[65] *Id.* at 5–6.

[66] Alascom Reply Comments, January 15, 1993 at 14 n. 14.

[67] Alascom Comments, December 18, 1992 at 42, Attachment B at 22–23.

[68] AT&T Comments, December 18, 1992 at 6.

[69] AT&T Reply Comments, January 15, 1993 at 2.

[70] GCI Reply Comments, January 15, 1993 at 9.

concluded that an accelerated cost recovery mechanism should be used to ameliorate any cost shift as well as reduce Alascom's costs so that Alascom may better adapt to the proposed new market structure.

66. The arguments raised by AT&T and Alascom in opposition to the proposal for accelerated cost recovery funded by AT&T appear to have little merit. Alascom's argument that there must first be a finding of imprudence before accelerated cost recovery could be ordered is not accurate. Accelerated cost recovery could be implemented, for example, by prescribing higher depreciation rates and shortened service lives. The authority to accelerate cost recovery through depreciation rates, service lives, and charges for providing common carrier communication services has been given to the Commission and the Alaska Public Utilities Commission. The exercise of that authority presumes that the associated investment was prudent; there is no legal basis for approving recovery of depreciation expense for imprudent investment.

67. Not only is accelerated cost recovery through depreciation within the authority of the Commission and the Alaska Public Utilities Commission but also may well be justifiable under the circumstances. A decision to terminate the JSA is likely to significantly affect Alascom's network and operations plant, and thus could warrant a re-examination of the prescribed depreciation rates in light of such a development.

68. In our view, Alascom's concerns about the financial impairment that it would experience with accelerated cost recovery appear to be misplaced. Any financial impairment that Alascom perceives relates not to the use of accelerated cost recovery but, instead, to the elimination of the guaranteed revenue source (*i.e.*, AT&T) to which it has likely grown accustomed under the JSA.[71] However, the changed circumstances in the Alaska market no longer make it feasible to perpetuate the JSA.

69. Alascom's constitutional claims of confiscation raised with respect to GCI's proposed accelerated cost recovery plan also are inapplicable to the State Members' proposal. Whereas GCI's proposal contemplated the funding of the accelerated cost recovery from payments made to Alascom from AT&T under the MA, the State Members' plan clearly stated that AT&T's accelerated cost recovery payments would be separate from, and in addition to, any other payments that AT&T must make.[72] In that regard, no argument can be sustained, therefore, that Alascom would be required to apply one payment to two purposes. Moreover, Alascom's argument rests on the improper assumption that it has a property interest in a continuation of the JSA. While the MA was structured to provide contractual compensation in conjunction with the termination of the JSA, we are not persuaded that Alascom can rightfully demand that this compensation be part of regulatory action terminating the JSA.

70. Alascom has been on notice since the inception of this proceeding that the arrangement requiring AT&T purchase of Alascom's services, along with other benefits under the terms of the JSA, was not likely to be permanent.[73] Alascom has also been on notice that AT&T has been an unwilling party to the JSA.[74] In fact, AT&T previously filed pleading requesting termination of the JSA, and argued that the JSA was violative of Section 201 of the Communications Act.[75] Clearly, the JSA continues only through regulatory assent. Any claim by Alascom of a right to the continuation of the JSA, as implied in its constitutional challenge, is not borne out by the record.[76]

71. AT&T's and Alascom's challenge to applying accelerated cost recovery for a plant that provides both interstate and intrastate services cannot lie under the Communications Act and Title 42 of the Alaska Statutes. For example, the FCC can prescribe depreciation charges for Alascom under the Communications Act,[77] and take cognizance of those charges in determining whether Alascom's interstate rates are unjust, unreasonable, or unreasonably discriminatory.[78] Similarly, the Alaska Public Utilities Commission is authorized to make a congruent determination for intrastate purposes.[79]

72. Moreover, Alascom and AT&T may conclude independently that it is in the best interest of the shareholders of both companies if Alascom were voluntarily to propose to reduce the value of its regulated telecommunications common carrier assets[80] in exchange for a lump sum payment, or series of payments. Such a proposal, if approved, would not only reduce Alascom's costs of providing service to intrastate ratepayers in Alaska but would also reduce the cost of providing interstate MTS to and from the State of Alaska and simultaneously make Alascom a more competitive source of supply to AT&T and other intrastate and interstate interexchange carriers.

73. In light of the considerations raised in this section, it is evident that some direct method to reduce Alascom's costs of operation through accelerated cost recovery must be an integral part of any transition to a new market structure. Accordingly, we direct AT&T and Alascom to provide either joint or separate implementation plan(s) discussing methodologies that might be employed to resolve this issue in a way that satisfies the concerns set forth above.[81] Without an acceptable solution to the accelerated cost recovery issue, it is unlikely that the Joint Board's five goals can be achieved. In that eventuality, this Joint Board is unlikely to recommend termination of the JSA with the other terms and conditions that have been previously described in this order.

F. AT&T Purchase Obligation

74. As previously stated, the potential for unforeseen jurisdictional revenue requirement shifts could be realized if AT&T immediately stopped using Alascom upon termination of the JSA. To further reduce this potential, we recommend that AT&T be required to purchase Alascom Common Carrier Services for all of AT&T's Alaska interstate MTS traffic during the first three years of transition to a new market structure.[82] In the four subsequent

[71] Under the JSA, AT&T is required to compensate Alascom for its interstate expenses, including accelerated depreciation expenses.

[72] State Members' Plan, Nov. 5, 1992 at 20 & n. 18.

[73] AT&T Comments, December 18, 1992 at 6.

[74] AT&T Supplemental Comments, March 12, 1990 at 5–6.

[75] See AT&T Petition for a Lawful Interim Division of Charges, November 6, 1987.

[76] *Id.* at pp. 5–8.

[77] 47 U.S.C. 220.

[78] 47 U.S.C. 201–202.

[79] Alaska Stat. § 42.05.471 (1992).

[80] We recommend that any accelerated cost recovery would apply to regulated plant used to provide service to the public; plant dedicated to providing service to specific customers and non-regulated plant would be excluded. Alaska Spur facilities would not be subject to accelerated cost recovery.

[81] AT&T and Alascom are requested to develop the necessary accounting procedures to implement this proposal. The implementation proposals should also include any special conditions, timing considerations, and waivers necessary to fully implement all aspects of the Joint Board's tentative recommendation.

[82] We have tentatively concluded that, pending termination of the JSA, AT&T should be obligated to carry all of its Alaska interstate MTS traffic on Alascom facilities as it does today. Thereafter, the amount of AT&T's traffic that must be placed on Alascom's system would decrease from 100% to 0% in four equal annual increments from the volume of MTS traffic that AT&T carried during the third year. However, we invite comment on whether AT&T carried obligation to use Alascom should be limited during any (or all) of these years, such as

years, after other transition mechanisms have been implemented, we recommend that this obligation be lessened and ultimately eliminated, by reducing the traffic that AT&T will be required to place on Alascom's facilities. This reduction would occur in equal increments or on a schedule proposed by the parties and accepted by the Commission. At the conclusion of the seventh year of transition, AT&T would no longer be obligated to use any Alascom facilities and may choose to self-provision or to use the services of another carrier or carriers to satisfy all its requirements for providing Alaska service. We have tentatively concluded that this condition is necessary to stave off the potential jurisdictional revenue requirement shift that could occur should AT&T immediately stop using Alascom's facilities.[83]

VII. Miscellaneous

A. Tariffs, Leases, and Contracts

75. Alascom must file interstate tariffs for its Alascom Common Carrier Services and its MTS with the Commission. We propose to recommend that any contracts or leases for use of Alascom or AT&T interstate services also must be filed for review by the Commission.

B. Alaska Spur

76. We further propose that Alascom shall make public and have on file with the Commission all contracts and agreements for interstate service on the Alaska Spur, including any technical standards that may be incident thereto. All contracts, agreements, and standards shall be subject to review by the Commission and to other requirements deemed applicable by the Commission.[84]

C. Monitoring

77. We tentatively recommend that the Commission obtain information to monitor progress in achieving the market structure described in this order. We tentatively conclude that most of the information needed to monitor progress in the Alaska market can be obtained from existing sources. For example, the Alaska Public Utilities Commission has information about intrastate rates in Alaska, and the CC Docket 80–286 Joint Board publishes a Comprehensive Monitoring Report on Telephone Service, including information on subscribership and penetration levels. In addition, as part of our proposed market structure proposal, NECA would be required to file tariffs for the Alaska Fund that would be useful in monitoring the charges to carriers from the Alaska Fund. To the extent that there are existing reporting requirements that provide the types of information needed to monitor the proposed market structure, it is possible that no new reporting requirements would be required. We request comments on this aspect of our proposal.

78. Parties providing comments on a monitoring program for the Alaska market structure should respond regarding: costs and benefits of establishing a monitoring reporting requirement, parties that should be required to report, information that should be included in the reporting requirement, frequency of reporting, and relative importance of specific information for monitoring the Alaska market. Parties should also comment on the availability of the recommended reporting items from existing reports.

VIII. AT&T Petition to Terminate the Joint Service Arrangement

79. On March 31, 1993, AT&T filed a Petition proposing a "Consumer Benefit Plan" to replace the JSA. The AT&T Consumer Benefit Plan proposes that the JSA be terminated immediately upon all regulatory approvals. At that time, AT&T would: (1) directly provide interstate MTS to and from Alaska at nationwide integrated rates; (2) eliminate bands 10 and 11 from its interstate tariff, thereby offering lower rates to Alaska interstate callers; (3) make available services and optional calling plans that Alascom does not currently offer; (4) construct a new fiber optic submarine cable between Alaska and the Lower 48 states and other facilities necessary to provide service; and (5) provide intrastate switched services in Alaska. AT&T states that its basic intrastate MTS rates would be equal to or lower than the lowest current Alascom or GCI standard MTS rates. AT&T would pledge not to raise its initial MTS rates for five years, except to pass through state-approved increases in intrastate access charges.

80. AT&T's Section 214 application for authority to provide service to and from Alaska indicates that initially AT&T would acquire capacity from carriers under tariff, supplemented as necessary by leasing or purchasing facilities.[85] Thereafter, AT&T states that it would construct the undersea cable system from the Pacific Northwest through Juneau to a point near Anchorage, and it may construct other facilities in Alaska substituting for, or adding to, the leased or purchased facilities. Until second stage facilities are in place to any given point, AT&T states that it would continue to obtain distribution and access services from Alascom and Alaska local exchange carriers under tariff. AT&T states that it would agree to subject itself to 214 requirements for withdrawal from providing southbound service from Alaska, even though it does not believe it should be subject to such requirements, and in addition to northbound service for which it is also subject to 214 requirements. AT&T's proposal assumes no change in separations. AT&T states that it would purchase Alascom services to originate and terminate calls to the bush, because of the prohibition against construction of duplicate earth stations in rural Alaska. AT&T states that it would begin to provide southbound service without preexisting customers, *i.e.*, AT&T would not purchase Alascom's interstate customer list.

81. AT&T states that it would implement its Consumer Benefit Plan if three conditions were granted: (1) Prompt termination of the JSA; (2) approval of AT&T's Section 214; (3) an order or assurance that Alascom will file nondiscriminatory interstate tariffs to permit AT&T and other IXCs to use Alascom's existing facilities to provide service from their Alaska POPs to the

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to a given percentage of AT&T's current traffic on the Alascom network and, if so, what base period should be used for this purpose.

[83] ATA and GCI comments to the State Members' Plan supported a must purchase requirement placed on AT&T. See ATA Comments, December 17, 1992 at 7–8; GCI Comments, December 18, 1992 at 20–22. ATA noted that this condition would guard against stranding significant Alascom investment and shifting jurisdictional cost shifts by as much as $25.7 million per year if AT&T bypassed Alascom facilities for terminating and originating interstate minutes for Anchorage, Juneau and Fairbanks. The State of Alaska recommended that after a five-year transition during which all of AT&T's interstate traffic would be carried on Alascom's network, AT&T would continue to be required to place 10% of its traffic on Alascom's network. See State of Alaska Comments, November 13, 1992, at iv. MCI and AT&T objected on the basis that Alascom should not be insulated against the potential for AT&T bypass and the concomitant stranded investment that would occur. See MCI Comments, December 18, 1992 at 2, 5; AT&T Comments, December 18, 1992 at 4–9, 12–3. Our principal reason for imposing this obligation on AT&T relates to universal service and jurisdictional revenue requirement neutrality and not protection of Alascom against the effects of competition. In fact, we have proposed that this obligation be imposed for only a limited time to allow competition to evolve in the Alaska market as expeditiously as possible without its evolution impeding achievement of our goals of universal service and jurisdictional revenue requirement neutrality.

[84] See Alascom Inc. Section 214 Application, Memorandum Opinion and Order, WPC—6520, May 13, 1991.

[85] AT&T's Section 214 application to service Alaska will be the subject of a separate proceeding instituted by the Commission.

points served by Alascom including the Bush; and (4) that Alascom's rates for providing such service to the Bush were based on direct costs.

IX. Ex Parte Rules

82. This proceeding involves broad policy issues and shall be treated as non-restricted for purposes of the Commission's *ex parte* rules. See 47 CFR 1.1200(a), 1.1206. *Ex parte* presentations are permitted, except during the Sunshine Agenda period, provided that they are disclosed as provided in Commission rules. See generally 47 CFR 1.1202, 1.1203, and 1.1206(a).

X. Regulatory Flexibility Act

83. We certify that the Regulatory Flexibility Act of 1980 does not apply to this proceeding because the proposed rule amendments, if promulgated, would not have a significant economic impact on a substantial number of small business entities, as defined by Section 601(3) of the Regulatory Flexibility Act. Alascom and AT&T, two of the three major entities that would be directly subject to the proposed tentative decision, are large corporations or affiliates of large corporations. Interexchange carriers that might be otherwise affected by the tentative decision are also large corporations or their affiliates. UUI, a provider of earth station facilities for the Alaska bush, is not considered a small entity because it is a monopoly provider of local exchange service. The Secretary shall send a copy of this Tentative Recommendation and Order Inviting Comment, including the certification, to the Chief Counsel for Advocacy of the Small Business Administration in accordance with ¶ 603(a) of the Regulatory Flexibility Act, Public Law 96–354, 94 Stat. 1164, 5 U.S.C. 601 *et seq* (1981).

XI. Implementation Plan and Comment Dates

84. This tentative recommendation and order requesting comments is intended to present, and seek comments on, the Joint Board's tentative recommendation on how to resolve the outstanding issues in this proceeding and provide a new interstate market structure for Alaska that is consistent with the objectives previously identified by this Joint Board. Accordingly, we require that AT&T and Alascom submit either a joint or separate detailed plan(s) describing how they would implement the proposed market structure specified in this tentative recommendation on or before June 7, 1993.

85. Interested parties may file individual or consolidated comments, and/or reply comments with respect to: (1) the Joint Board tentative recommendation; (2) the implementation plan filed by AT&T and Alascom in response to this tentative decision; and (3) the AT&T Consumer Benefit Plan. Comments shall be filed on or before June 28, 1993 and replies thereto on or before July 12, 1993. An original and five copies should be filed with the Secretary, Federal Communications Commission, 1919 M Street, NW., Washington, DC 20554. Additional copies should be sent to the following: six copies to Peggy Reitzel, Common Carrier Bureau, Federal Communications Commission, 1919 M Street, NW., Washington, DC 20554; and one copy to ITS, Inc. the Commission's contractor for public records duplication, 2100 M Street, NW., suite 140, Washington, DC 20037, (202) 857–3800. The AT&T petition and filings in response to this Tentative Recommendation and Order Inviting Comment, will be available for inspection and photoduplication in room 239, 1919 M Street, NW., Washington, DC 20554 (which is open from 9 a.m. to 4:30 p.m., Monday through Friday). Copies may also be obtained from ITS, Inc.

86. Petitions to reject, comments, informal comments, and replies on AT&T's Section 214 Application to serve the State of Alaska may be filed in the proceeding established to address AT&T's Section 214 application, and not here.

87. Parties should also send copies of filings to the following Alaska Joint Board Members and their staffs: Hon. Bruce Hagen, North Dakota Public Service Commission, State Capitol Building, Bismarck, North Dakota 58505; Hon. Susan M. Knowles, Alaska Public Utilities Commission, 1016 West 6th Avenue, suite 400, Anchorage, Alaska 99501; Hon. Dean J. "Joe" Miller, Idaho Public Utilities Commission, 472 West Washington, Boise, Idaho 83702; Hon. David Rolka, Pennsylvania Public Utilities Commission, P.O. Box 3265, Harrisburg, Pennsylvania 17105; Lorraine Kenyon, Alaska Public Utilities Commission, 1016 West 6th Avenue, suite 400, Anchorage, Alaska 99501; Eileen Benner, Idaho Public Utilities Commission, 472 West Washington, Boise, Idaho, 83702; Debra Kriete, Pennsylvania Public Utilities Commission, P.O. Box 3265, Harrisburg, Pennsylvania 17105; Ronald G. Choura, c/o Michigan Public Service Commission, 6545 Mercantile Way, P.O. Box 30221, Lansing, Michigan, 48910; Rowland Curry, Texas Public Service Commission, 7800 Shoal Creek Blvd. suite 400N, Austin, Texas 78757.

XII. Ordering Clauses

88. Accordingly, pursuant to Sections 1, 4, 5, 201–205, 214, 218, 403, and 410 of the Communications Act of 1934, as amended, 47 U.S.C. 151, 154, 155, 201–205, 218, 403, and 410 *It is ordered* that this Tentative Recommendation And Order Inviting Comment *is hereby adopted* to give notice of the tentative recommended decision described herein, and that interested parties may file comments and reply comments on this proposal;

89. *It is further ordered,* pursuant to Sections 1, 4, 5, 201, 202, 205, 218, 403, and 410, 47 U.S.C. §§ 151, 154, 155, 201, 202, 205, 218, 403, and 410, that AT&T and Alascom shall file, not later than June 7, 1993, either a joint or separate detailed implementation plan consistent with the tentative recommendation of the Joint Board discussed herein;

90. *It is further ordered* that interested parties may file individual or consolidated comments, and/or reply comments with respect to: (1) the Joint Board tentative recommendation: (2) the AT&T and Alascom implementation plan(s) filed in response to this tentative recommendation; and (2) AT&T's Petition to Terminate the Joint Service Agreement. Comments shall be filed on or before June 28, 1993, and replies thereto on or before July 12, 1993.

Federal Communications Commission.

William F. Caton,

Acting Secretary.

[FR Doc. 93–12709 Filed 5–28–93; 8:45 am]

BILLING CODE 6712–01–M

GENERAL SERVICES ADMINISTRATION

Multiple Award Federal Supply Schedule Program

Notice is hereby given that the Office Supplies and Paper Products Commodity Center, Federal Supply Service, is developing technical requirements, which may state brand name or equal, for two Labels, NSN 7530–01–347–5209 and 7530–01–353–0916, and a Ribbon, NSN 7510–01–347–1464 currently supplied under Special Item Numbers (SINs) 342–400 (Labels) and 342–207 (Ribbons) of Multiple Award Federal Supply Schedule 75, Part II, Section A, which may be removed from the Schedule for competitive award. Upon their availability, the technical requirements will be made available to all interested parties for comment. Requests for the technical requirements should be

submitted to Mr. Martin Prince (Labels) and Mr. Galileo Orlando (Ribbons), Engineering and Commodity Management Division (2FYEE), 26 Federal Plaza, room 20–130, New York, NY 10278. Requests for the technical requirements should be made within thirty days from the date of this notice.

Dated: May 13, 1993.

Harold E. Murrell,

Director, Office Supplies and Paper Products Commodity Center (2FY).

[FR Doc. 93–12784 Filed 5–28–93; 8:45 am]

BILLING CODE 6820–24–M

Multiple Award Federal Supply Schedule

The General Services Administration, Office Supplies ad Paper Products Commodity Center, has reviewed two Labels, NSN 7530–01–347–5209 and 7530–01–353–0916, and a Ribbon, NSN 7510–01–347–1464, currently provided under Special Item Numbers (SINs) 342–400 (Labels) and 342–207 (Ribbons) on Multiple Award Federal Supply Schedule 75, Part II, Section A, for the purpose of possible method of supply conversion to procurement through competitive award. Comments regarding this matter may be directed to Ms. Colleen Pappas, Engineering and Commodity Management Division (2FYEM), 26 Federal Plaza, room 20–130, New York, NY 10278. Comments should be made within thirty days from the date of this notice and should address the potential impact on small business concerns.

Dated: May 13, 1993.

Harold E. Murrell,

Director, Office Supplies and Paper Products Commodity Center (2FY).

[FR Doc. 93–12788 Filed 5–28–93; 8:45 am]

BILLING CODE 6820–24–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Hospital Infection Control Practices Advisory Committee: Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), the Centers for Disease Control and Prevention (CDC) announces the following committee meeting.

Name: Hospital Infection Control Practices Advisory Committee.

Times and Dates: 8:30 a.m.–5 p.m., June 21, 1993. 8:30 am.–5 p.m., June 22, 1993. 8:30 a.m.–12:30 p.m., June 23, 1993.

Place: CDC, Auditorium B, 1600 Clifton Road, NE, Atlanta, Georgia 30333.

Status: Open to the public, limited only by the space available.

Purpose: The committee is charged with providing advice and guidance to the Secretary, the Assistant Secretary for Health, the Director, CDC, and the Director, National Center for Infectious Diseases (NCID), regarding the practice of hospital infection control and strategies for surveillance, prevention, and control of nosocomial infections in U.S. hospitals and updating of guidelines and other policy statements regarding prevention of nosocomial infections.

Matters to be Discussed: This is the third meeting of the Hospital Infection Control Practices Advisory Committee. The agenda will include review of an early draft of the proposed revision of the CDC Guideline for Prevention of Nosocomial Pneumonia, review of an early draft of the proposed revision of the CDC Guideline for Isolation Precautions in Hospitals, discussion of strategies to control highly resistant bacteria in U.S. hospitals, and an update on CDC activities of interest to the committee. Agenda items are subject to change as priorities dictate.

Contact Person for Additional Information: Julia S. Garner, R.N., M.N., Nurse Consultant, Hospital Infections Program, NCID, CDC, 1600 Clifton Road, NE., Mailstop A–07, Atlanta, Georgia 30333, telephone 404/639–1552.

Dated: May 25, 1993.

Elvin Hilyer,

Associate Director for Policy Coordination, Centers for Disease Control and Prevention (CDC).

[FR Doc. 93–12807 Filed 5–28–93; 8:45 am]

BILLING CODE 4160–18–M

Health Resources and Services Administration

National Practitioner Data Bank; Change in User Fee

The Health Resources and Services Administration (HRSA), Public Health Service (PHS), Department of Health and Human Services (DHHS), is announcing a change in the fee that is charged entities and individuals authorized to request information from the National Practitioner Data Bank (Data Bank).

The $6.00 user fee that has been in effect since May 1, 1991, was announced in the **Federal Register** on April 1, 1991 (56 FR 13389). That announcement indicated that the fee charged for authorized queries for information concerning an individual physician, dentist, or other health care practitioner would be reviewed periodically and revised as necessary, based upon experience. Any further changes in the fee, and the effective date of the change, would be announced in the **Federal Register.**

The Data Bank is authorized by the Health Care Quality Improvement Act of 1986 (the Act), title IV of Public Law 99–660, as amended (42 U.S.C. 11101 *et seq.*). Section 427(b)(4) of the Act authorizes the establishment of fees for the costs of processing requests for disclosure and of providing such information.

Final regulations at 45 CFR part 60 set forth the criteria and procedures for information to be reported to and disclosed by the Data Bank. Section 60.3 of these regulations should be consulted for the definition of terms used in this announcement. These regulations govern the reporting and disclosure of information concerning:

(1) Payments made for the benefit of physicians, dentists, and other health care practitioners as a result of medical malpractice actions or claims; and

(2) Certain adverse actions taken regarding the licenses, clinical privileges, and membership in professional societies of physicians and dentists.

Information in the Data Bank will be available to the following persons, entities, or their authorized agents:

(1) A hospital that requests information at the time a physician, dentist, or other health care practitioner applies for a position on its medical staff (courtesy or otherwise), or for clinical privileges at the hospital.

(2) A hospital that requests information concerning a physician, dentist, or other health care practitioner who is on its medical staff (courtesy or otherwise) or has clinical privileges at the hospital.

(3) A physician, dentist, or other health care practitioner who requests information concerning himself or herself.

(4) Boards of Medical Examiners or other State licensing boards.

(5) Health care entities which have entered or may be entering employment or affiliation relationships with a physician, dentist, or other health care practitioner, or to which the physician, dentist, or other health care practitioner has applied for clinical privileges or appointment to the medical staff.

(6) An attorney, or individual representing himself or herself, who has filed a medical malpractice action or claim in a State or Federal court or other adjudicative body against a hospital, and who requests information regarding a specific physician, dentist, or other health care practitioner who is also named in the action or claim. However, this information will be disclosed only upon the submission of evidence that

the hospital failed to request information from the Data Bank as required by § 60.10(a) of the regulations, and may be used solely with respect to litigation resulting from the action or claim against the hospital.

(7) A health care entity with respect to professional review activity.

(8) A Federal agency authorized to request information from the Data Bank. The agency must employ or otherwise engage under arrangement (e.g., such as a contract) the services of a physician, dentist, or other health care practitioner, or have the authority to sanction such practitioners covered by a Federal program and enter into a memorandum of understanding with DHHS regarding its participation in the Data Bank.

(9) A person or entity requesting information in a form which does not permit the identification of any particular health care entity, physician, dentist, or other health care practitioner.

A reassessment of the full operational costs related to processing requests for full disclosure of Data Bank information, as required by the DHHS Appropriations Act of 1993 (title II of Pub. L. 102–394), and the added capability of querying the Data Bank electronically, indicate that revenues generated through application of the $6.00 fee are not adequate to fund all allowable costs nor does it adequately reflect the cost differential between queries submitted on paper forms and those submitted electronically. The electronic query option is intended to facilitate the querying process and make it more efficient by reducing the paper burden associated with manual querying thus decreasing direct and indirect costs.

Accordingly, the Department is adjusting the user fee to add a $4.00 surcharge per query submitted on a paper form. This change will be effective July 1, 1993. All requests received on or after this date will be subject to the new fee.

The criteria set forth in § 60.12(b) of the regulations and allowable costs as required by the Appropriations Act of 1993 were used in determining the amount of this new fee. The criteria include such cost factors as: electronic data processing time, equipment, materials, computer programmers and operators or other employees; and preparation of reports—materials, photocopying, postage, and administrative personnel.

When a request is for information on one or more physician, dentist, or other health care practitioner, the appropriate total fee will be $6.00 (plus $4.00 surcharge for paper option query) times the number of individuals about whom information is being requested. For example, if a hospital submits an electronic request for information about each of the 30 physicians comprising its medical staff, the fee would be: $6.00×30=$180.00, or if the same hospital submits a *paper* request for information about each of the 30 physicians, the fee would be: ($6.00+$4.00)×30=$300.00.

The fee charged will be reviewed periodically, and revised as necessary, based upon experience. Any changes in the fee, and the effective date of the change, will be announced in the **Federal Register**.

Dated: May 25, 1993.

William A. Robinson,

Acting Administrator.

[FR Doc. 93–12826 Filed 5–28–93; 8:45 am]

BILLING CODE 4160–15–P

National Institutes of Health (NIH)

National Eye Institute; Meeting of the National Advisory Eye Council

Pursuant to Public law 92–463, notice is hereby given of the meeting of the National Advisory Eye Council (NAEC) on June 3, 1993, in Building 31C, Conference Room 9, National Institutes of Health, Bethesda, Maryland.

The NAEC meeting will be open to the public from 8:30 a.m. until approximately 11 a.m. on Thursday, June 3, 1993. Following opening remarks by the Director, NEI, there will be presentations by the staff of the Institute and discussions concerning Institute programs and policies. Attendance by the public at the open sessions will be limited to space available.

In accordance with provisions set forth in sections 552b(c)(4) and 552b(c)(6), title 5, U.S.C. and section 10(d) of Public Law 92–463, the meeting of the NAEC will be closed to the public from approximately 11 a.m. on Thursday, June 3 until adjournment for the review, discussion, and evaluation of individual grant applications. These applications and the discussions could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Ms. Lois DeNinno, Committee Management Officer, National Eye Institute, EPS, suite 350, 6120 Executive Boulevard, Rockville, Maryland 20892, (301) 496–5301, will provide a summary of the meeting, roster of committee members, and substantive program information upon request. Individuals who plan to attend and need special assistance, such as sign language interpretation or other reasonable accommodations, should contact Ms. DeNinno in advance of the meeting.

This notice is being published less than 15 days prior to the meeting because of the late decision to meet only one day instead of two days.

(Catalog of Federal Domestic Assistance Program No. 93.867, Vision Research: National Institutes of Health)

Dated: May 26, 1993.

Susan K. Feldman,

Committee Management Officer, NIH.

[FR Doc. 93–12891 Filed 5–28–93; 8:45 am]

BILLING CODE 4140–01–M

National Heart, Lung, and Blood Institute; Meeting

Pursuant to Public Law 92–463, notice is hereby given of the meetings of the following Heart, Lung, and Blood Special Emphasis Panels.

These meetings will be closed in accordance with the provisions set forth in section, 552b(c)(4) and 552b(c)(6), title 5, U.S.C. and section 10(d) of Public Law 92–463, for the review, discussion and evaluation of individual grant applications, contract proposals, and/or cooperative agreements. These applications and/or proposals and the discussions could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the applications and/or proposals, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Panel: NHLBI SEP on RFA for Cell and Molecular Biology of Megakaryocytopoiesis.

Dates of Meeting: June 14–15, 1993.

Time of Meeting: 7:30 p.m.

Place of Meeting: Marriott Suites, Bethesda, Maryland.

Agenda: To review and evaluate grant applications.

Contact Person: Dr. Jon Ranhand, 5333 Westbard Avenue, room 554, Bethesda, Maryland 20892, (301) 594–7439.

Name of Panel: NHLBI SEP on RFA for Expression of Tuberculosis in the Lung.

Dates of Meeting: June 21–22, 1993.

Time of Meeting: 7:30 p.m.

Place of Meeting: Marriott Suites, Bethesda, Maryland.

Agenda: To review and evaluate grant applications.

Contact Person: Dr. Jon Ranhand, 5333 Westbard Avenue, room 554, Bethesda, Maryland 20892, (301) 594–7439.

(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: May 24, 1993.

Susan K. Feldman,

Committee Management Officer, NIH.

[FR Doc. 93–12892 Filed 5–28–93; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Assistant Secretary for Public and Indian Housing

[Docket No. N–93–3557; FR–3412–N–04]

Funding Availability for the Urban Revitalization Demonstration; Announcement of OMB Approval Number

AGENCY: Office of the Assistant Secretary for Public and Indian Housing, HUD.

ACTION: Announcement of OMB approval number.

SUMMARY: This document announces approval by OMB of the information collection requirements contained in a Notice of Funding Availability for the Urban Revitalization Demonstration, for which applications were due on May 26, 1993.

EFFECTIVE DATE: The OMB approval number was granted on May 21, 1993 and is effective through December 31, 1993.

FOR FURTHER INFORMATION CONTACT: Janice D. Rattley, Director, Office of Construction, Rehabilitation and Maintenance, Department of Housing and Urban Development, 451 Seventh Street, NW., room 4138, Washington, DC 20410, telephone (202) 708–1800 (voice) [which is not a toll-free number], or (800) 877–TDDY (for hearing or speech impaired persons).

SUPPLEMENTARY INFORMATION: On March 29, 1993, the Department published a revised Notice of Funding Availability (NOFA) for the Urban Revitalization Demonstration (58 FR 16590). Under the heading of "Paperwork Reduction Act Statement," the preamble stated (at 16591) that when the Office of Management and Budget (OMB had completed its review of the information collections contained in the NOFA and assigned an OMB control number, a separate notice would be published in the **Federal Register.** This document is that separate notice.

The information collection requirements contained in the NOFA were submitted to OMB for review and approval under the Paperwork Reduction Act of 1980 (44 U.S.C. 3501–3520). On May 21, 1993, OMB approved the information collection requirements contained in the NOFA under control number 2577–0183, effective through December 31, 1993.

Although the March 29, 1993 NOFA stated that the deadline for applications was May 5, 1993, the Department published a notice on May 4, 1993 (58 FR 26556) extending the deadline for applications until May 26, 1993.]

Comments concerning the public burden of the application requirements should be submitted both to the Rules Docket Clerk, Department of Housing and Urban Development, 451 Seventh Street, SW., room 10276, Washington, DC 20410–0500; and to the Office of Management and Budget, Attention: Desk Officer for HUD, Washington, DC 20503.

Dated: May 26, 1993.

Brenda W. Gladden,

Acting Assistant General Counsel for Regulations.

[FR Doc. 93–12843 Filed 5–28–93; 8:45 am]

BILLING CODE 4210–33–M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

Ukiah District Advisory Council; Meeting

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of meeting, Ukiah, California, District Advisory Council.

SUMMARY: Pursuant to Public Law 94–579 and 43 CFR part 1780, the Ukiah District Advisory Council will meet in Arcata, California, June 23 and 24, 1993. The agenda will include a field tour of the Samoa Dunes Recreation Area and the Mad River Slough & Dunes Cooperative Management Area the first day, followed by BLM briefings and Council action as appropriate, the second day. Management areas and issues to be discussed, in addition to the Samoa Peninsula, will include Bioregional Planning in the Klamath Province, the Grass Valley Watershed Fisheries Enhancement Project, the Cow Mountain Recreation Area, and the Sacramento River. A complete agenda is available from the Ukiah BLM Office.

DATES: June 23, noon to 5 p.m., and June 24, 8 a.m. to 3 p.m. Public comment period, 11 a.m., June 24.

ADDRESSES: June 23, Field Tour, 12 p.m., depart from BLM Office, 1125 16th Street, Arcata. Public participation needs to be arranged ahead of time. June 24, Bureau of Land Management Office, 1125 16th Street, room 200, Arcata.

FOR FURTHER INFORMATION CONTACT: Barbara Taglio, Ukiah District Office, Bureau of Land Management, 555 Leslie Street, Ukiah, California 95482, (707) 462–3873.

SUPPLEMENTARY INFORMATION: All meetings of the Ukiah District Advisory Council are open to the public. Individual may submit oral or written comments for the Council's consideration. Opportunity for oral comments will be provided at 11 a.m. Thursday, June 24. Summary minutes of the meeting will be maintained by the Ukiah District Office and will be available for inspection and reproduction with 30 days of the meeting.

Dated: May 18, 1993.

Barbara J. Taglio,

Acting District Manager.

[FR Doc. 93–12812 Filed 5–28–93; 8:45 am]

BILLING CODE 4310–40–M

[NM–060–03–4110–01]

Change of Street Address

AGENCY: Bureau of Land Management, Interior.

ACTION: Change of street address (physical location).

SUMMARY: This notice sets forth the new street address of the Bureau of Land Management, Carlsbad Resource Area Office, Carlsbad, NM.

DATES: May 18, 1993.

FOR FURTHER INFORMATION CONTACT: Richard L. Manus, Area Manager, Carlsbad Resource Area Office, (505) 887–6544.

SUPPLEMENTARY INFORMATION: The Department of Interior's Bureau of Land Management, New Mexico State, Roswell District, Carlsbad Resource Area Office has moved to a new location. The new address is 620 E. Greene Street, Carlsbad, NM 88220.

Dated: May 21, 1993.

Leslie M. Cone,

District Manager.

[FR Doc. 93–12782 Filed 5–28–93; 8:45 am]

BILLING CODE 4310–FB–M

National Park Service

Little River Canyon National Preserve, AL; Boundary Description

Section 2(d) of the Act of Congress authorizing the establishment of the Little River Canyon National Preserve,

Public Law 102–427, dated October 21, 1992, provides for the publication in the **Federal Register** of a detailed description of the boundaries of the preserve.

Notice is given that said description has been prepared and is exhibited on a map entitled "Detailed Description, Little River Canyon National Preserve," numbered 152/80,002 and dated April, 1993 which is on file and available for inspection at the offices of the National Park Service, Department of the Interior, Washington, DC 20013–7127, and in the Land Resources Division, Southeast Regional Office, 75 Spring Street, SW., Atlanta, Georgia 30303.

Dated: April 20, 1993.

W. Thomas Brown,

Acting Regional Director, Southeast Region, National Park Service.

[FR Doc. 93–12844 Filed 5–28–93; 8:45 am]

BILLING CODE 4310–70–M

National Register of Historic Places; Notification of Pending Nominations

Nominations for the following properties being considered for listing in the National Register were received by the National Park Service before May 22, 1993. Pursuant to § 60.13 of 36 CFR part 60 written comments concerning the significance of these properties under the National Register criteria for evaluation may be forwarded to the National Register, National Park Service, P.O. Box 37127, Washington, DC 20013–7127. Written comments should be submitted by June 16, 1993.

Patrick Andrus,

Acting Chief of Registration, National Register.

INDIANA

Miami County

B–17G "Flying Fortress" No. 44–83690, Heritage Museum Foundation, off US 31., Grissom Air Force Base, 93000540

NEBRASKA

Cedar County

Meridian Bridge (Highway Bridges in Nebraska MPS), US 81 over the Missouri R., just S of Yankton, SD, South Yankton vicinity, 93000537

Lancaster County

Lincoln Army Air Field Regimental Chapel, 4601 NH. 48th St., Lincoln, 93000536

Pioneers Park, Jct of H. Van Dorn and Coddington Sts., Lincoln vicinity, 93000538

Nemaha County

Brownville Bridge (Highway Bridges in Nebraska MPS), US 136 over the Missouri R., Brownville, 93000536

Red Willow County

Second-Generation Norden Bombsight Vault (Significant Relic Components of US Army Air Fields in Nebraska MPS), Off US 83 NW of McCook at former McCook Army Air Base, McCook vicinity, 93000534

NEW JERSEY

Union County

Plainfield Civic District, Roughly, Watchung Ave. between E. Fifth and E. Seventh Sts., Plainfield, 93000533

NORTH CAROLINA

Moore County

Shaw House, 780 SW. Broad St., Southern Pines vicinity, 93000542

Wake County

Edenwood (Wake County MPS), 7620 Old Stage Rd., Garner vicinity, 93000544

Raleigh Banking and Trust Company Building, 5 W. Hargett St., Raleigh, 93000543

SOUTH CAROLINA

Aiken County

The Cedars, US 278, 0.3 mi E of SC 125, Beech Island vicinity, 93000539

TENNESSEE

Unicoi County

Clinchfield Depot, Jct. of Nolichucky Ave. and Union St., Erwin, 93000530

VERMONT

Addison County

Hamilton, John, Farmstead (Agricultural Resources of Vermont MPS). VT 125 W of Lemon Fair R., Bridgeport vicinity, 93000531

Caledonia County

Riverside, Lily Pond R. S of Lyndonville, Lyndonville vicinity, 93000532

VIRGINIA

Shenandoah County

Mount Jackson Historic District, Main, King, Gospel, Broad, Bridge, Race, Clifford, Tisinger and Wunder Sts. and Orkney Dr., Mount Jackson, 93000541.

[FR Doc. 93–12841 Filed 5–28–93; 8:45 am]

BILLING CODE 4310–70–M

Missouri National Recreational River Advisory Group

AGENCY: National Park Service, Department of the Interior.

ACTION: Notice of meeting.

SUMMARY: This notice sets the schedule for the forthcoming meeting of the Missouri National Recreational River Advisory Group. Notice of this meeting is required under the Federal Advisory Committee Act (Pub. L. 92–463).

Meeting Date and Time: June 16, 1993, 1:30–4:30 p.m.

ADDRESSES: Niobrara State Park Group Lodge, Niobrara, Nebraska.

Agenda topics include: final review and approval of the bylaws; discussion of administrative procedures; selection of vice-chair; an update from the National Park Service on projects administered from the Niobrara/Missouri Scenic Riverways office in O'Neill, Nebraska, including the status of the management plan for the Missouri Recreational River; future meeting schedules.

The meeting is open to the public. Interested persons may make oral/written presentation to the Commission or file written statements. Requests for time for making presentations may be made to the Superintendent prior to the meeting or to the Chair at the beginning of the meeting. In order to accomplish the agenda for the meeting the Chair may want to limit or schedule public presentations.

The meeting will be recorded for documentation and a summary in the form of minutes will be transcribed for dissemination. Minutes of the meeting will be made available to the public after approval by the Commission members. Copies of the minutes may be requested by contacting the Superintendent. An audio tape of the meeting will be available at the headquarters office of the Niobrara/Missouri National Scenic Riverways in O'Neill, NE.

SUPPLEMENTARY INFORMATION: The advisory commission was established by the law that established the Missouri National Recreational River, Public Law 102–50. The purpose of the group, according to its charter, is to advise the Secretary of the Interior on matters pertaining to the development of a management plan, and management and operation of the Recreational River.

Established May 24, 1991, the Missouri National Recreational River is the 39 mile free flowing segment of the Missouri from Fort Randall Dam to the vicinity of Springfield in South Dakota. No boundaries have yet been established and the Recreational River remains largely in private ownership. Work is underway on a general management plan that will delineate boundaries and establish management policies for the Recreational River. The advisory commission will have a role in reviewing the plan as it progresses.

FOR FURTHER INFORMATION CONTACT: Warren Hill, Superintendent, Niobrara/Missouri National Scenic Riverways, P.O. Box 591, O'Neill, Nebraska 68763–0591, (402) 336–3970.

Dated: May 13, 1993.
William W. Schenk,
Acting Regional Director.
[FR Doc. 93–12842 Filed 5–28–93; 8:45 am]
BILLING CODE 4310–70–P

DEPARTMENT OF JUSTICE

Consent Decree in Action Under the Comprehensive Environmental Response Compensation and Liability Act ("CERCLA")

In accordance with Department policy, 28 CFR 50.7, 38 Fed. Reg. 19029, and 42 U.S.C. 9622(d)(2), notice is hereby given that a Consent Decree in *United States* v. *DeSoto, Inc., et al.*, Civil Action No. 93–2144 was lodged with the United States District Court for the District of New Jersey on May 19, 1993. The Consent Decree addresses the hazardous waste contamination at the Swope Oil & Chemical Superfund Site ("Swope Site") in Pennsauken, New Jersey. The Consent Decree requires the defendants to implement the remedial action selected and cleanup standards set forth by the Environmental Protection Agency in the Record of Decision dated September 27, 1991 and the Scope of Work for the Swope Site. Additionally, the defendants are required to reimburse the United States for $1.3 million in U.S. EPA past costs at the Swope Site.

The Department of Justice will receive for a period of thirty (30) days from the date of this publication comments concerning the proposed Consent Decree. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, U.S. Department of Justice, P.O. Box 7611, Ben Franklin Station, Washington, DC 20044, and should refer to *United States* v. *DeSoto, Inc.* D.J. Ref. No. 90–11–2–798.

The proposed Consent Decree may be examined at any of the following offices: (1) The United States Attorney for the District of New Jersey, 401 Market Street, Fifth Floor, Camden, New Jersey, 08101 (contact Assistant United States Attorney Louis J. Bizarri); (2) the U.S. Environmental Protection Agency, Region II, 26 Federal Plaza, New York, New York, 10278 (contact Assistant Regional Counsel Patricia Hick); and (3) the Consent Decree Library, 1120 G Street, NW., 4th Floor, Washington, DC. Copies of the proposed Consent Decree may be obtained in person or by mail from the Consent Decree Library, 1120 G Street, NW., 4th Floor, Washington, DC 20005, telephone (202) 624–0892. For a copy of the Consent Decree please enclose a check in the amount of $21.50 (25 cents per page reproduction charge) payable to Consent Decree Library.

Myles E. Flint,
Acting Assistant Attorney General, Environment & Natural Resources Division.
[FR Doc. 93–12783 Filed 5–28–93; 8:45 am]
BILLING CODE 4410–01–M

DEPARTMENT OF LABOR

Employment and Training Administration

National Center for the Workplace; Availability of Funds; Extension of Closing Date

AGENCY: Employment and Training Administration, Labor.

ACTION: Notice of availability of funds and of solicitation for cooperative agreement applications (SCA); extension of closing date.

SUMMARY: On April 1, 1993, the Employment and Training Administration (ETA), Department of Labor, published a notice in the **Federal Register** announcing the availability of funds and a solicitation for cooperative agreement applications (SCA/DAA 93–001) for the purpose of establishing a National Center for the Workplace (Center), FR Doc. 93–7574. Due to the following clarifying revisions to SCA/DAA 93–001, ETA has determined to extend the closing date for receipt of proposals.

Section D.—Government's Requirement/Statement of Work is revised to clarify the requirements and stipulations of this section as follows:

1. Part I—Background: The first paragraph ending on page 6 is revised to add the following as the final sentence in the paragraph: "The Center's research should emphasize developing new knowledge rooted in field research and actual experiences in the workplace versus more theoretically oriented knowledge development."

2. Part II—Tasks, A.1; (page 7): The section is revised to add a new paragraph which reads: "The Center's organization should be congruent with a well-focused program of activities. The Center's consortium of higher education institutions should not be so extensive that this focus is lost, and management of the Center's activities made burdensome."

3. Part II—Tasks, B.4; (page 11): The section is revised to add a new organization to the scope of applicants' coordination plan requirements. The new organization is the Commission on the Future of Worker/Management Relations.

DATES: The closing date for receipt of proposals with respect to SCA/DAA 93–001, is July 9, 1993, 2 p.m., Eastern time. The solicitation for cooperative agreement application continues to be available. Requests must be made in writing to the address below. Telephone and telefacsimile (FAX) requests will not be honored. The request must cite SCA/DAA 93–001 and must include two (2) self-addressed labels. Requests will be honored on a first come, first served basis until the supply of 300 is exhausted. Any application not reaching the designated place, by the specified date, and time of delivery, will not be considered.

ADDRESSES: Mail your request for Solicitation of Cooperative Agreement (SCA) to: U.S. Department of Labor, Employment and Training Administration, Office of Grants and Contracts Management, Division of Acquisition and Assistance, 200 Constitution Avenue, NW., room S–4203, Washington, DC 20210, ATTENTION: Brenda Banks, Reference SCA/DAA 93–001.

FOR FURTHER INFORMATION CONTACT: Brenda Banks, Telephone: (202) 219–8702 (This is not a toll-free number).

SUPPLEMENTARY INFORMATION: The Employment and Training Administration, U.S. Department of Labor, will award one (1) grant at approximately $744,000 for the first eighteen (18) months of operation. Pending the availability of funds, effective grant operation, and the needs of the Department, the grant may be extended for an additional four (4) years at one year intervals.

Signed at Washington, DC, on May 20, 1993.

Robert D. Parker,
ETA Grant Officer.
[FR Doc. 93–12834 Filed 5–28–93; 8:45 am]
BILLING CODE 4510–30–M

National Workforce Assistance Collaborative; Availability of Funds; Extension of Closing Date

AGENCY: Employment and Training Administration, Labor.

ACTION: Notice of availability of funds and of solicitation for cooperative agreement applications (SCA); extension of closing date.

SUMMARY: On April 1, 1993, the Employment and Training Administration (ETA), Department of Labor, published a notice in the **Federal Register** announcing the availability of funds and a solicitation for cooperative agreement applications (SCA/DAA 93–

002) for the purpose of establishing a National Workforce Assistance Collaborative (Collaborative), FR Doc. 93–7573. On April 1, 1993, ETA also announced SCA/DAA 93–001, FR Doc. 93–7574, which is complementary to this solicitation because it will provide the initial research to be used by the Collaborative. ETA is extending SCA/DAA 93–001; therefore, it is necessary to extend SCA/DAA 93–002.

DATES: The closing date for receipt of proposals under SCA/DAA 93–002, is July 9, 1993, 2 p.m., Eastern time. The solicitation for cooperative agreement applications continue to be available. Requests must be made in writing to the address below. Telephone and telefacsimile (FAX) requests will not be honored. The request must cite SCA/DAA 93–002 and must include two (2) self-addressed labels. Requests will be honored on a first come, first served basis until the supply of 300 is exhausted. All applications not reaching the designated place, by the specified date, and time of delivery, will not be considered.

ADDRESSES: Mail your request for Solicitation of Cooperative Agreement (SCA) to: U.S. Department of Labor, Employment and Training Administration, Office of Grants and Contracts management, Division of Acquisition and Assistance, 200 Constitution Avenue, NW., room S–4203, Washington, DC 20210, ATTENTION: Reda Harrison, Reference SCA/DAA 93–002.

FOR FURTHER INFORMATION CONTACT: Reda Harrison, Telephone: (202) 219–8702 (This is not a toll-free number).

SUPPLEMENTARY INFORMATION: The Employment and Training Administration, U.S. Department of Labor, will award one (1) grant at approximately $650,000 for the first twelve (12) months of operation. Pending the availability of funds, effective grant operation, and the needs of the Department, the grant may be extended for an additional four (4) years at one year intervals.

Signed at Washington, DC, on May 20, 1993.

Robert D. Parker,

ETA Grant Officer.

[FR Doc. 93–12835 Filed 5–28–93; 8:45 am]

BILLING CODE 4510–30–M

Labor Surplus Area Classification Under Executive Orders 12073 and 10582; Addition to the Annual List of Labor Surplus Areas

AGENCY: Employment and Training Administration, Labor.

ACTION: Notice.

DATES: This addition to the annual list of labor surplus areas is effective June 1, 1993.

SUMMARY: The purpose of this notice is to announce an addition to the annual list of labor surplus areas.

FOR FURTHER INFORMATION CONTACT: Richard Hardin, Chief, Division of Planning, USES, Employment and Training Administration, 200 Constitution Avenue, NW., room N–4470, Attention: TEESS, Washington, DC 20210. Telephone: 202–219–5185.

SUPPLEMENTARY INFORMATION: Executive Order 12073 requires executive agencies to emphasize procurement set-asides in labor surplus areas. The Secretary of Labor is responsible under that Order for classifying and designating areas as labor surplus areas. Executive agencies should refer to Federal Acquisition Regulation part 20 (48 CFR part 20) in order to assess the impact of the labor surplus area program on particular procurements.

Under Executive Order 10582 executive agencies may reject bids or offers of foreign materials in favor of the lowest offer by a domestic supplier, provided that the domestic supplier undertakes to produce substantially all of the materials in areas of substantial unemployment as defined by the Secretary of Labor. The preference given to domestic suppliers under Executive Order 10582 has been modified by Executive Order 12260. Federal Acquisition Regulation part 25 (48 CFR part 25) implements Executive Order 12260. Executive agencies should refer to Federal Acquisition Regulation part 25 in procurements involving foreign businesses or products in order to assess its impact on the particular procurements.

The Department of Labor regulations implementing Executive Orders 12073 and 10582 are set forth at 20 CFR part 654, subparts A and B. Subpart A requires the Assistant Secretary of Labor to classify jurisdictions as labor surplus areas pursuant to the criteria specified in the regulations and to publish annually a list of labor surplus areas. Pursuant to those regulations the Assistant Secretary of Labor published the annual list of labor surplus areas on October 6, 1992. (57 FR 46050).

Subpart B of part 654 states that an area of substantial unemployment for purposes of Executive Order 10582 is any area classified as a labor surplus area under subpart A. Thus, labor surplus areas under Executive Order 12073 are also areas of substantial unemployment under Executive Order 10582.

The area described below has been classified by the Acting Assistant Secretary as a labor surplus area pursuant to 20 CFR 654.5(b)(48 FR 15615 April 12, 1983) and is effective June 1, 1993.

The list of labor surplus areas is published for the use of all Federal agencies in directing procurement activities and locating new plants or facilities.

Signed at Washington, DC on May 26, 1993.

Carolyn M. Golding,

Acting Assistant Secretary.

ADDITION TO THE ANNUAL LIST OF LABOR SURPLUS AREAS

[June 1, 1993.]

Labor surplus areas	Civil jurisdictions included
Pennsylvania:	
Mercer County	Mercer County.

[FR Doc. 93–12833 Filed 5–28–93; 8:45 am]

BILLING CODE 4510–30–M

Occupational Safety and Health Administration

National Advisory Committee on Occupational Safety and Health; Request for Nominations

AGENCY: Occupational Safety and Health Administration (OSHA), U.S. Department of Labor.

ACTION: Request for nominations.

SUMMARY: This Assistant Secretary of Labor for Occupational Safety and Health requests nominations for membership on the National Advisory Committee on Occupational Safety and Health. The Committee was established under section 7(a) of the Occupational Safety and Health Act of 1970 to advise the Secretary of Labor and the Secretary of Health and Human Services on matters relating to the administration of the Act.

Nominations will be accepted for 12 vacancies occurring in the following categories: Four public representatives; two management representatives; two labor representative; to occupational safety representatives; and two occupational health representatives. The terms for six members will be for one year and the terms for the remaining six members will be for two years. All interested person or organization may nominate one or more qualified persons for membership. Nominees should be identified by name, place of birth, occupation or position, address, and

telephone number. The category which the candidate would represent should be specified and a resume of the nominee's background, experience, and qualifications included. In addition, the nomination should state that the nominee is aware of the nomination and is willing to serve as a committee member for a two year term.

DATES: Nominations must be submitted no later than June 30, 1993. Nominations received after this date will not be considered.

ADDRESSES: Nominations should be submitted to Tom Hall, Division of Consumer Affairs, Office of Information and Consumer Affairs, Occupational Safety and Health Administration, room N–3647, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, DC 20210.

Signed at Washington, DC this 25 day of May, 1993.

David C. Zeigler,

Acting Assistant Secretary.

[FR Doc. 93–12832 Filed 5–28–93; 8:45 am]

BILLING CODE 4510–26–M

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

Records Schedules; Availability and Request for Comments

AGENCY: Office of Records Administration, National Archives and Records Administration.

ACTION: Notice of availability of proposed records schedules; request for comments.

SUMMARY: The National Archives and Records Administration (NARA) publishes notice at least once monthly of certain Federal agency requests for records disposition authority (records schedules). Records schedules identify records of sufficient value to warrant preservation in the National Archives of the United States. Schedules also authorize agencies after a specified period to dispose of records lacking administrative, legal, research, or other value. Notice is published for records schedules that (1) propose the destruction of records not previously authorized for disposal, or (2) reduce the retention period for records already authorized for disposal. NARA invites public comments on such schedules, as required by 44 U.S.C. 3303a(a).

DATES: Request for copies must be received in writing on or before July 16, 1993. Once the appraisal of the records is completed, NARA will send a copy of the schedule. The requester will be given 30 days to submit comments.

ADDRESSES: Address requests for single copies of schedules identified in this notice to the Records Appraisal and Disposition Division (NIR), National Archives and Records Administration, Washington, DC 20408. Requesters must cite the control number assigned to each schedule when requesting a copy. The control number appears in the parentheses immediately after the name of the requesting agency.

SUPPLEMENTARY INFORMATION: Each year U.S. Government agencies create billions of records on paper, film, magnetic tape, and other media. In order to control this accumulation, agency records managers prepare records schedules specifying when the agency no longer needs the records and what happens to the records after this period. Some schedules are comprehensive and cover all the records of an agency or one of its major subdivisions. These comprehensive schedules provide for the eventual transfer to the National Archives of historically valuable records and authorize the disposal of all other records. Most schedules, however, cover records of only one office or program or a few series of records, and many are updates of previously approved schedules. Such schedules also may include records that are designated for permanent retention.

Destruction of records requires the approval of the Archivist of the United States. This approval is granted after a thorough study of the records that takes into account their administrative use by the agency of origin, the rights of the Government and of private persons directly affected by the Government's activities, and historical or other value.

This public notice identifies the Federal agencies and their subdivisions requesting disposition authority, includes the control number assigned to each schedule, and briefly describes the records proposed for disposal. The records schedule contains additional information about the records and their disposition. Further information about the disposition process will be furnished to each requester.

Schedules Pending

1. Department of State, Bureau of Oceans and International Environmental and Scientific Affairs (N1–59–93–32). Routine and facilitative records relating to oceans and fisheries affairs.

2. Department of State, All foreign Service Posts (N1–84–93–10). Records relating to construction security.

3. Department of State, All Foreign Service Posts (N1–84–93–11). Reports generated by the Immigrant Visa Applicant Control System.

4. Department of the Treasury, Office of Thrift Supervision (N1–483–91–2). Comprehensive schedule for regional offices.

5. General Services Administration, Public Buildings Service (N1–121–91–1). Records of the Office of Real Property Management and Safety; comprehensive.

6. National Foundation on the Arts and Humanities, Institute of Museum Services (N1–288–93–1). Grant case files.

7. President's Committee on Manpower (N1–220–93–6). Training orientation packets, 1964–66.

8. Securities and Exchange Commission (N1–266–93–2). Postcards urging approval of the public sale of Tucker corporation stock, 1947.

Dated: May 19, 1993.

Trudy Huskamp Peterson,

Acting Archivist of the United States.

[FR Doc. 93–12813 Filed 5–28–93; 8:45 am]

BILLING CODE 7515–01–M

NUCLEAR REGULATORY COMMISSION

Advisory Committee on Reactor Safeguards; Meeting Agenda

In accordance with the purposes of sections 29 and 182b. of the Atomic Energy Act (42 U.S.C. 2039, 2232b), the Advisory Committee on Reactor Safeguards will hold a meeting on June 10–12, 1993, in room P–110, 7920 Norfolk Avenue, Bethesda, Maryland. Notice of this meeting was published in the Federal Register on April 28, 1993.

Thursday, June 10, 1993

8:30 a.m.—8.45 a.m.: Opening Remarks by ACRS Chairman (Open)—The ACRS Chairman will make opening remarks regarding conduct of the meeting and comment briefly regarding items of current interest. During this session, the Committee will discuss priorities for preparation of ACRS reports.

8:45 a.m.—10:15 a.m.: SECY–93–113, Additional Implementation Information for 10 CFR Part 54, "Requirements for Renewal of Operating Licenses for Nuclear Power Plants" (Open)—The Committee will review and comment on SECY–93–113 regarding additional implementation information for 10 CFR part 54. Representatives of the NRC staff and the industry will participate, as appropriate.

10:30 a.m.—11:30 a.m.: Public Comments on ALWR Severe Accident Performance (Open)—The Committee will hear a briefing by and hold discussions with representatives of the

NRC staff on a draft Commission paper regarding public comments on the 10 CFR part 50 Advance Notice of Proposed Rulemaking on Severe Accidents for Future LWRs as well as the staff's recommendation regarding major policy issues resulting from the resolution of public comments. Representatives of the industry will participate, as appropriate.

11:30 a.m.—12 Noon: Resolution of ACRS Recommendations (Open)—The Committee will discuss responses from the NRC Executive Director for Operations to recent ACRS comments and recommendations.

1 p.m.—2 p.m.: SECY–93–067, "Final Policy Statement on Technical Specifications Improvements" (Open)—The Committee will review and comment on the staff's proposed final policy statement on technical specifications improvements. Representatives of the NRC staff and industry will participate, as appropriate.

2 p.m.—3:30 p.m.:—Reactor Operating Experience (Open)—The Committee will hear a briefing by and hold discussions with representatives of the NRC staff regarding recent operating events involving computer malfunctions. Representatives of the industry will participate, as appropriate.

3:45 p.m.—4:30 p.m.:—Report of the Planning and Procedures Subcommittee (Open/Closed)—The Committee will hear a report of the Planning and Procedures Subcommittee on matters related to the conduct of ACRS business, including matters related to the status of appointment of new members, and organizational and personnel matters relating to ACRS staff members.

A portion of this session may be closed to public attendance pursuant to 5 U.S.C. 552b(c)(2) to discuss matters that relate solely to internal personnel rules and practices of this Advisory Committee and, pursuant to 5 U.S.C. 552b(c)(6), to discuss matters the release of which would represent a clearly unwarranted invasion of personal privacy.

4:30 p.m.—5:30 p.m.:—Preparation of ACRS Reports (Open)—The Committee will discuss proposed ACRS reports regarding items considered during this meeting.

Friday, June 11, 1993

8:30 a.m.—10 a.m.:—Risk-Based Regulation (Open)—The Committee will hear a briefing by and hold discussions with Dr. Vojin Joksimovich on risk-based regulation. Representatives of the NRC staff will participate, as appropriate.

10:15 a.m.—11:15 a.m.: Unauthorized Forced Entry at Three Mile Island, Unit 1 (Open)—The Committee will hear a briefing by and hold discussions with representatives of the NRC staff regarding the unauthorized forced entry into the protected area at Three Mile Island, Unit 1 that occurred on February 7, 1993. Representatives of the licensee will participate, as appropriate.

11:15 a.m.—12 noon: Preparation of ACRS Reports (Open)—The Committee will discuss proposed ACRS reports regarding items considered during this meeting.

1 p.m.—2 p.m.: Future ACRS Activities (Open)—The Committee will discuss topics proposed for consideration during future ACRS meetings.

2 p.m.—2:30 p.m.: Reliability of BWR Reactor Vessel Water Level Instrumentation (Open)—The Committee will hear a briefing by and hold discussions with Mr. Paul Blanch regarding his concerns associated with the reliability of BWR reactor Vessel water level instrumentation.

2:45 p.m.—4 p.m.: Preparation of ACRS Reports (Open)—The Committee will discuss proposed ACRS reports regarding items considered during this meeting.

4 p.m.—5 p.m.: Miscellaneous (Open)—The Committee will discuss miscellaneous matters related to the conduct of Committee activities and complete discussion of topics that were not completed during previous meetings as time and availability of information permit.

Saturday, June 12, 1993

8:30 a.m.—Close of Business: Preparation of ACRS Reports (Open)—The Committee will discuss proposed ACRS reports regarding items considered during this meeting.

Procedures for the conduct of and participation in ACRS meetings were published in the **Federal Register** on October 16, 1992 (57 FR 47494). In accordance with these procedures, oral or written statements may be presented by members of the public, recordings will be permitted only during those open portions of the meeting when a transcript is being kept, and questions may be asked only by members of the Committee, its consultants, and staff. Persons desiring to make oral statements should notify the ACRS Executive Director, Dr. John T. Larkins, as far in advance as practicable so that appropriate arrangements can be made to allow the necessary time during the meeting for such statements. Use of still, motion picture, and television cameras during this meeting may be limited to selected portions of the meeting as determined by the Chairman. Information regarding the time to be set aside for this purpose may be obtained by a prepaid telephone call to the ACRS Executive Director prior to the meeting. In view of the possibility that the schedule for ACRS meetings may be adjusted by the Chairman as necessary to facilitate the conduct of the meeting, persons planning to attend should check with the ACRS Executive Director if such rescheduling would result in major inconvenience.

I have determined in accordance with subsection 10(d), Public Law 92–463 that it is necessary to close portions of this meeting noted above to discuss information that involves the internal personnel rules and practices of the agency per 5 U.S.C. 552b(c)(2) and to discuss information the release of which would represent a clearly unwarranted invasion of personal privacy per 5 U.S.C. 552b(c)(6).

Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted can be obtained by a prepaid telephone call to the ACRS Executive Director, Dr. John T. Larkins (telephone 301–492–4516), between 8 a.m. and 4:30 p.m. EST.

Dated: May 25, 1993.

John C. Hoyle,

Advisory Committee Management Officer.

[FR Doc. 93–12816 Filed 5–28 –93; 8:45 am]

BILLING CODE 7590–01–M

Biweekly Notice; Applications and Amendments to Facility Operating Licenses Involving No Significant Hazards Consideration; Correction

AGENCY: Nuclear Regulatory Commission.

ACTION: Biweekly notice; correction.

SUMMARY: This document corrects a notice document appearing in the **Federal Register** on May 12, 1993 (58 FR 28050), that revises the Technical Specifications to conform to the wording of the revised 10 CFR part 20 and to reflect a separation of Chemistry and Radiation Protection responsibilities. This action is necessary to correct an erroneous date.

FOR FURTHER INFORMATION CONTACT: Michael T. Lesar, Chief, Rules Review Section, Rules Review and Directives Branch, Division of Freedom of Information and Publications Services, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555, telephone (301) 492–7758.

On page 28053, under the Consumers Power Company heading in the third column, the date of amendment request entry should read as follows:

Date of amendment request: March 4, 1993 as revised April 14, 1993.

Dated at Bethesda, Maryland, this 25th day of May 1993.

For the Nuclear Regulatory Commission.

Michael T. Lesar,

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

[FR Doc. 93–12815 Filed 5–28–93; 8:45 am]

BILLING CODE 7590–01–M

Issuance of Final Director's Decision Under 10 CFR 2.206

Notice is hereby given that the Director, Office of Nuclear Reactor Regulation (NRR), has issued a Final Director's Decision concerning a petition dated December 15, 1992. Issues raised by the Petitioners in earlier submittals dated July 21, August 12, and September 3, 1992, filed by the Nuclear Information and Resource Service et al., were addressed in a Partial Director's Decision (DD–93–03) dated February 1, 1993, where it was determined that no substantial health and safety issues had been raised. The December 15, 1992, submittal was treated as a supplement to the earlier filings. The Petitioners requested emergency relief in the form of immediate suspension of the operating licenses or construction permits of all nuclear plants that use the material Thermo-Lag as a fire barrier, until the Thermo-Lag is removed and replaced. Alternatively, the Petitioners requested that the NRC order each reactor licensee to remove and replace its Thermo-Lag during its next refueling outage, or before beginning operation.

By letter dated February 4, 1993, the Petitioners were informed that their December 15, 1992, request for emergency relief was denied and appropriate action would be taken on any new issues raised which had not been addressed in the Partial Director's Decision of February 1, 1993.

The December 15, 1992, petition was considered under the provisions of 10 CFR 2.206 of the NRC's regulations. Notice of receipt of the petition was published in the **Federal Register** on February 16, 1993 (58 FR 8637).

The Petitioners repeated a number of allegations of deficiencies concerning Thermo-Lag material raised in earlier petitions. These were fully addressed by the Partial Director's Decision, including failure of Thermo-Lag fire barriers during 1-hour and 3-hour fire endurance tests, deficiencies in procedures for installation, nonconformance with NRC regulations, the combustibility of the material, ampacity miscalculations, the lack of seismic tests, the failure to pass hose stream tests, the high toxicity of substances emitted from the ignited material, and that compensatory measures such as fire watches cannot substitute indefinitely for an effective fire barrier. The Petitioners also presented new allegations which were the focus of the Final Director's Decision, regarding the existence of voids and staples in the material, and possible errors in information provided by the manufacturer concerning the weight of Thermo-Lag as installed.

The Director has determined that, with respect to the new allegations, the Petitioners have not raised substantial health and safety issues and, therefore, the Petitioners' requests for enforcement action based on the December 15, 1992, petition should be denied for the reasons stated in the "Final Director's Decision Pursuant to 10 CFR 2.206" (DD–93–11), which is available for inspection and copying in the Commission's Public Document Room, 2120 L Street, NW., Washington, DC 20555 and in the Local Public Document Rooms for the facilities listed in the petition.

A copy of the Decision will be filed with the Secretary of the Commission for Commission review in accordance with 10 CFR 2.206(c). The Decision will become the final action of the Commission 25 days after issuance unless the Commission, on its own motion, institutes a review of the Decision within that time.

For the Nuclear Regulatory Commission.

Dated at Rockville, Maryland, this 23rd day of May 1993.

Thomas E. Murley,

Director, Office of Nuclear Reactor Regulation.

[FR Doc. 93–12814 Filed 5–28–93; 8:45 am]

BILLING CODE 7590–01–M

PEACE CORPS

Compliance With Privacy Act of 1974; Systems of records

AGENCY: Peace Corps of the United States.

ACTION: Notice of proposed system of records.

SUMMARY: In accordance with the Privacy Act of 1974, 5 U.S.C. 552a(e)(4), Peace Corps (PC) publishes this notice of a proposed new system of records, Office of Inspector General (OIG) Investigative Files and Records. The new system of records facilitates the OIG's ability to collect, maintain, use and disclose information in support of the OIG's investigative activities relating to Peace Corps programs and operations.

DATES: Comments must be received no later than July 1, 1993. A system report as required by 5 U.S.C. 552a(r) was filed with the Chairman, Committee on Governmental Affairs, United States Senate; the Chairman, Committee on Government Operations, House of Representatives; and the Administrator, Office of Information and Regulatory Affairs, Office of Management and Budget (OMB) on May 24, 1993. Pursuant to OMB Circular A–130, Appendix I, section 4b(4), a waiver of the 60-day advance notice requirement was requested from OMB.

ADDRESSES: Address comments to Legal Counsel, Office of Inspector General, Peace Corps, 1990 K Street NW., Washington, DC 20526. Comments received will be available for inspection at this location.

FOR FURTHER INFORMATION CONTACT: Jeffrey Rush, Jr., Acting Inspector General, Office of Inspector General, or Margaret E. Aira, Legal Counsel, Office of Inspector General, room 5300, 1900 K Street, NW., Washington, DC 20526. Telephone: (202) 606–3320. TDD (202) 606–1313 for party relay message. Copies of this notice may be obtained in an alternate format upon request.

SUPPLEMENTARY INFORMATION: The PC OIG was established by the Inspector General Act Amendments of 1988 (Pub. L. 100–504), amending the Inspector General Act of 1978 (5 U.S.C. App. 3). The OIG is an independent and objective unit established within the PC to promote economy, efficiency, and effectiveness in the administration of PC programs and operations and to detect and prevent fraud, waste, and abuse in such programs and operations. The proposed system of records will enable the PC OIG to carry out these statutory responsibilities.

Information maintained in the system of records will be accessed by name of individual or entity. Access will be restricted to authorize OIG staff members and other PC officials on a need-to-know basis as determined by the Inspector General. Special note should be taken of the Statement of General Routine Uses contained in the Preliminary Statement in the PC Notice of Systems of Records published in **Federal Register** on January 14, 1985 (50 FR 1950). The General Routine Uses provided for in the Preliminary Statement are incorporated by reference into the proposed system of records,

unless specifically limited in the system description.

In a separate notice published in the proposed rule section of today's issue of the **Federal Register**, the Peace Corps is also giving public notice of a proposed rule to amend 22 CFR part 308 to exempt this system of records from certain provisions of 5 U.S.C. 552a pursuant to subsections (j)(2) and (k)(2) of the same section. This proposed system of records will become effective 30 days after final publication of the proposed amendment to 22 CFR part 308. The effective date may be extended if OMB declines, in whole or in part, the Peace Corp's request to waive the 60-day advance notice period or comments are received which would result in a contrary determination.

Accordingly, the Peace Corp proposes to establish the following system of records:

PC–19

SYSTEM NAME:

Office of Inspector General Investigative Files and Records.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Office of Inspector General, Peace Corps, 1990 K street, NW., Room 5300, Washington, DC 20526.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

(A) Subjects of investigations or complaints, including (but not necessarily limited to) current and former PC employees (including foreign service nationals), trainees, and Volunteers; current and former experts, consultants, contractors and their employees; other parties doing business with the PC; and other individuals whose acts or omissions relate to alleged violations of any law or regulation which affects the integrity of operation or facilities of the PC.

(B) Witnesses, complainants, confidential or nonconfidential informants, suspects, or parties who have been identified by the OIG or by other agencies, and members of the general public as within the authorized function of the Inspector General.

CATEGORIES OF RECORDS IN THE SYSTEM:

Correspondence related to investigations: letters, memoranda and other documents describing or related to complaints of alleged criminal or administrative misconduct; information provided by subjects, witnesses, and governmental investigatory or law enforcement organizations; reports of investigation, including related affidavits, statements from witnesses, memoranda of interviews, transcripts of testimony taken in the investigation and accompanying exhibits; documents and records or copies obtained during the investigation; working papers of the staff, investigators' notes, and other documents and records relating to the investigation; information about criminal, civil, or administrative referrals; and opening reports, progress reports, and closing reports with recommendations for corrective action.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

The Inspector General Act of 1978, as amended (5 U.S.C. App. 3) and 5 U.S.C. 301.

PURPOSE(S):

Pursuant to the Inspector General Act of 1978, as amended, the system is maintained for the purposes of: (1) Conducting and documenting investigations by the OIG or other investigative agencies regarding PC programs and operations, both domestic and foreign, and reporting the results of investigations to other Federal agencies, other public authorities or professional organizations which have the authority to bring criminal or civil prosecutions, to take administrative actions, or to impose other disciplinary sanctions; (2) documenting the outcome of OIG investigations; (3) maintaining a record of the activities which were the subject of investigations; (4) reporting investigative findings to other PC offices for their use in operating and evaluating their programs, and in the imposition of civil or administrative sanctions; (5) coordinating relationships with other Federal, State and local governmental agencies, and nongovernmental entities in matters relating to the statutory responsibilities of the OIG; and (6) acting as a repository and source of information necessary to fulfill the reporting requirements of the Inspector General Act.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

1. A record in the system of records may be disclosed, as a routine use, to other agencies, offices, establishments, and authorities, whether federal, state, local, foreign, or self-regulatory (including, but not limited to, organizations such as professional associations or licensing boards), authorized or with the responsibility to investigate, litigate, prosecute, enforce, or implement a statute, rule, regulations, or order, where the record or information, by itself or in combination with other records or information;

(a) Indicates a violation or potential violation of law, whether criminal, civil administrative or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule, or order issued pursuant thereto, or

(b) Indicates a violation or potential violation of a professional, licensing, or similar regulation, rule or order, or otherwise reflects on the qualifications or fitness of an individual who is licensed or seeking to be licensed.

2. A record from the system of records may be disclosed, as a routine use, to any source, private or governmental, to the extent necessary to secure from such source information relevant to, and sought in furtherance of, a legitimate OIG investigation, inspection or audit.

3. A record from the system of records may be disclosed, as a routine use, to a Federal, State, local or foreign agency maintaining civil, criminal or other relevant enforcement information, or other pertinent records, if necessary to obtain information relevant to a PC decision concerning the assignment, hiring or retention of an individual, the issuance of a security clearance, or the letting of a contract.

4. A record from the system of records may be disclosed, as a routine use, to other agencies, offices or establishments of the executive, legislative, or judicial branches of the federal or state government:

(a) Where such agency, office, or establishment has an interest in the individual for employment purposes, including a security clearance or determination as to access to classified information, and needs to evaluate the individual's qualifications, suitability, or loyalty to the United States Government, or

(b) Where an agency, office or establishment conducts an investigation of the individual for purposes of granting a security clearance, or making a determination of qualifications, suitability, or loyalty to the United States Government or access to classified information or restricted areas, or

(c) Where the records or information in those records are relevant and necessary to a decision with regard to the hiring or retention of an employee or disciplinary or other administrative action concerning the employee, or

(d) Where disclosure is requested in connection with the award of a contract or other determination relating to a government procurement, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the record is relevant and necessary to the requesting agency's

decision on the matter, including but not limited to, disclosure to any Federal agency responsible for considering suspension or debarment action where such record would be germane to a determination of the propriety or necessity of such action, or disclosure to the United States General Accounting Office, the General Services Administration Board of Contract Appeals, or any other Federal contract board of appeals in cases relating to an agency procurement.

5. A record from the system of records may be disclosed, as a routine use, to the Department of Justice to the extent necessary for obtaining its advice on any matter relevant to an OIG investigation, audit, inspection, or other inquiry related to the responsibilities of the OIG, including advice concerning the accessibility of a record or information under the Privacy Act or Freedom of Information Act.

6. A record from the system of records may be disclosed, as a routine use, to a Congressional Office as described in General Routine Use number 7.

7. A record from the system of records may be disclosed, as a routine use, to the Office of Special Counsel where relevant and necessary to carry out its functions and relevant and necessary to carry out OIG operations to detect and prevent fraud, waste, and abuse.

8. In the event of litigation, a record from the system of records may be disclosed, as a routine use, to the Department of Justice, other counsel or representative for the PC, a court, adjudicative body (including but not limited to the Merit Systems Protection Board and Equal Employment Opportunity Commission), individual or entity designated by the OIG or PG to resolve disputes, and/or a potential witness where disclosure is relevant and necessary to the litigation and is compatible with the purpose for which the records were collected. Such a disclosure may be made in the event that one of the parties listed below is involved in the litigation, or has an interest in such litigation: (i) PC, or any component of the Agency; (ii) Any employee of PC in his or her official capacity; (iii) Any employee of PC in his or her individual capacity where the Department of Justice has agreed to represent the employee; or (iv) the United States, where PC determines that the litigation is likely to affect the Agency or any of its components.

9. A record from the system of records may be disclosed, as a routine use, to the Office of Management and Budget for the purpose of obtaining its advice regarding agency obligations under the Privacy Act, or in connection with the review of private relief legislation.

10. A record from the system of records may be disclosed, as a routine use, to debt collection contractors for the purpose of collecting delinquent debts as authorized by the Debt Collection Act of 1982, 31 U.S.C. 3718.

11. A record from the system of records may be disclosed, as a routine use, to independent auditors or other private firms with which the OIG has contracted to carry out an independent audit or investigation, or to analyze, collate, aggregate or otherwise refine data collection in the system or records, subject to the requirement that such contractors shall maintain Privacy Act safeguards with respect to such records.

12. A record from the system of records may be disclosed, as a routine use, to the U.S. Ambassador or his or her designee in host countries where the Peace Corps serves as described in General Routine Use number 9.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM: STORAGE:

The files consist of paper records maintained in folders and an automated database maintained on computer diskettes. The folders and diskettes are stored in locked metal file cabinets. The file cabinets are located in secured offices in the Office of the Inspector General.

RETRIEVABILITY:

The records are retrieved by the name of the subject of the investigation. The records are retrieved by manual or computer search of alphabetical indices or cross-indices. Indices list names and known addresses of individuals, companies, and organizations.

SAFEGUARDS:

The records are available only to those persons whose official duties require such access. The records are kept in limited access areas during duty hours and in locked file cabinets in locked offices at all other times.

RETENTION AND DISPOSAL:

Files containing information or allegations, which are of an investigative nature but do not relate to a specific investigation, are retained for a period of 5 years and then destroyed. All other investigative files are placed in inactive files when the case is closed. Closed case files are retained for 10 years and then destroyed, unless the record is deemed to have historical significance.

SYSTEM MANAGER AND ADDRESS:

Inspector General, Office of Inspector General, Peace Corps, 1990 K Street, NW., room 5300, Washington, DC 20526.

NOTIFICATION PROCEDURES:

Individuals seeking to determine whether this system of records contains information pertaining to themselves should write to the System Manager at the above address, furnishing his or her name, address, and social security number.

RECORD ACCESS PROCEDURES:

See Notification Procedures above.

CONTESTING RECORD PROCEDURES:

See Notification Procedures above.

RECORD SOURCE CATEGORIES:

Peace Corps and other Federal, State and local government records; interviews of witnesses; documents and other material furnished by nongovernmental sources. Sources may include confidential sources.

SYSTEM EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

In the proposed rulemaking notice section of today's **Federal Register** the Peace Corps has published a proposal to exempt the Office of Inspector General Investigative Files and Records from specified provisions of the Privacy Act, 5 U.S.C. 552a.

(a) Pursuant to, and limited by, 5 U.S.C. 552a(j)(2), the Peace Corps proposes to exempt the system of records maintained by the Office of Inspector from all the provisions of 5 U.S.C. 552a, except subsections (b), (c) (1) and (2), (e)(4) (A) through (F), (e) (6), (7), (9), (10), and (11), and (i), insofar as the system contains information pertaining to criminal law enforcement investigations.

(b) Pursuant to, and limited by, 5 U.S.C. 552a(k)(2), the Peace Corps proposes to exempt the system of records maintained by the Office of Inspector from the provisions of 5 U.S.C. 552a (d)(3), (d), (e)(1), (e)(4) (G), (H), and (I), and (f) insofar as it contains investigatory materials compiled for law enforcement purposes.

Dated: May 21, 1993.

Barbara B. Busch,

Acting Domestic Chief of Operations, Peace Corps of the United States.

[FR Doc. 93–12694 Filed 5–28–93; 8:45 am]

BILLING CODE 6051–01–M

SECURITIES AND EXCHANGE COMMISSION

Forms Under Review by Office of Management and Budget

Agency Clearance Officer—John J. Lane (202) 272–5407.

Upon written request copy available from: Securities and Exchange Commission, Office of Filings, Information and Consumer Services, Washington, DC 20549.

Extension

Rule 2a–7—File No. 270–258
Rule 15c3–1—File No. 270–197

Notice is hereby given that, pursuant to the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission ("Commission") has submitted for extension of OMB approval the following rules:

Rule 2a–7 under the Investment Company Act of 1940 (15 U.S.C. 80a–1, *et seq.*) ("1940 Act"). Rule 2a–7 exempts money market funds from the portfolio valuation provisions of the 1940 Act and permits them to value portfolio instruments by use of the amortized cost method or to compute current price per share by use of the penny-rounding method of pricing. Rule 2a–7 was adopted by the Commission in 1983 to codify standards that had been developed in a series of orders exempting money market funds from the pricing and valuation provisions of the 1940 Act.[1] The rule affects about 1,000 investment companies, each of which spend about 126 hours to comply.

Rule 15c3–1 under the Securities Exchange Act of 1934 (15 U.S.C. 78 *et seq.*) ("1934 Act"). Rule 15c–1 ensures that brokers and dealers maintain sufficient amounts of liquid assets to cover their current indebtedness. The rule facilitates monitoring the financial condition of securities brokers and dealers by the Commission and the various Self-Regulatory Organizations. It is anticipated that approximately 7,000 persons will spend a total of 1,162 hours complying with Rule 15c3–1.

The estimated average burden hours are made solely for purposes of the Paperwork Reduction Act and not derived from a comprehensive or even a representative survey or study of the costs of Commission rules and forms.

General comments regarding the estimated burden hours should be directed to Gary Waxman at the address below. Any comments concerning the accuracy of the estimated average burden hours for compliance with Commission rules and forms should be directed to John J. Lane, Associate Executive Director, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549 and Gary Waxman, Clearance Officer, Office of Management and Budget, (Paperwork Reduction Act Nos. 3235–0268 and 3235–0200), room 3208, New Executive Office Building, Washington, DC 20503.

Dated: May 24, 1993.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 93–12830 Filed 5–28–93; 8:45 am]

BILLING CODE 8010–01–M

[1] See Investment Company Act Release No. 13380 (July 11, 1983) [48 FR 32555 (July 18, 1983)].

[Investment Company Act Release No. 19488; 811–6679]

Dreyfus Arizona Municipal Bond Fund; Notice of Application

May 25, 1993.

AGENCY: Securities and Exchange Commission ("SEC").

ACTION: Notice of application for deregistration under the Investment Company Act of 1940 (the "Act").

APPLICANT: Dreyfus Arizona Municipal Bond Fund.

RELEVANT ACT SECTION: Order requested under section 8(f).

SUMMARY OF APPLICATION: Applicant seeks an order declaring that it has ceased to be an investment company.

FILING DATE: The application was filed on May 17, 1993.

HEARING OR NOTIFICATION OF HEARING: An order granting the application will be issued unless the SEC orders a hearing. Interested persons may request a hearing by writing to the SEC's Secretary and serving applicant with a copy of the request, personally or by mail. Hearing requests should be received by the SEC by 5:30 p.m. on June 21, 1993, and should be accompanied by proof of service on the applicant, in the form of an affidavit or, for lawyers, a certificate of service. Hearing requests should state the nature of the writer's interest, the reason for the request, and the issues contested. Persons may request notification of a hearing by writing to the SEC's Secretary.

ADDRESSES: Secretary, SEC, 450 Fifth Street, NW., Washington, DC 20549. Applicant, 144 Glenn Curtiss Boulevard, Uniondale, New York 11556–0144.

FOR FURTHER INFORMATION CONTACT: Diane L. Titus, Paralegal Specialist, at (202) 272–3023, or Barry D. Miller, Senior Special Counsel, at (202) 272–3018 (Division of Investment Management, Office of Investment Company Regulation).

SUPPLEMENTARY INFORMATION: The following is a summary of the application. The complete application may be obtained for a fee from the SEC's Public Reference Branch.

Applicant's Representations

1. Applicant is registered as an open-end, non-diversified management company under the Act and organized as a business trust under the laws of the Commonwealth of Massachusetts. On May 26, 1992, Applicant filed a Notification of Registration on Form N–8A pursuant to section 8(a) of the Act and a registration statement on Form N–1A under section 8(b) of the Act and under the Securities Act of 1933. Applicant's registration statement was not declared effective. Applicant has never made a public offering of its shares.

2. Pursuant to written consent dated as of May 11, 1993, the Applicant's Board determined that it was advisable and in the best interest of the Applicant that the Applicant terminate its existence as a Massachusetts business trust and liquidate its assets and that the proceeds from the liquidation of Applicant's shares be returned to the Applicant's sole shareholder, The Dreyfus Corporation, which purchased the shares to enable the Applicant to meet the net worth requirements of section 14(a) of the Act. Applicant has no other securityholders.

3. As of the date of this application, Applicant has no securityholders; no assets, debts or liabilities; and is not a party to any litigation or administrative proceeding. Applicant is neither engaged in nor proposes to engage in any business activities other than those necessary for the winding-up of its affairs.

For the SEC, by the Division of Investment Management, under delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 93–12829 Filed 5–28–93; 8:45 am]

BILLING CODE 8010–01–M

[Rel. No. IC–19487; No. 811–3761]

Shearson VIP Separate Account of First Capital Life Insurance Company—In Conservation

May 24, 1993.

AGENCY: Securities and Exchange Commission ("SEC" or "Commission").

ACTION: Notice of application for an order under the Investment Company Act of 1940 (the "1940 Act).

APPLICANT: Shearson VIP Separate Account of First Capital Life Insurance Company—In Conservation ("Applicant").

RELEVANT 1940 ACT SECTION: Order requested under section 8(f) of the 1940 Act.

SUMMARY OF APPLICATION: Applicant seeks an order declaring that it has ceased to be an investment company as defined by the 1940 Act.

FILING DATE: The application was filed on April 23, 1993.

HEARING OR NOTIFICATION OF HEARING: An order granting the Application will be issued unless the Commission orders a hearing. Interested persons may request a hearing by writing to the SEC's Secretary and serving Applicant with a copy of the request, personally or by mail. Hearing requests should be received by the SEC by 5:30 p.m. on June 18, 1993, and should be accompanied by proof of service on Applicant in the form of an affidavit or, for lawyers, a certificate of service. Hearing requests should state the nature of the requestor's interest, the reason for the request, and the issues contested. Persons may request notification of a hearing by writing to the Secretary of the SEC.

ADDRESSES: Secretary, Securities and Exchange Commission, 450 5th Street, NW., Washington, DC 20549. Applicant, c/o Michelle R. Hallsten, Esq., Orrick, Herrington & Sutcliffe, 555 Capitol Mall, Sacramento, California 95814; and Patrick W.D. Turley, Esq., Dechert Price & Rhoads, 1500 K Street, NW., Suite 500, Washington, DC 20005.

FOR FURTHER INFORMATION CONTACT: Yvonne M. Hunold, Senior Counsel, on (202) 272–2676, or Wendell Faria, Deputy Chief, on (202) 272–2060, Office of Insurance Products (Division of Investment Management).

SUPPLEMENTARY INFORMATION: Following is a summary of the application; the complete application is available for a fee from the SEC's Public Reference Branch.

Applicant's Representations

1. Applicant, a unit investment trust, filed a Notification of Registration and a Registration Statement pursuant to section 8(b) of the 1940 Act on June 2, 1983.

2. On June 2, 1983, Applicant filed its Registration Statement on Form S–6 (File No. 2–84183) ("Registration Statement") under the Securities Act of 1933 and registered an indefinite number of shares. Pre-Effective Amendments No. 1 and No. 2 to the Registration Statement were filed on August 10, 1983 and October 3, 1983, respectively. Applicant's Registration Statement became effective on October 19, 1983 and the initial public offering commenced immediately thereafter.

3. On December 31, 1992, Applicant Transferred all of its assets to Pacific Corinthian VIP Separate Account ("Pacific Corinthian VIP Separate Account") of Pacific Corinthian Life Insurance Company ("Pacific Corinthian") and ceased operations under applicable California law in accordance with the terms of: (a) An Agreement in Connection with the Rehabilitation of First Capital Life Insurance Company ("Rehabilitation Plan"), dated as of July 28, 1992, by and among John Garamendi, the Insurance Commissioner of California and statutory conservator ("Insurance Commissioner and Conservator") of First Capital Life Insurance Company ("First Capital") acting on behalf of First Capital, First Capital and Pacific Mutual Life Insurance Company ("Pacific Mutual"); and (b) the Amended and Restated Assumption Reinsurance Agreement ("Assumption Reinsurance Agreement"), and the Asset Purchase Agreement ("Asset Purchase Agreement"), each dated as of October 30, 1992, by and among the Insurance Commissioner and Conservator of First Capital acting on behalf of First Capital, First Capital, Pacific Mutual, and Pacific Corinthian (collectively, "Rehabilitation Agreements"). Until December 31, 1992, First Capital served as Applicant's depositor. No brokerage commissions were paid in connection with this transaction.

4. Under the terms of the Rehabilitation Agreements, all the variable annuity contracts funded by the Applicant were transferred to the Pacific Corinthian VIP Separate Account on December 31, 1992. Additionally, Applicant's security holders were given an option in August 1992 to "opt out" of the Rehabilitation Plan. Owners of variable annuity contracts who elected to opt out received 100% of the cash value of their separate account holdings, less applicable surrender charges. Owners of fixed contracts and the fixed component of the variable annuity contract who elected to opt out received 90% of the cash value of their general account holdings, less applicable surrender charges. Other than distributions made pursuant to hardship applications, no other distributions were made to Applicant's security holders in connection with the Rehabilitation Agreements.

5. Exhibit B to Applicant's application sets forth (a) all assets of Applicant Transferred on December 31, 1992 to Pacific Corinthian VIP Separate Account, and (b) for each of Applicant's subaccounts as of December 31, 1992, the number of units outstanding, and the aggregate and per unit asset values. There are no other classes of securities of the Applicant outstanding:

STATEMENT OF ASSETS AND LIABILITIES

[(Pre-Assumption) December 31, 1992 (in thousands, except per share and per unit amounts)]

Series	Shares	Net asset value per share	Cost	Asset value
Assets				
Investments:				
Shearson VIP Fund:				
Money Market	11,208	$1.00	$11,208	$11,208
Equity	5,691	14.39	74,140	81,902
Bond and Income	3,652	11.70	42,527	42,731
Gov't Securities	243	10.63	2,431	2,587
Directions Value	228	11.12	2,340	2,531
Equity Income	612	11.51	6,246	7,039

STATEMENT OF ASSETS AND LIABILITIES—Continued

[(Pre-Assumption) December 31, 1992 (in thousands, except per share and per unit amounts)]

Series	Shares	Net asset value per share	Cost	Asset value
Dreman Contrarian	1,447	11.67	14,299	16,885
Zweig Total Return	2,461	10.84	24,690	26,675
Dividends Receivable				482
Total Assets				192,040

LIABILITIES AND CONTRACT OWNER'S EQUITY

Variable account	Units outstanding	Unit value	Aggregate value
Contract Owner's Equity:			
Variable Account I, Money Market	6,843,695.292	$1.627784	$11,140.00
Variable Account II, Equity	26,687,310.347	3.043637	81,226.00
Variable Account III, Bond and Income	15,302,617.327	2.797700	42,812.00
Variable Account IV, Government Securities	1,758,323.740	1.479152	2,601.00
Variable Account V, Directions Value	1,890,939.592	1.340181	2,534.00
Variable Account VII, Equity Income	5,092,161.172	1.389059	7,073.00
Variable Account VIII, Dreman Contrarian	13,407,905.164	1.261637	16,916.00
Variable Account IX, Zweig Total Return	10,903,706.959	1.280192	26,761.00
Accounts Payable			977.00
			192,040.00

6. Applicant and the Pacific Corinthian VIP Separate Account bore their own respective expenses incurred in connection with the Rehabilitation Agreements. The expenses applicable to the transfer of the Applicant's assets consisted of certain accounting, administrative and legal expenses.

7. The Rehabilitation Plan and the related Rehabilitation Agreements were approved and authorized by the Insurance Commissioner of California as statutory conservator of First Capital in accordance with applicable California insurance law and approved by the Superior Court of the State of California for the County of Los Angeles. Accordingly, no articles of liquidation or similar documents were required to be filed with California.

8. Security holder authorization was not required to effect the transaction and Proxy materials were not required to be prepared or filed with the Commission.

9. Except for the transaction described herein, Applicant has not, within the last 18 months, transferred any of its assets to a separate trust, the beneficiaries of which were or are security holders of Applicant.

10. By virtue of the closing of the Assumption Reinsurance Agreement and the Asset Purchase Agreement on December 31, 1992, Applicant ceased to have at least one hundred persons who are beneficial owners of its shares and is not making and does not presently propose to make a public offering of its securities.

11. Applicant had no remaining assets and no debts or liabilities remain outstanding. Applicant is not a party to any litigation or administrative proceeding. There are no security holders of Applicant.

12. Applicant is not engaged, and does not propose to engage, in any business activities other than that necessary for the winding-up of its affairs.

13. All of Applicant's required N–SAR filings have been or will be made, and all N–SAR filings will continue to be made until the order requested herein has been issued by the Commission.

14. An application for an order of the Commission granting exemptive relief from Sections 2(a)(32), 2(a)(35), 17(a), 22(c), 26(a), 26(a)(2)(c), 26(a)(2)(d), 27(c)(1), 27(c)(2) and 27(d) of the 1940 Act and Rule 22c–1 thereunder, in connection with the transaction was filed on August 7, 1992 (File No. 812–8034) by the Pacific Corinthian VIP Separate Account to permit it to obtain the identical exemptive relief that Applicant and its predecessors previously had obtained. The order was issued by the Commission on September 24, 1992 (Release No. 18975).

Applicant's Legal Analysis

1. Section 3(c)(1) of the 1940 Act excludes from the definition of an investment company any issuer whose outstanding securities are beneficially owned by not more than 100 persons and that is not making and does not propose to make a public offering of its securities.

2. Applicant represents that it meets the conditions of section 3(c)(1) because (a) by virtue of the closing of the Assumption Reinsurance Agreement and the Asset Purchase Agreement on December 31, 1992, Applicant ceased to have at least one hundred persons who are beneficial owners of its shares; (b) it has no outstanding securities; (c) it is not making and does not propose to make a public offering of its securities; and (d) it has no assets. Applicant, therefore represents that it is no longer within the definition of an investment company set forth in section 3(c)(1) of the 1940 Act and has ceased to be an investment company within the meaning of section 8(f) of the 1940 Act.

3. Applicant, thus, requests an order pursuant to section 8(f) of the 1940 Act declaring that it has ceased to be an investment company.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 93–12787 Filed 5–28–93; 8:45 am]

BILLING CODE 8010–01–M

[Rel. No. IC–19492; 812–6776]

Westcore Trust, et al.; Notice of Application

May 25, 1993.

AGENCY: Securities and Exchange Commission ("SEC" or "Commission").

ACTION: Notice of application for exemption under the Investment Company Act of 1940 (the "Act").

APPLICANTS: Westcore Trust ("Westcore") and ALPS Mutual Funds Services, Inc. ("ALPS").

RELEVANT ACT SECTIONS: Exemption requested pursuant to section 6(c) from the provisions of sections 18(g), 18(f), and 18(i) of the Act.

SUMMARY OF APPLICATION: Applicants seek an order that would permit the creation, issuance, and sale of multiple classes of shares representing interests in some or all of applicants' existing and future investment portfolios. The classes would be identical in all respects except for class designation, the allocation of certain expenses, certain voting rights, and exchange privileges.

FILING DATES: The application was filed on June 25, 1987, and amended on July 10, 1989, May 28, 1992, November 13, 1992, and March 11, 1993. In letters dated April 27, 1993, and May 25, 1993, applicants' counsel has stated that an additional amendment will be filed, the substance of which is incorporated herein.

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 June 21, 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. Applicants, 600 17th Street, #1605 South, Denver, Colorado 80202.

FOR FURTHER INFORMATION CONTACT: Elaine M. Boggs, Staff Attorney, at (202) 272–3026, or Barry D. Miller, Senior Special Counsel, at (202) 272–3018 (Division of Investment Management, Office of Investment Company Regulation).

SUPPLEMENTARY INFORMATION: The following is a summary of the application. The complete application may be obtained for a fee at the SEC's Public Reference Branch.

Applicants' Representations

1. Westcore is a Massachusetts business trust registered under the Act as an open-end management investment company. Currently, Westcore offers twenty-one classes of shares representing interests in twenty separate investment portfolios.[1]

2. ALPS is the distributor and administrator for each Westcore portfolio. In the capacity of administrator ALPS generally assists in the operations of and provides certain services to Westcore and each of its portfolios. The portfolios have various advisors which are fully described in the application.

3. Applicants request that other investment companies for which ALPS, including Mariner Funds Trust and Mariner Mutual Funds Trust, acts or will act in the future as principal underwriter (collectively, with Westcore, the "Companies") be able to rely on the requested order in accordance with the representations and conditions as described in the application.[2]

4. Westcore proposes to offer an unlimited number of classes of new shares ("New Classes") in its existing and future investment portfolios. The New Classes might be offered (a) in connection with a plan or plans adopted pursuant to rule 12b–1 under the Act (the "Rule 12b–1 Plans"); (b) in connection with a non-rule 12b–1 administrative plan or plans (the "Administrative Plans"); and/or (c) in connection with the allocation of certain expenses that are directly attributable only to certain of such new or existing classes ("Class Expenses"). The Rule 12b–1 Plans and the Administrative Plans are collectively the "Plans."

5. With respect to each New Class, a portfolio could enter into a Rule 12b–1 Plan agreement and/or an a Administrative Plan agreement ("Plan Agreements") with groups, organizations, or institutions concerning the provision of certain services to the clients, members, or customers of such organizations who may beneficially own shares which are offered in connection with a particular class. A portfolio would pay an organization for its services and assistance in accordance with the terms of its particular Plan Agreement ("Plan Payments") and the expense of such payments would be borne entirely by the beneficial owners of the New Class of the portfolio to which each Plan Agreement relates.

6. Under an Administrative Plan, fees would be paid by a Company to one or more securities dealers, financial institutions, or other industry professionals ("Service Organizations") which are dealers or shareholders of record or which otherwise have a servicing relationship with the beneficial owners of shares for administrative services provided with respect to the shares.

7. The provision of services under the Plans would augment or replace (but not be duplicative of) the services provided to Westcore by its investment advisers, transfer agent, and distributor. Further, there would be no duplication of services or fees charged to a New Class subject to different Plans.

8. Westcore further currently intends to implement the above described relief initially with respect to one portfolio, the California Intermediate Tax-Free Fund, by offering two classes of shares designated as (a) retail shares, that may incur the additional expenses of a Rule 12b–1 Plan and/or Administrative Plan, plus certain additional Class Expenses that are attributable only to such class and (b) institutional shares, that will not incur expenses under any Plan but will incur Class Expenses that are directly attributable only to such class.

9. Westcore also plans to offer separate classes of shares for purchase by certain tax-exempt employee benefit and retirement plans ("Class R"). Shares of a Class R would be offered without imposition of sales charges and may be subject to fees under Administrative Plans and/or under Rule 12b–1 Plans. It is anticipated that Class R would generally bear the cost of additional fund accounting services, described

[1] The California Intermediate Tax-Free Fund currently has two classes of shares. However, applicants state that until an order is received the classes will be identical in all respects except for the class designations, and applicability of the sales load and exchange privilege. Westcore also recently filed an amendment to its registration statement to offer an additional portfolio, the Growth Fund, that has a single class of shares.

[2] The Mariner Funds Trust and Mariner Mutual Funds Trust are the only other investment companies for which ALPS acts as distributor. Mariner Funds Trust and Mariner Mutual Funds Trust have no present intention to rely on the exemptive order sought and therefore are not parties to the application.

below, required by tax-exempt employees benefit retirement plans which hold Class R shares for the benefit of their participants, and would either pay such costs directly as a Class Expense, or indirectly pursuant to Plan agreements with Service Organizations which provide such services. There would be no duplication of costs or fees charged to a Class R for such services, inasmuch as the services provided for a given share would either be paid directly by the Company as a Class Expense, or would be paid to a Service Organization pursuant to a Plan agreement, but not both.

10. Examples of the additional fund accounting services may include (a) preparation of quarterly and annual reports for tax-exempt employee benefit retirement plans which hold Class R shares for the benefit of their participants, which reports are in addition to the standard reports to Company shareholders; (b) preparation of quarterly and annual reports for the participants themselves, (often referred to as "subaccounting" for participants); (c) provision of other subaccounting services which may be required for participants, such as maintenance of daily account valuations for each participant, which would be in addition to the account valuation maintained for the plan, calculation and recordkeeping required for participant transactions such as loans, exchanges, and withdrawals from a plan; (d) provision of "source accounting" services, such as the maintenance of records for a participant of the date of contributions to a plan, and whether the contributions were "pre-tax" or "post-tax," for purposes of determining the tax consequences of distributions from the plan, which may vary depending on the date and circumstances of contributions; (e) assistance in the preparation of enrollment forms and other communications by the plan with its participants; (f) assistance with preparation of Internal Revenue Service filings relating to the plan required to be filed annually; and (g) assistance in complying with Internal Revenue Service regulations applicable to plans, such as nondiscrimination testing.

11. The additional accounting services for Class R might be performed by a Company's administrator or by another entity engaged by a Company or its administrator, and thus would generate "expense(s) of administrative personnel and services as required to support" Class R, as set forth in clause (E) in condition 1 below. In addition, certain of the foregoing services might be performed by a Company's transfer agent or other entity engaged by a Company or its transfer agent, and thus might generate "transfer agent fees identified by the transfer agent as being attributable to" Class R, as set forth in clause (A) in condition 1 below. Such costs would not include any costs other than those set forth in clauses (a)(i) and (ii) of condition 1 below, unless other costs are subsequently approved by the Commission pursuant to an amended order.

12. All shares of a portfolio, regardless of class, would have identical voting, dividend, liquidation, and other rights, preferences, powers, restrictions, limitations, qualifications, designations, and terms and conditions, except that: (a) Each New Class of shares would have different class designations; (b) each New Class of shares offered in connection with a Plan would bear the expense of the Plan Payments that would be made under the Plan Agreements that have been entered into with respect to such class; (c) each New Class of shares could also bear certain Class Expenses; and (d) only the holders of the class or class involved would be entitled to vote on matters pertaining to a Plan and any related agreements relating to such class or classes.

13. Expenses that could not be attributed directly to any one portfolio ("Company Expenses") would be allocated to each portfolio based on the relative net asset value of each portfolio or as otherwise determined under the supervision of its trustees. All shares representing interests in the same portfolio, however, would bear such portfolio's portion of Company Expenses, allocated to each of the portfolio's classes based on the relative net asset value of the portfolio's respective classes. Certain expenses may be attributable to a portfolio but not to one particular class ("Portfolio Expenses"). Shares representing interests in the same portfolio would bear Portfolio Expenses allocated, *pro rata*, to each of the classes to which such Portfolio Expenses are attributable, on the basis of the relative net asset value of the respective classes.

14. The gross income of each portfolio will be allocated among the portfolio's classes, *pro rata*, based on the relative net asset value of the portfolio's respective classes. Due to the Plan Payments and Class Expenses that may be borne by each class of shares, the net income of (and dividends payable to) each class may be different from the net income of the other classes of shares of the portfolio.

15. Shares in different classes within a portfolio might also have different exchange privileges. Such differences might be caused by the presence of different qualifying criteria which are applicable to shareholders of separate classes of a portfolio. For instance, a share of the institutional class of one portfolio, unlike a share of the retail class of that portfolio, might be exchangeable for a share of the Institutional class of another portfolio. Any exchange privilege will be limited to exchanges among portfolios that are part of the same group of investment companies, as defined in rule 11a–3 under the Act, and there would be no exchange privileges among classes of shares in the same portfolio of a Company.

Applicants' Legal Analysis

1. Applicants believe that by offering shares in connection with Plans and by also creating and offering shares independently of Plans, the portfolios may be able to achieve added flexibility in meeting the service and investment needs of shareholders and future investors.

2. Applicants are requesting an exemptive order to the extent that the proposed issuance and sale of shares representing interests in existing and future portfolios might be deemed: (a) To result in a "senior security" within the meaning of section 18(g) of the Act and to be prohibited by section 18(f)(1) of the Act; and (b) to violate the equal voting provisions of section 18(i) of the Act. Applicants believe that the proposed allocation of expenses and voting rights relating to the Plans in the manner described is equitable and would not discriminate against any group of shareholders.

3. The proposed arrangements described would not involve borrowings and would not affect the existing assets or reserves. Nor will the proposed arrangement increase the speculative character of the shares in a portfolio, since all shares will participate *pro rata* in all of the portfolios's income and all of the portfolio's expenses (with the exception of the proposed Plan Payments and Class Expenses). Applicants believe that the requested exemption is appropriate in the public interest and with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Applicants' Conditions

Applicants agree that any order granting the requested relief shall be subject to the following conditions:

1. Each class of shares will represent interests in the same portfolio of investments of a portfolio, and be identical in all respects, except as set forth below. The only differences

between the classes of shares of the same portfolio will relate solely to: (a) The impact of (i) expenses assessed to a class pursuant to a Plan, (ii) other Class Expenses which are limited to (A) transfer agent fees identified by the transfer agent as being attributable to a specific class of shares; (B) printing and postage expenses related to preparing and distributing materials such as shareholder reports, prospectuses and proxies to current shareholders; (C) blue sky registration fees incurred by a class of Shares; (D) SEC registration fees incurred by a class of shares; (E) the expense of administrative personnel and services as required to support the shareholders of a specific class; (F) litigation or other legal expense relating solely to one class of shares; and (G) directors'/trustees' fees incurred as a result of issues relating to one class of shares; and (iii) any other incremental expenses subsequently identified that should be properly allocated to one class and which are approved by the Commission pursuant to an amended order; (b) the fact that the classes will vote separately with respect to a portfolio's Plans; (c) the different exchange privileges of the classes of shares; and (d) the designation of each class of shares of a portfolio.

2. The directors/trustees of a Company, including a majority of the independent directors/trustees, will approve the offering of different classes of shares under the multi-class distribution system. The minutes of the meetings of the directors/trustees of the Fund regarding the deliberations of the directors/trustees with respect to the approvals necessary to implement a multi-class system will reflect in detail the reasons for the directors/trustees' determination that the proposed multi-class system is in the best interests of both the Company involved and its shareholders.

3. On an ongoing basis, the directors/trustees of a Company, pursuant to their fiduciary responsibilities under the Act and otherwise, will monitor each portfolio having a multi-class system for the existence of any material conflicts among the interests of the various classes of each portfolio. The directors/trustees, including a majority of the independent directors/trustees, shall take such action as is reasonably necessary to eliminate any such conflicts that may develop. The portfolio's investment adviser and distributor will be responsible for reporting any potential or existing conflicts to the directors/trustees. If a conflict arises, a portfolio's investment adviser and distributor at their own cost will remedy such conflict up to and including establishing a new registered management investment company.[3]

4. The initial determination of the Class Expenses that will be allocated to a particular class and any subsequent changes thereto will be reviewed and approved by a vote of the board of directors/trustees of a Company, including a majority of the independent directors/trustees. Any person authorized to direct the allocation and disposition of monies paid or payable by a Company to meet class expenses shall provide to the board of directors/trustees, and the directors/trustees shall review, at least quarterly, a written report of the amounts so expended and the purposes for which such expenditures were made.

5. Any Administrative Plan will be adopted and operated in accordance with the procedures set forth in rule 12b–1 (b) through (f) as if the expenditures made thereunder were subject to rule 12b–1, except that shareholders will not enjoy the voting rights specified in rule 12b–1.

6. The directors/trustees of a Company will receive quarterly and annual statements concerning distribution and shareholder servicing expenditures complying with paragraph (b)(3)(ii) of rule 12b–1, as it may be amended from time to time. In the statements, only expenditures properly attributable to the sale or servicing of a particular class of shares will be used to justify any distribution or servicing fee charged to that class. Expenditures not related to the sale or servicing of a particular class will not be presented to the directors/trustees to justify any fee attributable to that class. The statements, including the allocations upon which they are based, will be subject to the review and approval of the independent directors/trustees in the exercise of their fiduciary duties.

7. Dividends paid by a portfolio with respect to each class of its shares, to the extent any dividends are paid, will be calculated in the same manner, at the same time, on the same day, and will be in the same amount, except that Plan Payments relating to each respective class of shares and the Class Expenses relating to each class of shares will be borne exclusively by that class.

8. The methodology and procedures for calculating the net asset value and dividends and distributions of the various classes and the proper allocation of expenses among the classes has been reviewed by an expert ("Expert") who has rendered a report to the applicants, which has been provided to the staff of the Commission, that such methodology and procedures are adequate to ensure that such calculations and allocations will be made in an appropriate manner. On an ongoing basis, the Expert, or an appropriate substitute Expert, will monitor the manner in which the calculations and allocations are being made and, based upon such review, will render at least annually a report to the Company involved that the calculations and allocations are being made properly. The reports of the Expert shall be filed as part of the periodic reports filed with the Commission pursuant to sections 30(a) and 30(b)(1) of the Act. The work papers of the Expert with respect to such reports, following request by the Company involved (which the Company agrees to provide), will be available for inspection by the Commission staff upon the written request to the Company for such work papers by a senior member of the Division of Investment Management or a regional office of the SEC. Authorized staff members would be limited to the Director, an Associate Director, the Chief Accountant, the Chief Financial Analyst, an Assistant Director, and any Regional Administrators or Associate and Assistant Administrators. The initial report of the Expert is a "special purpose" report on the "design of a system" as defined and described in SAS No. 44 of the American Institute of Certified Public Accountants ("AICPA") and the ongoing reports will be "reports on policies and procedures placed in operation and tests of operating effectiveness" as defined and described in Statement of Auditing Standards No. 70 of the AICPA, as it may be amended from time to time, or in similar auditing standards as may be adopted by the AICPA from time to time.

9. Applicants have adequate facilities in place to ensure implementation of the methodology and procedures for calculating the net asset value and dividends and distributions of the various classes of shares and the proper allocation of expenses among the classes of shares and this representation will be concurred with by the Expert in the initial report referred to in condition (8) above and will be concurred with by the Expert, or an appropriate substitute Expert, on an ongoing basis at least annually in the ongoing reports referred to in condition (8) above. Applicants

[3] If a portfolio's adviser is a national bank, the obligations of such adviser to take such remedial action may be limited by applicable law, such as the Glass-Steagall Act, which has been interpreted to prohibit banks from acting as a sponsor or distributor of an open-end investment company. If the obligations of a portfolio's adviser are so limited, the distributor will assume the responsibility for complying with this condition.

will take immediate corrective measures if this representation is not concurred in by the Expert or appropriate substitute Expert.

10. The prospectus of each portfolio having a multi-class system will contain a statement to the effect that a salesperson and any other person entitled to receive compensation for selling or servicing portfolio shares may receive different compensation with respect to one particular class of shares over another in the same portfolio.

11. The distributor for any Company with a multi-class system will adopt compliance standards as to when each class of shares may appropriately be sold to particular investors. Applicants will require all persons selling shares of a class having a multi-class system to agree to conform to such applicable standards.

12. The conditions pursuant to which the exemptive order is granted and the duties and responsibilities of the directors/trustees of the Fund with respect to the multi-class system will be set forth in guidelines which will be furnished to the directors/trustees of a Company having a multi-class system.

13. Each portfolio having a multi-class system will disclose the respective expenses, performance data, distribution arrangements, services, fees, sales loads, deferred sales loads, and exchange privileges applicable to each class of shares in a portfolio in every prospectus relating to such portfolio, regardless of whether all classes of shares are offered through each prospectus. Each such portfolio will disclose the respective expenses and performance data applicable to all classes in a portfolio of shares in every shareholder report relating to such portfolio. To the extent any advertisement or sales literature describes the expenses or performance data applicable to any class of shares, it will also disclose the respective expenses and/or performance data applicable to all classes of shares. The information provided by applicants for publication in any newspaper or similar listing of any portfolio's net asset value and public offering price will present each class of shares separately.

14. Applicants acknowledge that the grant of the exemptive order requested by the application will not imply Commission approval, authorization, or acquiescence in any particular level of payments that the portfolio may make pursuant to a Plan in reliance on the exemptive order.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 93–12828 Filed 5–28–93; 8:45 am]

BILLING CODE 8010–01–M

DEPARTMENT OF TRANSPORTATION

Aviation Proceedings; Agreement Filed During the Week Ended May 21, 1993

The following of Agreements were filed with the Department of Transportation under the provisions of 49 U.S.C. 412 and 414. Answers may be filed within 21 days of date of filing.

Docket Number: 48809
Date filed: May 17, 1993
Parties: Members of the International Air Transport Association
Subject: TC1 Mail Vote 632—TC1 Resos Revalidation
Proposed Effective Date: August 1, 1993

Phyllis T. Kaylor,

Chief, Documentary Services Division.

[FR Doc. 93–12806 Filed 5–28–93; 8:45 am]

BILLING CODE 4910–62–M

Applications for Certificates of Public Convenience and Necessity and Foreign Air Carrier Permits Filed Under Subpart Q During the Week Ended May 21, 1993

The following Applications for Certificates of Public Convenience and Necessity and Foreign Air Carrier Permits were filed under subpart Q of the Department of Transportation's Procedural Regulations (See 14 CFR 302.1701 *et seq.*). The due date for Answers, Conforming Applications, or Motions to Modify Scope are set forth below for each application. Following the Answer period DOT may process the application by expedited procedures. Such procedures may consist of the adoption of a show-cause order, a tentative order, or in appropriate cases a final order without further proceedings.

Docket Number: 48814.
Date filed: May 21, 1993.
Due Date for Answer, Conforming Applications, or Motion to Modify Scope: June 18, 1993.
Description: Application of Northwest Airlines, Inc., pursuant to section 401 of the act and subpart Q of the Regulations applies for amendment to its certificate of public convenience and necessity for Route 604 to authorize Northwest to provide scheduled foreign air transportation of persons, property and mail between Los Angeles, California and Sydney, Australia.

Phyllis T. Kaylor,

Chief, Documentary Services Division.

[FR Doc. 93–12805 Filed 5–28–93; 8:45 am]

BILLING CODE 4910–62–M

DEPARTMENT OF THE TREASURY

Fiscal Service

[Dept. Circ. 570, 1992—Rev., Supp. No. 22]

Surety Companies Acceptable on Federal Bonds Change of Name; Atlantic Casualty and Fire Insurance Co.

Atlantic Casualty and Fire Insurance Company, a South Carolina corporation, has formally changed its name to Nobel Insurance Company, effective January 1, 1993. The Company was last listed as an acceptable surety on Federal bonds at 57 FR 29363, July 1, 1992.

A Certificate of Authority as an acceptable surety on Federal bonds, dated today, is hereby issued under sections 9304 to 9308 of title 31 of the United States Code, to Nobel Insurance Company, Columbia, South Carolina. This new Certificate replaces the Certificate of Authority issued to the Company under its former name. The underwriting limitation of $1,341,000 established for the Company as of July 1, 1992, remains unchanged until June 30, 1993.

Certificates of Authority expire on June 30, each year, unless revoked prior to that date. The Certificates are subject to subsequent annual renewal as long as the Company remains qualified (31 CFR part 223). A list of qualified companies is published annually as of July 1, in the Department Circular 570, which outlines details as to underwriting limitations, areas in which licensed to transact surety business and other information. Federal bond-approving officers should annotate their reference copies of the Treasury Circular 570, 1992 Revision, at page 29384 to reflect this change.

Questions concerning this notice may be directed to the Department of the Treasury, Financial Management Service, Funds Management Division, Surety Bond Branch, Washington, DC 20227, telephone (202) 874–7116.

Dated: May 24, 1993.

Charles F. Schwan III,

Director, Funds Management Division, Financial Management Service.

[FR Doc. 93–12789 Filed 5–28–93; 8:45 am]

BILLING CODE 4810–35–M

Sunshine Act Meetings

Federal Register
Vol. 58, No. 103
Tuesday, June 1, 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).

NUCLEAR REGULATORY COMMISSION

DATE: Wednesday, June 2, 1993.

PLACE: Commissioners' Conference Room, 11555 Rockville Pike, Rockville, Maryland.

STATUS: Public and Closed.

MATTERS TO BE CONSIDERED:

Wednesday, June 2

10:00 a.m.
Briefing on Progress of Design Certification Review and Implementation (Public Meeting)
(Contact: Dennis Crutchfield, 301–504–1159 or Richard Borchardt, 301–504–1193)

2:30 p.m.
Discussion of Management and Organization (Closed—Ex. 2)

Note: Affirmation sessions are initially scheduled and announced to the public on a time-reserved basis. Supplementary notice is provided in accordance with the Sunshine Act as specific items are identified and added to the meeting agenda. If there is no specific subject listed for affirmation, this means that no item has as yet been identified as requiring any Commission vote on this date.

To Verify the Status of Meeting Call (Recording)—(301) 504–1292.

CONTACT PERSON FOR MORE INFORMATION: William Hill (301) 504–1661.

Dated: May 26, 1993.

Andrew L. Bates,

Chief, Operations Branch, Office of the Secretary.

[FR Doc. 93–12923 Filed 5–27–93; 11:29 am]

BILLING CODE 7590–01–M

Corrections

Federal Register
Vol. 58, No. 103
Tuesday, June 1, 1993

This section of the FEDERAL REGISTER contains editorial corrections of previously published Presidential, Rule, Proposed Rule, and Notice documents. These corrections are prepared by the Office of the Federal Register. Agency prepared corrections are issued as signed documents and appear in the appropriate document categories elsewhere in the issue.

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 625

[Docket No. 930497-3097]

Summer Flounder Fishery

Correction

In rule document 93-10797 beginning on page 27214 in the issue of Friday, May 7, 1993, make the following correction:

§ 625.20 [Corrected]

On page 27215, in the second column, in § 625.20 (d)(3), in the table, in the entry for North Carolina, under the heading "Share (percent)", "27.44585" should read "27.44584".

BILLING CODE 1505-01-D

MERIT SYSTEMS PROTECTION BOARD

5 CFR Part 1201

Practices and Procedures

Correction

In rule document 93-11700 appearing on page 28917 in the issue of Tuesday, May 18, 1993, make the following correction:

PART 1201—[CORRECTED]

1. In the first column, in the **Authority** citation, in the first line, "5 U.S.C. 1024" should read "5 U.S.C. 1204".

2. In the same column, in the heading **Appendix II to Part 1021—Appropriate Regional Office for Filing Appeals**, "Part 1021" should read "Part 1201".

BILLING CODE 1505-01-D

federal register

Tuesday
June 1, 1993

Part II

Department of Health and Human Services

Food and Drug Administration

21 CFR Part 310
Smoking Deterrent Drug Products for Over-the-Counter Human Use; Rule

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 310

[Docket No. 81N–0027]

RIN 0905–AA06

Smoking Deterrent Drug Products for Over-the-Counter Human Use

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is issuing a final rule establishing that any smoking deterrent drug product for over-the-counter (OTC) human use is not generally recognized as safe and effective and is misbranded. Smoking deterrent drug products are intended to help individuals who want to stop smoking or to break the cigarette habit. FDA is issuing this final rule after considering public comments on the agency's proposed regulation, which was issued in the form of a tentative final monograph, and all new data and information on smoking deterrent drug products that have come to the agency's attention. This final rule is part of the ongoing review of OTC drug products conducted by FDA.

EFFECTIVE DATE: December 1, 1993.

FOR FURTHER INFORMATION CONTACT: William E. Gilbertson, Center for Drug Evaluation and Research (HFD–810), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–295–8000.

SUPPLEMENTARY INFORMATION: In the **Federal Register** of January 5, 1982 (47 FR 490), FDA published, under § 330.10(a)(6) (21 CFR 330.10(a)(6)), an advance notice of proposed rulemaking to establish a monograph for OTC smoking deterrent drug products, together with the recommendations of the Advisory Review Panel on OTC Miscellaneous Internal Drug Products (the Panel), which was the advisory review panel responsible for evaluating data on the active ingredients in this drug class. Interested persons were invited to submit comments by April 5, 1982. Reply comments in response to comments filed in the initial comment period could be submitted by May 5, 1982.

In accordance with § 330.10(a)(10), the data and information considered by the Panel, after deletion of a small amount of trade secret information, were placed on display in the Dockets Management Branch (HFA–305), Food and Drug Administration, rm. 1–23, 12420 Parklawn Dr., Rockville, MD 20857.

The agency's proposed regulation, in the form of a tentative final monograph, for OTC smoking deterrent drug products was published in the **Federal Register** of July 3, 1985 (50 FR 27552). Interested persons were invited to file by September 3, 1985, written comments, objections, or requests for oral hearing before the Commissioner of Food and Drugs regarding the proposal. Interested persons were invited to file comments on the agency's economic impact determination by October 31, 1985. New data could have been submitted until July 3, 1986, and comments on the new data until September 3, 1986. Final agency action occurs with the publication of this final rule on OTC smoking deterrent drug products.

In the **Federal Register** of July 17, 1986 (51 FR 25899), the agency published a notice reopening the administrative record from July 17, 1986 to September 3, 1986 to permit manufacturers to submit, prior to the establishment of a final rule, new data demonstrating the safety and effectiveness of those conditions not classified in Category I (monograph conditions). Interested persons were invited to submit comments on the new data on or before November 3, 1986. Data and information received after the administrative record was reopened are on display in the Dockets Management Branch.

In the preamble to the advance notice of proposed rulemaking on OTC smoking deterrent drug products (47 FR 490), the agency noted that the Panel's report on OTC smoking deterrent drug products did not contain any recommendations for Category I ingredients. However, the Panel proposed Category I labeling in the event that data were submitted that resulted in the upgrading of any ingredients to monograph status prior to the publication of a final rule. The data received by the agency in response to the advance notice of proposed rulemaking were not adequate to support monograph status for any ingredient. Therefore, in the preamble to the proposed rule on OTC smoking deterrent drug products (50 FR 27552 at 27553), the agency stated that in the event that new data submitted to the agency during the allotted 12-month comment and new data period were not sufficient to establish "monograph conditions" for OTC smoking deterrent drug products, the final rule would declare these products to be new drugs. In this final rule, no active ingredient has been determined to be generally recognized as safe and effective in OTC drug products intended for use as a smoking deterrent. Therefore, proposed part 357 (21 CFR part 357), subpart G for OTC smoking deterrent drug products is not being issued as a final regulation.

This final rule declares OTC drug products containing active ingredients for smoking deterrent use to be new drugs under section 201(p) of the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 321(p)), for which an application or abbreviated application (hereinafter called application), approved under section 505 of the act (21 U.S.C. 355) and 21 CFR part 314 is required for marketing. In the absence of an approved application, products containing drugs for this use also would be misbranded under section 502 of the act (21 U.S.C. 352). In appropriate circumstances, a citizen petition to establish a monograph may be submitted under 21 CFR 10.30 in lieu of an application.

This final rule amends 21 CFR part 310 to include drug products containing active ingredients for use as a smoking deterrent by adding new § 310.544 (21 CFR 310.544) to subpart E. The inclusion of OTC smoking deterrent drug products in part 310 is consistent with FDA's established policy for regulations in which there are no monograph conditions. (See, e.g., §§ 310.510, 310.519, 310.525, 310.526, 310.532, 310.533, and 310.534.) If, in the future, any ingredient is determined to be generally recognized as safe and effective for use in an OTC smoking deterrent drug product, the agency will promulgate an appropriate regulation at that time.

The OTC drug procedural regulations (21 CFR 330.10) provide that any testing necessary to resolve the safety or effectiveness issues that formerly resulted in a Category III classification, and submission to FDA of the results of that testing or any other data, must be done during the OTC drug rulemaking process before the establishment of a final monograph. Accordingly, FDA does not use the terms "Category I" (generally recognized as safe and effective and not misbranded), "Category II" (not generally recognized as safe and effective or misbranded), and "Category III" (available data are insufficient to classify as safe and effective, and further testing is required) at the final monograph stage. In place of Category I, the term "monograph conditions" is used; in place of Category II or III, the term "nonmonograph conditions" is used.

In the proposed rule for OTC smoking deterrent drug products (50 FR 27552),

the agency advised that it would provide a period of 12 months after the date of publication of the final monograph in the **Federal Register** for relabeling and reformulation of smoking deterrent drug products to be in compliance with the monograph. Although four manufacturers submitted data and information in response to the proposed rule in an effort to upgrade certain active ingredients, the data and information were not sufficient to support monograph conditions, and no monograph is being established at this time. Therefore, smoking deterrent drug products that are subject to this rule are not generally recognized as safe and effective and are misbranded (nonmonograph conditions). In the advance notice of proposed rulemaking (47 FR 490), the agency stated that the conditions for OTC smoking deterrent drug products that are not generally recognized as safe and effective and are misbranded would be effective 6 months after the date of publication of a final rule in the **Federal Register**. The agency is now adopting the Panel's recommendations that no active ingredient has been determined to be generally recognized as safe and effective for this use. Accordingly, no OTC drug monograph is being established for this class of drug products. Therefore, on or after December 1, 1993, no OTC drug products that are subject to this final rule may be initially introduced or initially delivered for introduction into interstate commerce unless they are the subject of an approved application. The agency is unaware of any smoking deterrent drug product that is the subject of an approved application. Any such drug product in interstate commerce after the effective date of this final rule that is not in compliance with the regulation is subject to regulatory action.

In response to the proposed rule on OTC smoking deterrent drug products, five manufacturers and one physician submitted comments. No requests were received for oral hearing before the Commissioner of Food and Drugs. Copies of the comments received are on public display in the Dockets Management Branch (address above). Additional information that has come to the agency's attention since publication of the proposed rule is also on public display in the Dockets Management Branch.

I. The Agency's Conclusions on the Comments

1. One comment requested that the definition of a smoking deterrent include reduction in smoking as a viable goal. The comment asserted that epidemiologic studies and empirical research on smoking-related pathology support reduction in smoking as being as valid a goal as cessation of smoking. The comment stated that medical documentation and research (Refs. 1 through 5) have shown that morbidity and mortality are directly related to the amount of cigarettes smoked; therefore, a reduction in smoking is a self-evident beneficial health measure.

In the advance notice of proposed rulemaking for OTC smoking deterrent drug products (47 FR 490 and 492), the Panel stated that "drugs which are purported merely to reduce smoking without the objective of stopping smoking entirely are a waste of the consumer's time and money because of rapid and virtually universal recidivism." Therefore, the Panel concluded that labeling claims of reduction in smoking rather than stopping (cessation) should be Category II (47 FR 496).

In the notice of proposed rulemaking (50 FR 27552 and 27553), the agency stated that recent reports in the literature (Refs. 6, 7, and 8) have indicated that reduction in smoking, or controlled smoking, should be considered as an alternative to abstinence, because of the generally disappointing outcomes of traditional abstinence-oriented smoking-treatment studies. The agency noted that evidence on the effect of controlled smoking on the health of the individual smoker has been contradictory. Some studies indicated that although smokers may reduce the number of cigarettes smoked or progressively switch to low nicotine-low tar (LN/LT) cigarettes, they inadvertently increase their puff volume, puff frequency, or depth of inhalation and thereby increase smoke-related health risks (Refs. 9 through 12). Other studies suggested that smokers who reduce the numbers of cigarettes or switch to LN/LT cigarettes do not compensate by increasing puff volume, frequency, or depth of inhalation (Refs. 6, 7, 8, 13, 14, and 15). Even so, there is insufficient evidence to show that a significant reduction in smoking will lead to cessation or that reduction will lower the health risks associated with smoking (Ref. 12). The agency stated that if sufficient evidence becomes available demonstrating that a reduction in smoking results in a significant health benefit to consumers or that reduction in smoking will lead to cessation, then well-controlled studies to establish the safety and efficacy of smoking deterrent drug products in reducing smoking will be needed. These studies should include appropriate objective measurements that account for compensatory behavior in smoking and should be of sufficient length so that the results are meaningful. Therefore, because of a lack of adequate data, the agency did not include smoking reduction claims in the tentative final monograph. The agency further stated that should sufficient data regarding reduction claims become available before the publication of the final monograph, the agency would consider including reduction in smoking claims in the final monograph. As discussed in comment 2, the only data submitted to support a reduction in smoking claim for OTC smoking deterrent drug products were found to be inadequate. The agency is aware of a recent study by Rennard et al. (Ref. 16) suggesting that short-term smoking reduction may be associated with an improvement in lower respiratory tract inflammation in heavy smokers. However, the authors noted that smokers who reduce smoking compensate for decreased numbers of cigarettes by smoking each more deeply and thoroughly. The authors also stated that caution must be exercised in interpreting the implications of the study. The authors noted that the data do not show unequivocal support for smoking reduction as a therapeutic strategy, but merely show improvement in subclinical lower respiratory tract inflammation. It is not known whether similar inflammatory changes and improvements with smoking reduction could be observed in lighter smokers. Stating that smoking reduction will never be a substitute for cessation, the authors conclude that a prospective double-blind investigation of the long-term results of smoking reduction techniques seems warranted.

Although the epidemiological studies submitted indicate that the effects of smoking are dose-related, i.e., the greater the dose the greater the adverse effect, they do not distinguish between populations with one level of exposure who later adopt another level (heavy or light). Some of the submitted studies have examined the cumulative dose, which is defined as the total number of cigarettes consumed in a lifetime, and its effects on mortality. Generally these studies have shown that the lower the overall dose, the lower the overall risk compared to those smokers who consume larger quantities of cigarettes. However, these epidemiological studies do not show that the reduction in health risks associated with smoking resulted from reduction of smoking alone (lower dose and fewer cigarettes smoked). Rather, the overall reduction results are reported as caused by one or all of

several factors, such as decrease in tar and nicotine content of cigarettes smoked, increase in number of years since smoking cessation, awareness of harmful effects of smoking, cessation of smoking, or a decline in individuals starting to smoke. Therefore, based on these studies, the agency cannot conclude that the health benefits reported result from a reduction in the number of cigarettes smoked per day per individual.

In the 1983 Surgeon General's report on "The Health Consequences of Smoking: Cardiovascular Disease," no evidence was found to suggest that any level of cigarette smoking is safe with regard to coronary heart disease risk (Ref. 17). The report mentions that studies have shown, however, that those who quit cigarette smoking experience a substantial decrease in coronary heart disease mortality and an improvement in life expectancy.

In the 1990 Surgeon General's report on "The Health Benefits of Smoking Cessation," one of the major conclusions was that smoking cessation has major and immediate health benefits for men and women of all ages (Ref. 18). Benefits apply to persons with and without smoking-related disease. No similar data were discussed that related to benefits resulting from reduction of smoking. As the agency stated in the tentative final monograph, as discussed above, if sufficient evidence is provided demonstrating that a reduction in smoking leads to cessation or results in a significant health benefit to consumers, the agency will consider reduction claims for smoking deterrent drug products.

References

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(2) Doll, R., and R. Peto, "Mortality in Relation to Smoking: 20 Years' Observations on Male British Doctors," *British Medical Journal*, 2:1525–1536, 1976.

(3) Kristein, M. M., "40 Years of U.S. Cigarette Smoking and Heart Disease and Cancer Mortality Rates," *Journal of Chronic Disease*, 37(5):317–323, 1984.

(4) Loeb, L.A. et al., "Smoking and Lung Cancer: An Overview," *Cancer Research*, 44:5940–5958, 1984.

(5) Rabkin, S.W., "Effect of Cigarette Smoking Cessation on Risk Factors for Coronary Atherosclerosis. A Control Clinical Trial," *Atherosclerosis*, 53:173–184, 1984.

(6) Prue, D.M. et al., "Carbon Monoxide Levels and Rates of Consumption After Changing to Low Tar and Nicotine Cigarettes," *Behavior Research and Therapy*, 21:201–207, 1983.

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(10) Ho-Yen, D.O. et al., "Why Smoke Fewer Cigarettes?" *Pharmacology Biochemistry and Behavior*, 17:1905–1907, 1982.

(11) Russell, M.A.H., "Realistic Goals for Smoking and Health—A Case of Safer Smoking," *Lancet*, 1:254–257, 1974.

(12) "The Changing Cigarette, A Report of the Surgeon General," U.S. Department of Health and Human Services, DHHS Publication No. (PHS) 81–50156, U.S. Government Printing Office, Washington, 1981.

(13) Foxx, R.M., and E. Axelroth, "Nicotine Fading, Self-Monitoring and Cigarette Fading to Produce Abstinence or Controlled Smoking," *Behavior Research and Therapy*, 21:17–27, 1983.

(14) Stitzer, M.L., and G.E. Bigelow, "Contingent Reinforcement for Reduced Carbon Monoxide Levels in Cigarette Smokers," *Addictive Behaviors*, 7:403–412, 1982.

(15) Bernard, H.S., and J.S. Efran, "Case Histories and Shorter Communications: Eliminating Versus Reducing Smoking Using Pocket Timers," *Behavior Research and Therapy*, 10:399–401, 1972.

(16) Rennard, S.I. et al., "Short-term Smoking Reduction Is Associated With Reduction In Measures of Lower Respiratory Tract Inflammation in Heavy Smokers," *European Respiratory Journal*, 3:752–759, 1990.

(17) "The Health Consequences of Smoking: Cardiovascular Disease. A Report of the Surgeon General," U.S. Department of Health and Human Services, DHHS Publication No. (PHS) 84–50204, U.S. Government Printing Office, Washington, DC, 1983.

(18) "The Health Benefits of Smoking Cessation. A Report of the Surgeon General," U.S. Department of Health and Human Services, DHHS Publication No. (CDC) 90–8416, U.S. Government Printing Office, Washington, DC, 1990.

2. One comment submitted a number of published articles and studies purporting to show that lobeline sulfate is a safe and effective aid in reducing smoking among those people who wish to do so, in addition to aiding cessation of smoking (Ref. 1).

The studies submitted by the comment in support of lobeline sulfate for a claim of reduction in smoking were previously discussed by the Panel in its report (47 FR 490 at 497) in consideration of lobeline sulfate for a claim of cessation of smoking. (Cessation of smoking was the only claim recognized by the Panel as appropriate for an OTC smoking deterrent drug product.) The Panel concluded that the studies were insufficient to demonstrate effectiveness of the ingredient as a smoking deterrent. The agency agrees with the Panel's assessment. No new studies have been submitted to support cessation claims.

The agency has further reviewed the resubmission of the data for lobeline sulfate submitted in response to the agency's request in the tentative final monograph for data on "reduction" in smoking leading to cessation or lowering the health risks associated with smoking (see comment 1 above). The agency concludes that the data are also insufficient to support a claim of reduction in smoking. The studies measure only short-term reductions, i.e., 3 to 7 days, in the number of cigarettes smoked per day and do not examine long-term reductions, i.e., 4 months to 1 year.

If reduction in smoking claims are to be considered acceptable, criteria similar to those needed to establish "cessation" should be used to establish "reduction" in smoking as a viable goal. The Panel stated that the length of a smoking deterrent study should be at least 4 weeks: 1 week of pretest and at least a 3-week study period (47 FR 490 at 499). Like cessation, for a reduction in smoking claim the agency does not consider it necessary that the drug be taken for 3 weeks. However, an evaluation of effectiveness should take place at least 3 weeks after the drug is started. Although any difference between the drug and placebo for periods shorter than 3 weeks may be statistically significant, the agency does not consider the difference to be clinically significant. Because follow-up data on changes in smoking behavior have indicated that most smokers who reduce their smoking without totally stopping return to baseline smoking levels (Ref. 2), the agency concludes that a study in support of a claim of reduction in smoking must demonstrate long-term reductions in total smoke exposure. It should be noted that, if the only dependent variable to be measured is the "number of cigarettes smoked per unit time," applying data analysis to only this variable may not be sufficient to support a reduction claim because individuals may compensate for changes in nicotine levels (see comment 1 above). For long-term effectiveness, the smoking status of the subjects should be evaluated at the end of 4 months. Recidivism is greatest within 4 months (Ref. 3), and this follow-up period should adequately indicate long-term effectiveness of the treatment.

Thus, based on the short length of time these studies were conducted, the agency concludes that the resubmitted data are inadequate to establish a long-term reduction in total smoke exposure or any significant lowering of health risks that would result in lifetime health benefits from the use of lobeline sulfate for the reduction of smoking. Further, the agency is not aware of any studies on lobeline sulfate that document long-term reductions in the number of cigarettes smoked per day for the majority of smokers.

Because of insufficient data, the agency concludes that these studies are of little value to establish that lobeline sulfate aids reduction or cessation of smoking.

The Panel (47 FR 490 at 497) cited seven other placebo-controlled studies on the effectiveness of lobeline sulfate, all of which it found to be inadequate. The Panel concluded that studies on lobeline sulfate as a smoking deterrent have shown conflicting results and that further testing was necessary to establish effectiveness. The agency agrees that further testing of this ingredient for both "cessation" and "reduction" claims is necessary. The agency points out that publication of this final rule does not preclude a manufacturer's testing an ingredient. However, manufacturers are encouraged to consult with the agency regarding protocols before the initiation of a study. Well-controlled clinical trials conducted generally in accord with the Panel's recommended guidelines (47 FR 498 to 500) and including the types of measurements discussed above would be required to support these claims.

Should adequate data establishing general recognition of safety and effectiveness become available, such data may be submitted in a citizen petition to establish a monograph. (See 21 CFR 10.30 and 330.10(a)(12).) However, marketing of products containing these active ingredients may not continue while the studies are being conducted and the data are being evaluated by the agency.

After the administrative record for this rulemaking had closed, a clinical study protocol was submitted to the agency in support of lobeline sulfate as an OTC smoking deterrent (Ref. 4). The agency has provided comments on this protocol (Ref. 5); however, no study results have been submitted to date. Therefore, at this time, lobeline sulfate is not considered a monograph ingredient in this final rule.

References

(1) Comment No. C6, Docket No. 81N–0027, Dockets Management Branch.

(2) "The Health Consequences of Smoking: Cardiovascular Disease. A Report of the Surgeon General," U.S. Department of Health and Human Services, DHHS Publication No. (PHS) 84–50204, U.S. Government Printing Office, Washington, DC, 1983.

(3) "Guidelines for Research on the Effectiveness of Smoking Cessation Programs. A Committee Report," National Interagency Council on Smoking and Health, New York, 1974.

(4) Comment No. LET24, Docket No. 81N–0027, Dockets Management Branch.

(5) Letter from W.E. Gilbertson, FDA, to L. Freeman, Pharmaquest Corporation, coded LET30, Docket No. 81N–0027, Dockets Management Branch.

3. Two comments submitted studies in support of the effectiveness of silver acetate and requested its reclassification from Category III to Category I as an OTC smoking deterrent. One comment submitted a double-blind, placebo-controlled clinical study (Refs. 1 and 2), and the second comment submitted an open-label, parallel-group design study (Refs. 3 through 6).

The agency does not find the studies sufficient to support the reclassification of silver acetate from Category III to Category I. In the double-blind, placebo-controlled study, the effectiveness of silver acetate was compared with placebo in 282 subjects who wanted to stop smoking. The study was conducted for 21 days with a 4-month follow-up. On day 21, effectiveness was assessed by chemical means. During the study period, data on the cessation of smoking were obtained by self-reporting and confirmed by blood carboxyhemoglobin levels and urinary nicotine metabolites.

Although the design, methodology, and conduct of the study were sufficient to assess the effect of silver acetate in helping one to stop smoking, the agency finds that in the analysis of the data an inappropriate criterion of "treatment success" was used. The study defined "treatment successes" as those individuals who stopped smoking as measured on the basis of self-reporting, confirmed by blood carboxyhemoglobin levels and urinary nicotine metabolites. Individuals were considered "treatment failures" if they had not stopped smoking by day 18 of the 21-day study. The assessment of the data collected to determine the effectiveness of the drug was, therefore, limited to a 3-day period (days 18 to 21) of the 21-day study. The agency does not consider a 3-day period of abstinence from smoking to be a sufficient predictor of the effectiveness of a drug that is intended to result in smoking cessation. The agency believes that in a study with this objective, subjects should stop smoking within the first 24 to 48 hours after beginning the drug and should be considered "treatment successes" only if they abstain from smoking for the remainder of the study (whether or not the drug is taken the entire time). Even if this criterion were not applied, the results obtained from the study were only marginally significant at best. Fifteen out of a total of 136 subjects in the silver acetate group quit smoking in contrast to 6 out of 146 subjects in the placebo group. This yielded smoking cessation rates of 11 and 4.9 percent for the silver acetate and placebo groups, respectively. The difference between the two groups was statistically significant, $p=0.03$, using a one-tailed t-test. This is not an impressive result because there was a low quit-rate in the placebo group. Further, the study lacked information and details such as case report forms, subject diary cards, and the point at which each subject (drug and placebo) quit smoking during the 3-week study and 4-month follow-up.

The second study was an open-label, parallel-group study comparing the effectiveness of a chewing gum containing 6 milligrams (mg) of silver acetate with a chewing gum containing 2 mg of nicotine alkaloid per piece and an ordinary sugarfree chewing gum (placebo). Subjects were randomized into one of three groups as follows: silver acetate group, 220; nicotine group, 220; and placebo group, 88. These groups were subdivided into groups of 22 subjects each to facilitate group therapy. Each subgroup of 22 was further divided into groups of 4 to 6 subjects to encourage discussion of problems related to smoking cessation. Subjects were evaluated during eight visits over a period of 6 months. During the first five visits, held weekly, the subjects were given group therapy in the form of educational films and lectures. Three additional meetings were held at the end of 6 and 12 weeks and 6 months. At the end of the first visit, subjects were instructed to choose a day to quit smoking. At the sixth visit, subjects were instructed to reduce their chewing gum consumption. The primary efficacy variable was the quit rate (proportion of subjects who had not smoked during the past 6 months since the beginning of the study), based on subject self-reporting and measurements of expired carbon monoxide levels. A follow-up questionnaire was sent to the participants after 1 year to determine their smoking status.

Because of major flaws in design, conduct, and analysis, this study does not meet the requirements of an adequate and well-controlled study. The methods for assessing the subjects' response, as reported in the study results, were not defined in the original

protocol. The protocol did not include a plan for statistical analysis. The inclusion criteria were inadequate because subjects who did not wish to chew gum were permitted to participate in the study. Thus, this allowed subjects who did not chew gum in all treatment groups, which made it hard to differentiate treatment effects. The study was not conducted under blind conditions, and adequate measures were not taken to minimize bias. As acknowledged by the investigators, the placebo group was virtually nonexistent because more than half of the placebo subjects also chewed the nicotine gum (obtained from the market). Further, subjects in all groups chewed placebo gum in addition to or in lieu of their assigned gum. At the end of the study, 15 percent of the subjects using the nicotine gum and placebo gum still used these gums, but only 4 percent of the silver acetate gum group still used this gum.

Because of deficiencies in the presentation of the data and analysis of the study, the statistics for the expired carbon monoxide level (i.e., the primary efficacy variable) cannot be used to verify the reported success rate at the end of 6 months. The data provided consisted of only the means and standard error of the carbon monoxide level of each treatment group at each visit. No individual subject data listings were provided and, thus, no objective measure is available for evaluation which allows for confirmation of smoking cessation. Therefore, the agency cannot confirm the number of subjects who had not smoked during the 6-month study.

The success rates reported at 26 weeks were not statistically significant: nicotine gum 43 percent, silver acetate gum 39 percent, placebo gum 34 percent (Ref. 5). These results are not surprising because a large number of the placebo subjects used the nicotine gum. After several statistical comparisons were made using these data, the investigators' reported results suggested that silver acetate was statistically significantly better than the nicotine gum or placebo for some subgroups. This result indicates that any number of permutations could have been attempted until a particular comparison is significant. However, the multiple comparisons reported in the results, having been made ad hoc, limit the significance of any of the reported findings. Additionally, because there were placebo subjects in the active treatment groups and, thus, no true placebo group existed, the comparisons are a futile exercise.

Because of the deficiencies in the above studies, the agency concludes that further studies are needed to establish the effectiveness of silver acetate as a smoking deterrent drug product ingredient. The agency's detailed comments and evaluations on the data are on file in the Dockets Management Branch (Refs. 7, 8, and 9).

After the administrative record for this rulemaking had closed, two clinical study protocols were submitted to the agency in support of silver acetate as an OTC smoking deterrent (Ref. 10). The agency has provided comments on these protocols (Ref. 11); however, the final results from these studies have not been submitted. Therefore, at this time, silver acetate is not considered a monograph ingredient in this final rule.

References

(1) Comment No. C5, Docket No. 81N–0027, Dockets Management Branch.

(2) Comment No. C7, Docket No. 81N–0027, Dockets Management Branch.

(3) Comment No. RPT2, Docket No. 81N–0027, Dockets Management Branch.

(4) Comment No. RPT3, Docket No. 81N–0027, Dockets Management Branch.

(5) Comments No. RPT4 and LET6, Docket No. 81N–0027, Dockets Management Branch.

(6) Comment No. SUP1, Docket No. 81N–0027, Dockets Management Branch.

(7) Letter from W.E. Gilbertson, FDA, to J.Y. Lund, Edgefield Corp., coded LET6, Docket No. 81N–0027, Dockets Management Branch.

(8) Letter from W.E. Gilbertson, FDA, to J.Y. Lund, Edgefield Corp., coded LET10, Docket 81N–0027, Dockets Management Branch.

(9) Letter from W.E. Gilbertson, FDA, to E.T. Sorensen, Fertin Laboratories A/S, coded LET ANS3, Docket No. 81N–0027, Dockets Management Branch.

(10) Comment No. LET22, Docket No. 81N–0027, Dockets Management Branch.

(11) Comment No. LET23, Docket No. 81N–0027, Dockets Management Branch.

II. The Agency's Final Conclusions on OTC Smoking Deterrent Drug Products

The agency has determined that no active ingredient has been found to be generally recognized as safe and effective and not misbranded as an OTC smoking deterrent.

In the **Federal Register** of November 7, 1990 (55 FR 46914), the agency published a final rule in 21 CFR Part 310 establishing that certain active ingredients that had been under consideration in a number of OTC drug rulemaking proceedings were not generally recognized as safe and effective. That final rule was effective on May 7, 1991 and included in § 310.545(a)(19) the following ingredients that had been previously considered under this rulemaking for use as active ingredients in smoking deterrent drug products: clove, coriander, eucalyptus oil, ginger (Jamaica), lemon oil (terpeneless), licorice root extract, menthol, methyl salicylate, quinine ascorbate, silver nitrate, and thymol. The final rule in this document establishes that any smoking deterrent drug product for OTC use is not generally recognized as safe and effective and expands the above-listed nonmonograph ingredients to include all other OTC smoking deterrent active ingredients. These additional ingredients include, but are not limited to, lobeline (in the form of lobeline sulfate or natural lobelia alkaloids or *Lobelia inflate* herb), povidone-silver nitrate, and silver acetate, which were reviewed by the Panel and the agency. Therefore, any ingredient that is labeled, represented, or promoted for use as an OTC smoking deterrent is considered nonmonograph and misbranded under section 502 of the act (21 U.S.C. 352) and is a new drug under section 201(p) of the act (21 U.S.C. 321(p)), for which an approved application under section 505 of the act (21 U.S.C. 355) and 21 CFR part 314 of the regulations is required for marketing. In appropriate circumstances, a citizen petition to establish a monograph may be submitted under 21 CFR 10.30 in lieu of an application. Any such OTC drug product initially introduced or initially delivered for introduction into interstate commerce after the May 7, 1991 effective date of the final rule mentioned above or the effective date of this final rule that is not in compliance with the regulation is subject to regulatory action.

In order to avoid a duplication in listing smoking deterrent active ingredients in more than one regulation and for ease in locating these ingredients in the CFR, the agency is listing all of these ingredients in a single regulation in 21 CFR 310.544 entitled "drug products containing active ingredients offered over-the-counter (OTC) for use as a smoking deterrent." Accordingly, § 310.545(a)(19) is being removed.

No comments were received in response to the agency's request for specific comment on the economic impact of this rulemaking (50 FR 27552 at 27556). The agency has examined the economic consequences of this final rule in conjunction with other rules resulting from the OTC drug review. In a notice published in the **Federal Register** of February 8, 1983 (48 FR 5806), the agency announced the availability of an assessment of these economic impacts. The assessment determined that the combined impacts of all the rules resulting from the OTC

drug review do not constitute a major rule according to the criteria established by Executive Order 12291. The agency therefore concludes that no one of these rules, including this final rule for OTC smoking deterrent drug products, is a major rule.

The economic assessment also concluded that the overall OTC drug review was not likely to have a significant economic impact on a substantial number of small entities as defined in the Regulatory Flexibility Act (Pub. L. 96–354). That assessment included a discretionary regulatory flexibility analysis in the event that an individual rule might impose an unusual or disproportionate impact on small entities. However, this particular rulemaking for OTC smoking deterrent drug products is not expected to pose such an impact on small businesses because only a limited number of products are affected. Eleven smoking deterrent ingredients were covered in the earlier final rule that was effective on May 7, 1991. This final rule covers three additional ingredients. Therefore, the agency certifies that this final rule will not have a significant economic impact on a substantial number of small entities.

The agency has determined under 21 CFR 25.24(c)(6) that this action is of a type that does not individually or cumulatively have a significant effect on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

List of Subjects in 21 CFR Part 310

Administrative practice and procedure, Drugs, Labeling, Medical devices, Reporting and recordkeeping requirements.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs, 21 CFR part 310 is amended as follows:

PART 310—NEW DRUGS

1. The authority citation for 21 CFR part 310 continues to read as follows:

Authority: Secs. 201, 301, 501, 502, 503, 505, 506, 507, 512–516, 520, 601(a), 701, 704, 705, 706 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321, 331, 351, 352, 353, 355, 356, 357, 360b–360f, 360j, 361(a), 371, 374, 375, 376); secs. 215, 301, 302(a), 351, 354–360F of the Public Health Service Act (42 U.S.C. 216, 241, 242(a), 262, 263b–263n).

2. New § 310.544 is added to subpart E to read as follows:

§ 310.544 Drug products containing active ingredients offered over-the-counter (OTC) for use as a smoking deterrent.

(a) Any product that bears labeling claims that it "helps stop or reduce the cigarette urge," "helps break the cigarette habit," "helps stop or reduce smoking," or similar claims is a smoking deterrent drug product. Cloves, coriander, eucalyptus oil, ginger (Jamaica), lemon oil (terpeneless), licorice root extract, lobeline (in the form of lobeline sulfate or natural lobelia alkaloids or *Lobelia inflata* herb), menthol, methyl salicylate, povidone-silver nitrate, quinine ascorbate, silver acetate, silver nitrate, and thymol have been present as ingredients in such drug products. There is a lack of adequate data to establish general recognition of the safety and effectiveness of these or any other ingredients for OTC use as a smoking deterrent. Based on evidence currently available, any OTC drug product containing ingredients offered for use as a smoking deterrent cannot be generally recognized as safe and effective.

(b) Any OTC drug product that is labeled, represented, or promoted as a smoking deterrent is regarded as a new drug within the meaning of section 201(p) of the Federal Food, Drug, and Cosmetic Act (the act), for which an approved application or abbreviated application under section 505 of the act and part 314 of this chapter is required for marketing. In the absence of an approved new drug application or abbreviated new drug application, such product is also misbranded under section 502 of the act.

(c) Clinical investigations designed to obtain evidence that any drug product labeled, represented, or promoted for OTC use as a smoking deterrent is safe and effective for the purpose intended must comply with the requirements and procedures governing the use of investigational new drugs set forth in part 312 of this chapter.

(d) After May 7, 1991, any such OTC drug product containing cloves, coriander, eucalyptus oil, ginger (Jamaica), lemon oil (terpeneless), licorice root extract, menthol, methyl salicylate, quinine ascorbate, silver nitrate, and/or thymol initially introduced or initially delivered for introduction into interstate commerce that is not in compliance with this section is subject to regulatory action. After December 1, 1993, any such OTC drug product containing lobeline (in the form of lobeline sulfate or natural lobelia alkaloids or *Lobelia inflata* herb), povidone-silver nitrate, silver acetate, or any other ingredients initially introduced or initially delivered for introduction into interstate commerce that is not in compliance with this section is subject to regulatory action.

§ 310.545 [Amended]

3. Section 310.545 *Drug products containing certain active ingredients offered over-the-counter (OTC) for certain uses* is amended by removing and reserving paragraph (a)(19).

Dated: March 3, 1993.

Michael R. Taylor,

Deputy Commissioner for Policy.

[FR Doc. 93–12776 Filed 5–28–93; 8:45 am]

BILLING CODE 4160–01–P

federal register

Tuesday
June 1, 1993

Part III

Department of the Interior

Fish and Wildlife Service

50 CFR Parts 20 and 21

Release of Captive-reared Mallards; Supplemental Proposals for Migratory Game Bird Hunting Regulations; Proposed Rules

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 20

RIN 1018-AA24

Migratory Bird Hunting; Supplemental Proposals for Migratory Game Bird Hunting Regulations; Notice of Meetings.

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Proposed rule; supplemental.

SUMMARY: The U.S. Fish and Wildlife Service (hereinafter the Service) proposed in an earlier document to establish annual hunting regulations for certain migratory game birds. This supplementary document describes proposed changes and provides additional information that will facilitate establishment of the 1993–94 hunting regulations. This document also announces the meetings of the Service Migratory Bird Regulations Committee.

DATES: The Service Migratory Bird Regulations Committee will meet to consider and develop proposed regulations for early seasons on June 22, 23, and 24, and for late seasons on August 3, 4, and 5. Public hearings on proposed early- and late-season frameworks will be held at 9:00 a.m. on June 24 and August 5, 1993, respectively. The comment period for proposed migratory bird hunting-season frameworks for Alaska, Hawaii, Puerto Rico, the Virgin Islands, and other early seasons will end on July 22, 1993; and for late-season proposals will end on September 1, 1993.

ADDRESSES: Meetings of the Service Migratory Bird Regulations Committee will be held for early-season in the Large Buffet Room of the Department of the Interior Building, 1849 C Street, NW., Washington, DC., and late-season in the Board Room of the American Institute of Architects Building, 1735 New York Avenue (at the corner of 18th and E Streets, NW.), Washington, DC. Both public hearings will be held in the Auditorium of the Department of the Interior Building, 1849 C Street, NW., Washington, DC. Written comments on the proposals and notice of intention to participate in either hearing should be sent to the Chief, Office of Migratory Bird Management, U.S. Fish and Wildlife Service, Department of the Interior, room 634—Arlington Square, Washington, DC 20240. Comments received will be available for public inspection during normal business hours in room 634, Arlington Square Building, 4401 N. Fairfax Drive, Arlington, Virginia.

FOR FURTHER INFORMATION CONTACT: Marshall A. Howe, Acting Chief, Office of Migratory Bird Management, U.S. Fish and Wildlife Service, Department of the Interior, room 634—Arlington Square, Washington, DC 20240, (703) 358–1714.

SUPPLEMENTARY INFORMATION:

Regulations Schedule for 1992

On April 9, 1993, the Service published in the **Federal Register** (58 FR 19008) a proposal to amend 50 CFR part 20. The proposal dealt with the establishment of seasons, limits, and other regulations for migratory game birds under §§ 20.101 through 20.107, 20.109, and 20.110 of subpart K. This document is the second in a series of proposed, supplemental, and final rules for migratory game bird hunting regulations. Comment periods on this second document are specified above under **DATES**. Early-season frameworks will be proposed in late June and late-season frameworks in early August. Final regulatory frameworks for early seasons are scheduled for publication on or about August 16, 1993, and those for late seasons on or about September 22, 1993.

On June 24, 1993, a public hearing will be held in Washington, DC, to review the status of migratory shore and upland game birds and recommended hunting regulations for these species and other early seasons.

On August 5, 1993, a public hearing will be held in Washington, DC, to review the status of waterfowl and recommended hunting regulations for regular waterfowl seasons, and other species and seasons not previously discussed at the June 24 public hearing.

Announcement of Service Regulations Committee Meetings for Early-Season Regulations

The meeting on June 22 is to review information on the 1993 status of migratory game birds and to develop 1993–94 migratory game bird regulations recommendations. The June 23 meeting is to ensure that the Service's regulation recommendations are developed with the benefit of full consultation on the issues.

In accordance with Departmental policy regarding meetings of the Service Regulations Committee that are attended by any person outside the Department, these meetings will be open to public observation. Members of the public may submit to the Director written comments on the matters discussed.

Announcement of Flyway Council Meetings

Service representatives will be present at the following meetings of Flyway Councils:

Atlantic Flyway—July 29–30, Frederickton, New Brunswick (Lord Beaverbrook Hotel)

Mississippi Flyway—July 29–30, Marietta, Ohio (Lafayette Hotel)

Central Flyway—July 29–30, Great Falls, Montana (Sheraton Hotel)

Pacific Flyway—July 29, Sacramento, California (Red Lion Hotel)

Although agendas are not yet available, these meetings usually commence at 8:30 to 9 a.m. on the days indicated.

Review of Public Comments

This supplemental rulemaking describes changes which have been recommended based on the preliminary proposals published on April 9, 1993, in the **Federal Register**. Only those recommendations that would require either new proposals or substantial modification of the preliminary proposals to facilitate effective public participation are included herein. Those that support or oppose but do not recommend alternatives to the preliminary proposals are not included, but will be considered later in the regulations-development process. The Service will publish responses to proposals, written comments, and public-hearing testimony when final frameworks are developed, at which time additional data about the status of affected species will be available.

The Service seeks additional information and comments on the recommendations contained in this supplemental proposed rule. These recommendations and all associated comments will be considered during development of the final frameworks.

New proposals and modifications to previously described proposals are discussed below. Wherever possible, they are discussed under headings corresponding to the numbered items in the April 9, 1993, **Federal Register**.

1. Ducks.

The categories used to discuss issues related to duck harvest management are as follows: (A) General Harvest Strategy, (B) Framework Dates, (C) Season Length, (D) Closed Seasons, (E) Bag Limits, (F) Zones and Split Seasons, and (G) Special/Species Management. Only those categories containing substantial recommendations are included below.

B. Framework Dates.

The Lower-Region Regulations Committee of the Mississippi Flyway Council recommended that fixed dates

be used for frameworks and that these should not fluctuate annually. They recommended framework dates of the Saturday nearest October 1 and January 20 each year, since they feel there is no evidence to indicate that these framework dates adversely impact survival rates for ducks. The Committee believes that season length and bag limit should be the primary harvest-management tools used to influence harvest rates.

E. Bag Limits.

The Pacific Flyway Council recommended alternatives to the conventional daily bag limits offered in their States, with the objective of increasing the harvest of gadwall, green-winged teal, and northern shovelers. The two options they would like considered are the "point system" and a "conditional conventional" limit. The "conditional conventional" limit would allow a variable bag size (presumably predetermined by the hunter before hunting) depending upon the species and/or sex composition of the birds bagged. In the example provided, a bag of 4 could contain 3 mallard drakes, or 1 mallard hen, or 1 pintail, or 2 canvasbacks or redheads while a bag of 7 could not contain any of the aforementioned ducks. The Council recommended that the Service officially complete a technical review of the merits and potential implementation of the proposal which is designed to provide additional harvest opportunity on gadwall, green-winged teal, and northern shovelers, which are at or above long-term averages.

G. Special/Species Management.

i. Canvasback Harvest Management.

The Service announced in the April 9, 1993, **Federal Register**, its intent to implement an interim harvest strategy for canvasbacks, based on its review of databases and input received from Flyway Councils. Further, the Service requested that Flyway Councils provide additional assistance in developing and refining this interim strategy by identifying the objective methods that will be used to determine a goal for the size of the breeding population, the annual allowable harvest, and the allocation of harvest among countries and flyways; and the harvest-management tools most appropriate to achieve harvest goals.

The Atlantic Flyway Council accepted the concept of an interim strategy for canvasback harvest management. They supported the idea of managing canvasbacks on the basis of a continental population, equal harvest opportunity among flyways, and utilization of population goals. They also raised concerns that the parts-collection survey may not be adequate to monitor the harvest closely, and indicated that many details of the implementation need further exploration.

The Upper-Region Regulations Committee of the Mississippi Flyway Council recommended that the Service complete its evaluation of the interim harvest-management strategy in sufficient time for review by the Council's Technical Section prior to the Council's summer meetings. They believe that the review of available population data, pond numbers, and harvest can be utilized in a model to develop optimum population objectives for one continental population. This will allow the determination of potential to sustain an annual harvest in all Flyways.

The Lower-Region Regulations Committee of the Mississippi Flyway Council supported the management of canvasbacks as a continental population, the implementation of canvasback harvest opportunity for the 1993 hunting season, and the equitable distribution of harvest opportunity among all flyways. They opposed the closed-area concept with reference to canvasback hunting.

The Central Flyway Council supported the concept of an interim strategy for managing canvasback harvest. They feel canvasbacks should be treated as a continental population. They also feel that the canvasback population is regulated primarily by factors other than hunting, such as environmental conditions or density-dependent mechanisms. The Council believes it is unlikely that canvasbacks will exceed a breeding population index of 500,000 (except during periods of wet years) without an intensive habitat-management program to restore drained wetlands across prairie Canada and the northcentral U.S. They do not agree with the suggested method of allocating allowable harvest. They feel that all flyways and Canada should have an open season but not identical season lengths or bag limits, since some flyways will be able to exert more harvest pressure than others. They recommended a daily limit of 1 in the conventional bag limit, and a point value of 100 under the point system for the length of the duck hunting season.

The Pacific Flyway Council did not support the Service's proposed interim strategy for canvasback harvest management. They feel that the strategy ignores flyway differences in the biology of canvasbacks and hunter behavior. They stated that there is no rationale for identical season lengths and bag limits in all flyways. They also have serious concerns about harvest allocation as it pertains to other flyways and Canada. They feel that the Service is considering a limited season for canvasbacks in all flyways without first trying other options in the Pacific Flyway. The Council believes that a reduction in bag limit from 2 to 1 should be considered before reducing the season length. They support the Service's attempt to provide hunting opportunity to all flyways and a strategy that allows graduated changes in harvest as opposed to the current season-on/season-off approach; however, they do not support this strategy at the cost of losing flyway-management emphasis that they feel is biologically important.

The Service will continue to accept public input during the development of the proposed strategy. Additional refinements to this proposal will be published in the proposed late-season frameworks.

ii. September Teal Seasons. The Upper-Region Regulations Committee of the Mississippi Flyway Council recommended that an experimental 9-day September teal season be conducted for 3 years in Michigan. Limitations would be placed on both the number of areas open to hunting and hunter numbers.

The Committee also recommended that a 9-day season be held in the Southern Duck Zone in Iowa. Granting a teal hunting season in Iowa will allow similar hunting opportunity as in Illinois and Missouri.

The Lower-Region Regulations Committee of the Mississippi Flyway Council recommended that the shooting hours remain one-half hour before sunrise to sunset.

iii. Teal/Wood Duck Seasons. The Lower-Region Regulations Committee of the Mississippi Flyway Council recommended that shooting hours for these seasons in Kentucky and Tennessee be the same as those for regular seasons, one-half hour before sunrise to sunset.

3. Sea Ducks.

The Atlantic Flyway Council recommended that the bag limit for sea ducks remain at 7, with a species-group restriction of 4 scoters, within the 107-day season during 1993.

4. Canada Geese.

A. Special Seasons.

The Atlantic Flyway Council made the following recommendations pertaining to special Canada goose seasons:

In Maryland, initiate a 3-year experimental 10-day season in the 24 counties west of Chesapeake Bay, with framework dates of September 1-15.

In Massachusetts, extend the framework closing date for the 10-day season to September 15.

In New Jersey, initiate a 3-year experimental 10-day season in the northern portion of the State, with framework dates of September 1-19.

In New York, expand the area open to goose hunting in the western portion of the State, initiate a new 3-year experimental 10-day season in the southeastern portion of the State, and extend the framework dates for the season in both areas to September 1-17.

In Virginia, initiate a 3-year experimental 10-day season, with framework dates of September 1-15.

In North Carolina, amend the experimental season to allow a season length of 15 consecutive days, with framework dates of September 1-30, during 1993-95.

In Pennsylvania, amend the experimental season in the southeastern zone to include the Counties of Berks, Chester, and Delaware; and extend the framework dates in the southeastern zone to September 1-15.

The Upper-Region Regulations Committee of the Mississippi Flyway Council made the following recommendations pertaining to special Canada goose seasons:

In Minnesota, a new 3-year experimental season in an expanded Southwest Goose Zone, an expansion of the Fergus-Falls/Alexandria Zone with continued monitoring of hunter numbers and harvest, operational status for the Southwest-Border-Zone season and the Fergus Falls/Alexandria-Zone season, and allow the 10-day seasons in all zones to begin on the first Saturday in September.

In Ohio, a new 3-year experimental 10-day season in 31 southwest counties.

In Wisconsin, operational status for the Southeast Subzone.

The Committee further recommended that annual monitoring of hunter numbers in experimental-season zones no longer be required after the criteria have been met and the seasons have become operational.

The Pacific Flyway Council recommended that operational status be given to the special season in Oregon and Washington; and that permits no longer be required, seasons be increased from 10 to 12 days, daily bag limits be increased from 2 to 3, and that States be allowed independent seasons. The Council further recommended that the Washington hunt area be enlarged to include the area along the Columbia River from the Astoria/Megler Bridge on State Highway 101 to the end of the North Jetty near Fort Camby.

The Council also recommended that an experimental season be adopted in the Oregon Counties of Benton, Clackamas, Clatsop, Columbia, Lane, Lincoln, Linn, Marion, Multnomah, Polk, Tillamook, Washington, and Yamhill, except for those portions of Clatsop, Columbia, and Multnomah Counties north of Highway 30 and west of Interstate 5. The season dates would be September 1 - 12 with bag and possession limits of 2 and 4, respectively. A mandatory hunter permit would be required.

B. Regular Seasons.

The Upper-Region Regulations Committee of the Mississippi Flyway Council recommended that framework dates continue to allow the regular goose season to open in September, similar to those framework dates utilized in the past 5 years in the Mississippi Valley Population range.

The Lower-Region Regulations Committee of the Mississippi Flyway Council supported Louisiana's experimental Canada goose hunting season and indicated that a final report on the season will be provided by July 1993, at which time a recommendation for an operational season similar to the experimental season will be submitted.

9. Sandhill Cranes.

The Central Flyway Council recommended that the Sandhill Crane hunting area in North Dakota be extended eastward to include the entire State. The eastern portion of North Dakota was previously closed to protect greater sandhill cranes. Hunting zones, season dates, and bag limit restrictions have all been used to limit harvest of greater sandhill cranes in North Dakota. Measurements on harvested sandhill cranes are routinely taken throughout the hunting season to identify areas of distribution and harvest of greater sandhill cranes. North Dakota plans to continue these actions in the future. Cranes have recently shifted their migrational pattern and larger numbers of cranes (including lessers) are using the eastern portion of the State. North Dakota sportsmen have requested an opportunity to take advantage of this shift in crane migration. In addition, complaints of crane depredation on row crops in areas east of Highway 281 have been reported.

The Central Flyway Council recommended that season lengths for mid-continent sandhill cranes be increased by 14 days in the Central Flyway. Increasing the season length to include the time when depredations on winter wheat occur may curtail the damage to these crops. The Council believes allowing additional hunting days will not harm the population and would increase hunting opportunity.

16. Mourning Doves.

The Central Flyway Council recommended that Texas be allowed to split the mourning dove season into three segments in its central and southern zones on an experimental basis; however, Texas would continue to utilize 3 zones. These additional season segments would permit greater flexibility in establishing dove-hunting seasons consistent with anticipated migration patterns and population levels and would also allow additional "opening days" to be established for Texas sportsmen.

17. White-winged and White-tipped Doves.

The Central Flyway Council recommended that the number of white-winged doves allowed in the 12-bird aggregate bag limit be increased from 2 to 6 during the mourning dove season in the Texas Counties of Cameron, Hidalgo, Starr, and Willacy.

18. Alaska.

The Pacific Flyway Council recommended that a new experimental tundra swan season be established in Game Management Unit 18 (Yukon-Kuskokwim Delta). The framework dates would be September 1 - October 31. A maximum of 500 permits would be issued, and hunters would be allowed more than 1 permit per season, issued 1 at a time upon filing a harvest report.

Public Comment Invited

The Service intends that adopted final rules be as responsive as possible to all concerned interests, and therefore desires to obtain for consideration the comments and suggestions of the public, other concerned governmental agencies, and private interests on these proposals. Such comments, and any additional information received, may lead to final regulations that differ from these proposals.

Special circumstances are involved in the establishment of these regulations which limit the amount of time that the Service can allow for public comment. Specifically, two considerations compress the time in which the rulemaking process must operate: (1) The need to establish final rules at a point early enough in the summer to allow affected State agencies to appropriately adjust their licensing and regulatory mechanisms; and (2) the unavailability, before mid-June, of specific, reliable data on this year's status of some waterfowl and migratory shore and upland game bird populations. Therefore, the Service

believes that to allow comment periods past the dates specified is contrary to the public interest.

Comment Procedure

It is the policy of the Department of the Interior, whenever practical, to afford the public an opportunity to participate in the rulemaking process. Accordingly, interested persons may participate by submitting written comments to the Chief, Office of Migratory Bird Management, U.S. Fish and Wildlife Service, Department of the Interior, room 634—Arlington Square, Washington, DC 20240. Comments received will be available for public inspection during normal business hours at the Service's office in room 634, Arlington Square Building, 4401 N. Fairfax Drive, Arlington, Virginia. All relevant comments received during the comment period will be considered. The Service will attempt to acknowledge received comments, but substantive response to individual comments may not be provided.

NEPA Consideration

NEPA considerations are covered by the programmatic document, "Final Supplemental Environmental Impact Statement: Issuance of Annual Regulations Permitting the Sport Hunting of Migratory Birds (FSES 88-14)," filed with EPA on June 9, 1988. Notice of Availability was published in the **Federal Register** on June 16, 1988 (53 FR 22582). The Service's Record of Decision was published on August 18, 1988 (53 FR 31341). Copies of these documents are available from the Service at the address indicated under the caption **ADDRESSES.**

Endangered Species Act Consideration

As in the past, hunting regulations this year will be designed, among other things, to remove or alleviate chances of conflict between seasons for migratory game birds and the protection and conservation of endangered and threatened species. Consultations are presently under way to ensure that actions resulting from these regulatory proposals will not likely jeopardize the continued existence of endangered or threatened species or result in the destruction or adverse modification of their critical habitat. It is possible that the findings from the consultations, which will be included in a biological opinion, may cause modification of some regulatory measures proposed in this document. Any modifications will be reflected in the final frameworks. The Service's biological opinions resulting from its consultation under section 7 are considered public documents and are available for public inspection in the Division of Endangered Species and the Office of Migratory Bird Management, U.S. Fish and Wildlife Service, Arlington Square Building, 4401 N. Fairfax Drive, Arlington, Virginia.

Regulatory Flexibility Act; Executive Orders (E.O.) 12291, 12612, 12630, and 12778; and the Paperwork Reduction Act

In the **Federal Register** dated April 9, 1993 (58 FR 19008), the Service reported measures it had undertaken to comply with requirements of the Regulatory Flexibility Act and the Executive Order. These included preparing a Determination of Effects and an updated Final Regulatory Impact Analysis, and publication of a summary of the latter. This information is included in the present document by reference. As noted in the above **Federal Register** reference, the Service plans to issue its Memorandum of Law for the migratory bird hunting regulations at the same time the first of the annual hunting rules is finalized. This rule does not contain any information collection requiring approval by the Office of Management and Budget under 44 U.S.C. 3504.

Authorship

The primary authors of this proposed rule are William O. Vogel and Robert J. Blohm, Office of Migratory Bird Management.

List of Subjects in 50 CFR part 20

Exports, Hunting, Imports, Reporting and recordkeeping requirements, Transportation, Wildlife.

The rules that eventually will be promulgated for the 1993–94 hunting season are authorized under the Migratory Bird Treaty Act (July 3, 1918), as amended, (16 U.S.C. 703–711); the Fish and Wildlife Improvement Act (November 8, 1978), as amended, (16 U.S.C. 712); and the Fish and Wildlife Act of 1956 (August 8, 1956), as amended, (16 U.S.C. 742 a–d and e–j).

Dated: May 14, 1993.

Richard N. Smith

Acting Director, U.S. Fish and Wildlife Service

[FR Doc. 93–12742 Filed 5–28–93; 8:45 am]

BILLING CODE 4310–55–F

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50 CFR Part 21

Release of Captive-reared Mallards

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of intent.

SUMMARY: This document announces the intent of the Fish and Wildlife Service (hereinafter the Service) to review all aspects of the regulations pertaining to the release and harvest of captive-reared mallards. This notice provides the public with background information on potential conflicts arising from this activity. The Service invites public comment and suggestions on possible options for resolving these conflicts.

DATES: Written comments pertaining to regulations governing the release of captive-reared mallards should be received on or before August 2, 1993.

ADDRESSES: Written comments should be sent to: Director (FWS/MBMO), U.S. Fish and Wildlife Service, Department of the Interior, Room 634—Arlington Square, Washington, DC 20240. Comments received will be available for public inspection during normal business hours in Room 634, Arlington Square Building, 4401 N. Fairfax Drive, Arlington, Virginia.

FOR FURTHER INFORMATION CONTACT: Marshall A. Howe, Acting Chief, Office of Migratory Bird Management, U.S. Fish and Wildlife Service, Department of the Interior, Room 634—Arlington Square, Washington, DC 20240, (703) 358–1714.

SUPPLEMENTARY INFORMATION: Under the Migratory Bird Treaty Act (16 U.S.C. 703–711), the Secretary of the Interior has the responsibility for setting appropriate regulations for the hunting of migratory birds, with due regard for maintaining such populations in a healthy state and at satisfactory levels. The Fish and Wildlife Act of 1956 (16 U.S.C. 742 a-d and e-j) more specifically authorizes collection of such information as is necessary and action as may be required to protect wildlife resources.

Background

"Migratory Birds" are defined in 50 CFR 10.12 as meaning any bird, irrespective of its origin in the wild or in captivity, which belongs to the species listed in § 10.13, for the purposes of protection under the Migratory Bird Treaty Act (Act). Mallards are among those species listed. Regulations stated in § 21.13 allow captive-reared mallards, provided they are properly marked prior to 6 weeks of age by removal of hind toe, banding with a seamless metal band, pinioning, or tattooing, to be possessed and disposed of in any number, at any time, by any person, without a permit. Further, these regulations stipulate that such birds may be killed by shooting only in accordance with all applicable hunting regulations governing the take

of mallard ducks from the wild, with the exception provided; that such birds may be killed by shooting, in any number, at any time, within the confines of any premises operated as a shooting preserve under State license, permit, or authorization. Thus, most regulations regarding migratory bird hunting do not apply to the taking of captive-reared mallards on shooting preserves, except that nontoxic shot is required.

In the past, the Service has not opposed the shooting of captive-reared mallards on shooting preserves to supplement hunting opportunities for the public. This is because prior to 1985, precautions were taken to control these captive-reared mallards and they were not allowed to become free-ranging on the properties where they were released. Interest in the shooting of captive-reared mallards on shooting preserves has increased dramatically since 1985 as numbers of wild ducks have declined and hunting opportunities have become more restricted to protect breeding populations (see September 5, 1985, **Federal Register** at 50 FR 36198). Recently, regulations allowing the shooting of captive-reared mallards detailed in § 21.13, pertaining to shooting preserves, have become more broadly interpreted and captive-reared mallards are being released in free-ranging situations on State-licensed shooting preserves, causing conflicts to arise when these birds are allowed to come in contact with wild ducks.

Description of Existing State-Licensed Programs

Currently, several States allow the permitting or licensing of regulated shooting preserves which are authorized to release captive-reared mallards for shooting purposes. Criteria governing the issuance of these licenses are established by the respective States. Captive-reared mallards are usually purchased from various producers at varying ages and are fed on release sites without containment. Feeding is suspended prior to the time any shooting takes place to alleviate conflicts involving baiting of wild birds. Although regulations allow shooting to occur at any time on these designated areas, in most instances States confine their shooting of released mallards to the regularly-held season dates for wild ducks to avoid the inadvertent but unlawful harvest of any wild mallards.

At present, shooting preserves are not required to obtain their release stocks from certified disease-free suppliers and routine, on-site inspections of either the shooting preserves or suppliers are not mandatory. Disease risks from captive-reared ducks have not been assessed, but are viewed as a potential problem to wild ducks and domestic poultry operations. Health concerns regarding the release of game-farm waterfowl have been expressed in a report developed by the Southeastern Cooperative Wildlife Disease Study (University of Georgia, Athens) for the Louisiana Department of Wildlife and Fisheries in 1989.

Areas of Potential Conflict

As defined in Section 10.12, "migratory bird" means any species listed in § 10.13, whether or not it was raised in captivity. This interpretation implies full protection under the Migratory Bird Treaty Act for all species listed, including captive-reared mallards, and requires the establishment of hunting season frameworks to regulate a legal take. Section 21.13 provides an exception that, once properly marked and within the confines of a State-regulated shooting preserve, captive-reared birds may be taken in any number, at any time, by any person, without a permit. Despite this language, broad interpretation of § 21.13 may be in conflict with existing migratory bird treaties, since it allows taking of free-ranging, treaty-protected birds during closed seasons and without bag limits. Thus an issue arises. At what point do free-ranging captive-reared mallards become wild for purposes of enforcement under the Migratory Bird Treaty Act?

In addition, shooting of wild mallards on shooting preserves is subject to regulations outlined in § 20.21 governing hunting methods, including those restricting the presence of live decoys (§ 20.21 (f)) and bait (§ 20.21 (i)) during the hunting season. The use of live ducks as decoys and baiting for taking waterfowl has been illegal by Federal regulations since 1935 because of their effectiveness in luring wild waterfowl to the gun. Under existing regulations, live decoys are not only defined in the traditional sense as birds pinioned, tethered, wing-clipped, or caged, but also include those capable of free flight. Birds in these situations may exhibit tameness or reluctance to fly or leave an area in the presence of man and hunting activity, because of previous conditioning to humans. However, the question of when unrestrained, captive-reared mallards constitute a "live-decoying" situation during the hunting season is subject to interpretation and may vary on a case-by-case basis, dependent on their behavior in the presence of human activity, as evidenced by Federal court decisions. This situation necessitates a discretionary interpretation by enforcement personnel in the field. Concerns over enforcement problems and inconsistencies in interpretation have been expressed by the Service, State wildlife agencies, and several private hunting clubs.

The influx of large numbers of captive-reared mallards into certain areas inhabited by wild ducks has raised concerns by the Service, Flyway Councils, and the International Association of Fish and Wildlife Agencies over the potential threat of disease transmission to wild populations. The appearance of new diseases in previously unexposed waterfowl populations may result in major health problems. Of particular concern are infectious diseases where survivors of an outbreak become carriers capable of initiating additional outbreaks as they disperse. Highly-infectious diseases, such as duck plague and avian cholera, are capable of causing large-scale losses in wild waterfowl.

Duck plague, also known as duck virus enteritis (DVE), is of particular concern because of its frequency of occurrence in captive, semi-captive, and feral waterfowl. The first appearance of this disease in the United States was in the Long Island domestic duck industry in 1967. In 1973, a major outbreak in wild, migratory waterfowl inflicted heavy losses on ducks, geese, and swans, and was responsible for the death of 40,000 to 50,000 mallards. Avian cholera is another example of a highly-infectious disease that originated in the domestic poultry industry and spread eventually to wild stocks. First appearing in wild waterfowl in the 1940s, avian cholera is presently a disease affecting North American waterfowl.

Currently, captive-reared mallards purchased from game farms do not require State health certification prior to release on shooting preserves. Confined situations allow the rapid spread of diseases through close contact and contamination by waste products. Consequently, contact between captive birds and wild waterfowl and outbreaks involving captive-reared waterfowl scheduled for release into the wild represent an increasing threat to wild waterfowl. Declining waterfowl populations may be sensitive to any increase in frequency of diseases, particularly the introduction and establishment of new diseases. Finally, waterfowl diseases, originating with captive-reared birds, could threaten endangered species and pose a problem for domestic poultry flocks.

Uncontrolled releases of thousands of free-flighted, captive-reared mallards into habitats now managed for wild birds, render various data-gathering activities by Federal, State, and flyway waterfowl management programs less effective. Specific areas of concern include:

Midwinter waterfowl surveys: The release of thousands of free-flying mallards has increased mallard midwinter survey indices in recent years. The presence of these birds has diminished the usefulness of this survey in guiding management efforts for the mallard in certain areas.

Harvest surveys: There is no reliable method of distinguishing between wild and hand-reared mallard wings in the Service's Waterfowl Parts Collection Survey. As a result, harvest survey information, including harvest estimates and age/sex data, is biased by the release of captive-reared mallards. These biases not only influence State estimates but affect flyway estimates as well, thus compromising harvest management strategies for wild birds at the State and flyway level.

Banding Programs: Recoveries of hunter-shot mallards banded prior to each hunting season by the Service and cooperating States usually provide a direct measure of harvest rates for wild mallards. However, large numbers of captive-reared mallards banded with either State or private bands confuse hunters and bias their reports of banded wild mallards and other ducks. With potential problems in reporting rates, it becomes extremely difficult for the Service to properly assess and interpret harvest pressure on wild mallards.

Population Unit Management: Flyway management of duck populations (i.e., mallards) is, in part, based on information pertaining to unique population units, segments, or reference areas. With large, uncontrolled releases of captive-reared birds, the capability of waterfowl managers to detect discrete populations of wild stocks is made more difficult, thus interfering with the development of reliable databases for this species.

Regulations Development: Databases used to establish annual duck hunting regulations within each flyway, such as population, harvest, and banding information, may be biased due to the presence of large numbers of free-flying mallards. The ability to develop sound management decisions, based on this information, may be compromised to some unknown degree.

Genetic Diversity: Releasing large numbers of captive-reared mallards in certain localities may affect the genetic make-up of wild mallards using those areas. Black ducks, known to hybridize easily with mallards, may be similarly affected. If large releases continue, certain regions of the continent may no longer contain wild-stock mallards or genetically sound black ducks.

Public Comment Invited

Under existing regulations contained in Section 21.13, the release of captive-reared mallards on licensed shooting preserves is subject to broad interpretation. As a result, numerous conflicts with established regulations prohibiting the use of live decoys and baiting have resulted. In addition, aspects involving ownership and control are unclear when flighted, captive-reared birds are allowed to range freely over a wide area. Risks of disease transmission among wild ducks associating with captive-reared mallards may occur.

The Service believes there are a variety of options available to alleviate potential conflicts and resolve management problems associated with captive-reared mallard release programs. Many of these options would require some modification of 50 CFR parts 20 or 21. The Service intends to explore these options and invites public comment on any options that may alleviate this problem. Comments may be sent to the address indicated under the caption **ADDRESSES**.

List of Subjects in 50 CFR Part 21

Exports, Hunting, Imports, Reporting and recordkeeping requirements, Transportation, Wildlife.

Authority: The Migratory Bird Treaty Act (July 3, 1918), as amended (16 U.S.C. 703–711); the Fish and Wildlife Improvement Act (November 8, 1978), as amended (16 U.S.C. 712); and the Fish and Wildlife Act of 1956 (August 8, 1956), as amended (16 U.S.C. 742 a-d and e-j).

Dated: January 21, 1993.

Richard N. Smith,

Acting Director, U.S. Fish and Wildlife Service.

[FR Doc. 93–12743 Filed 5–28–93; 8:45 am]

BILLING CODE 4310–55–F

federal register

Tuesday
June 1, 1993

Part IV

Department of Agriculture

Forest Service

Department of the Interior

Fish and Wildlife Service

36 CFR Part 242 and 50 CFR Part 100

Subsistence Management Regulations for Public Lands in Alaska; 1993–1994 Subsistence Taking of Fish and Wildlife; Rule

DEPARTMENT OF AGRICULTURE

Forest Service

36 CFR Part 242

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 100

RIN 1018–AB43

Subsistence Management Regulations for Public Lands in Alaska, Subpart D—1993–1994 Subsistence Taking of Fish and Wildlife Regulations

AGENCY: Forest Service, Agriculture; and Fish and Wildlife Service, Interior.

ACTION: Final rule.

SUMMARY: This final rule establishes regulations for seasons, bag limits, methods, and means related to taking of fish and wildlife for subsistence uses during the 1993–1994 regulatory year. The rulemaking is necessary because subpart D is subject to an annual public review cycle. This rulemaking replaces "Subsistence Management Regulations for Public Lands in Alaska, subpart D—1992–1993 Subsistence Taking of Fish and Wildlife Regulations", which expire on June 30, 1993.

EFFECTIVE DATES: This rule becomes effective on July 1, 1993, and remains effective through June 30, 1994.

FOR FURTHER INFORMATION CONTACT: Chair, Federal Subsistence Board, c/o U.S. Fish and Wildlife Service, Attention: Richard S. Pospahala, Office of Subsistence Management, 1011 E. Tudor Road, Anchorage, Alaska 99503; telephone (907) 786–3447. For questions specific to National Forest System lands, contact Norman R. Howse, Assistant Director Subsistence, USDA, Forest Service, Alaska Region, P.O. Box 21628, Juneau, Alaska 99802–1628, telephone (907) 586–8890.

SUPPLEMENTARY INFORMATION:

Background

Title VIII of the Alaska National Interest Lands Conservation Act (ANILCA) (16 U.S.C. 3111–3126) requires that the Secretary of the Interior and the Secretary of Agriculture (Secretaries) implement a joint program to grant a preference for subsistence uses of fish and wildlife resources on public lands, unless the State of Alaska enacts and implements laws of general applicability consistent with ANILCA, and which provides for the subsistence definition, preference, and participation as specified in sections 803, 804, and 805 of ANILCA. The State implemented such a program that the Department of the Interior previously found to be consistent with ANILCA. However, in December 1989, the Alaska Supreme Court ruled in *McDowell* v. *State of Alaska* that the rural preference in the State subsistence statute violated the Alaska Constitution. The court's ruling in *McDowell* required the State to delete the rural preference from the subsistence statute, and therefore, negated State compliance with ANILCA. The Court stayed the effect of the decision until July 1, 1990.

As a result of that decision, the Department of the Interior and the Department of Agriculture (Departments) assumed, on July 1, 1990, responsibility for implementation of Title VIII of ANILCA on public lands. On June 29, 1990, the Temporary Subsistence Management Regulations for Public Lands in Alaska were published in the **Federal Register** (55 FR 27114–27170). Consistent with Subparts A, B, and C of these regulations, a Federal Subsistence Board (Board) was established to administer the Federal subsistence management program. The Board's composition includes a Chair appointed by the Secretary of the Interior with concurrence of the Secretary of Agriculture; the Alaska Regional Director, U.S. Fish and Wildlife Service; the Alaska Regional Director, U.S. National Park Service; the Alaska State Director, U.S. Bureau of Land Management; the Alaska Area Director, U.S. Bureau of Indian Affairs; and the Alaska Regional Forester, USDA Forest Service. Through the Board, these agencies have participated in development of regulations for subparts A, B, and C, and the annual subpart D regulations. All Board members have reviewed this final rule and concur in its publication. Because this final rule relates to public lands managed by an agency or agencies in both the Departments of Agriculture and the Interior, identical text will be incorporated into 36 CFR part 242 and 50 CFR part 100.

On May 28, 1992, the 1992–1993 Seasons and Bag Limits for Subsistence Management Regulations for Public Lands in Alaska were published in the **Federal Register** (57 FR 22530–22567). That rulemaking amended subpart D of 36 CFR part 242 and 50 CFR part 100.

Over the course of the 1992–1993 regulatory year, the Board executed 12 special actions on the 1992–1993 subpart D regulations. Most of these actions were emergency or temporary closures enacted to protect the continued viability of particular wildlife populations or herds. The Board also established season dates for Federal subsistence hunts for moose in Unit 18 and caribou in Unit 21(D). Additionally, the Board revised seasons and bag limits for deer harvest in portions of Unit 4.

Proposed subpart D regulations for the 1993–1994 seasons and bag limits, and methods and means were published on September 17, 1992, in the **Federal Register** (57 FR 43074–43105). A 60-day comment period was provided for public review of the proposed rule. Subsequent to that 60-day review period, the Board prepared a booklet describing all proposed changes to Subpart D. The public then had an additional 60 days in which to comment on the proposals for changes to the regulations. The final regulations reflect Board review and consideration of public comments submitted to the Board.

Navigable Waters

At this time, Federal subsistence management program regulations apply to all non-navigable waters located on public lands and to navigable waters located on the public lands identified at 50 CFR 100.3(b) and 36 CFR 242.3(b) of the Subsistence Management Regulations for Public Lands in Alaska, subparts A, B, and C (57 FR 22940–22964) published May 29, 1992. Nothing in these regulations is intended to enlarge or diminish authorities of the Departments to manage submerged lands, title to which is held by the United States.

Analysis of Requests for Reconsideration and Board Responses

The Board received six requests for reconsideration, which urged the Board to reconsider actions affecting the 1992–1993 harvest of fish and wildlife for subsistence uses. A request received by the Native Village of Stevens on July 7, 1992, asked the Board to revise regulations pertaining to moose harvest in Unit 25(D) (West). Specifically, the requestor asked the Board to: (1) Prohibit non-Federally qualified hunters from harvesting moose on public lands, (2) lengthen the moose season, (3) institute community bag limits, and (4) limit moose taking on all lands within the Yukon Flats National Wildlife Refuge, or alternately, Unit 25(D) (West), to residents of Stevens Village, Beaver, and Birch Creek. After reviewing the available information about the 25(D) (West) moose population and customary and traditional use characteristics, the Board took the following actions: (1) Closed public lands to moose harvest by hunters who are not residents of Stevens Village, Beaver, or Birch Creek; (2) lengthened the Federal subsistence

moose season; and (3) authorized a harvest permitting system enabling hunters living in Stevens Village, Beaver, or Birch Creek to designate other residents of those villages to harvest moose on the former's behalf.

The City of Kaktovik submitted a request for reconsideration asking the Board to revise regulations concerning subsistence harvest of sheep in Unit 26(C) which was received July 30, 1992. The request asked the Board to modify harvest permitting requirements by replacing individual harvest tickets with a community harvest permitting system, and either delete or modify the permit requirement to enable villagers to obtain permits more easily. The request also asked the Board to eliminate sport hunting for sheep if the Kaktovik community sheep harvest quota is equal to or exceeds the biologically allowable harvest level for Unit 26(C). Confronted with incomplete information and the potential for adverse impacts to the sheep population, the Board deferred consideration of this request to the 1993–1994 regulatory cycle.

Accordingly, the Board addressed the City of Kaktovik request at its meeting held on April 5–8, 1993, during which the Board evaluated proposals for the 1993–1994 Subpart D regulations. At the meeting, the Board agreed with the concept of community bag limits for sheep harvest by Kaktovik residents. However, because sheep tend to congregate in discrete subpopulations and remain close to certain sites, the Board was concerned that a community bag limit would increase the likelihood for a single hunter to over harvest sheep from a given subpopulation. Consequently, to accommodate customary and traditional harvest practices without compromising the continued viability of Unit 26(C) sheep populations, the Board established a provision authorizing Kaktovik residents to harvest sheep in satisfaction of an individual bag limit, plus the bag limit of another resident who may choose to designate the former as their hunter. The Board also agreed to establish an alternative reporting system for Kaktovik residents. Accordingly, the Board authorized a reporting system whereby Kaktovik residents who harvest sheep in Unit 26(C) will report their harvests to a designated representative of Kaktovik, who will report the harvest to the U.S. Fish and Wildlife Service. The Board also adopted a provision whereby Federal sheep harvest permits for Unit 26(C) will be distributed in Kaktovik through a designated member of the community. This provision also exempts Kaktovik residents from the requirement that a State registration permit be obtained for the Federal subsistence sheep harvest in Unit 26(C).

The Board received a request for reconsideration on August 5, 1992, from the Copper River Native Association (CRNA) asking the Board to reconsider its decision made on July 29, 1992, which implemented an emergency closure of the Federal subsistence season for Mentasta caribou in Unit 11 and part of Unit 12. The Board reconsidered its decision, and determined that the emergency closure did not adversely affect any rural Alaska residents living in the villages represented by CRNA because residents of those communities were eligible to apply for subsistence permits from either the State or the Board which authorized harvest of caribou from the Nelchina herd in nearby Unit 13 during the months of August and September. The Board also determined that repeal or modification of its decision would be moot because Mentasta caribou had moved far enough away from the villages represented by CRNA that they would be unavailable for harvest in Unit 11 and the relevant portion of Unit 12. Subsequently, at its April 1993 meeting, the Board considered authorizing a harvest of Mentasta caribou for the 1993–1994 regulatory year. The population of Mentasta Caribou has continued to decline dramatically over the last several years because recruitment levels to the herd are quite low. To assure the herd's continued viability, the Board determined that no harvest should be permitted in the 1993–1994 regulatory year. Consequently, the Board did not establish a season.

The Alaska Department of Fish and Game (ADF&G) submitted a request for reconsideration on August 25, 1992, asking the Board to reconsider its 1992 decision authorizing the use of rod and reel for Federal subsistence fishing. Following the 1992 decision, the Board directed its staff to develop background information and alternatives for addressing the issues associated with Federal authorization of the use of rod and reel for subsistence purposes and planned to address these issues at its April 1993 meeting. Consequently, ADF&G's request was incorporated into the 1993–1994 Subpart D regulatory process. At its April 1993 meeting, the Board reaffirmed its recognition of the use of rod and reel for subsistence uses. The Board also specified that subsistence rod and reel users need not obtain State subsistence fishing permits. The former requirement for Federal subsistence users to obtain State subsistence permits in certain instances was contradictory, as the language of such State permits precluded use of rod and reel. Rural Alaska residents who take fish pursuant to Federal subsistence regulations, with any gear other than rod and reel, must possess any fishing permits that Federal or State fishing subsistence regulations require. The Board also established that when the Federal regulations do not specify bag or possession limits, people fishing under Federal subsistence regulations must adhere to State bag and possession limits. In such cases, if a State subsistence permit is required, the Federal bag and possession limits for rod and reel fishing are those specified on the State permit. If a State subsistence permit is not required, then the Federal bag and possession limits for rod and reel fishing are the same as those specified in the applicable State sport fishing regulations. The Arctic Village Council submitted a request for reconsideration which was received on August 31, 1992, asking the Board to expand the Arctic Village sheep management area and replace individual bag limits with a community bag limit for sheep hunting by residents of Arctic Village. Confronted with incomplete data and analyses, and the potential for adverse impacts to the sheep population, the Board deferred the request to the 1993–1994 regulatory cycle. At its April 1993 meeting, the Board found no compelling justification for expanding the management area, and insufficient data to establish a community harvest limit. However, the Board acknowledged the community's concerns, and expressed its intent to work more closely with Arctic Village representatives to develop a mutually acceptable community harvest reporting system.

Tanana Chiefs Conference, Inc., submitted a request for reconsideration which was received on September 8, 1992, asking the Board to reconsider regulations pertaining to customary and traditional use determinations for the Nelchina caribou herd. Customary and traditional use determinations are not within the purview of the Board's Subpart D regulatory review process, so the Board deferred the request for reconsideration to the customary and traditional use determination process. The Board is presently developing priorities for reviewing customary and traditional use determinations statewide. This priority list will be made available for public review and comment in the near future. The Board anticipates that review of the customary and traditional use determinations for the upper Tanana valley will be very high on the priority list, and has

directed staff to begin developing background information for the Board to use in reviewing the determinations.

On September 25, 1992, the ADF&G submitted a request for reconsideration asking the Board to reconsider its July 29, 1992, decisions pertaining to seasons and bag limits for deer in the Northeast Chichagof area of Unit 4. Specifically, ADF&G maintained that the non-subsistence bag limit adopted by the Board was unintended or improper. The ADF&G also asserted that there was no need for the Board to eliminate non-subsistence uses of deer on Federal public lands in the Northeast Chichagof area after October 31, 1992. The ADF&G asked the Board to repeal these two regulatory changes, and retain the regulations that existed prior to the July 29, 1992, decision in that portion of Unit 4. The Board reconsidered, and reaffirmed, its decisions pertaining to these two issues.

In response to a request for reconsideration from the Association of Village Council Presidents, the Board determined that rainbow trout were customarily and traditionally taken for subsistence uses in certain waters of the Kuskokwim drainage. However, no subsistence harvest of rainbow trout was authorized by the Board in the absence of specific information and analysis of whether rainbow trout were actually taken for subsistence uses on public lands (i.e. non-navigable public waters). Results of subsistence use investigations were presented at the public Board meeting on April 5, 1993. In consideration of new information, the Board authorized subsistence take of rainbow trout for the communities of Goodnews Bay, Platinum, Quinhagak, Eek, Kwethluk, Akiachak, and Akiak, effective April 5, 1993. Residents of these seven villages may harvest rainbow trout from those non-navigable drainages found on public lands that are tributaries of the Kuskokwim River downstream of its confluence with the Holitna River, and from those non-navigable waters that are found on public lands located north of the community of Platinum, and that are tributaries to waters which drain into Kuskokwim Bay. In the areas described above, residents of these seven communities may take rainbow trout, throughout the year, with gill nets, rod and reel, or by jigging through the ice. However, gill nets may not be used from March 15–June 15.

Summary of Comments

On September 17, 1992, the proposed rule for Subsistence Management Regulations for Public Lands in Alaska—subpart D, 1993–1994 was published in the **Federal Register** (57 FR 43074–43105). The proposed rule afforded the public a 60-day period to suggest changes for the 1993–1994 regulatory year. Because members of the Regional Councils would not be appointed prior to initiation or completion of the 1993–1994 subsistence regulation process, the Board held information meetings and workshops in each regional center. In conjunction with public hearings on the 1993–1994 subpart D regulation proposed rule, meetings and workshops were held in Sitka, Barrow, Bethel, Kotzebue, Fairbanks, Dillingham, Kodiak, Nome, Anchorage, Galena, Naknek, Fort Yukon, Glenallen, and Tok. The information meetings and workshops were used to assist interested individuals in development of suggested changes to the 1993–1994 subpart D proposed rule.

A total of 97 proposals for 1993–1994 subpart D changes was received. Of those, 63 were within the scope of the Board's authority under subpart D. Most of the proposals which were not accepted involved requests for changes in customary and traditional use determinations found in subpart C of the Federal subsistence management program regulations. Other proposals which were not considered requested delegation of Board authorities that could not be relinquished to nongovernment entities, or requested application of hunting regulations to non-Federal lands.

On December 2, 1992, a booklet describing the 63 proposals was distributed to the public with notice that the Board would accept public comments on these 63 proposals through February 13, 1993. During the public comment period, workshops were held in the same regional centers identified above to obtain local input on specific proposals affecting each region. Of the 63 proposals, the Board acted on 60 during a public meeting, April 5–8, 1993. One proposal was withdrawn by the proponent prior to the Board meeting, and two others were withdrawn by their respective proponents during the meeting.

Analysis of Proposals Rejected by the Board

The Board did not adopt eight proposals requesting relief on method and means restrictions. Of the eight proposals, four were related to the taking of black bear and requested liberalization of same day airborne hunting, snaring, bait station registration, and cub bear restrictions in Unit 21. Although the Board acknowledged that bear populations in Unit 21 were large, the proposals were founded on the need for taking nuisance bears, an action beyond the scope of the Board's authority pursuant to title VIII of ANILCA, and the implementing regulations (subparts A, B, and C). Three of the eight proposals, those related to aircraft and archery use, were denied because Board adoption would have restricted legitimate subsistence uses of bear and furbearers. The remaining methods and means proposal requested authorization to use motor-driven boats to harvest ungulates, bear, wolves and wolverine in Unit 21. The Board denied this proposal because the proposal lacked substantial evidence to warrant adoption.

Three proposals dealing with the transportation and utilization of wildlife were denied by the Board. These proposals sought modification of regulatory language requiring written information on transfer/receipt of fish and wildlife, prohibited use of subsistence resources for dog food, and required salvage of brown bear skulls in Units where sealing is required. The Board determined that such requirements were necessary to administer the program properly.

The Board partially rejected one proposal to eliminate regulations authorizing hand troll gear and a line attached to a rod or pole (rod and reel). The Board agreed that hand troll gear was not a customary and traditional means of subsistence fishing on waters under Federal subsistence jurisdiction, but rejected that argument for use of rod and reel. The Board further found that modification of regulations related to fishing with a rod and reel were necessary to protect certain fish stocks found on public lands.

Two proposals to alter existing subsistence deer hunting regulations for Unit 4 were rejected by the Board. These proposals requested changes to provide greater deer harvest opportunity to persons not eligible to take Federal subsistence resources in portions of Unit 4. The Board denied these proposals due to the over harvest potential for deer populations in Unit 4.

The Board addressed a proposal to open a limited caribou hunt in Unit 15(C), but found insufficient customary and traditional use information to warrant establishment of a caribou season. In addressing this proposal, the Board prohibited the establishment of additional subsistence seasons for fish and wildlife species on the Kenai Peninsula (Units 7 and 15) until customary and traditional uses of those species could be comprehensively evaluated. Moreover, the Board directed that such an evaluation be

accomplished no later than July 1, 1994. The Board was concerned that the majority of residents on the road connected Kenai Peninsula no longer engage in subsistence uses of fish and wildlife and that provisions for a subsistence priority may not be warranted. In the interim, the Board's action prevents adoption of any new subsistence seasons on the Kenai Peninsula until the full review of customary and traditional uses is completed.

Five proposals to change existing bag limits or seasons were rejected by the Board because approval of the action was not biologically justified or would unnecessarily restrict existing subsistence uses. Three of the five proposals sought new subsistence seasons. The Board denied all three because available evidence suggested that adoption of the proposals would be inconsistent with the conservation of healthy moose and caribou populations. One of the five proposals urged the Board to authorize a beaver hunting season so that whitefish habitat could be protected. Because the request was not based upon the subsistence uses of beaver and because the scope of that request went beyond purview of the Board's authority, the Board denied the proposal. The last of the five proposals was forwarded to open year-round seasons over a broad area for moose, caribou, sheep, and bear. The Board rejected that proposal, citing concerns over the status of each species in the area and a potential inability to assure the conservation of healthy populations of each species.

Three proposals were submitted to liberalize restrictions on taking of brown bear in the Western Alaska Brown Bear Management Area. The Board denied all three proposals in an effort to allow the recently established Management Area and accompanying regulations a chance to reveal strengths and weaknesses. The Board determined that an evaluation of the Management Area and regulatory effectiveness over the next two years is warranted before new changes should be considered.

The Board addressed one proposal to expand the Arctic Village Sheep Management Area in Unit 25(A) and to replace individual bag limits for residents of Arctic Village with a community harvest system. The Board found no compelling justification for expanding the management area and insufficient data to establish a community harvest limit. However, the Board acknowledged the community's concern over maintaining traditional harvest practices and expressed an intent to work closely with Arctic Village representatives to develop a community harvest program acceptable to all concerned parties.

Section ____.25 Subsistence taking of wildlife

The Board took action on four proposals for changes to general wildlife regulatory provisions. The proposals requested changes in 1993–1994 regulation definitions and methods and means. The following Board actions on general subsistence regulation proposals have been incorporated into this final rule:

- Modification of definitions to eliminate *big game* and *small game*, or otherwise modify references to "game" found elsewhere in the Subpart D regulations. The Board action was taken to reduce the objectionable connotations that "game" represents in the ancestral beliefs of many subsistence users. Other definitions have been added or modified in the 1993–1994 subpart D regulations to maintain regulation coverage and continuity. For example, some of the species previously addressed in regulations under big game are now covered by a new definition of *ungulate*, and *small game* has been partially replaced with expanded definitions of *grouse, ptarmigan*, and *hares*.
- Clarification of season dates for taking beaver by firearms. Season date references for Units have been removed from 50 CFR 100.25(b)(4)(iii) and 36 CFR 242.25(b)(4)(iii) and included in species regulations for each Unit under 50 CFR 100.25(m) and 36 CFR 242.25(m).
- Clarification of the Board's intent to limit the take of wildlife under individual harvest limits in those cases where community bag limits are authorized. Board action on this proposal makes clear that wildlife taken pursuant to a community harvest allocation authorized by subpart D regulations may not be taken in addition to wildlife taken pursuant to an individual bag limit authorized by Subpart D or State regulations. The community harvest allocation and individual bag limits may not be accumulated. The Board has elected to develop specific harvest restrictions on a case-by-case basis for community harvest programs that may be authorized in the future. Community and individual bag limit regulations will be established in consideration of community and resource protection needs and will be defined under Unit specific regulations of subpart D.
- Clarification of a regulation that attributes wildlife taken by a designated hunter to the bag limit of the person for whom the animal was harvested.

Southeast Region

Eight proposals affecting the Southeast Region were acted on by the Board and have resulted in changes to regulations found in § ____.25. Proposals were submitted for changes to regulations in Units 1(B), 3, 4, and 5(A), for deer, goats, and moose. Two other proposals were withdrawn by the proponent. The following Board actions affect the Southeast Region and have been incorporated in this final rule:

- Regulation modification to provide a more detailed description of specific boundaries and closure of public lands within a portion of Unit 1(B) to all taking of goats under Federal subsistence regulations. This Board action closes public lands to all users, both subsistence and non-subsistence. The goat population in the hunt area is too depressed to permit a harvest, particularly in light of recent changes in area accessibility.
- Establishment of a spike-fork or 50-inch (3 brow tine) antler restriction for moose hunting and closure of public lands in a portion of Unit 1(B) to the hunting of moose, except for Wrangell residents who have secured a Federal subsistence permit. This action was taken to enhance the mature bull component in order to assure the conservation of a healthy moose population.
- Redefinition of portions of Unit 3 to reflect clearer management prescriptions for deer and opening limited subsistence hunts for deer in parts of the Unit that were previously closed.
- Prohibiting the take of deer after October 31 on public lands in a portion of Unit 4, to all hunters who are not residents of Unit 4, Kake, Gustavus, Haines, Petersburg, Pt. Baker, Klukwan, Port Protection, or Wrangell. This measure will help assure conservation of a healthy deer population while affording the continued subsistence priority for this species.
- Establishment of a 5 wolf limit and modification of the hunting season to close one month earlier in Unit 5(A) in order to protect female wolves with dependent young.
- Establishment of a 25 bull quota and modification of the moose season in Unit 5(B). This action expands subsistence opportunity, but modifies the season so that accidental take of cows will not occur after bulls have shed their antlers.

Southcentral Region

The Board evaluated and acted upon two proposals affecting the Southcentral Region. Resulting changes in the

regulations are contained in § ____.25. The proposals requested changes to a goat season in Unit 6(D) and caribou seasons in Units 11 and 12. The following Board actions affect regulations of the Southcentral Region and are incorporated in this final rule:

• Prohibiting the take of goats on public lands in subarea RG–245 of Unit 6(D) (formerly subarea 828). The Board's action protects a declining goat population. The numbers of all goat hunt subareas reflected in Federal regulations have been altered in this final rule to match new ADF&G number designations.

• Closure of caribou hunting for the Mentasta herd in Units 11 and 12. This measure was taken to ensure the continued viability of the Mentasta caribou herd.

Bristol Bay Region

Two proposals affecting the Bristol Bay Region were acted on by the Board and resulted in changes to regulations contained in § ____.25. Requests were submitted to change 1993–1994 regulations in Units 9(C) and 9(E) for moose and caribou, respectively. As a result of Board actions, the following changes are incorporated into this final rule:

• Clarification of language regarding the take of antlered and antlerless moose in Unit 9(C).

• Extension of the caribou season in Unit 9(E) to close later in all areas, and open earlier south of Seal Cape. In that portion of Unit 9(E) south of Seal Cape, bulls may be taken from July 1–August 9. In conformance with customary and traditional use patterns, the Board's action expands local subsistence opportunities in years when caribou migrations are erratic, and thus delay availability.

Yukon-Kuskokwim Region

Two proposals affecting the Yukon-Kuskokwim Region were acted on by the Board and have changed subpart D regulations found in § ____.25. Requests were made to alter bag limits or seasons in Unit 18 for moose and ptarmigan, respectively. The following actions affect the Yukon-Kuskokwim Region and are incorporated into this final rule:

• Modification of regulations for an antlered moose hunt in Unit 18 to clarify the Board's intent to allow taking of bull moose only. The Board also deleted requirements for retaining evidence of sex for moose harvested in Unit 18 during the fall season, but added such a requirement for a winter "to be announced" season.

• Extension of the ptarmigan season in Unit 18 from April 30 to May 31, to accommodate local customary and traditional use patterns.

Western Interior Region

The Board acted on three proposals affecting the Western Interior Region were acted on by the Board and have resulted in changes to Subpart D regulations in § ____.25. The proposals requested change to 1993–1994 regulation restrictions for snowmobile access to a management area in Units 20, 24, 25, and 26 and for change in moose seasons in Unit 21(D). The following Board actions affect the Western Interior Region and are included in this final rule:

• Modification of restrictions on use of motorized vehicles in the Dalton Highway Corridor Management Area. The Board's action authorizes local residents living within the boundaries of the management area in Units 20, 24, 25, and 26 to use snowmobiles for taking wildlife for traditional subsistence uses.

• Extension of the moose season in Unit 21(D) within that portion of the Koyukuk Controlled Use Area located within the Koyukuk National Wildlife Refuge. The Board's action to modify these regulations was based on the adoption of two similar proposals. These measures expand subsistence opportunities in conformance with customary and traditional practices while conserving healthy populations of moose.

Northwest Arctic Region

• The Board acted on one proposal for the Northwest Arctic Region was acted on by the Board and resulted in changes to regulations contained herein. A proposal requested a change to the 1993–1994 moose season in Unit 23. The following Board action affects the Northwest Arctic Region and is incorporated in this final rule.

• Modification of moose regulations in Unit 23 to liberalize the take of antlerless moose in one portion of the Unit (Kivalina drainage), and restrict taking of antlerless moose in the Noatak drainage portion of Unit 23 to November 1–March 31. The Board's action will aid recovery of the declining moose population in this portion of Unit 23.

Eastern Interior Region

Three proposals were acted on by the Board which affect Eastern Interior subpart D regulations. Proposals were submitted to change moose hunting seasons in Units 20(C) and 25(D). The following Board actions affect subsistence use of wildlife in the Eastern Interior Region:

• Extension of the moose season in Unit 20(C) by 10 days to expand opportunities for rural Alaska residents to engage in subsistence uses of moose.

• Modification of the Unit 25(D) (West) moose regulation, including the deletion of references to the portion of Unit 25(D) (West) occurring within the Dalton Highway Corridor Management Area. The Board also modified the season dates for moose within Unit 25(D) (West).

• Modification of language to clarify the Board's intent to allow taking of any antlered moose in the remainder of Unit 25(D).

North Slope Region

One proposal was acted on by the Board which affects North Slope Region regulations contained herein. A proposal was submitted to change the sheep hunting regulations in Unit 26(C). The following Board action affects the North Slope Region and is incorporated in this final rule:

• Adoption of a designated hunter provision for residents of Kaktovik, which authorizes the harvest of up to two full bag limits of sheep in Unit 26(C) by a designated hunter. The Board further directed development of a community permitting and harvest reporting system to facilitate the designated hunter program. The Board's action was taken to better accommodate customary and traditional subsistence use patterns of the Kaktovik community.

Section ____.26 Subsistence Taking of Fish

Four proposals were acted on by the Board and resulted in changes to those regulations found in § ____.26. The proposals requested changes in 1993–1994 Subpart D regulations dealing with (1) definitions, (2) methods, means and general restrictions, (3) unlawful possession of finfish, and (4) change in fishing hours for salmon in the Kodiak Area. The following Board actions have been incorporated in this final rule:

• The Board eliminated requirements that subsistence users must obtain a State subsistence fishing permit to fish under Federal regulations with a rod and reel. Bag limits for rod and reel will be equivalent to bag limits specified in State subsistence fishing permits, where issued, or State sport fishing limits, or as otherwise specified in § ____.26.

• Elimination of the definition of *hand troll* gear. The Board found that this method of fishing is not a customary and traditional method of subsistence fishing on public lands under Federal subsistence jurisdiction.

• Modification of regulatory language to clearly define the scope of the

subsistence priority found in title VIII of ANILCA as differentiated from State fishing regulations.

• Modification of language clarifying the intent of regulations regarding possession of illegally taken finfish.

• Elimination of fishing hour restrictions for the subsistence salmon season in the Kodiak area. The Board took further action to require immediate removal of the dorsal fin of salmon taken for subsistence uses in the Kodiak Area.

Section ____.27 Subsistence Taking of Shellfish

One proposal was acted on by the Board and resulted in changes to shellfish regulations contained herein. A proposal was submitted to change part of the 1993–1994 provisions for unlawful possession of shellfish. The following Board action has been incorporated into this final rule:

• Modification of language that clarifies the intent of regulations regarding possession of illegally taken shellfish.

Consistency Modifications

Subsistence Management Regulations for Public Lands in Alaska, Subpart D were originally established from a framework of State fish and wildlife regulations. The 1993–1994 Subpart D regulations have been modified to remove portions which have no Federal subsistence management application. Proposed regulatory language in § ____ .25 and § ____.26 that did not relate to areas defined as public lands has been generally removed from this final rule. Specifically, references to several special management areas or controlled use areas that were identified in 1992–1993 Subpart D regulations have been removed. In these cases, either no public lands actually exist or there are no applicable Federal seasons. In addition, fishing regulations in § ____ .26 and shellfish regulations in § ____ .27 have been modified to remove regulation references not pertaining to the Federal subsistence management program.

Conformance With Statutory and Regulatory Authorities

National Environmental Policy Act Compliance

A Draft Environmental Impact Statement (DEIS) that described four alternatives for developing a Federal subsistence management program was distributed for public comment on October 7, 1991. That document described the major issues associated with Federal subsistence management as identified through public meetings, written comments and staff analysis and examined the environmental consequences of the four alternatives. Proposed regulations (Subparts A, B, and C) that would implement the preferred alternative were included in the DEIS as an appendix. The DEIS and the proposed administrative regulations presented a framework for an annual regulatory cycle regarding subsistence hunting and fishing regulations (subpart D). Proposed subpart D regulations for the 1992–1993 regulatory year were published on December 9, 1991 (56 FR 64403–64444). Subparts A, B, and C were subsequently published as a proposed rule in the **Federal Register** on January 30, 1992 (57 FR 3676–3687). The Final Environmental Impact Statement (FEIS) was published on February 28, 1992.

Based on the public comment received, the analysis contained in the FEIS, and the recommendations of the Federal Subsistence Board and the Department of the Interior's Subsistence Policy Group, it was the decision of the Secretary of the Interior, with the concurrence of the Secretary of Agriculture, through the U.S. Department of Agriculture-Forest Service, to implement Alternative IV as identified in the DEIS and FEIS. The DEIS and the selected alternative in the FEIS defined the administrative framework of an annual regulatory cycle for subsistence hunting and fishing regulations. The final rule for Subsistence Management Regulations for Public Lands in Alaska, subparts A, B, and C (57 FR 22940–22964) implement the Federal subsistence management program, including a framework for an annual cycle for subsistence hunting and fishing regulations, according to the Record of Decision on Subsistence Management for Federal Public Lands in Alaska (ROD), signed April 6, 1992.

Compliance With Section 810 of ANILCA

The intent of all Federal subsistence regulations is to provide opportunities for subsistence uses subject to the limitation of protecting healthy fish and wildlife populations. A Section 810 analysis was completed as part of the FEIS process. The final Section 810 analysis determination appears in the April 6, 1992, ROD which concluded that the Federal subsistence management program, under Alternative IV with an annual process for setting hunting and fishing regulations, would have some local impacts on subsistence uses, but would not constitute a significant restriction of subsistence uses under the "may significantly restrict" standard.

Paperwork Reduction Act

These rules contain information collection requirements subject to Office of Management and Budget (OMB) approval under 44 U.S.C. 3501–3520. They apply to the use of public lands in Alaska. The information collection requirements described above are approved by the OMB under 44 U.S.C. 3501 and have been assigned clearance number 1018–0075.

Public reporting burden for this form is estimated to average .1382 hours per response, including time for reviewing instructions, gathering and maintaining data, and completing and reviewing the form. Direct comments on the burden estimate or any other aspect of this form to: Information Collection Officer, U.S. Fish and Wildlife Service, 1849 C Street, NW., MS 224 ARLSQ, Washington, DC 20240; and the Office of Management and Budget, Paperwork Reduction Project (1016–0075), Washington, DC 20903. Additionally, information collection requirements may be imposed if the councils and committees subject to the Federal Advisory Committee Act are established under Subpart B. Such requirements will be submitted to OMB for approval prior to their implementation.

Economic Effects

Executive Order 12291, "Federal Regulation," of February 19, 1981, requires the preparation of regulatory impact analysis for major rules. A major rule is one likely to result in an annual effect on the economy of $100 million or more; a major increase in costs or prices for consumers, individual industries, government agencies or geographic regions; or significant adverse effects on the ability of United States-based enterprises to compete with foreign-based enterprises. The Regulatory Flexibility Act of 1980 (5 U.S.C. 601 *et seq.*) requires preparation of flexibility analyses for rules that will have a significant effect on a substantial number of small entities, which include small businesses, organizations or governmental jurisdictions.

The Departments of the Interior and Agriculture have determined that this rulemaking is not a "major rule" within the meaning of Executive Order 12291, and certify that it will not have a significant economic effect on a substantial number of small entities within the meaning of the Regulatory Flexibility Act.

This rulemaking will impose no significant costs on small entities; the exact number of businesses and the

amount of trade that will result from this Federal land-related activity is unknown. The aggregate effect is an insignificant positive economic effect on a number of small entities. The number of small entities affected is unknown; but, the fact that the positive effects will be seasonal in nature and will, in most cases, merely continue preexisting uses of public lands indicates that they will not be significant.

These regulations do not meet the threshold criteria of "Federalism Effects" as set forth in Executive Order 12612. Title VIII of ANILCA requires the Secretaries to administer a subsistence preference on public lands. The scope of this program is limited by definition to certain public lands. Likewise, these regulations have no significant takings implication relating to any property rights as outlined by Executive Order 12630.

Drafting Information

These regulations were drafted under the guidance of Richard S. Pospahala, of the Office of Subsistence Management, Alaska Regional Office, U.S. Fish and Wildlife Service, Anchorage, Alaska. Additional guidance was provided by Thomas H. Boyd, Alaska State Office, Bureau of Land Management; John Hiscock, Alaska Regional Office, National Park Service; John Borbridge, Alaska Area Office, Bureau of Indian Affairs; and Norman Howse, USDA, Forest Service.

List of Subjects

36 CFR Part 242

Administrative practice and procedure, Alaska, Fish, National Forests, Public Lands, Reporting and record keeping requirements, Wildlife.

50 CFR Part 100

Administrative practice and procedure, Alaska, Fish, Public Lands, Reporting and record keeping requirements, Wildlife.

Words of Issuance

For the reasons set out in the preamble, title 36, part 242, and title 50, part 100, of the Code of Federal Regulations, are amended as set forth below.

PART _____—SUBSISTENCE MANAGEMENT REGULATIONS FOR FEDERAL PUBLIC LANDS IN ALASKA

1. The authority citation for both 36 CFR Part 242 and 50 CFR Part 100 is revised to read as follows:

Authority: 16 U.S.C. 3, 472, 551, 668dd, 3101–3126; 18 U.S.C. 3551–3586; 43 U.S.C. 1733.

2. Subpart D of 36 CFR part 242 and 50 CFR part 100 is revised to read as follows:

Subpart D—Subsistence Taking of Fish and Wildlife

Sec.

_____.25 Subsistence taking of wildlife.
_____.26 Subsistence taking of fish.
_____.27 Subsistence taking of shellfish.

Subpart D—Subsistence Taking of Fish and Wildlife

§ _____.25 Subsistence taking of wildlife.

(a) *Definitions.* The following definitions shall apply to all regulations contained in this section.

ADF&G means the Alaska Department of Fish and Game.

Aircraft means a fixed-wing machine or device that is used or intended to be used to carry persons or objects through the air, including airplanes and gliders.

Airport means an airport listed in the Federal Aviation Administration, Alaska Airman's Guide and chart supplement.

Animal means those species with a vertebral column (backbone).

Antler means one or more solid, horn-like appendages protruding from the head of a caribou, deer, or moose.

Antlered means any caribou, deer, or moose having at least one visible antler.

Antlerless means any caribou, deer, or moose not having any visible antlers attached to the skull.

Bag limit means the number of any one species permitted to be taken by any one person in the unit or portion of a unit in which the taking occurs.

Bear means black bear, or brown or grizzly bear.

Bow means longbow, recurve bow, or compound bow, but not crossbow, or bows equipped with any other mechanical device that holds arrows at full draw.

Broadhead means an arrowhead with two or more steel cutting edges having minimum cutting diameter of not less than seven-eighths inch.

Brow tine means a tine on the front portion of a moose antler, typically projecting forward from the base of the antler toward the nose.

Buck means any male deer.

Bull means any male moose, caribou, or musk oxen.

Closed season means the time when wildlife may not be taken.

Cub bear means a brown or grizzly bear in its first or second year of life, or a black bear (including cinnamon and blue phases) in its first year of life.

Edible meat means the breast meat of ptarmigan and grouse, and, those parts of black bear, brown and grizzly bear, caribou, deer, mountain goat, moose, musk oxen, and Dall sheep that are typically used for human consumption which are: the meat of the ribs, neck, brisket, front quarters as far as the juncture of the humerus and radius-ulna (elbow), hindquarters as far as the distal joint (bottom) of the tibia-fibula (hock) and that portion of the animal between the front and hindquarters; in the case of ptarmigan and grouse, the meat of the breast; however, *edible meat* of species listed above does not include: meat of the head; meat that has been damaged and made inedible by the method of taking; bones, sinew and incidental meat reasonably lost as a result of boning or a close trimming of the bones; or viscera.

Federal lands means lands and waters and interests therein the title to which is in the United States.

Fifty inch (50-inch) moose means a bull moose with an antler spread of 50 inches or more.

Full curl horn means the horn of a male Dall sheep; the tip of which has grown through 360 degrees of a circle described by the outer surface of the horn, as viewed from the side, or that both horns are broken or that the sheep is at least 8 years of age as determined by horn growth annuli.

Fur animal means coyote, arctic fox, red fox, lynx, red squirrel, flying squirrel, ground squirrel, wolf and wolverine; *fur animal* is a classification of animals subject to taking with a hunting license.

Furbearer means beaver, coyote, arctic fox, red fox, lynx, marten, mink, weasel, muskrat, river (land) otter, red squirrel, flying squirrel, ground squirrel, marmot, wolf or wolverine; *furbearer* is a classification of animals subject to taking with a trapping license.

Grouse collectively refers to all species of grouse found in Alaska and includes spruce grouse, ruffed grouse, blue grouse and sharp-tailed grouse.

Hare or hares collectively refers to all species of hares (commonly called rabbits) in Alaska and include snowshoe hare and tundra hare.

Highway means the driveable surface of any constructed road.

Household means that group of people residing in the same residence.

Motorized vehicle means a motor-driven land, air or water conveyance.

Open season means the time when wildlife may be taken; each period prescribed as an open season includes the first and last days of the period prescribed.

Otter means river or land otter only (not sea otter).

Permit hunt means a hunt for which State or Federal permits are issued by registration or other means.

Poison means any substance which is toxic or poisonous upon contact or ingestion.

Possession means having direct physical control of the wildlife at a given time or having both the power and intention at a given time to exercise dominion or control of the wildlife either directly or through another person or persons.

Ptarmigan collectively refers to all species found in Alaska and include white-tailed ptarmigan, rock ptarmigan, and willow ptarmigan.

Public lands or *public land* means lands situated in the State of Alaska which are Federal lands, except—

(i) Land selections of the State of Alaska which have been tentatively approved or validly selected under the Alaska Statehood Act and lands which have been confirmed to, validly selected by, or granted to the Territory of Alaska or the State under any other provision of Federal law;

(ii) Land selections of a Native Corporation made under the Alaska Native Claims Settlement Act which have not been conveyed to a Native Corporation, unless any such selection is determined to be invalid or is relinquished; and

(iii) Lands referred to in section 19(b) of the Alaska Native Claims Settlement Act.

Registration permit means a hunting permit issued to a person who agrees to the conditions specified for the hunt. Registration permit hunts begin on a date announced and continue throughout the open season, or until the season is closed by Board action. Permits are issued in the order applications are received and/or based on priorities as determined by 50 CFR 100.17 and 36 CFR 242.17.

Sealing means placing a mark or tag on a portion of a harvested animal by an authorized representative of the ADF&G; *sealing* includes collecting and recording information concerning the conditions under which the animal was harvested, and measurements of the specimen submitted for sealing, or surrendering a specific portion of the animal for biological information.

Seven-eighths curl horn means the horn of a male Dall sheep, the tip of which has grown through seven-eights of a circle (315 degrees), described by the outer surface of the horn, as viewed from the side, or with both horns broken.

Skin, hide, or pelt are all the same thing, and mean any tanned or untanned external covering of an animal's body: skin, hide, or pelt of a bear shall mean the entire external covering with claws attached.

Spike-fork moose means a bull moose with only one or two tines on either antler; male calves are not spike-fork bulls.

Take or *Taking* means to pursue, hunt, shoot, trap, net capture, collect, kill, harm, or attempt to engage in any such conduct.

Tine or antler point refers to any point on an antler whose length is at least one inch, and is greater in length than in width, measured one inch or more from the tip.

Transportation means to ship, convey, carry or transport by any means whatever, and deliver or receive for such shipment, conveyance, carriage, or transportation.

Unclassified wildlife or unclassified species means all species of animals not otherwise classified by the definitions herein, or regulated under other Federal law as listed in § _____.25(j).

Ungulate means any species of hoofed mammal including, deer, caribou, moose, mountain goat, Dall sheep and musk oxen.

Unit means one of the 26 geographical areas in the State of Alaska known as Game Management Units, or GMU, and listed in § _____.25 as Units.

Wildlife means any hare (rabbit), ptarmigan, grouse, ungulate, bear, furbearer, fur animal, or unclassified species and includes any part, product, egg, or offspring thereof, or carcass or part thereof.

(b) Wildlife, including ptarmigan, grouse, hares, fur animals, fur bearers, ungulates, and bear may be taken for subsistence uses by any method, except as prohibited below or by other Federal statute. Taking wildlife for subsistence uses by a prohibited method is a violation of this regulation. Seasons are closed unless opened by Federal regulation. Hunting during a closed season or in an area closed by these regulations is prohibited.

(1) The following methods of taking wildlife for subsistence uses are prohibited:

(i) Shooting from, on, or across a highway;

(ii) Using any poison;

(iii) Using a helicopter in any manner, including transportation of individuals, equipment or wildlife; however, this does not apply to transportation of an individual, gear or wildlife during an emergency rescue operation in a life-threatening situation;

(iv) Taking wildlife from a motorized vehicle, except in the following situations; from a motor-driven boat if the motor has been completely shut off and the boat's progress from the motor's power has ceased; from a motor-driven boat or snowmobile to take caribou in Unit 23; or where otherwise provided in this subpart;

(v) Using a motorized vehicle to drive, herd, or molest wildlife;

(vi) Using or being aided by use of a machine gun, set gun, or a shotgun larger than 10 gauge;

(vii) Using or being aided by use of a pit, fire, artificial light (except that coyotes may be taken in Units 6(B) and 6(C) with the aid of artificial lights), radio communication, artificial salt lick, explosive, barbed arrow, bomb, smoke, chemical, or a conventional steel trap with a jaw spread over nine inches; however, the "conibear" style trap with a jaw spread of less than 11 inches may be used;

(viii) Using a snare, except that snares may be used for the taking of unclassified wildlife, furbearers, or ptarmigan, grouse, or hares.

(2) The following methods and means of taking wildlife for subsistence uses are prohibited in addition to the prohibitions listed in § _____.25(b)(1):

(i) Using a firearm other than a shotgun, muzzle-loaded rifle, or rifle or pistol using center-firing cartridges, for the taking of ungulates, bear, wolves or wolverine, except that—

(A) In Unit 23, swimming caribou may be taken with a firearm using rimfire cartridges;

(B) A muzzle loading rifle of .54 caliber or larger or a .45 caliber muzzle loading rifle with a 250 grain, or larger, elongated slug may be used to take brown bear, black bear, moose, musk ox and mountain goat;

(ii) Using a crossbow in any area restricted to hunting by bow and arrow only to take ungulates, bear, wolf or wolverine;

(iii) Taking of ungulates, bear, wolf, or wolverine with a longbow, recurve bow, or compound bow, unless the bow is capable of casting a broadhead-tipped arrow at least 175 yards horizontally, the arrow is tipped with a broadhead of at least ⅞ inch width, and arrow and broadhead together weigh at least one ounce (437.5 grains), and the broadhead is not barbed;

(iv) Using bait for taking ungulates, bear, wolf, or wolverine; except, black bears may be taken with the use of bait in Units 14(A) between April 15–May 25; in Unit 14(B) between April 15–May 31; in Units 1 (A)(B)(D), 2, 3, 5, 6, 7 (except Resurrection Creek and its tributaries), 11, 13 and 16 (except Denali State Park), 15 and 17, between April 15–June 15; and in Units 12, 19–21, 24, and 25, between April 15–June 30. Baiting of black bears is subject to the following restrictions—

(A) Only biodegradable materials may be used for bait; only the head, bones,

viscera, or skin of legally harvested fish and wildlife may be used for bait;

(B) no person may use bait within one-quarter mile of a publicly maintained road or trail;

(C) No person may use bait within one mile of a house or other permanent dwelling, or within one mile of a developed campground, or developed recreational facility;

(D) A person using bait shall clearly mark the site with a sign reading "black bear bait station" that also displays the person's hunting license number and ADF&G assigned number;

(E) A person using bait shall remove litter and equipment from the bait station site when hunting is completed;

(F) No person may give or receive remuneration for the use of a bait station, including barter or exchange of goods;

(G) No person may have more than two bait stations established (bait present) at any one time;

(H) No person may establish a black bear bait station unless he or she first registers the site with ADF&G;

(v) Using a trap or snare to take ungulates or bear;

(vi) Taking swimming ungulates, bear, wolves or wolverine, except that a swimming caribou may be taken in Unit 23;

(vii) Taking or assisting in the taking of ungulates, bear, wolves; or wolverine before 3:00 a.m. following day in which airborne travel occurred (except for flights in regularly scheduled commercial aircraft); however, this restriction does not apply to subsistence taking of deer;

(viii) Taking ungulates, bear, wolves, or wolverine from a boat in Units 1–5, except for persons certified as disabled;

(ix) Taking a bear cub or a sow accompanied by cub(s).

(3) The following methods and means of taking fur animals for subsistence under a hunting license are prohibited in addition to the prohibitions listed in § _____.25(b)(1):

(i) Using a trap, snare, net, or fish trap;

(ii) Disturbing or destroying a den;

(iii) Taking or assisting in the taking of an arctic or red fox by firearm before 3:00 a.m. on the day following the day in which the airborne travel occurred (except for flights on regularly scheduled commercial aircraft).

(4) The following methods and means of taking furbearers for subsistence uses under a trapping license are prohibited, in addition to the prohibitions listed in § _____.25(b)(1):

(i) Disturbing or destroying a den, except that any muskrat pushup or feeding house may be disturbed in the course of trapping;

(ii) Disturbing or destroying any beaver house;

(iii) Taking beaver by any means other than a steel trap or snare, except that a firearm may be used to take beaver in certain Units and within established time periods as identified in Unit-specific regulations found in this subpart;

(iv) Taking otter with a steel trap having a jaw spread of less than five and seven-eighths inches during any closed mink and marten season in the same Unit;

(v) Using a net, or fish trap (except a blackfish or fyke trap);

(vi) Taking beaver in the Minto Flats Management Area with the use of an aircraft for ground transportation, or by landing within one mile of a beaver trap or set used by the person transported;

(vii) Taking a wolf in Units 12 and 20(E) during March, April or October with a steel trap, or with a snare smaller than 3X;

(viii) Taking or assisting in the taking of a wolf, or wolverine by firearm before 3 a.m. on the day following the day on which airborne travel occurred; however, this does not apply to a trapper using a firearm to take a wolf, or wolverine caught in a trap or snare; or in the taking of arctic fox, red fox, coyote or lynx as long as the person engaged in the taking is over 100 feet from the airplane;

(ix) Taking a red fox in Unit 15 by any means other than a steel trap or snare;

(c) Possession and Transportation of Wildlife. (1) Except as specified in § _____.25(c)(3)(ii) or (c)(4), or as otherwise provided, no person may take a species of wildlife in any Unit, or portion of a Unit, if that person's total statewide take of that species has already been obtained under Federal and State regulations in other Units, or portions of other Units.

(2) An animal taken under Federal or State regulations by any member of a community with an established community harvest limit for that species counts toward the community harvest limit for that species. Except for wildlife taken pursuant to § _____.6(f)(3), an animal taken by an individual as part of a community harvest limit counts toward that individual's bag limit for that species taken under Federal or State regulations for areas outside of the community harvest area.

(3) Individual bag limits. (i) Bag limits authorized by § _____.25 and in State regulations may not be accumulated.

(ii) Wildlife taken by a designated hunter for another person pursuant to § _____.6(f)(2), counts toward the individual bag limit of the person for whom the wildlife is taken.

(4) The bag limit specified for a trapping season for a species and the bag limit set for a hunting season for the same species are separate and distinct. This means that a person who has taken a bag limit for a particular species under a trapping season may take additional animals under the bag limit specified for a hunting season or vice versa.

(5) A bear taken in a unit or portion of a unit having a bag limit of one bear per year counts against a one bear every four regulatory years bag limit in other units; an individual may not take more than one bear in a regulatory year.

(6) A bag limit applies to a regulatory year unless another time period is specified in the bag limit.

(7) Unless otherwise provided, any person who gives or receives wildlife shall furnish, upon a request made by a Federal or State agent, a signed statement describing the following: names and addresses of persons who gave and received wildlife, the time and place that the wildlife was taken, and identification of species transferred. Where a qualified subsistence user has designated another qualified subsistence user to take fish or wildlife on his or her behalf in accordance with § _____.6, the permit shall be furnished in place of a signed statement.

(8) A rural Alaska resident who has been designated to take fish and wildlife on behalf of another rural Alaska resident in accordance with § _____.6, shall promptly deliver the fish or wildlife to that rural Alaska resident.

(9) No person may possess, transport, give, receive or barter wildlife that was taken in violation of Federal or State statutes or a regulation promulgated thereunder.

(10) Evidence of sex and identity. (i) If subsistence take of Dall sheep is restricted to a single sex, no person may possess or transport a harvested sheep unless both horns accompany the animal.

(ii) If the subsistence taking of an ungulate, except sheep, is restricted to one sex in the local area, no person may possess or transport the carcass of an animal taken in that area unless sufficient portions of the external sex organs remain attached to indicate conclusively the sex of the animal; however, § _____.25(c)(10)(ii) does not apply to the carcass of an ungulate that has been cut and placed in storage or otherwise prepared for consumption upon arrival at the location where it is to be consumed.

(iii) If a moose bag limit includes an antler size or configuration restriction, no person may possess or transport the moose carcass or its parts unless both antlers accompany the carcass or its

parts. A person possessing a set of antlers with less than the required number of brow tines on one antler shall leave the antlers naturally attached to the unbroken, uncut skull plate; however, § _____.25(c)(10)(iii) does not apply to a moose carcass or its parts that have been cut and placed in storage or otherwise prepared for consumption after arrival at the place where it is to be stored or consumed.

(d) A person who takes an animal that has been marked or tagged for scientific studies must, within a reasonable time, notify the ADF&G or the agency identified on the collar or marker, when and where the animal was taken. Any ear tag, collar, radio, tattoo, or other identification must be retained with the hide until it is sealed, if sealing is required; in all cases, any identification equipment must be returned to the ADF&G or to an agency identified on such equipment.

(e) Sealing of bear skins and skulls. (1) As used in § _____.25(e), *bear* refers to sealing requirements for brown bears in all units, and black bears of all color phases taken in Units 1–6, 11–14, 16, and 20.

(2) No person may possess or transport from Alaska, the untanned skin or skull of a bear unless the skin and skull have been sealed by an authorized representative of ADF&G in accordance with State or Federal regulations, except that the skin and skull of a brown bear taken under a registration permit in the Western Alaska Brown Bear Management Area or the Northwest Alaska Brown Bear Management Area need not be sealed unless removed from the area.

(3) A person who possesses a bear shall keep the skin and skull together until a representative of the ADF&G has removed a rudimentary premolar tooth from the skull and sealed both the skull and the skin; however, this provision shall not apply to brown bears taken within the Western Alaska Brown Bear Management Area or the Northwest Alaska Brown Bear Management Area which are not removed from the Management Area.

(i) In areas where sealing is required by Federal regulations, no person may possess or transport the hide of a bear which does not have the penis sheath or vaginal orifice naturally attached to indicate conclusively the sex of the bear.

(ii) If the skin or skull of a bear taken in the Western Alaska Brown Bear Management Area is removed from the area, it must be sealed by an ADF&G representative in Bethel, Dillingham, or McGrath; at the time of sealing the ADF&G representative shall remove and retain the skin of the skull and front claws of the bear.

(iii) If the skin or skull of a bear taken in the Northwestern Alaska Brown Bear Management Area is removed from the area, it must be sealed by an ADF&G representative in Barrow, Fairbanks, Galena, or Kotzebue; at the time of sealing the ADF&G representative shall remove and retain the skin of the skull and front claws of the bear.

(4) No person may falsify any information required on the sealing certificate or temporary sealing form provided by the ADF&G in accordance with State regulation.

(f) Sealing of marten, lynx, beaver, otter, wolf, and wolverine. No person may possess or transport from Alaska the untanned skin of a marten taken in Units 1–5, 13(E), 14, and 16 or the untanned skin of a lynx, beaver, otter, wolf, or wolverine, whether taken inside or outside the state, unless the skin has been sealed by an authorized representative of ADF&G in accordance with State regulation.

(g) A person who takes a species listed in § _____.25(f) but who is unable to present the skin in person, must complete and sign a temporary sealing form and ensure that the completed temporary sealing form and skin are presented to an authorized representative of ADF&G for sealing consistent with requirements listed in § _____.25(f).

(h) Utilization of Wildlife. (1) No person may use wildlife as food for a dog or furbearer, or as bait, except for the following:

(i) The hide, skin, viscera, head, or bones of wildlife;

(ii) The skinned carcass of a furbearer or fur animal;

(iii) Squirrels, hares (rabbits), grouse and ptarmigan; however, the breast meat of grouse and ptarmigan may not be used as animal food or bait;

(iv) Unclassified wildlife.

(2) A person taking wildlife for subsistence shall salvage the following parts for human use:

(i) The hide of a wolf, wolverine, coyote, fox, lynx, marten, mink, weasel or otter;

(ii) The hide and edible meat of a brown bear, except that the hide of brown bears taken in the Western and Northwestern Alaska Brown Bear Management Areas need not be salvaged;

(iii) The hide and edible meat of a black bear;

(iv) The hide, feathers, or meat of squirrels, hares (rabbits), marmot, beaver, muskrats, or unclassified wildlife.

(3) Failure to salvage the edible meat of ungulates, bear, or grouse and ptarmigan is prohibited.

(4) Failure to salvage the edible meat may not be a violation if such failure is caused by circumstances beyond the control of a person; including theft of the harvested wildlife, unanticipated weather conditions, or unavoidable loss to another animal.

(5) It is unlawful for a person to possess the horns or antlers of an ungulate taken after the opening of the current or most recent lawful season for the animal unless the person also possesses the edible meat of the animal. However, this does not apply to the acquisition of the horns or antlers as a gift after the edible meat of an ungulate has been salvaged, or the edible meat is no longer present due to personal consumption or legal transfer.

(i) Wildlife taken in defense of life or property is the property of the State and is not a subsistence use. A person taking wildlife in defense of life or property is required to immediately salvage the meat, or, in the case of a black bear, wolf, wolverine, or coyote, the hide, and immediately surrender it to the State. All bear hides surrendered must include claws. In the case of brown or grizzly bear, the hide and skull must be salvaged and surrendered to the State immediately. The person taking the wildlife must notify the ADF&G of the taking immediately and must submit a written report of the circumstances of the taking of wildlife in defense of life or property to the ADF&G within 15 days of the taking.

(j) The regulations found in § _____.25 do not apply to the subsistence taking and use of wildlife regulated pursuant to the Fur Seal Act of 1966 (80 Stat. 927, 16 U.S.C. 1187), the Endangered Species Act of 1973 (87 Stat. 884, 16 U.S.C. 1531–1543), the Marine Mammal Protection Act of 1972 (86 Stat. 1027; 16 U.S.C. 1361–1407), and the Migratory Bird Treaty Act (40 Stat. 755; 16 U.S.C. 703–711), or any amendments to these Acts. The taking and use of wildlife, covered by these Acts, will conform to the specific provisions contained in these Acts, as amended, and any implementing regulations.

(k) There may be additional requirements for eligibility to harvest wildlife in National Parks. Contact your local National Park Service office for details.

(l) Rural residents, non-rural residents, and nonresidents not specifically prohibited by Federal regulations from hunting or trapping on public lands in an area, may hunt or

trap on public lands in accordance with the appropriate State regulations.

(m) Specific Unit Regulations. Subsistence taking of unclassified wildlife and all squirrel species is allowed in all Units, without bag limits, for the period of July 1–June 30. Subsistence taking of wildlife outside of established Unit seasons, or in excess of the established Unit bag limits is prohibited unless otherwise modified by subsequent regulation. Taking of wildlife under State regulations on public lands is permitted, except as otherwise restricted by § _____.25(m) (1) through (26).

(1) Unit 1. Unit 1 consists of all mainland drainages from Dixon Entrance to Cape Fairweather, and those islands east of the center line of Clarence Strait from Dixon Entrance to Caamano Point, and all islands in Stephens Passage and Lynn Canal north of Taku Inlet:

(i) Unit 1(A) consists of all drainages south of the latitude of Lemesurier Point including all drainages into Behm Canal, excluding all drainages of Ernest Sound;

(ii) Unit 1(B) consists of all drainages between the latitude of Lemesurier Point and the latitude of Cape Fanshaw including all drainages of Ernest Sound and Farragut Bay, and including the islands east of the center lines of Frederick Sound, Dry Strait (between Sergief and Kadin Islands), Eastern Passage, Blake Channel (excluding Blake Island), Ernest Sound and Seward Passage;

(iii) Unit 1(C) consists of that portion of Unit 1 draining into Stephens Passage and Lynn Canal north of Cape Fanshaw and south of the latitude of Eldred Rock including Berners Bay, Sullivan Island, and all mainland portions north of Chichagof Island and south of the latitude of Eldred Rock, excluding drainages into Farragut Bay;

(iv) Unit 1(D) consists of that portion of Unit 1 north of the latitude of Eldred Rock, excluding Sullivan Island and the drainages of Berners Bay;

(v) In the following areas, the taking of wildlife for subsistence uses is prohibited or restricted on public lands:

(A) Public lands within Glacier Bay National Park are closed to all taking of wildlife for subsistence uses;

(B) Unit 1(A)—in the Hyder area, the Salmon River drainage downstream from the Riverside Mine, excluding the Thumb Creek drainage, is closed to the taking of bear;

(C) Unit 1(B)—the Anan Creek drainage is closed to the taking of black bear;

(D) Unit 1(C):

(*1*) The area within one-fourth mile of Mendenhall Lake, the U.S. Forest Service Mendenhall Glacier Visitor's Center, and the Center's parking area, is closed to hunting;

(*2*) The area of Mt. Bullard bounded by the Mendenhall Glacier, Nugget Creek from its mouth to its confluence with Goat Creek, and a line from the mouth of Goat Creek north to the Mendenhall Glacier, is closed to the taking of mountain goat;

(vi) In the following areas, the trapping of furbearers for subsistence uses is prohibited on public lands:

(A) Glacier Bay National Park;

(B) Unit 1(C) (Juneau area):

(*1*) A strip within one-quarter mile of the mainland coast between the end of Thane Road and the end of Glacier Highway at Echo Cove;

(*2*) That area of the Mendenhall Valley bounded on the south by the Glacier Highway, on the west by the Mendenhall Loop Road and Montana Creek Road and Spur Road to Mendenhall Lake, on the north by Mendenhall Lake, and on the east by the Mendenhall Loop Road and Forest Service Glacier Spur Road to the Forest Service Visitor Center;

(*3*) That area within the U.S. Forest Service Mendenhall Glacier Recreation Area;

(*4*) A strip within one-quarter mile of the following trails as designated on U.S. Geological Survey maps: Herbert Glacier Trail, Windfall Lake Trail, Peterson Lake Trail, Spaulding Meadows Trail (including the loop trail), Nugget Creek Trail, Outer Point Trail, Dan Moller Trail, Perseverance Trail, Granite Creek Trail, Mt. Roberts Trail and the Nelson Water Supply Trail, Sheep Creek Trail, and Point Bishop Trail.

Bag limits	Open season
BLACK BEAR:	
2 bears, no more than one may be a blue or glacier bear	Sept. 1–June 30.
BROWN BEAR:	
1 bear every four regulatory years by State registration permit only	Sept. 15–Dec. 31. Mar. 15–May 31.
DEER:	
Unit 1(A)—4 antlered deer	Aug. 1–Dec. 31.
Unit 1(B)—2 antlered deer	Aug. 1–Dec. 31.
Unit 1(C)—4 deer; however, antlerless deer may be taken only from Sept. 15–Dec. 31	Aug. 1–Dec. 31.
GOAT:	
Unit 1(A)—Revillagigedo Island only	No open season.
Unit 1(B)—that portion north of the Bradfield Canal and the North Fork of the Bradfield River. 1 goat by State registration permit only; that portion between LeConte Bay and the North Fork of Bradfield River/Canal will require a Federal registration permit for the taking of a second goat; the taking of kids or nannies accompanied by kids is prohibited. Federal permits may be obtained from U.S. Forest Service offices in Petersburg and Wrangell.	Aug. 1–Dec. 31.
Unit 1(B)—that portion south of Bradfield Canal, east of Ernest Sound, west of Anan Creek/Anan Lake/Boulder Lake drainage, and north of Frosty Creek. Public lands are closed to goat hunting.	No open season.
Unit 1(A) and Unit 1(B)—Remainder—2 goats by State registration permit only	Aug. 1–Dec. 31.
Unit 1(C)—that portion draining into Lynn Canal and Stephens Passage between Antler River and Eagle Glacier and River—1 goat by State registration permit only.	Oct. 1–Nov. 30.
Unit 1(C)—that portion draining into Stephens Passage and Taku Inlet between Eagle Glacier and River and Taku Glacier, and all drainages of the Chilkat Range south of the Endicott River.	No open season.
Remainder of Unit 1(C)—1 goat by State registration permit only	Aug. 1–Nov. 30.
Unit 1(D)—that portion lying north of the Katzehin River and northeast of the Haines highway—1 goat by State registration permit only.	Sept. 15–Nov. 30.
Remainder of Unit 1(D)—1 goat by State registration permit only	Aug. 1—Dec. 31.
MOOSE:	
Unit 1(A)—1 bull	Sept. 15–Oct. 15.

Bag limits	Open season
Unit 1(B)—south and east of LeConte Bay and Glacier—1 bull with spike-fork or 50-inch antlers (or 3 brow tines on either antler), by Federal registration permit only. Public lands within the Stikine River drainage are closed, except to Wrangell residents who have obtained a Federal registration permit.	Sept. 15–Oct. 15.
Remainder of Unit 1(B)	No open season.
Unit 1(C)—excluding drainages of Berners Bay—1 bull by State registration permit only	Sept. 15–Oct. 15.
Unit 1(D)	No open season.
BEAVER:	
Trapping—Unit 1(A), (B), and (C)—No limit	Dec. 1–May 15.
COYOTE:	
Hunting—2 coyotes	Sept. 1–Apr. 30.
Trapping—No limit	Dec. 1–Feb. 15.
FOX, RED (including Cross, Black, and Silver Phases):	
Hunting—2 foxes	Nov. 1–Feb. 15.
Trapping—No limit	Dec. 1–Feb. 15.
HARE: (Snowshoe and Tundra):	
5 hare per day	Sept. 1–Apr. 30.
LYNX:	
Hunting—2 lynx	Dec. 1–Feb. 15.
Trapping—No limit	Dec. 1–Feb. 15.
MARTEN:	
Trapping—No limit	Dec. 1–Feb. 15.
MINK AND WEASEL:	
Trapping—No limit	Dec. 1–Feb. 15.
MUSKRAT:	
Trapping—No limit	Dec. 1–Feb. 15.
OTTER:	
Trapping—No limit	Dec. 1–Feb. 15.
WOLF:	
Hunting—No limit	July 1–June 30.
Trapping—No limit	Nov. 10–Apr. 30.
WOLVERINE:	
Hunting—1 wolverine	Nov. 10–Feb. 15.
Trapping—No limit	Nov. 10–Apr. 30.
GROUSE (Spruce, Blue, Ruffed, and Sharp-tailed):	
5 per day, 10 in possession	Aug. 1–May 15.
PTARMIGAN (Rock, Willow, and White-tailed):	
20 per day, 40 in possession	Aug. 1–May 15.

(2) Unit 2. Unit 2 consists of Prince of Wales Island and all islands west of the center lines of Clarence Strait and Kashevarof Passage, south and east of the center lines of Sumner Strait, and east of the longitude of the western most point on Warren Island.

Bag limits	Open season
BLACK BEAR:	
2 bears, no more than one may be a blue or glacier bear	Sept. 1–June 30.
DEER:	
4 antlered deer	Aug. 1–Dec. 31.
BEAVER:	
Trapping—No limit	Dec. 1–May 15.
COYOTE:	
Hunting—2 coyotes	Sept. 1–Apr. 30.
Trapping—No limit	Dec. 1–Feb. 15.
FOX, RED (including Cross, Black, and Silver Phases):	
Hunting—2 foxes	Nov. 1–Feb. 15.
Trapping—No limit	Dec. 1–Feb. 15.
HARE: (Snowshoe and Tundra):	
5 hare per day	Sept. 1–Apr. 30.
LYNX:	
Hunting—2 lynx	Dec. 1–Feb. 15.
Trapping—No limit	Dec. 1–Feb. 15.
MARTEN:	
Trapping—No limit	Dec. 1–Feb. 15.
MINK AND WEASEL:	
Trapping—No limit	Dec. 1–Feb. 15.
MUSKRAT:	
Trapping—No limit	Dec. 1–Feb. 15.
OTTER:	
Trapping—No limit	Dec. 1–Feb. 15.
WOLF:	
Hunting—No limit	July 1–June 30.
Trapping—No limit	Nov. 10–Apr. 30.
WOLVERINE:	
Hunting—1 wolverine	Nov. 10–Feb. 15.

Bag limits	Open season
Trapping—No limit	Nov. 10–Apr. 30.
GROUSE (Spruce, Blue, Ruffed, and Sharp-tailed):	
5 per day, 10 in possession	Aug. 1–May 15.
PTARMIGAN (Rock, Willow, and White-tailed):	
20 per day, 40 in possession	Aug. 1–May 15.

(3) Unit 3.

(i) Unit 3 consists of all islands west of Unit 1(B), north of Unit 2, south of the center line of Frederick Sound, and east of the center line of Chatham Strait including Coronation, Kuiu, Kupreanof, Mitkof, Zarembo, Kashevarof, Woronkofski, Etolin, Wrangell, and Deer Islands;

(ii) In the following areas, the taking of wildlife for subsistence uses is prohibited or restricted on public lands:

(A) In the Petersburg vicinity, a strip one-fourth mile wide on each side of the Mitkof Highway from Milepost 0 to Crystal Lake campground is closed to the taking of ungulates, bear, wolves and wolverine;

(B) The Petersburg Creek drainage on Kupreanof Island is closed to the taking of black bears;

(C) Blind Slough draining into Wrangell Narrows and a strip one-fourth mile wide on each side of Blind Slough, from the hunting closure markers at the southernmost portion of Blind Island to the hunting closure markers one mile south of the Blind Slough bridge, are closed to all hunting.

Bag limits	Open season
BLACK BEAR:	
2 bears, no more than one may be a blue or glacier bear	Sept. 1–June 30.
DEER:	
Unit 3—Mitkof Island, Woewodski Island, Butterworth Islands, and that portion of Kupreanof Island which includes Lindenburg Peninsula east of the Portage Bay/Duncan Canal Portage—1 antlered deer by State registration permit only; however, the city limits of Petersburg and Kupreanof are closed to hunting.	Oct. 15–Oct. 31.
Remainder of Unit 3—2 antlered deer	Aug. 1–Nov. 30.
MOOSE:	
Unit 3—Mitkof and Wrangell Islands—1 bull with spike-fork or 50-inch antler (or 3 brow tines on either antler)	Oct. 1–Oct. 15.
Remainder of Unit 3	No open season.
BEAVER:	
Unit 3—Mitkof Island—Trapping—No limit	Dec. 1–Apr. 15.
Unit 3—Except Mitkof Island—Trapping—No limit	Dec. 1–May 15.
COYOTE:	
Hunting—2 coyotes	Sept. 1–Apr. 30.
Trapping—No limit	Dec. 1–Feb. 15.
FOX, RED (including Cross, Black, and Silver Phases):	
Hunting—2 foxes	Nov. 1–Feb. 15.
Trapping—No limit	Dec. 1–Feb. 15.
HARE (Snowshoe and Tundra):	
5 hare per day	Sept. 1–Apr. 30.
LYNX:	
Hunting—2 lynx	Dec. 1–Feb. 15.
Trapping—No limit	Dec. 1–Feb. 15.
MARTEN:	
Trapping—No limit	Dec. 1–Feb. 15.
MINK AND WEASEL:	
Trapping—No limit	Dec. 1–Feb. 15.
MUSKRAT:	
Trapping—No limit	Dec. 1–Feb. 15.
OTTER:	
Trapping—No limit	Dec. 1–Feb. 15.
WOLF:	
Hunting—No limit	July 1–June 30.
Trapping—No limit	Nov. 10–Apr. 30.
WOLVERINE:	
Hunting—1 wolverine	Nov. 10–Feb. 15.
Trapping—No limit	Nov. 10.–Apr. 30.
GROUSE (Spruce, Blue, Ruffed, and Sharp-tailed):	
5 per day, 10 in possession	Aug. 1–May 15.
PTARMIGAN (Rock, Willow, and White-tailed):	
20 per day, 40 in possession	Aug. 1–May 15.

(4) Unit 4.

(i) Unit 4 consists of all islands south and west of Unit 1(C) and north of Unit 3 including Admiralty, Baranof, Chichagof, Yakobi, Inian, Lemesurier, and Pleasant Islands;

(ii) In the following areas, the taking of wildlife for subsistence uses is prohibited or restricted on public lands:

(A) The Seymour Canal Closed Area (Admiralty Island) including all drainages into northwestern Seymour Canal between Staunch Point and the southernmost tip of the unnamed peninsula separating Swan Cove and King Salmon Bay including Swan and Windfall Islands, is closed to the taking of bears;

(B) The Salt Lake Bay Closed Area (Admiralty Island) including all lands within one-fourth mile of Salt Lake above Klutchman Rock at the head of Mitchell Bay, is closed to the taking of bears;

(C) Port Althorp (Chichagof Island), that area within the Port Althorp watershed south of a line from Point Lucan to Salt Chuck Point (Trap Rock), is closed to the taking of brown bears;

(D) Northeast Chichagof Controlled Use Area (NECCUA) consisting of that portion of Unit 4 on Chichagof Island north of Tenakee Inlet and east of Idaho Inlet and north of Trail River, and north of a line from the headwaters of Trail River to the head of Tenakee Inlet is closed to the use of any motorized land vehicle for brown bear hunting, or for the taking of marten, mink, or weasel.

Bag limits	Open season
BROWN BEAR:	
Unit 4—Chichagof Island south and west of a line that follows the crest of the island from Rock Point (58° N. lat., 136° 21′ W. long.), to Rodgers Point (57° 35′ N. lat., 135° 33′ W. long.) including Yakobi and other adjacent islands; Baranof Island south and west of a line which follows the crest of the island from Nismeni Point (57° 34′ N. lat., 135° 25′ W. long.), to the entrance of Gut Bay (56° 44′ N. lat., 134° 38′ W. long.) including the drainages into Gut Bay and including Kruzof and other adjacent islands—1 bear every four regulatory years by State registration permit only.	Sept. 15–Dec. 31. Mar. 15–May 31.
Unit 4—that portion in the Northeast Chichagof Controlled Use Area—1 bear every four regulatory years by State registration permit only.	Mar. 15–May 20.
Remainder of Unit 4—1 bear every four regulatory years by State registration permit only	Sept. 15–Dec. 31. Mar. 15–May 20.
DEER:	
Unit 4—All drainages of Chichagof Island west of the drainage divide which begins at the southwest entrance of Gull Cove and extends southward to Point Leo. This includes all drainages into Slocum Arm, Lisianski Inlet, Idaho Inlet, and all offshore islands including the Inian Islands. Lemesurier Island is excluded. All of Admiralty Island and its associated offshore islands that lie within Unit 4. That portion of Baranof Island south of the divide from North Point of Kasnyku Bay southwest to North Cape of Whale Bay—6 deer; however, antlerless deer may be taken only from Sept. 15–Jan. 31.	Aug. 1–Jan. 31.
Unit 4—All drainages of Chichagof Island east of the drainage divide which begins at the southwest entrance of Gull Cove and extends southward to the divide between Trail River and Upper Tenakee Inlet and including all drainages into Tenakee Inlet and into Chatham Straits north of the Kook Lake drainage. Lemesurier, Pleasant, and associated offshore islands are included—6 deer; however, antlerless deer may be taken only from Sept. 15–Jan. 31. Public lands are closed to the taking of deer beginning Nov. 1, except for residents of Unit 4, Kake, Gustavus, Haines, Petersburg, Pt. Baker, Klukwan, Port Protection or Wrangell.	Aug. 1–Jan. 31.
Unit 4—All drainages of Baranof Island north of the divide from North Point of Kasnyku Bay southwest to North Cape of Whale Bay; and all drainages on Chichagof Island draining into Peril Straits, Hoonah Sound, and Salisbury Sound east of Point Leo, and all offshore islands including Kruzof, Biorka, and Catherine—4 deer; however, antlerless deer may be taken only from Sept. 15–Dec. 31. Public lands are closed to taking of deer by persons who are not residents of Unit 4, Kake, Gustavus, Haines, Petersburg, Pt. Baker, Klukwan, Port Protection, or Wrangell.	Aug. 1–Dec. 31.
GOAT:	
1 goat by State registration permit only	Aug. 1–Dec. 31.
BEAVER:	
Unit 4—that portion east of Chatham Strait—Trapping—No limit	Dec. 1–May 15.
Remainder of Unit 4	No open season.
COYOTE:	
Hunting—2 coyotes	Sept. 1–Apr. 30.
Trapping—No limit	Dec. 1–Feb. 15.
FOX, RED (including Cross, Black, and Silver Phases):	
Hunting—2 foxes	Nov. 1–Feb. 15.
Trapping—No limit	Dec. 1–Feb. 15.
HARE (Snowshoe and Tundra):	
5 hare per day	Sept. 1–Apr. 30.
LYNX:	
Hunting—2 lynx	Dec. 1–Feb. 15.
Trapping—No limit	Dec. 1–Feb. 15.
MARTEN:	
Unit 4—that portion within the NECCUA—Trapping— No limit. Marten trapping on public lands within the NECCUA is prohibited, except by rural Alaska residents.	Dec. 1–Dec. 31.
Remainder of Unit 4—Trapping—No limit	Dec. 1–Feb. 15.
MINK AND WEASEL:	
Unit 4—that portion within the NECCUA—Trapping—No limit. The taking of mink and weasel on public lands within the NECCUA is prohibited, except to rural Alaska residents.	Dec. 1–Dec. 31.
Remainder of Unit 4—Trapping—No limit	Dec. 1–Feb. 15.
MUSKRAT:	
Trapping—No limit	Dec. 1–Feb. 15.
OTTER:	
Trapping—No limit	Dec. 1–Feb. 15.
WOLF:	
Hunting—No limit	July 1–June 30.
Trapping—No limit	Nov. 10–Apr. 30.
WOLVERINE:	
Hunting—1 wolverine	Nov. 10–Feb. 15.
Trapping—No limit	Nov. 10–Apr. 30.
GROUSE (Spruce, Blue, Ruffed, and Sharp-tailed):	
5 per day, 10 in possession	Aug. 1–May 15.

Bag limits	Open season
PTARMIGAN (Rock, Willow, and White-tailed):	
20 per day, 40 in possession	Aug. 1–May 15.

(5) Unit 5.

(i) Unit 5 consists of all Gulf of Alaska drainages and islands between Cape Fairweather and the center line of Icy Bay, including the Guyot Hills:

(A) Unit 5(A) consists of all drainages east of Yakutat Bay, Disenchantment Bay, and the eastern edge of Hubbard Glacier, and includes the islands of Yakutat and Disenchantment Bays;

(B) Unit 5(B) consists of the remainder of Unit 5;

(ii) Public lands within Glacier Bay National Park are closed to all taking of wildlife for subsistence uses.

Bag limits	Open season
BLACK BEAR:	
2 bears, no more than one may be a blue or glacier bear	Sept. 1–June 30.
BROWN BEAR:	
1 bear every four regulatory years	Sept. 1–May 31.
DEER:	
Unit 5(A)—1 buck	Nov. 1–Nov. 30.
Unit 5(B)	No open season.
GOAT:	
1 goat by State registration permit only	Aug. 1–Dec. 31.
MOOSE:	
Unit 5(A), except Nunatak Bench—1 bull by State registration permit only. The season will be closed when 60 bulls have been taken from the unit. The season will be closed in that portion west of the Dangerous River when 30 bulls have been taken in that area. From Oct. 15–Oct. 21, public lands will be closed to taking of moose, except by rural Alaska residents of Unit 5(A).	Oct. 15–Nov. 15.
Unit 5(B)—1 bull by State registration permit only. The season will be closed when 25 bulls have been taken from the entirety of Unit 5(B).	Sept. 1–Dec. 15.
BEAVER:	
Trapping—No limit	Nov. 10–May 15.
COYOTE:	
Hunting—2 coyotes	Sept. 1–Apr. 30.
Trapping—No limit	Dec. 1–Feb. 15.
FOX, RED (including Cross, Black and Silver Phases):	
Hunting—2 foxes	Nov. 1–Feb. 15.
Trapping—No limit	Dec. 1–Feb. 15.
HARE (Snowshoe and Tundra):	
5 hare per day	Sept. 1–Apr. 30.
LYNX:	
Hunting—2 lynx	Dec. 1–Feb. 15.
Trapping—No limit	Dec. 1–Feb. 15.
MARTEN:	
Trapping—No limit.	Nov. 10–Feb. 15.
MINK AND WEASEL:	
Trapping—No limit	Nov. 10–Feb. 15.
MUSKRAT:	
Trapping—No limit	Dec. 1–Feb. 15.
OTTER:	
Trapping—No limit	Nov. 10–Feb. 15.
WOLF:	
Hunting—5 wolves	Aug. 1–Apr. 30.
Trapping—No limit	Nov. 10–Apr. 30.
WOLVERINE:	
Hunting—1 wolverine	Nov. 10–Feb. 15.
Trapping—No limit	Nov. 10–Apr. 30.
GROUSE (Spruce, Blue, Ruffed, and Sharp-tailed):	
5 per day, 10 in possession	Aug. 1–May 15.
PTARMIGAN (Rock, Willow, and White-tailed):	
20 per day, 40 in possession	Aug. 1–May 15.

(6) Unit 6.

(i) Unit 6 consists of all Gulf of Alaska and Prince William Sound drainages from the center line of Icy Bay (excluding the Guyot Hills) to Cape Fairfield including Kayak, Hinchinbrook, Montague, and adjacent islands, and Middleton Island, but excluding the Copper River drainage upstream from Miles Glacier, and excluding the Nellie Juan and Kings River drainages:

(A) Unit 6(A) consists of Gulf of Alaska drainages east of Palm Point near Katalla including Kanak, Wingham, and Kayak Islands;

(B) Unit 6(B) consists of Gulf of Alaska and Copper River Basin drainages west of Palm Point near Katalla, east of the west bank of the Copper River, and east of a line from Flag Point to Cottonwood Point;

(C) Unit 6(C) consists of drainages west of the west bank of the Copper River, and west of a line from Flag Point to Cottonwood Point, and drainages east of the east bank of Rude River and

drainages into the eastern shore of Nelson Bay and Orca Inlet;

(D) Unit 6(D) consists of the remainder of Unit 6;

(ii) For the following areas, the taking of wildlife for subsistence uses is prohibited or restricted on public lands:

(A) The Goat Mountain goat observation area, which consists of that portion of Unit 6(B) bounded on the north by Miles Lake and Miles Glacier, on the south and east by Pleasant Valley River and Pleasant Glacier, and on the west by the Copper River, is closed to the taking of mountain goat;

(B) The Heney Range goat observation area, which consists of that portion of Unit 6(C) south of the Copper River Highway and west of the Eyak River, is closed to the taking of mountain goat.

Bag limits	Open season
BLACK BEAR:	
1 bear	Sept. 1–June 30.
DEER:	
4 deer; however, antlerless deer may be taken only from Nov. 1–Dec. 31	Aug. 1–Dec. 31.
GOATS:	
Unit 6(A), (B)—1 goat by State registration permit only	Aug. 20–Jan. 31.
Unit 6(C)	No open season.
Unit 6(D) (subareas RG242, RG243, RG224, RG249, RG266 and RG252 only)—1 goat by Federal registration permit only. Federal permits may be obtained from the U.S. Forest Service office in Cordova. In each of the Unit 6(D) subareas, goat seasons will be closed when harvest limits for that subarea are reached. Harvest quotas are as follows: RG242—2 goats, RG243—2 goats, RG224—2 goats, RG249—2 goats, RG266—4 goats, RG252—1 goat	Aug. 20–Jan. 31.
Unit 6(D) (subarea RG245)—The taking of goats is prohibited on all public lands	No open season.
BEAVER:	
Trapping—20 beaver per season	Dec. 1–Mar. 31.
COYOTE:	
Unit 6(A) and (D)—Hunting—2 coyotes	Sept. 1–Apr. 30.
Unit 6(A)—Trapping—No limit.	Nov. 10–Mar. 31.
Unit 6(B)—Hunting—No limit.	July 1–June 30.
Trapping—No limit.	Nov. 10–Mar. 31.
Unit 6(C)—South of the Copper River Highway and east of the Heney Range—Hunting—No limit	July 1–June 30.
Trapping—No limit	Nov. 10–Apr. 30.
Remainder of Unit 6(C)—Hunting—No limit	July 1–June 30.
Trapping—No limit	Nov. 10–Mar. 31.
FOX, RED (including Cross, Black and Silver Phases):	
Hunting—2 foxes	Nov. 1–Feb. 15.
Trapping—No limit	Nov. 10 - Feb. 28.
HARE (Snowshoe and Tundra):	
Hunting—No limit	July 1–June 30.
LYNX:	
Hunting—2 lynx	Dec. 15–Jan. 15.
Trapping—No limit	Dec. 15–Jan. 15.
MARTEN:	
Trapping—No limit	Nov. 10–Jan. 31.
MINK AND WEASEL:	
Trapping—No limit	Nov. 10–Jan. 31.
MUSKRAT:	
Trapping—No limit	Nov. 10–June 10.
OTTER:	
Trapping—No limit	Nov. 10–Mar. 31.
WOLF:	
Hunting—2 wolves	Aug. 10–Apr. 30.
Trapping—No limit	Nov. 10–Mar. 31.
WOLVERINE:	
Hunting—1 wolverine	Sept. 1–Mar. 31.
Trapping—No limit	Nov. 10–Feb. 28.
GROUSE (Spruce, Blue, Ruffed, and Sharp-tailed):	
5 per day, 10 in possession	Aug. 1–May 15.
PTARMIGAN (Rock, Willow, and White-tailed):	
20 per day, 40 in possession	Aug. 1–May 15.

(7) Unit 7.

(i) Unit 7 consists of Gulf of Alaska drainages between Gore Point and Cape Fairfield including the Nellie Juan and Kings River drainages, and including the Kenai River drainage upstream from the Russian River, the drainages into the south side of Turnagain Arm west of and including the Portage Creek drainage, and east of 150° W. long., and all Kenai Peninsula drainages east of 150° W. long., from Turnagain Arm to the Kenai River;

(ii) In the following areas, the taking of wildlife for subsistence uses is prohibited or restricted on public lands:

(A) Kenai Fjords National Park is closed to all subsistence uses;

(B) The Portage Glacier Closed Area in Unit 7, which consists of Portage Creek drainages between the Anchorage-Seward Railroad and Placer Creek in Bear Valley, Portage Lake, the mouth of Byron Creek, Glacier Creek and Byron Glacier, is closed to hunting; however, grouse, ptarmigan, hares, and squirrels may be hunted with shotguns after September 1.

Bag limits	Open season
BLACK BEAR:	
Unit 7—3 bears	July 1–June 30.
BEAVER:	
Trapping—20 Beaver per season	Dec. 1–Mar. 31.
COYOTE:	
Hunting—No limit	Sept. 1–Apr. 30.
Trapping—No limit	Nov. 10–Feb. 28.
FOX, RED (including Cross, Black and Silver Phases):	
Hunting—2 Foxes	Nov. 1–Feb. 15.
Trapping—No limit	Nov. 10–Feb. 28.
HARE (Snowshoe and Tundra):	
Hunting—No limit	July 1–June 30.
MARTEN:	
Trapping—No limit	Nov. 10–Jan. 31.
MINK AND WEASEL:	
Trapping—No limit	Nov. 10–Jan. 31.
MUSKRAT:	
Trapping—No limit	Nov. 10–May 15.
OTTER:	
Trapping—No limit	Nov. 10–Feb. 28.
WOLF:	
Hunting—1 Wolf	Aug. 10–Apr. 30.
Trapping—No limit	Nov. 10–Feb. 28.
WOLVERINE:	
Hunting—1 Wolverine	Sept. 1–Mar. 31.
Trapping—No limit	Nov. 10–Feb. 28.
GROUSE (Spruce, Blue, Ruffed, and Sharp-tailed):	
15 per day, 30 in possession	Aug. 10–Mar. 31.
PTARMIGAN (Rock, Willow, and White-tailed):	
20 per day, 40 in possession	Aug. 10–Mar. 31.

(8) Unit 8. Unit 8 consists of all islands southeast of the centerline of Shelikof Strait including Kodiak, Afognak, Whale, Raspberry, Shuyak, Spruce, Marmot, Sitkalidak, Amook, Uganik, and Chirikof Islands, the Trinity Islands, the Semidi Islands, and other adjacent islands.

Bag limits	Open season
DEER:	
Unit 8—that portion of Kodiak Island north of a line from the head of Settlers Cove to Crescent Lake (57° 52′ N. lat., 152° 58′ W. long.), and east of a line from the outlet of Crescent Lake to Mount Ellison Peak and from Mount Ellison Peak to Pokati Point at Whale Passage, and that portion of Kodiak Island east of a line from the mouth of Saltery Creek to Crag Point, and adjacent small islands in Chiniak Bay—1 deer; however, antlerless deer may be taken only from Oct. 25–Oct. 31.	Aug. 1–Oct. 31.
Unit 8—that portion of Kodiak Island and adjacent islands south and west of a line from the head of Terror Bay to the head of the south-western most arm of Ugak Bay—5 deer; however, antlerless deer may be taken only from Oct. 1–Dec. 31.	Aug. 1–Dec. 31.
Remainder of Unit 8—5 deer; however, antlerless deer may be taken only from Oct. 1–Dec. 31; no more than 1 antlerless deer may be taken from Oct. 1–Nov. 30.	Aug. 1–Dec. 31.
BEAVER:	
Trapping—30 beaver per season.	Nov. 10–Apr. 30.
A firearm may be used to take beaver in Unit 8 from Nov. 10–Apr. 30.	
FOX, RED (including Cross, Black and Silver Phases):	
Hunting—2 foxes	Sept 1.–Feb. 15.
Trapping—No limit	Nov. 10–Mar. 31.
HARE (Snowshoe and Tundra):	
Hunting—No limit	July 1–June 30.
MARTEN:	
Trapping—No limit	Nov. 10–Jan. 31.
MINK AND WEASEL:	
Trapping—No limit	Nov. 10–Jan. 31.
MUSKRAT:	
Trapping—No limit	Nov. 10–June 10.
OTTER:	
Trapping—No limit	Nov. 10–Jan. 31.
PTARMIGAN (Rock, Willow, and White-tailed):	
20 per day, 40 in possession	Aug. 10–Apr. 30.

(9) Unit 9.

(i) Unit 9 consists of the Alaska Peninsula and adjacent islands including drainages east of False Pass, Pacific Ocean drainages west of and excluding the Redoubt Creek drainage; drainages into the south side of Bristol Bay, drainages into the north side of Bristol Bay east of Etolin Point, and including the Sanak and Shumagin Islands:

(A) Unit 9(A) consists of that portion of Unit 9 draining into Shelikof Strait and Cook Inlet between the southern boundary of Unit 16 (Redoubt Creek) and the northern boundary of Katmai National Park and Preserve;

(B) Unit 9(B) consists of the Kvichak River drainage;

(C) Unit 9(C) consists of the Alagnak (Branch) River drainage, the Naknek River drainage, and all land and water within Katmai National Park and Preserve;

(D) Unit 9(D) consists of all Alaska Peninsula drainages west of a line from the southernmost head of Port Moller to the head of American Bay including the Shumagin Islands and other islands of Unit 9 west of the Shumagin Islands;

(E) Unit 9(E) consists of the remainder of Unit 9;

(ii) In the following areas, the taking of wildlife for subsistence uses is prohibited or restricted on public lands:

(A) Katmai National Park is closed to all subsistence uses;

(B) The use of motorized vehicles, excluding aircraft, boats, or snowmobiles used for hunting and transporting a hunter or harvested animal parts, is prohibited from Aug. 1–Nov. 30 in the Naknek Controlled Use Area, which includes all of Unit 9(C) within the Naknek River drainage upstream from and including the King Salmon Creek drainage; however, this restriction does not apply to a motorized vehicle on the Naknek-King Salmon, Lake Camp, and Rapids Camp roads and on the King Salmon Creek trail.

Bag limits	Open season
BLACK BEAR:	
3 bears	July 1–June 30.
BROWN BEAR:	
Unit 9(B)—1 bear every four regulatory years	Oct. 1–Oct. 21 (odd years only). May 10–May 25 (even years only).
Unit 9(E)—1 bear by Federal registration permit only	Oct. 1–Dec. 31. May 10–May 25.
CARIBOU:	
Unit 9 (A), (B), and (C)—4 caribou; however, no more than 2 caribou may be taken Aug. 10–Sept. 30 and no more than 1 caribou may be taken Oct. 1–Nov. 30.	Aug. 10–Mar. 31.
Unit 9(D)—1 bull. Public lands are closed to the hunting of caribou except by rural Alaska residents of Unit 9(D) and False Pass.	Aug. 10–Sept. 30. Dec. 1–Mar. 31.
Unit 9(E)—that portion south of Seal Cape on the Pacific side of the Alaska Peninsula divide—4 caribou; only bulls may be taken between July 1 and Aug. 9.	July 1–Apr. 30.
Remainder of Unit 9(E)—4 caribou	Aug. 10–Apr. 30.
SHEEP:	
1 ram with 7/8 curl horn	Aug. 10–Sept. 20.
MOOSE:	
Unit 9(A)—1 bull	Sept. 1–Sept. 15.
Unit 9(B)—1 bull	Sept. 1–Sept. 15. Dec. 1–Dec. 31.
Unit 9(C)—that portion draining into the Naknek River from the north—1 bull. The December hunt will be by Federal registration permit only.	Sept. 1–Sept. 15. Dec. 1–Dec. 31.
Unit 9(C)—that portion draining into the Naknek River from the south—1 antlered bull. However, during the December hunt, 5 antlerless moose may be taken by Federal registration permit only. The antlerless season will be closed when 5 antlerless moose have been taken. Public lands are closed during December for the hunting of moose, except by eligible rural Alaska residents.	Sept. 1–Sept. 15. Dec. 1–Dec. 31.
Remainder of Unit 9(C)—1 moose; however, antlerless moose may be taken only from Dec. 1–Dec. 31	Sept. 1–Sept. 15. Dec. 1–Dec. 31.
Unit 9(E)—1 bull	Sept. 1–Sept. 20. Dec. 1–Dec. 31.
BEAVER:	
Trapping—40 beaver per season	Jan. 1–Mar. 31.
COYOTE:	
Hunting—2 coyotes	Sept. 1–Apr. 30.
Trapping—No limit	Nov. 10–Mar. 31.
FOX, ARCTIC (Blue and White):	
Hunting—No limit	Dec. 1–Mar. 15.
Trapping—No limit	Nov. 10–Feb. 28.
FOX, RED (including Cross, Black and Silver Phases):	
Hunting—2 foxes	Sept. 1–Feb. 15.
Trapping—No limit	Nov. 10–Feb. 28.
HARE (Snowshoe and Tundra):	
Hunting—No limit	July 1–June 30.
LYNX:	
Hunting—2 lynx	Nov. 10–Feb. 28.
Trapping—No limit	Nov. 10–Feb. 28.
MARTEN:	
Trapping—No limit	Nov. 10–Feb. 28.
MINK AND WEASEL:	
Trapping—No limit	Nov. 10–Feb. 28.
MUSKRAT:	
Trapping—No limit	Nov. 10–June 10.
OTTER:	
Trapping—No limit	Nov. 10–Mar. 31.
WOLF:	
Hunting—10 wolves	Aug. 10–Apr. 30.

Bag limits	Open season
Trapping—No limit	Nov. 10–Mar. 31.
WOLVERINE:	
Hunting—1 wolverine	Sept. 1–Mar. 31.
Trapping—No limit	Nov. 10–Feb. 28.
GROUSE (Spruce, Blue, Ruffed, and Sharp-tailed):	
15 per day, 30 in possession	Aug. 10–Apr. 30.
PTARMIGAN (Rock, Willow, and White-tailed):	
20 per day, 40 in possession	Aug. 10–Apr. 30.

(10) Unit 10.

(i) Unit 10 consists of the Aleutian Islands, Unimak Island and the Pribilof Islands;

(ii) On Otter Island in the Pribilof Islands the taking of any wildlife species for subsistence uses is prohibited.

Bag limits	Open season
CARIBOU:	
Unit 10—Unimak Island only—1 bull. Public lands are closed to the hunting of caribou except by rural Alaska residents of False Pass.	Aug. 10–Sept. 30. Dec. 1–Mar. 31.
Remainder of Unit 10—No limit	July 1–June 30.
COYOTE:	
Hunting—2 coyotes	Sept. 1–Apr. 30.
Trapping—No limit	Nov. 10–Mar. 31.
FOX, ARCTIC (Blue and White Phase):	
Hunting—No limit	July 1–June 30.
Trapping—No limit	Nov. 10–Feb. 28.
FOX, RED (including Cross, Black and Silver Phases):	
Hunting—2 foxes	Sept. 1–Feb. 15.
Trapping—No limit	Nov. 10–Feb. 28.
HARE (Snowshoe and Tundra):	
Hunting—No limit	July 1–June 30.
MINK AND WEASEL:	
Trapping—No limit	Nov. 10–Feb. 28.
MUSKRAT:	
Trapping—No limit	Nov. 10–June 10.
OTTER:	
Trapping—No limit	Nov. 10–Mar. 31.
WOLF:	
Hunting—2 wolves	Aug. 10–Apr. 30.
Trapping—No limit	Nov. 10–Mar. 31.
WOLVERINE:	
Hunting—1 wolverine	Sept. 1–Mar. 31.
Trapping—No limit	Nov. 10–Feb. 28.
PTARMIGAN (Rock, Willow, and White-tailed):	
20 per day, 40 in possession	Aug. 10–Apr. 30.

(11) Unit 11. Unit 11 consists of that area draining into the headwaters of the Copper River south of Suslota Creek and the area drained by all tributaries into the east bank of the Copper River between the confluence of Suslota Creek with the Slana River and Miles Glacier.

Bag limits	Open season
BLACK BEAR:	
3 bears	July 1–June 30.
CARIBOU:	
	No open season.
SHEEP:	
1 sheep	Aug. 10–Sept. 20.
MOOSE:	
1 bull	Aug. 25–Sept. 20.
BEAVER:	
Trapping—30 beavers per season	Nov. 10–Apr. 30.
COYOTE:	
Hunting—2 coyotes	Sept. 1–Apr. 30.
Trapping—No limit	Nov. 10–Mar. 31.
FOX, RED (including Cross, Black and Silver Phases):	
Hunting—2 foxes	Sept. 1–Feb. 15.
Trapping—No limit	Nov. 10–Feb. 28.
HARE (Snowshoe and Tundra):	
Hunting—No limit	July 1–June 30.
LYNX:	
Hunting—2 lynx	Dec. 15–Jan. 15.
Trapping—No limit	Dec. 15–Jan. 15.
MARTEN:	
Trapping—No limit	Nov. 10–Jan. 31.

Bag limits	Open season
MINK AND WEASEL:	
Trapping—No limit	Nov. 10–Jan. 31.
MUSKRAT:	
Trapping—No limit	Nov. 10–June 10.
OTTER:	
Trapping—No limit	Nov. 10–Mar. 31.
WOLF:	
Hunting—5 wolves	Aug. 10–Apr. 30.
Trapping—No limit	Nov. 10–Mar. 31.
WOLVERINE:	
Hunting—1 wolverine	Sept. 1–Jan. 31.
Trapping—2 wolverines	Nov. 10–Jan. 31.
Public lands are closed to the taking of wolverine except by eligible rural Alaska residents.	
GROUSE (Spruce, Blue, Ruffed, and Sharp-tailed):	
15 per day, 30 in possession	Aug. 10–Mar. 31.
PTARMIGAN (Rock, Willow, and White-tailed):	
20 per day, 40 in possession	Aug. 10–Mar. 31.

(12) Unit 12. Unit 12 consists of the Tanana River drainage upstream from the Robertson River, including all drainages into the east bank of the Robertson River, and the White River drainage in Alaska, but excluding the Ladue River drainage.

Bag limits	Open season
BLACK BEAR:	
3 bears	July 1–June 30.
CARIBOU:	
Unit 12—that portion west of the Nabesna River within the drainages of Jack Creek, Platinum Creek, and Totschunda Creek—The taking of caribou is prohibited on public lands.	No open season.
Remainder of Unit 12—1 bull	Sept. 1–Sept. 20.
1 bull caribou may be taken by a Federal registration permit during a winter season to be announced for the rural Alaska residents of Tetlin and Northway only.	Winter season to be announced by the Federal Subsistence Board.
MOOSE:	
Unit 12—that portion drained by the Tanana, Nabesna, and Chisana Rivers east of the Tetlin Reservation boundary and north of the Winter Trail from Pickerel Lake to the Canadian border—1 bull.	Sept 1–Sept. 15. Nov. 20–Nov. 30.
Unit 12—that portion lying east of the Nabesna River and south of the Winter Trail running southeast from Pickerel Lake to the Canadian border—1 bull.	Sept. 1–Sept. 30.
Unit 12—Remainder—1 bull	Sept. 1–Sept. 15.
BEAVER:	
Trapping—15 beaver per season	Nov. 1–Apr. 15.
COYOTE:	
Hunting—2 coyotes	Sept. 1–Apr. 30.
Trapping—No limit	Nov. 1–Feb. 28.
FOX, RED (including Cross, Black and Silver Phases):	
Hunting—10 foxes; however, no more that 2 foxes may be taken prior to Oct. 1	Sept. 1–Mar. 15.
Trapping—No limit	Nov. 1–Feb. 28.
HARE (Snowshoe and Tundra):	
Hunting—No limit	July 1–June 30.
LYNX:	
Hunting—2 lynx	Nov. 1–Jan. 31.
Trapping—No limit	Nov. 1–Jan. 31.
MARTEN:	
Trapping—No limit	Nov. 1–Feb. 28.
MINK AND WEASEL:	
Trapping—No limit	Nov. 1–Feb. 28.
MUSKRAT:	
Trapping—No limit	Sept. 20–June 10.
OTTER:	
Trapping—No limit	Nov. 1–Apr. 15.
WOLF:	
Hunting—5 wolves	Aug. 10–Apr. 30.
Trapping—No limit	Oct. 1–Apr. 30.
WOLVERINE:	
Hunting—1 wolverine	Sept. 1–Mar. 31.
Trapping—No limit	Nov. 1–Feb. 28.
GROUSE (Spruce, Blue, Ruffed, and Sharp-tailed):	
15 per day, 30 in possession	Aug. 10–Mar. 31.
PTARMIGAN (Rock, Willow, and White-tailed):	
20 per day, 40 in possession	Aug. 10–Apr. 30.

(13) Unit 13.

(i) Unit 13 consists of that area westerly of the east bank of the Copper River and drained by all tributaries into the west bank of the Copper River from Miles Glacier and including the Slana River drainages north of Suslota Creek; the drainages into the Delta River upstream from Falls Creek and Black Rapids Glacier; the drainages into the Nenana River upstream from the southeast corner of Denali National Park at Windy; the drainage into the Susitna River upstream from its junction with the Chulitna River; the drainage into the east bank of the Chulitna River upstream to its confluence with Tokositna River; the drainages of the Chulitna River (south of Denali National Park) upstream from its confluence with the Tokositna River; the drainages into the north bank of the Tokositna River upstream to the base of the Tokositna Glacier; the drainages into the Tokositna Glacier; the drainages into the east bank of the Susitna River between its confluences with the Talkeetna and Chulitna Rivers; the drainages into the north bank of the Talkeetna River; the drainages into the east bank of the Chickaloon River; the drainages of the Matanuska River above its confluence with the Chickaloon River:

(A) Unit 13(A) consists of that portion of Unit 13 bounded by a line beginning at the Chickaloon River bridge at Mile 77.7 on the Glenn Highway, then along the Glenn Highway to its junction with the Richardson Highway, then south along the Richardson Highway to the foot of Simpson Hill at Mile 111.5, then east to the east bank of the Copper River, then northerly along the east bank of the Copper River to its junction with the Gulkana River, then northerly along the west bank of the Gulkana River to its junction with the West Fork of the Gulkana River, then westerly along the west bank of the West Fork of the Gulkana River to its source, an unnamed lake, then across the divide into the Tyone River drainage, down an unnamed stream into the Tyone River, then down the Tyone River to the Susitna River, then down the southern bank of the Susitna River to the mouth of Kosina Creek, then up Kosina Creek to its headwaters, then across the divide and down Aspen Creek to the Talkeetna River, then southerly along the boundary of Unit 13 to the Chickaloon River bridge, the point of beginning;

(B) Unit 13(B) consists of that portion of Unit 13 bounded by a line beginning at the confluence of the Copper River and the Gulkana River, then up the east bank of the Copper River to the Gakona River, then up the Gakona River and Gakona Glacier to the boundary of Unit 13, then westerly along the boundary of Unit 13 to the Susitna Glacier, then southerly along the west bank of the Susitna Glacier and the Susitna River to the Tyone River, then up the Tyone River and across the divide to the headwaters of the West Fork of the Gulkana River, then down the West Fork of the Gulkana River to the confluence of the Gulkana River and the Copper River, the point of beginning;

(C) Unit 13(C) consists of that portion of Unit 13 east of the Gakona River and Gakona Glacier;

(D) Unit 13(D) consists of that portion of Unit 13 south of Unit 13(A);

(E) Unit 13(E) consists of the remainder of Unit 13;

(ii) Within the following areas, the taking of wildlife for subsistence uses is prohibited or restricted on public lands:

(A) lands within Mount McKinley National Park as it existed prior to December 2, 1980 are closed to subsistence. Subsistence uses as authorized by § _____.25(m)(13) are permitted in Denali National Preserve and lands added to Denali National Park on December 2, 1980;

(B) use of motorized vehicles or pack animals for hunting is prohibited from Aug. 5–Aug. 25 in the Delta Controlled Use Area, the boundary of which is defined as: a line beginning at the confluence of Miller Creek and the Delta River, then west to vertical angle bench mark Miller, then west to include all drainages of Augustana Creek and Black Rapids Glacier, then north and east to include all drainages of McGinnis Creek to its confluence with the Delta River, then east in a straight line across the Delta River to Mile 236.7 Richardson Highway, then north along the Richardson Highway to its junction with the Alaska Highway, then east along the Alaska Highway to the west bank of the Johnson River, then south along the west bank of the Johnson River and Johnson Glacier to the head of the Canwell Glacier, then west along the north bank of the Canwell Glacier and Miller Creek to the Delta River;

(C) except for access and transportation of harvested wildlife on Sourdough and Haggard Creeks, Meiers Lake trails, or other trails designated by the Board, the use of motorized vehicles for subsistence hunting, is prohibited in the Sourdough Controlled Use Area. The Sourdough Controlled Use Area consists of that portion of Unit 13(B) bounded by a line beginning at the confluence of Sourdough Creek and the Gulkana River, then northerly along Sourdough Creek to the Richardson Highway at approximately Mile 148, then northerly along the Richardson Highway to the Meiers Creek Trail at approximately Mile 170, then westerly along the trail to the Gulkana River, then southerly along the east bank of the Gulkana River to its confluence with Sourdough Creek, the point of beginning.

Bag limits	Open season
BLACK BEAR:	
3 bears.	July 1–June 30.
CARIBOU:	
2 caribou by Federal registration permit only. Hunting within the Trans-Alaska Oil Pipeline right-of-way is prohibited. The right-of-way is identified as the area occupied by the pipeline (buried or above ground) and the cleared area 25 feet on either side of the pipeline.	Aug. 10–Sept. 20. Jan. 5–Mar. 31.
SHEEP:	
Unit 13—excluding Unit 13(D) and the Tok and Delta Management Areas—1 ram with 7/8 curl horn	Aug. 10–Sept. 20.
MOOSE:	
1 bull moose by Federal registration permit only; only 1 permit will be issued per household	Aug. 25–Sept. 20.
BEAVER:	
Trapping—30 beaver per season	Nov. 10–Apr. 30.
COYOTE:	
Hunting—2 coyotes	Sept. 1–Apr. 30.
Trapping—No limit	Nov. 10–Mar. 31.
FOX, RED (including Cross, Black and Silver Phases):	
Hunting—2 foxes	Sept. 1–Feb. 15.

Bag limits	Open season
Trapping—No limit	Nov. 10–Feb. 28.
HARE (Snowshoe and Tundra):	
Hunting—No limit	July 1–June 30.
LYNX:	
Hunting—2 lynx	Dec. 15–Jan. 15.
Trapping—No limit	Dec. 15–Jan. 15.
MARTEN:	
Trapping—No limit	Nov. 10–Jan. 31.
MINK AND WEASEL:	
Trapping—No limit	Nov. 10–Jan. 31.
MUSKRAT:	
Trapping—No limit	Nov. 10–June 10.
OTTER:	
Trapping—No limit	Nov. 10–Mar. 31.
WOLF:	
Hunting—10 wolves	Aug. 10–Apr. 30.
Trapping—No limit	Nov. 10–Mar. 31.
WOLVERINE:	
Hunting—1 wolverine	Sept. 1–Jan. 31.
Trapping—2 wolverine	Nov. 10–Jan 31.
Public lands are closed to the taking of wolverine, except by eligible rural Alaska residents.	
GROUSE (Spruce, Blue, Ruffed, and Sharp-tailed):	
15 per day, 30 in possession.	Aug. 10–Mar. 31.
PTARMIGAN (Rock, Willow, and White-tailed):	
20 per day, 40 in possession.	Aug. 10–Mar. 31.

(14) Unit 14.

(i) Unit 14 consists of drainages into the north side of Turnagain Arm west of and excluding the Portage Creek drainage, drainages into Knik Arm excluding drainages of the Chickaloon and Matanuska Rivers in Unit 13, drainages into the north side of Cook Inlet east of the Susitna River, drainages into the east bank of the Susitna River downstream from the Talkeetna River, and drainages into the south bank of the Talkeetna River:

(A) Unit 14(A) consists of drainages in Unit 14 bounded on the west by the Susitna River, on the north by Willow Creek, Peters Creek, and by a line from the head of Peters Creek to the head of the Chickaloon River, on the east by the eastern boundary of Unit 14, and on the south by Cook Inlet, Knik Arm, the south bank of the Knik River from its mouth to its junction with Knik Glacier, across the face of Knik Glacier and along the north side of Knik Glacier to the Unit 6 boundary;

(B) Unit 14(B) consists of that portion of Unit 14 north of Unit 14(A);

(C) Unit 14(C) consists of that portion of Unit 14 south of Unit 14(A);

(ii) In the following areas, the taking of wildlife for subsistence uses is prohibited or restricted on public lands:

(A) The Fort Richardson Management Area, consisting of the Fort Richardson Military Reservation, is restricted to the subsistence taking of ungulates, bear, wolves, or wolverine by permit only;

(B) The Anchorage Management Area, consisting of all drainages south of Elmendorf and Fort Richardson military reservations and north of and including Rainbow Creek is closed to subsistence taking of wildlife for subsistence uses.

Bag limits	Open season
BLACK BEAR:	
Unit 14(A) and (C)—1 bear	July 1–June 30.
BROWN BEAR:	
Unit 14(A)—1 bear every four regulatory years	Sept. 15–Oct. 10. May 1–May 25.
BEAVER:	
Unit 14(A)—Trapping—30 beaver per season	Nov. 10–Apr. 30.
Unit 14(C)—that portion within the drainages of Glacier Creek, Kern Creek, Peterson Creek, the Twentymile River and the drainages of Knik River outside Chugach State Park—Trapping—20 beaver per season.	Dec. 1–Apr. 15.
COYOTE:	
Unit 14(A) and (C)—Hunting—2 coyotes	Sept. 1–Apr. 30.
Unit 14(A)—Trapping—No limit	Nov. 10–Mar. 31
Unit 14(C)—Trapping—No limit	Nov. 10–Feb. 28.
FOX, RED (including Cross, Black and Silver Phases):	
Unit 14—Hunting—2 foxes	Nov. 1–Feb. 15.
Unit 14(A)—Trapping—No limit	Nov. 10–Feb. 28.
Unit 14(C)—Trapping—1 fox	Nov. 10–Feb. 28.
HARE (Snowshoe and Tundra):	
Unit 14(A)—Hunting—5 hares per day	July 1–June 30.
Unit 14(C)—Hunting—5 hares per day	Sept. 8–Apr. 30.
LYNX:	
Hunting—2 lynx	Dec. 15–Jan. 15.
Trapping—No limit	Dec. 15–Jan. 15.
MARTEN:	
Trapping—No limit	Nov. 10–Jan. 31.

Bag limits	Open season
MINK AND WEASEL:	
Trapping—No limit	Nov. 10–Jan. 31.
MUSKRAT:	
Trapping—No limit	Nov. 10–May 15.
OTTER:	
Unit 14(A)—Trapping—No limit	Nov. 10–Mar. 31.
Unit 14(C)—Trapping—No limit	Nov. 10–Feb. 28.
WOLF:	
Unit 14(A)—Hunting—4 wolves	Aug. 10–Apr. 30.
Trapping—No limit	Nov. 10–Mar. 31.
Unit 14(C)—Hunting—1 wolf	Aug. 10–Apr. 30.
Trapping—No limit	Nov. 10–Feb. 28.
WOLVERINE:	
Hunting—1 wolverine	Sept. 1–Mar. 31.
Trapping—No limit.	Nov. 10–Feb. 28.
GROUSE (Spruce, Blue, Ruffed, and Sharp-tailed):	
Unit 14(A)—15 per day, 30 in possession	Aug. 10–Mar. 31.
Unit 14(C)—5 per day, 10 in possession	Sept. 8–Mar. 31.
PTARMIGAN (Rock, Willow, and White-tailed):	
Unit 14(A)—10 per day, 20 in possession	Aug. 10–Mar. 31.
Unit 14(C)—10 per day, 20 in possession	Sept. 8–Mar. 31.
Remainder of Unit 14—20 per day, 40 in possession	Aug. 10–Mar. 31.

(15) Unit 15.

(i) Unit 15 consists of that portion of the Kenai Peninsula and adjacent islands draining into the Gulf of Alaska, Cook Inlet and Turnagain Arm from Gore Point to the point where longitude line 150° 00′ W. crosses the coastline of Chickaloon Bay in Turnagain Arm, including that area lying west of longitude line 150° 00′ W. to the mouth of the Russian River, then southerly along the Chugach National Forest boundary to the upper end of Upper Russian Lake; and including the drainages into Upper Russian Lake west of the Chugach National Forest boundary:

(A) Unit 15(A) consists of that portion of Unit 15 north of the Kenai River and Skilak Lake;

(B) Unit 15(B) consists of that portion of Unit 15 south of the Kenai River and Skilak Lake, and north of the Kasilof River, Tustumena Lake, Glacier Creek, and Tustumena Glacier;

(C) Unit 15(C) consists of the remainder of Unit 15;

(ii) The Skilak Loop Management Area, which consists of that portion of Unit 15(A) bounded by a line beginning at the eastern most junction of the Sterling Highway and the Skilak Loop (milepost 76.3), then due south to the south bank of the Kenai River, then southerly along the south bank of the Kenai River to its confluence with Skilak Lake, then westerly along the north shore of Skilak Lake to Lower Skilak Lake Campground, then northerly along the Lower Skilak Lake Campground Road and the Skilak Loop Road to its western most junction with the Sterling Highway, then easterly along the Sterling Highway to the point of beginning, is closed to the taking of wildlife, except that grouse and ptarmigan may be taken only from October 1–March 1 by bow and arrow only;

(iii) The following areas are closed to the trapping of furbearers for subsistence as indicated—

(A) The Skilak Loop Wildlife Management Area,

(B) That portion of Unit 15(B) east of the Kenai River, Skilak Lake, Skilak River, and Skilak Glacier is closed to the trapping of marten.

Bag limits	Open season
BLACK BEAR:	
Unit 15—3 bears	July 1–June 30.
BEAVER:	
Trapping—20 Beavers per season	Dec. 1–Mar. 31.
COYOTE:	
Hunting—No limit	Sept. 1–Apr. 30.
Trapping—No limit	Nov. 10–Feb. 28.
FOX, RED (including Cross, Black and Silver Phases):	
Trapping—1 Fox	Nov. 10–Feb. 28.
HARE (Snowshoe and Tundra):	
Hunting—No limit	July 1–June 30.
MARTEN:	
Trapping—Unit 15(B)—that portion east of the Kenai River, Skilak Lake, Skilak River and Skilak Glacier	No open season.
Remainder of Unit 15—No limit	Nov. 10–Jan. 31.
MINK AND WEASEL:	
Trapping—No limit	Nov. 10–Jan. 31.
MUSKRAT:	
Trapping—No limit	Nov. 10–May. 15.
OTTER:	
Trapping—Unit 15 (A), (B)—No limit	Nov. 10–Jan. 31.
Trapping—Unit 15(C)—No limit	Nov. 10–Feb. 28.
WOLF:	
Hunting—1 Wolf	Aug. 10–Apr. 30.

Bag limits	Open season
Trapping—No limit	Nov. 10–Feb. 28.
WOLVERINE:	
Hunting—Unit 15—1 Wolverine	Sept. 1–Mar. 31.
Trapping—Unit 15 (B) and (C)—No limit	Nov. 10–Feb. 28.
GROUSE (Spruce, Blue, Ruffed, and Sharp-tailed):	
15 per day, 30 in possession	Aug. 10–Mar. 31.
PTARMIGAN (Rock, Willow, and White-tailed):	
Unit 15 (A) and (B)—20 per day, 40 in possession	Aug. 10–Mar. 31.
Unit 15(C)—20 per day, 40 in possession	Aug. 10–Dec. 31.
5 per day, 10 in possession	Jan. 1–Mar. 31.

(16) Unit 16.

(i) Unit 16 consists of the drainages into Cook Inlet between Redoubt Creek and the Susitna River, including Redoubt Creek drainage, Kalgin Island, and the drainages on the west side of the Susitna River (including the Susitna River) upstream to its confluence with the Chulitna River; the drainages into the west side of the Chulitna River (including the Chulitna River) upstream to the Tokositna River, and drainages into the south side of the Tokositna River upstream to the base of the Tokositna Glacier, including the drainage of the Kahiltna Glacier:

(A) Unit 16(A) consists of that portion of Unit 16 east of the east bank of the Yentna River from its mouth upstream to the Kahiltna River, east of the east bank of the Kahiltna River, and east of the Kahiltna Glacier;

(B) Unit 16(B) consists of the remainder of Unit 16;

(ii) The Mount McKinley National Park, as it existed prior to December 2, 1980, is closed to subsistence uses. Subsistence uses as authorized by § ____ .25(m)(16) are permitted in Denali National Preserve and lands added to Denali National Park on December 2, 1980.

Bag limits	Open season
BLACK BEAR:	
3 bears	July 1–June 30.
CARIBOU:	
1 caribou	Aug. 10–Oct. 31.
MOOSE:	
Unit 16(B)—Redoubt Bay Drainages south and west of, and including the Kustatan River drainage—1 bull	Sept. 1–Sept. 15.
Remainder of Unit 16(B)—1 moose; however, antlerless moose may be taken only from Sept. 25–Sept. 30 and from Dec. 1–Feb. 28 by Federal registration permit only.	Sept. 1–Sept. 30. Dec. 1–Feb. 28.
BEAVER:	
Trapping—30 beaver per season	Nov. 10–Apr. 30.
COYOTE:	
Hunting—2 coyotes	Sept. 1–Apr. 30.
Trapping—No limit	Nov. 10–Mar. 31.
FOX, RED (including Cross, Black and Silver Phases):	
Hunting—2 foxes	Sept. 1–Feb. 15.
Trapping—No limit	Nov. 10–Feb. 28.
HARE (Snowshoe and Tundra):	
Hunting—No limit	July 1–June 30.
LYNX:	
Hunting—2 lynx	Dec. 15–Jan. 15.
Trapping—No limit	Dec. 15–Jan. 15.
MARTEN:	
Trapping—No limit	Nov. 10–Jan. 31.
MINK AND WEASEL:	
Trapping—No limit	Nov. 10–Jan. 31.
MUSKRAT:	
Trapping—No limit	Nov. 10–June 10.
OTTER:	
Trapping—No limit	Nov. 10–Mar. 31.
WOLF:	
Hunting—4 wolves	Aug. 10–Apr. 30.
Trapping—No limit	Nov. 10–Mar. 31.
WOLVERINE:	
Hunting—1 wolverine	Sept. 1–Mar. 31.
Trapping—No limit	Nov. 10–Feb. 28.
GROUSE (Spruce, Blue, Ruffed, and Sharp-tailed):	
15 per day, 30 in possession	Aug. 10–Mar. 31.
PTARMIGAN (Rock, Willow, and White-tailed):	
20 per day, 40 in possession	Aug. 10–Mar. 31.

(17) Unit 17.

(i) Unit 17 consists of drainages into Bristol Bay and the Bering Sea between Etolin Point and Cape Newenham, and all islands between these points including Hagemeister Island and the Walrus Islands:

(A) Unit 17(A) consists of the drainages between Cape Newenham and Cape Constantine, and Hagemeister Island and the Walrus Islands;

(B) Unit 17(B) consists of the Nushagak River drainage upstream from, and including the Mulchatna River drainage, and the Wood River drainage upstream from the outlet of Lake Beverley;

(C) Unit 17(C) consists of the remainder of Unit 17;

(ii) In the following areas, the taking of wildlife for subsistence uses is prohibited or restricted on public lands:

(A) Except for aircraft and boats and in legally permitted hunting camps, the Upper Mulchatna Controlled Use Area consisting of Unit 17(B), is closed from Aug. 1–Nov. 1 to the use of any motorized vehicle for hunting ungulates, bear, wolves and wolverine, including transportation of hunters and parts of ungulates, bear, wolves or wolverine;

(B) The Western Alaska Brown Bear Management Area which consists of Unit 17(A), that portion of 17(B) draining into Nuyakuk Lake and Tikchik Lake, Unit 18, and that portion of Unit 19 (A) and (B) downstream of and including the Aniak River drainage, is open to brown bear hunting by State registration permit in lieu of a resident tag; no resident tag is required for taking brown bears in the Western Alaska Brown Bear Management Area, provided that the hunter has obtained a State registration permit prior to hunting.

Bag limits	Open season
BLACK BEAR:	
3 bears	July 1–June 30.
BROWN BEAR:	
Unit 17(A) and that portion of Unit 17(B) draining into the Nuyakuk Lake and Tikchik Lake—1 bear	Sept. 1–May 31.
Remainder of Unit 17(B)—1 bear every four regulatory years	Sept. 20–Oct. 10. May 10–May 25.
Unit 17(C)—1 bear every four regulatory years	Sept. 10–Oct. 10. Apr. 10–May 25.
CARIBOU:	
Unit 17 (B) and (C)—that portion of 17(C) east of the Nushagak River—4 caribou; however, no more than 2 caribou may be taken Aug. 10–Aug. 31, and no more than 1 caribou may be taken Sept. 1–Nov. 30.	Aug. 10–Mar. 31.
SHEEP:	
1 ram with full curl horn or larger	Aug. 10–Sept. 20.
MOOSE:	
Unit 17(B)—that portion that includes all the Mulchatna River drainage upstream from and including the Chilchitna River drainage—1 bull.	Sept. 1–Sept. 20.
Remainder of Unit 17(B)—1 bull; however, during the period Aug. 20–Aug. 31 bull moose may be taken by State registration permit only.	Aug. 20–Sept. 20. Dec. 1–Dec. 31.
Unit 17(C)—that portion that includes the lowithla drainage and Sunshine Valley and all lands west of Wood River and south of Aleknagik Lake—1 bull; however, during the period Aug. 20–Aug. 31 bull moose may be taken by State registration permit only.	Aug. 20–Sept. 15.
Remainder of Unit 17(C)—1 bull; however, during the period Aug. 20–Aug. 31 bull moose may be taken by State registration permit only.	Aug. 20–Sept. 15. Dec. 1–Dec. 31.
BEAVER:	
Unit 17(A)—Trapping—20 beaver per season	Jan. 1–Jan. 31.
Unit 17 (B) and (C)—Trapping—20 beaver per season	Jan. 1–Feb. 28.
COYOTE:	
Hunting—2 coyotes	Sept. 1–Apr. 30.
Trapping—No limit	Nov. 10–Mar. 31.
FOX, ARCTIC (Blue and White Phase):	
Hunting—No limit	Dec. 1–Mar. 15.
Trapping—No limit	Nov. 10–Feb. 28.
FOX, RED (including Cross, Black and Silver Phases):	
Hunting—2 foxes	Sept. 1–Feb. 15.
Trapping—No limit	Nov. 10–Feb. 28.
HARE (Snowshoe and Tundra):	
Hunting—No limit	July 1–June 30.
LYNX:	
Hunting—2 lynx	Nov. 10–Feb. 28.
Trapping—No limit	Nov. 10–Feb. 28.
MARTEN:	
Trapping—No limit	Nov. 10–Feb. 28.
MINK AND WEASEL:	
Trapping—No limit	Nov. 10–Feb. 28.
MUSKRAT:	
Trapping—No limit	Nov. 10–June 10.
OTTER:	
Trapping—No limit	Nov. 10–Mar. 31.
WOLF:	
Hunting—10 wolves	Aug. 10–Apr. 30.
Trapping—No limit	Nov. 10–Mar. 31.
WOLVERINE:	
Hunting—1 wolverine	Sept. 1–Mar. 31.
Trapping—No limit	Nov. 10–Feb. 28.
GROUSE (Spruce, Blue, Ruffed, and Sharp-tailed):	
15 per day, 30 in possession	Aug. 10–Apr. 30

Bag limits	Open season
PTARMIGAN (Rock, Willow, and White-tailed):	
20 per day, 40 in possession	Aug. 10–Apr. 30.

(18) Unit 18.

(i) Unit 18 consists of that area draining into the Yukon and Kuskokwim Rivers downstream from a straight line drawn between Lower Kalskag and Paimiut and the drainages flowing into the Bering Sea from Cape Newenham on the south to and including the Pastolik River drainage on the north; Nunivak, St. Matthew, and adjacent islands between Cape Newenham and the Pastolik River;

(ii) In the following areas, the taking of wildlife for subsistence uses is prohibited or restricted on public lands:

(A) The Kalskag Controlled Use Area which consists of that portion of Unit 18 bounded by a line from Lower Kalskag on the Kuskokwim River, northwesterly to Russian Mission on the Yukon River, then east along the north bank of the Yukon River to the old site of Paimiut, then back to Lower Kalskag is closed to the use of aircraft for hunting any ungulate, bear, wolf, or wolverine, including the transportation of any hunter and ungulate, bear, wolf, or wolverine part; however, this does not apply to transportation of a hunter or ungulate, bear, wolf, or wolverine part by aircraft between publicly owned airports in the Controlled Use Area or between a publicly owned airport within the Area and points outside the Area;

(B) The Western Alaska Brown Bear Management Area which consists of Unit 17(A), that portion of 17(B) draining into Nuyakuk Lake and Tikchik Lake, Unit 18, and that portion of Unit 19 (A) and (B) downstream of and including the Aniak River drainage, is open to brown bear hunting by State registration permit in lieu of a resident tag; no resident tag is required for taking brown bears in the Western Alaska Brown Bear Management Area, provided that the hunter has obtained a State registration permit prior to hunting.

Bag limits	Open season
BLACK BEAR:	
3 bears	July 1–June 30.
BROWN BEAR:	
1 bear	Sept. 1–May 31
CARIBOU:	
Unit 18—that portion south of the Yukon River—Kilbuck caribou herd; rural Alaska residents domiciled in Tuluksak, Akiak, Akiachak, Kwethluk, Bethel, Oscarville, Napaaskiak, Napakiak, Kasigiuk, Atmauthluak, Nunapitchuk, Tuntutuliak, Eek, Quinhagak, Goodnews Bay, Platinum, Togiak, and Twin Hills, only. A Federal registration permit is required. The number of permits available for these hunts will be determined at a later date. The taking of caribou will be prohibited when a total Unit harvest of 130 bulls has been reached in either or both hunts administered by the Federal Subsistence Board or ADF&G.	Dec. 15–Jan. 9. Feb. 23–Mar. 15.
Remainder of Unit 18	No open season.
MOOSE:	
Unit 18—that portion north and west of a line from Cape Romanzof to Kuzilvak Mountain, and then to Mountain Village, and west of, but not including, the Andreafsky River drainage; and those portions contained in the Kanektok and Goodnews drainages.	No open season.
Remainder of Unit 18—1 antlered moose. A 10-day hunt (1 bull, evidence of sex required) will be opened by announcement sometime between Dec. 1 and Feb. 28.	Sept. 1–Sept. 30; Winter season to be announced.
Public lands in Unit 18 are closed to the hunting of moose, except by rural Alaska residents of Unit 18 and Upper Kalskag.	
BEAVER:	
Trapping—No limit	Nov. 1–June 10.
A firearm may be used to take beaver in Unit 18 from Apr. 1–Jun. 10	
COYOTE:	
Hunting—2 coyotes	Sept. 1–Apr. 30.
Trapping—No limit	Nov. 10–Mar. 31.
FOX, ARCTIC (Blue and White Phase):	
Hunting—2 foxes	Sept. 1–Apr. 30.
Trapping—No limit	Nov. 10–Mar. 31.
FOX, RED (including Cross, Black and Silver Phases):	
Hunting—10 foxes; however, no more than 2 foxes may be taken prior to Oct. 1	Sept. 1–Mar. 15.
Trapping—No limit	Nov. 10–Mar. 31.
HARE (Snowshoe and Tundra):	
No limit	July 1–June 30.
LYNX:	
Hunting—2 lynx	Nov. 10–Mar. 31.
Trapping—No limit	Nov. 10–Mar. 31.
MARTEN:	
Trapping—No limit	Nov. 10–Mar. 31.
MINK AND WEASEL:	
Trapping—No limit	Nov. 10–Jan. 31.
MUSKRAT:	
Trapping—No limit	Nov. 10–June 10.
OTTER:	
Trapping—No limit	Nov. 10–Mar. 31.
WOLF:	
Hunting—4 wolves	Aug. 10–Apr. 30.

Bag limits	Open season
Trapping—No limit	Nov. 10–Mar. 31.
WOLVERINE:	
Hunting—1 wolverine	Sept. 1–Mar. 31.
Trapping—No limit	Nov. 10–Mar. 31.
GROUSE (Spruce, Blue, Ruffed, and Sharp-tailed):	
15 per day, 30 in possession	Aug. 10–Apr. 30.
PTARMIGAN (Rock, Willow, and White-tailed):	
20 per day, 40 in possession	Aug. 10–May. 30.

(19) Unit 19.

(i) Unit 19 consists of the Kuskokwim River drainage upstream from Lower Kalskag:

(A) Unit 19(A) consists of the Kuskokwim River drainage downstream from and including the Moose Creek drainage on the north bank and downstream from and including the Stony River drainage on the south bank, excluding Unit 19(B);

(B) Unit 19(B) consists of the Aniak River drainage upstream from and including the Salmon River drainage, the Holitna River drainage upstream from and including the Bakbuk Creek drainage, that area south of a line from the mouth of Bakbuk Creek to the radar dome at Sparrevohn Air Force Base, including the Hoholitna River drainage upstream from that line, and the Stony River drainage upstream from and including the Can Creek drainage;

(C) Unit 19(C) consists of that portion of Unit 19 south and east of a line from Benchmark M#1.26 (approximately 1.26 miles south of the northwest corner of the original Mt. McKinley National Park boundary) to the peak of Lone Mountain, then due west to Big River, including the Big River drainage upstream from that line, and including the Swift River drainage upstream from and including the North Fork drainage;

(D) Unit 19(D) consists of the remainder of Unit 19;

(ii) In the following areas, the taking of wildlife for subsistence uses is prohibited or restricted on public land:

(A) Lands within Mount McKinley National Park as it existed prior to December 2, 1980, are closed to subsistence uses. Subsistence uses as authorized by § _____.25(m)(19) are permitted in Denali National Preserve and lands added to Denali National Park on December 2, 1980;

(B) The Upper Kuskokwim Controlled Use Area, which consists of that portion of Unit 19(D) upstream from the mouth of Big River including the drainages of the Big River, Middle Fork, South Fork, East Fork, and Tonzona River, and bounded by a line following the west bank of the Swift Fork (McKinley Fork) of the Kuskokwim River to 152° 50′ W. long., then north to the boundary of Denali National Preserve, then following the western boundary of Denali National Preserve north to its intersection with the Minchumina-Telida winter trail, then west to the crest of Telida Mountain, then north along the crest of Munsatli Ridge to elevation 1,610, then northwest to Dyckman Mountain and following the crest of the divide between the Kuskokwim River and the Nowitna drainage, and the divide between the Kuskokwim River and the Nixon Fork River to Loaf bench mark on Halfway Mountain, then south to the west side of Big River drainage, the point of beginning, is closed during moose hunting seasons to the use of aircraft for hunting moose, including transportation of any moose hunter or moose part; however, this does not apply to transportation of a moose hunter or moose part by aircraft between publicly owned airports in the Controlled Use Area, or between a publicly owned airport within the area and points outside the area;

(C) The Western Alaska Brown Bear Management Area, which consists of Unit 17(A), that portion of 17(B) draining into Nuyakuk Lake and Tikchik Lake, Unit 18, and that portion of Unit 19(A) and (B) downstream of and including the Aniak River drainage, is open to brown bear hunting by State registration permit in lieu of a resident tag; no resident tag is required for taking brown bears in the Western Alaska Brown Bear Management Area, provided that the hunter has obtained a State registration permit prior to hunting.

Bag limits	Open season
BLACK BEAR:	
3 bears	July 1–June 30.
BROWN BEAR:	
Unit 19 (A) and (B) that portion which is downstream of and including the Aniak River drainage—1 bear	Sept. 1–May 31.
Remainder of Unit 19 (A), (B), and (D)—1 bear every four regulatory years	Sept. 10–May 25.
CARIBOU:	
Unit 19(A) north of Kuskokwim River—1 caribou	Aug. 10–Sept. 30. Nov. 1–Feb. 28.
Unit 19(A) south of the Kuskokwim River, and Unit 19(B) (excluding rural Alaska residents of Lime Village)—4 caribou.	Aug. 10–Mar. 31.
Unit 19(C)—1 caribou	Aug. 10–Oct. 10.
Unit 19(D) south and east of the Kuskokwim River and North Fork of the Kuskokwim River—1 caribou	Aug. 10–Sept. 30. Nov. 1–Jan. 31.
Remainder of Unit 19(D)—1 caribou	Aug. 10–Sept. 30.
Unit 19—Rural Alaska residents domiciled in Lime Village only; no individual bag limit but a village harvest quota of 200 caribou; cows and calves may not be taken from Apr. 1–Aug. 9.	July 1–June 30.
SHEEP:	
1 ram with 7/8 curl	Aug. 10–Sept. 20.
MOOSE:	
Unit 19—Rural Alaska residents of Lime Village only—No individual bag limit, but a village harvest quota of 40 moose; either sex.	July 1–June 30.

Bag limits	Open season
Unit 19(A)—1 moose; however, antlerless moose may be taken only from Jan. 1–Jan. 10 and Feb. 1–Feb. 5	Sept. 5–Sept. 25. Jan. 1–Jan. 10. Feb. 1–Feb. 5.
Unit 19(B)—1 bull	Sept. 1–Sept. 30.
Unit 19(C)—1 bull	Sept. 1–Oct. 10.
Unit 19(D)—that portion of the Upper Kuskokwim Controlled Use Area within the North Fork drainage upstream from the confluence of the South Fork to the mouth of the Swift Fork—1 bull.	Sept. 1–Sept. 30.
Unit 19(D)—remainder of the Upper Kuskokwim Controlled Use Area—1 bull	Sept. 1–Sept. 30. Dec. 1–Feb. 28.
Remainder of Unit 19(D)—1 bull	Sept. 1–Sept. 30. Dec. 1–Dec. 15.
BEAVER:	
Trapping—No limit	Nov. 1–Apr. 15.
COYOTE:	
Hunting —2 coyotes	Sept. 1–Apr. 30.
Trapping—No limit	Nov. 1–Mar. 31.
FOX, RED (including Cross, Black and Silver Phases):	
Hunting—10 foxes; however, no more than 2 foxes may be taken prior to Oct. 1	Sept. 1–Mar. 15.
Trapping—No limit	Nov. 1–Mar. 31.
HARE (Snowshoe and Tundra):	
No limit	July 1–June 30.
LYNX:	
Hunting—2 lynx	Nov. 1–Feb. 28.
Trapping—No limit	Nov. 1–Feb. 28.
MARTEN:	
Trapping—No limit	Nov. 1–Feb. 28.
MINK AND WEASEL:	
Trapping—No limit	Nov. 1–Feb. 28.
MUSKRAT:	
Trapping—No limit	Nov. 1–June 10.
OTTER:	
Trapping—No limit	Nov. 1–Apr. 15.
WOLF:	
Hunting—10 wolves	Aug. 10–Apr. 30.
Trapping—No limit	Nov. 1–Mar. 31.
WOLVERINE:	
Hunting—1 wolverine	Sept. 1–Mar. 31.
Trapping—No limit	Nov. 1–Mar. 31.
GROUSE (Spruce, Blue, Ruffed, and Sharp-tailed):	
15 per day, 30 in possession	Aug. 10–Apr. 30.
PTARMIGAN (Rock, Willow, and White-tailed):	
20 per day, 40 in possession	Aug. 10–Apr. 30.

(20) Unit 20.

(i) Unit 20 consists of the Yukon River drainage upstream from and including the Tozitna River drainage to and including the Hamlin Creek drainage, drainages into the south bank of the Yukon River upstream from and including the Charley River drainage, the Ladue River and Fortymile River drainages and the Tanana River drainage north of Unit 13 and downstream from the east bank of the Robertson River:

(A) Unit 20(A) consists of that portion of Unit 20 bounded on the south by the Unit 13 boundary, bounded on the east by the west bank of the Delta River, bounded on the north by the north bank of the Tanana River from its confluence with the Delta River downstream to its confluence with the Nenana River, and bounded on the west by the east bank of the Nenana River;

(B) Unit 20(B) consists of drainages into the north bank of the Tanana River from and including Hot Springs Slough upstream to and including the Banner Creek drainage;

(C) Unit 20(C) consists of that portion of Unit 20 bounded on the east by the east bank of the Nenana River and on the north by the north bank of the Tanana River downstream from the Nenana River;

(D) Unit 20(D) consists of that portion of Unit 20 bounded on the east by the east bank of the Robertson River and on the west by the west bank of the Delta River, and drainages into the north bank of the Tanana River from its confluence with the Robertson River downstream to, but excluding the Banner Creek drainage;

(E) Unit 20(E) consists of drainages into the south bank of the Yukon River upstream from and including the Charley River drainage, and the Ladue River drainage;

(F) Unit 20(F) consists of the remainder of Unit 20;

(ii) In the following areas, the taking of wildlife for subsistence uses is prohibited or restricted on public land:

(A) Lands within Mount McKinley National Park as it existed prior to December 2, 1980, are closed to subsistence uses. Subsistence uses as authorized by § ____.25(m)(20) are permitted in Denali National Preserve and lands added to Denali National Park on December 2, 1980;

(B) Use of motorized vehicles or pack animals for hunting is prohibited from Aug. 5–Aug. 25 in the Delta Controlled Use Area, the boundary of which is defined as: a line beginning at the confluence of Miller Creek and the Delta River, then west to vertical angle bench mark Miller, then west to include all drainages of Augustana Creek and Black Rapids Glacier, then north and east to include all drainages of McGinnis Creek to its confluence with the Delta River, then east in a straight line across the Delta River to Mile 236.7 Richardson Highway, then north along the

Richardson Highway to its junction with the Alaska Highway, then east along the Alaska Highway to the west bank of the Johnson River, then south along the west bank of the Johnson River and Johnson Glacier to the head of the Canwell Glacier, then west along the north bank of the Canwell Glacier and Miller Creek to the Delta River;

(C) The Dalton Highway Corridor Management Area, which consists of those portions of Units 20, 24, 25, and 26 extending five miles from each side of the Dalton Highway from the Yukon River to milepost 300 of the Dalton Highway, is closed to the use of motorized vehicles, except aircraft, boats, licensed highway vehicles, and snowmobiles. The use of snowmobiles is authorized only for the subsistence taking of wildlife by residents living within the Dalton Highway Corridor Management Area. The use of licensed highway vehicles is limited only to designated roads within the Dalton Highway Corridor Management Area;

(D) The Glacier Mountain Controlled Use Area, which consists of that portion of Unit 20(E) bounded by a line beginning at Mile 140 of the Taylor Highway, then north along the highway to Eagle, then west along the cat trail from Eagle to Crooked Creek, then from Crooked Creek southwest along the west bank of Mogul Creek to its headwaters on North Peak, then west across North Peak to the headwaters of Independence Creek, then southwest along the west bank of Independence Creek to its confluence with the North Fork of the Fortymile River, then easterly along the south bank of the North Fork of the Fortymile River to its confluence with Champion Creek, then across the North Fork of the Fortymile River to the south bank of Champion Creek and easterly along the south bank of Champion Creek to its confluence with Little Champion Creek, then northeast along the east bank of Little Champion Creek to its headwaters, then northeasterly in a direct line to Mile 140 on the Taylor Highway, is closed to the use of any motorized vehicle for hunting from August 5–September 20; however, this does not prohibit motorized access via, or transportation of harvested wildlife on, the Taylor Highway or any airport;

(E) The Minto Flats Management Area, which consists of that portion of Unit 20 bounded by the Elliot Highway beginning at Mile 118, then northeasterly to Mile 96, then east to the Tolovana Hotsprings Dome, then east to the Winter Cat Trail, then along the Cat Trail south to the Old Telegraph Trail at Dunbar, then westerly along the trail to a point where it joins the Tanana River three miles above Old Minto, then along the north bank of the Tanana River (including all channels and sloughs except Swan Neck Slough), to the confluence of the Tanana and Tolovana Rivers and then northerly to the point of beginning, is open to moose hunting by permit only;

(F) The Fairbanks Management Area, which consists of the Goldstream subdivision (SE¼ SE¼, Section 28 and Section 33, Township 2 North, Range 1 West, Fairbanks Meridian) and that portion of Unit 20(B) bounded by a line from the confluence of Rosie Creek and the Tanana River, northerly along Rosie Creek to the divide between Rosie Creek and Cripple Creek, then down Cripple Creek to its confluence with Ester Creek, then up Ester Creek to its confluence with Ready Bullion Creek, then up Ready Bullion Creek to the summit of Ester Dome, then down Sheep Creek to its confluence with Goldstream Creek, then easterly along Goldstream Creek to its confluence with First Chance Creek, then up First Chance Creek to Tungsten Hill, then southerly along Steele Creek to its intersection with the Trans-Alaska Pipeline, then southerly along the pipeline right-of-way to the Chena River, then along the north bank of the Chena River to the Moose Creek dike, then southerly along Moose Creek dike to its intersection with the Tanana River, and then westerly along the north bank of the Tanana River to the point of beginning, is open to moose hunting by bow and arrow only;

(G) The Ferry Trail Management Area, which consists of that portion of Unit 20(A) bounded on the north by the Rex Trail; on the west by the east bank of the Nenana River from its intersection with the Rex Trail south to the divide forming the north boundary of the Lignite Creek drainage; on the south by that divide easterly and southerly to the headwaters of Sanderson Creek at Usibelli Peak, then along a southwesterly line to the confluence of Healy Creek and Coal Creek, then upstream easterly along the south bank of Healy Creek to the north fork of Healy Creek, then along the north fork of Healy Creek to its headwaters; on the east by a straight line from the headwaters of Healy Creek to the headwaters of Dexter Creek, then along Dexter Creek to the Totatlanika River, then down the east bank of the Totatlanika River to the Rex Trail is open to caribou hunting by permit only.

Bag limits	Open season
BLACK BEAR:	
3 bears	July 1–June 30.
BROWN BEAR:	
Unit 20—except Unit 20(E)—1 bear every four regulatory years	Sept. 1–May 31.
CARIBOU:	
Unit 20(E)—that portion drained by the Yukon River downstream from and including the Seventy-mile and Charley Rivers, the North Fork Fortymile River upstream from and including Independence Creek, the Middle Fork Fortymile River upstream from Fish Creek, and the Mosquito Fork Fortymile River upstream from and including Ketchumstuck Creek—1 caribou.	Aug. 10–Sept. 30. Dec. 1–Feb. 28.
Unit 20(E)—Remainder of Unit 20(E) accessible by the Taylor Highway and associated trails, as described in the permit—1 caribou by Federal registration permit only; however, only bulls may be taken prior to Dec. 1.	Aug. 10–Sept. 30. Dec. 1–Feb. 28.
Unit 20(F)—South of the Yukon River and west of the Dalton Highway—1 bull	Aug. 10—Sept. 20.
Unit 20(F)—Tozitna River drainage—1 caribou; however, only bull caribou may be taken Aug. 10–Sept. 30	Aug. 10–Sept. 30. Nov. 26–Dec. 10. Mar. 1–Mar. 15.
Remainder of Unit 20(F)—1 bull	Aug. 10–Sept. 30.
MOOSE:	
Unit 20(A)—the Ferry Trail Management Area—1 bull with a spike-fork or 50-inch antlers	Sept. 1–Sept. 20.
Remainder of Unit 20(A)—1 bull	Sept. 1—Sept. 20.
Unit 20(B)—that portion within the Minto Flats Management Area—1 bull by Federal registration permit only	Sept. 1–Sept. 20. Jan. 10–Feb. 28.
Unit 20(B)—the drainage of the Middle Fork of the Chena River and that portion of the Salcha River Drainage upstream from and including Goose Creek—1 bull.	Sept. 1–Sept. 20.

Bag limits	Open season
Remainder of Unit 20(B)—1 bull	Sept. 1–Sept. 20.
Unit 20(C)—1 bull; however, white-phased or partial albino (more than 50 percent white) moose may not be taken	Sept. 1–Sept. 30.
Unit 20(E)—that portion drained by the Ladue, Sixty-mile, and Forty-mile Rivers (all forks) from Mile 9½ to Mile 145 Taylor Highway, including the Boundary Cutoff Road—1 bull.	Sept. 1–Sept. 15.
Remainder of Unit 20(E)—that portion draining into the Yukon River upstream from and including the Charley River drainage to and including the Boundary Creek drainages and the Taylor Highway from mile 145 to Eagle—1 bull.	Sept. 5–Sept. 25.
Unit 20(F)—that portion within the Dalton Highway Corridor Management Area—1 bull by Federal registration permit only.	Sept. 1–Sept. 25.
Remainder of Unit 20(F)—1 bull	Sept. 1–Sept. 25.
BEAVER:	
Unit 20(A)—Trapping—25 beaver per season	Nov. 1–Apr. 15.
Unit 20(B), Unit 20(C), and Unit 20(E)—Trapping—25 beaver per season	Nov. 1–Apr. 15.
Unit 20(D)—Trapping—15 beaver per season	Feb. 1–Apr. 15.
Unit 20(F)—Trapping—50 beaver per season	Nov. 1–Apr. 15.
COYOTE:	
Unit 20—Hunting—2 coyotes	Sept. 1–Apr. 30.
Unit 20(E)—Trapping—No limit	Nov. 1–Feb. 28.
Remainder of Unit 20—Trapping—No limit	Nov. 1–Mar. 31.
FOX, RED (including Cross, Black and Silver Phases):	
Hunting—10 foxes; however, no more than 2 foxes may be taken prior to Oct. 1	Sept. 1–Mar. 15.
Trapping—No limit	Nov. 1–Feb. 28.
HARE (Snowshoe and Tundra): No limit	July 1–June 30.
LYNX:	
Unit 20(E)—Hunting—2 lynx	Nov. 1–Jan. 31.
Unit 20(E)—Trapping—No limit	Nov. 1–Jan. 31.
Remainder of Unit 20—Hunting—2 lynx	Dec. 1–Jan. 31.
Remainder of Unit 20—Trapping—No limit	Dec. 1–Jan. 31.
MARTEN:	
Trapping—No limit	Nov. 1–Feb. 28.
MINK AND WEASEL:	
Trapping—No limit	Nov. 1–Feb. 28.
MUSKRAT:	
Unit 20(E)—Trapping—No limit	Sept. 20–June 10.
Remainder of Unit 20—Trapping—No limit	Nov. 1–June 10.
OTTER:	
Trapping—No limit	Nov. 1–Apr. 15.
WOLF:	
Unit 20—Hunting—10 wolves per season	Aug. 10–Apr. 30.
Unit 20(E)—Trapping—No limit	Oct. 1–Apr. 30.
Remainder of Unit 20—Trapping—No limit	Nov. 1–Mar. 31.
WOLVERINE:	
Hunting—1 wolverine	Sept. 1–Mar. 31.
Trapping—No limit	Nov. 1–Feb. 28.
GROUSE (Spruce, Blue, Ruffed, and Sharp-tailed):	
Unit 20(D)—that portion south of the Tanana River and west of the Johnson River—15 per day, 30 in possession, provided that not more than 5 per day and 10 in possession are sharp-tailed grouse.	Aug. 25–Mar. 31.
Unit 20—Remainder—15 per day, 30 in possession	Aug. 10–Mar. 31.
PTARMIGAN (Rock, Willow, and White-tailed):	
Unit 20—those portions within five miles of Alaska Route 5 (Taylor Highway, both to Eagle and the Alaska-Canada boundary) and that portion of Alaska Route 4 (Richardson Highway) south of Delta Junction—20 per day, 40 in possession.	Aug. 10–Mar. 31.
Unit 20—Remainder—20 per day, 40 in possession	Aug. 10–Apr. 30.

(21) Unit 21.

(i) Unit 21 consists of drainages into the Yukon River upstream from Paimiut to, but not including the Tozitna River drainage on the north bank, and to, but not including the Tanana River drainage on the south bank; and excluding the Koyukuk River upstream and including from the Dulbi River drainage:

(A) Unit 21(A) consists of the Innoko River drainage upstream from and including the Iditarod River drainage, and the Nowitna River drainage upstream from the Little Mud River;

(B) Unit 21(B) consists of the Yukon River drainage upstream from Ruby and east of the Ruby-Poorman Road, downstream from and excluding the Tozitna River and Tanana River drainages, and excluding the Nowitna River drainage upstream from the Little Mud River, and excluding the Melozitna River drainage upstream from Grayling Creek;

(C) Unit 21(C) consists of the Melozitna River drainage upstream from Grayling Creek, and the Dulbi River drainage upstream from and including the Cottonwood Creek drainage;

(D) Unit 21(D) consists of the Yukon River drainage from and including the Blackburn Creek drainage upstream to Ruby, including the area west of the Ruby-Poorman Road, excluding the Koyukuk River drainage upstream from the Dulbi River drainage, and excluding the Dulbi River drainage upstream from Cottonwood Creek;

(E) Unit 21(E) consists of the Yukon River drainage from Paimiut upstream to, but not including the Blackburn Creek drainage, and the Innoko River drainage downstream from the Iditarod River drainage;

(ii) In the following areas, the taking of wildlife for subsistence uses is prohibited or restricted on public land:

(A) The Koyukuk Controlled Use Area, which consists of those portions of Units 21 and 24 bounded by a line from the north bank of the Yukon River at Koyukuk, then northerly to the confluences of the Honhosa and Kateel

Rivers, then northeasterly to the confluences of Billy Hawk Creek and the Huslia River (65°57'N. lat., 156°41'W. long.), then easterly to the south end of Solsmunket Lake, then east to Hughes, then south to Little Indian River, then southwesterly to the crest of Hochandochtla Mountain, then southwest to the mouth of Cottonwood Creek then southwest to Bishop Rock, then westerly along the north bank of the Yukon River (including Koyukuk Island) to the point of beginning, is closed during moose-hunting seasons to the use of aircraft for hunting moose, including transportation of any moose hunter or moose part; however, this does not apply to transportation of a moose hunter or moose part by aircraft between publicly owned airports in the controlled use area or between a publicly owned airport within the area and points outside the area; all hunters on the Koyukuk River passing the ADF&G operated check station at Ella's Cabin (15 miles upstream from the Yukon on the Koyukuk River) are required to stop and report to ADF&G personnel at the check station;

(B) The Paradise Controlled Use Area, which consists of that portion of Unit 21 bounded by a line beginning at the old village of Paimiut, then north along the west bank of the Yukon River to Paradise, then northwest to the mouth of Stanstrom Creek on the Bonasila River, then northeast to the mouth of the Anvik River, then along the west bank of the Yukon River to the lower end of Eagle Island (approximately 45 miles north of Grayling), then to the mouth of the Iditarod River, then down the east bank of the Innoko River to its confluence with Paimiut Slough, then south along the east bank of Paimiut Slough to its mouth, and then to the old village of Paimiut, is closed during moose hunting seasons to the use of aircraft for hunting moose, including transportation of any moose hunter or part of moose; however, this does not apply to transportation of a moose hunter or part of moose by aircraft between publicly owned airports in the Controlled Use Area or between a publicly owned airport within the area and points outside the area.

Bag limits	Open season
BLACK BEAR:	
3 bears	July 1–June 30.
BROWN BEAR:	
1 bear every four regulatory years	Sept. 1–May 31.
CARIBOU:	
Unit 21 (A), (B), (C), and (E)—1 caribou	Aug. 10–Sept. 30.
Unit 21(D)—North of the Yukon River and east of the Koyukuk River 1 caribou; however, 2 additional caribou may be taken during a winter season to be announced.	Aug. 10–Sept. 30 Winter season to be announced.
Unit 21(D)—Remainder (Western Arctic Caribou herd)—5 caribou per day; however, cow caribou may not be taken May 16–June 30.	July 1–June 30.
MOOSE:	
Unit 21(A)—1 bull	Sept. 5–Sept. 30. Nov. 1–Nov. 30.
Unit 21 (B) and (C)—1 bull	Sept. 5–Sept. 25.
Unit 21(D)—that portion of the Koyukuk Controlled Use Area within the boundary of the Koyukuk National Wildlife Refuge, 1 moose; however, antlerless moose may be taken only from Sept. 21–Sept. 25 and Feb. 1–Feb. 5; moose may not be taken within one-half mile of the Yukon River during the February season.	Sept. 1–Sept. 25. Feb. 1–Feb. 5.
Unit 21(D)—Remainder—1 moose; however, antlerless moose may be taken only from Sept. 21–Sept. 25 and Feb. 1–Feb. 5. Moose may not be taken within one-half mile of the Yukon River during the February season.	Sept. 5–Sept. 25. Feb. 1–Feb. 5.
Unit 21(E)—1 moose; however, only bulls may be taken from Sept. 5–Sept. 25	Sept. 5–Sept. 25. Feb. 1–Feb. 10.
BEAVER:	
Unit 21(E)—Trapping—No Limit	Nov. 1–June 1.
A firearm may be used to take beaver in Unit 21(E) from Apr. 1–June 1.	
Remainder of Unit 21—Trapping—No Limit	Nov. 1–Apr. 15.
COYOTE:	
Hunting—2 coyotes	Sept. 1–Apr. 30.
Trapping—No limit	Nov. 1–Mar. 31.
FOX, RED (including Cross, Black and Silver Phases):	
Hunting—10 foxes; however, no more than 2 foxes may be taken prior to Oct. 1	Sept. 1–Mar. 15.
Trapping—No limit	Nov. 1–Feb. 28.
HARE (Snowshoe and Tundra):	
No limit	July 1–June 30.
LYNX:	
Hunting—2 lynx	Nov. 1–Feb. 28.
Trapping—No limit	Nov. 1–Feb. 28.
MARTEN:	
Trapping—No limit	Nov. 1–Feb. 28.
MINK AND WEASEL:	
Trapping—No limit	Nov. 1–Feb. 28.
MUSKRAT:	
Trapping—No limit	Nov. 1–June 10.
OTTER:	
Trapping—No limit	Nov. 1–Apr. 15.
WOLF:	
Hunting—10 wolves	Aug. 10–Apr. 30.
Trapping—No limit	Nov. 1–Mar. 31.
WOLVERINE:	
Hunting—1 wolverine	Sept. 1–Mar. 31.
Trapping—No limit	Nov. 1–Mar. 31.

Bag limits	Open season
GROUSE (Spruce, Blue, Ruffed, and Sharp-tailed):	
15 per day, 30 in possession	Aug. 10–Apr. 30.
PTARMIGAN (Rock, Willow, and White-tailed):	
20 per day, 40 in possession	Aug. 10–Apr. 30.

(22) Unit 22.

(i) Unit 22 consists of Bering Sea, Norton Sound, Bering Strait, Chukchi Sea, and Kotzebue Sound drainages from, but excluding, the Pastolik River drainage in southern Norton Sound to, but not including, the Goodhope River drainage in Southern Kotzebue Sound, and all adjacent islands in the Bering Sea between the mouths of the Goodhope and Pastolik Rivers:

(A) Unit 22(A) consists of Norton Sound drainages from, but excluding, the Pastolik River drainage to, and including, the Ungalik River drainage, and Stuart and Besboro Islands;

(B) Unit 22(B) consists of Norton Sound drainages from, but excluding, the Ungalik River drainage to, and including, the Topkok Creek drainage;

(C) Unit 22(C) consists of Norton Sound and Bering Sea drainages from, but excluding, the Topkok Creek drainage to, and including, the Tisuk River drainage, and King and Sledge Islands;

(D) Unit 22(D) consists of that portion of Unit 22 draining into the Bering Sea north of, but not including, the Tisuk River to and including Cape York, and St. Lawrence Island;

(E) Unit 22(E) consists of Bering Sea, Bering Strait, Chukchi Sea, and Kotzebue Sound drainages from Cape York to, but excluding, the Goodhope River drainage, and including Little Diomede Island and Fairway Rock.

Bag limits	Open season
BLACK BEAR:	
3 bears	July 1–June 30.
BROWN BEAR:	
Unit 22(C)—1 bear every four regulatory years	Sept. 1–Oct. 31. May 10–May 25.
Remainder of Unit 22—1 bear every four regulatory years	Sept. 1–Oct. 31. Apr. 15–May 25.
CARIBOU:	
Unit 22 (A) and (B)—5 caribou per day; however, cow caribou may not be taken May 16–June 30	July 1–June 30.
MOOSE:	
Unit 22(A)—1 bull	Aug. 1–Sept. 30. Dec. 1–Jan. 31.
Unit 22(B)—1 moose; however, antlerless moose may be taken only from Dec. 1–Dec. 31; no person may take a cow accompanied by a calf.	Aug. 1–Jan. 31.
Unit 22(C)—1 bull	Sept. 1–Sept. 14.
Unit 22(D)—1 moose; however, antlerless moose may be taken only from Aug. 1–Dec. 31; no person may take a cow accompanied by a calf.	Aug. 1–Jan. 31.
Unit 22(E)—1 moose; no person may take a cow accompanied by a calf	Aug. 1–Mar. 31.
BEAVER:	
Unit 22 (A) and (B)—Trapping—50 beaver per season	Nov. 1–June 10.
Unit 22 (C), (D), and (E)—Trapping—50 beaver per season	Nov. 1–Apr. 15.
A firearm may be used to take beaver in Unit 22 during the established seasons	
COYOTE:	
Hunting—2 coyotes	Sept. 1–Apr. 30.
Trapping—No limit	Nov. 1–Apr. 15.
FOX, ARCTIC (Blue and White Phase):	
Hunting—2 foxes	Sept. 1–Apr. 30.
Trapping—No limit	Nov. 1–Apr. 15.
FOX, RED (including Cross, Black and Silver Phases):	
Hunting—10 foxes	Nov. 1–Apr. 15.
Trapping—No limit	Nov. 1–Apr. 15.
HARE (Snowshoe and Tundra):	
No limit	July 1–June 30.
LYNX:	
Hunting—2 lynx	Nov. 1–Apr. 15.
Trapping—No limit	Nov. 1–Apr. 15.
MARTEN:	
Trapping—No limit	Nov. 1–Apr. 15.
MINK AND WEASEL:	
Trapping—No limit	Nov. 1–Jan. 31.
MUSKRAT:	
Trapping—No limit	Nov. 1–June 10.
OTTER:	
Trapping—No limit	Nov. 1–Apr. 15.
WOLF:	
Hunting—No limit	Aug. 10–Apr. 30.
Trapping—No limit	Nov. 1–Apr. 15.
WOLVERINE:	
Hunting—1 wolverine	Sept. 1–Mar. 31.

Bag limits	Open season
Trapping—No limit	Nov. 1–Apr. 15.
GROUSE (Spruce, Blue, Ruffed, and Sharp-tailed):	
15 per day, 30 in possession	Aug. 10–Apr. 30.
PTARMIGAN (Rock, Willow, and White-tailed):	
20 per day, 40 in possession	Aug. 10–Apr. 30.

(23) Unit 23.

(i) Unit 23 consists of Kotzebue Sound, Chukchi Sea, and Arctic Ocean drainages from and including the Goodhope River drainage to Cape Lisburne;

(ii) In the following areas, the taking of wildlife for subsistence uses is prohibited or restricted on public land:

(A) The Noatak Controlled Use Area, which consists of that portion of Unit 23 in a corridor extending five miles on either side of the Noatak River beginning at the mouth of the Kugururok River, and extending easterly along the Noatak River to the mouth of Sapun Creek, is closed for the period August 20—September 20 to the use of aircraft in any manner either for hunting of ungulates, bear, wolves, or wolverine, or for transportation of hunters or harvested species;

(B) The Northwest Alaska Brown Bear Management Area, which consists of those portions of Unit 23, except the Baldwin Peninsula north of the Arctic Circle, Unit 24 west of the Dalton Highway Corridor Management Area, and Unit 26(A) is open to brown bear hunting by State registration permit in lieu of a resident tag; no resident tag is required for taking brown bears in the Northwest Alaska Brown Bear Management Area, provided that the hunter has obtained a State registration permit prior to hunting; aircraft may not be used in the Northwest Alaska Brown Bear Management Area in any manner for brown bear hunting under the authority of a brown bear State registration permit, including transportation of hunters, bears or parts of bears; however, this does not apply to transportation of bear hunters or bear parts by regularly scheduled flights to and between communities by carriers that normally provide scheduled service to this area, nor does it apply to transportation of aircraft to or between publicly owned airports.

Bag limits	Open season
BLACK BEAR:	
3 bears	July 1–June 30.
BROWN BEAR:	
Unit 23—except the Baldwin Peninsula north of the Arctic Circle—1 bear	Sept. 1–May 31.
Remainder of Unit 23—1 bear every four regulatory years	Sept. 1–Oct. 10. Apr. 15–May 25.
CARIBOU:	
Unit 23—5 caribou per day; however, cow caribou may not be taken May 16—June 30	July 1–June 30.
SHEEP:	
Unit 23—1 ram with 7/8 curl horn or larger. Unit 23—that portion south and east of the Noatak River, excluding Gates of the Arctic National Park, a State registration permit is required. A harvest quota will be announced before the permit hunt.	Aug. 10–Sept. 20.
Unit 23—1 sheep. In that portion of Unit 23 south and east of the Noatak River, excluding Gates of the Arctic National Park, the hunt will be closed when 30 sheep have been taken. From Oct. 1—Apr. 30, public lands will be closed to the taking of sheep, except by rural Alaska residents of Unit 23 living north of the Arctic Circle.	Oct. 1–Apr. 30.
MOOSE:	
Unit 23—that portion north and west of and including the Kivalina River drainage—1 moose; no person may take a cow accompanied by a calf.	July 1–Mar. 31.
Unit 23—that portion lying within the Noatak River drainage—1 moose; however, antlerless moose may be taken only from Nov. 1—Mar. 31; no person may take a cow accompanied by a calf.	Aug. 1–Mar. 31.
Remainder of Unit 23—1 moose; no person may take a cow accompanied by a calf	Aug. 1–Mar. 31.
BEAVER:	
Unit 23—the Kobuk and Selawik River drainages—Trapping—50 beaver per season	Nov. 1–June 10.
Remainder of Unit 23—Trapping—30 beaver per season	Nov. 1–June 10.
A firearm may be used to take beaver in all of Unit 23 from Nov. 1—Jun. 10	
COYOTE:	
Hunting—2 coyotes	Sept. 1–Apr. 30.
Trapping—No limit	Nov. 1–Apr. 15.
FOX, ARCTIC (Blue and White Phase):	
Hunting—2 foxes	Sept. 1–Apr. 30.
Trapping—No limit	Nov. 1–Apr. 15.
FOX, RED (including Cross, Black and Silver Phases):	
Hunting—10 foxes; however, no more than 2 foxes may be taken prior to Oct. 1	Sept. 1–Mar. 15.
Trapping—No limit	Nov. 1–Apr. 15.
HARE (Snowshoe and Tundra):	
No limit	July 1–June 30.
LYNX:	
Hunting—2 lynx	Dec. 1–Jan. 15.
Trapping—3 lynx	Dec. 1–Jan. 15.
MARTEN:	
Trapping—No limit	Nov. 1–Apr. 15.
MINK AND WEASEL:	
Trapping—No limit	Nov. 1–Jan. 31.

Bag limits	Open season
MUSKRAT:	
Trapping—No limit	Nov. 1–June 10.
OTTER:	
Trapping—No limit	Nov. 1–Apr. 15.
WOLF:	
Hunting—10 wolves	Aug. 10–Apr. 30.
Trapping—No limit	Nov. 1–Apr. 15.
WOLVERINE:	
Hunting—1 wolverine	Sept. 1–Mar. 31.
Trapping—No limit	Nov. 1–Apr. 15.
GROUSE (Spruce, Blue, Ruffed, and Sharp-tailed):	
15 per day, 30 in possession	Aug. 10–Apr. 30.
PTARMIGAN (Rock, Willow, and White-tailed):	
20 per day, 40 in possession	Aug. 10–Apr. 30.

(24) Unit 24.

(i) Unit 24 consists of the Koyukuk River drainage upstream from but not including the Dulbi River drainage;

(ii) In the following areas, the taking of wildlife for subsistence uses is prohibited or restricted on public land:

(A) The Dalton Highway Corridor Management Area, which consists of those portions of Units 20, 24, 25, and 26 extending five miles from each side of the Dalton Highway from the Yukon River to milepost 300 of the Dalton Highway, is closed to the use of motorized vehicles, except aircraft, boats, licensed highway vehicles, and snowmobiles. The use of snowmobiles is authorized only for the subsistence taking of wildlife by residents living within the Dalton Highway Corridor Management Area. The use of licensed highway vehicles is limited only to designated roads within the Dalton Highway Corridor Management Area;

(B) The Kanuti Controlled Use Area, which consists of that portion of Unit 24 bounded by a line from the Bettles Field VOR to the east side of Fish Creek Lake, to Old Dummy Lake, to the south end of Lake Todatonten (including all waters of these lakes), to the northernmost headwaters of Siruk Creek, to the highest peak of Double Point Mountain, then back to the Bettles Field VOR, is closed during moose-hunting seasons to the use of aircraft for hunting moose, including transportation of any moose hunter or moose part; however, this does not apply to transportation of a moose hunter or moose part by aircraft between publicly owned airports in the controlled use area or between a publicly owned airport within the area and points outside the area;

(C) The Koyukuk Controlled Use Area, which consists of those portions of Units 21 and 24 bounded by a line from the north bank of the Yukon River at Koyukuk, then northerly to the confluences of the Honhosa and Kateel Rivers, then northeasterly to the confluences of Billy Hawk Creek and the Huslia River (65° 57′ N. lat., 156° 41′ W. long.), then easterly to the south end of Solsmunket Lake, then east to Hughes, then south to Little Indian River, then southwesterly to the crest of Hochandochtla Mountain, then southwest to the mouth of Cottonwood Creek, then southwest to Bishop Rock, then westerly along the north bank of the Yukon River (including Koyukuk Island) to the point of beginning, is closed during moose-hunting seasons to the use of aircraft for hunting moose, including transportation of any moose hunter or moose part; however, this does not apply to transportation of a moose hunter or moose part by aircraft between publicly owned airports in the controlled use area or between a publicly owned airport within the area and points outside the area; all hunters on the Koyukuk River passing the ADF&G operated check station at Ella's Cabin (15 miles upstream from the Yukon on the Koyukuk River) are required to stop and report to ADF&G personnel at the check station;

(D) The Northwest Alaska Brown Bear Management Area, which consists of those portions of Unit 23, except the Baldwin Peninsula north of the Arctic Circle, Unit 24 west of the Dalton Highway Corridor Management Area, and Unit 26(A), is open to brown bear hunting by State registration permit in lieu of a resident tag. No resident tag is required for taking brown bears in the Northwest Alaska Brown Bear Management Area, provided that the hunter has obtained a State registration permit prior to hunting. Aircraft may not be used in the Northwest Alaska Brown Bear Management Area in any manner for brown bear hunting under the authority of a brown bear State registration permit, including transportation of hunters, bears or parts of bears. However, this does not apply to transportation of bear hunters or bear parts by regularly scheduled flights to and between communities by carriers that normally provide scheduled service to this area, nor does it apply to transportation of aircraft to or between publicly owned airports.

Bag limits	Open season
BLACK BEAR:	
3 bears	July 1–June 30.
BROWN BEAR:	
Unit 24—that portion west of the Dalton Highway Corridor Management Area—1 bear	Sept. 1–May 31.
Remainder of Unit 24—1 bear every four regulatory years	Sept. 1–May 31.
CARIBOU:	
Unit 24—the Kanuti River drainage upstream from Kanuti, Chalatna Creek, the Fish Creek drainage (including Bonanza Creek)—1 bull.	Aug. 10–Sept. 30.
Remainder of Unit 24—5 caribou per day; however, cow caribou may not be taken May 16—June 30	July 1–June 30.
SHEEP:	
Unit 24—that portion within the Gates of the Arctic National Park—3 sheep	Aug. 1–Apr. 30.

Bag limits	Open season
Unit 24—that portion within the Dalton Highway Corridor Management Area; except, Gates of the Arctic National Park—1 ram with 7/8 curl horn or larger by Federal registration permit only.	Aug. 10–Sept. 20.
Remainder of Unit 24—1 ram with 7/8 curl horn or larger	Aug. 10–Sept. 20.
MOOSE:	
Unit 24—that portion within the Koyukuk Controlled Use Area—1 moose; however, antlerless moose may be taken only from Sept. 21–Sept. 25, Dec. 1–Dec. 10, and Mar. 1–Mar. 10.	Sept. 5–Sept. 25. Dec. 1–Dec. 10. Mar. 1–Mar. 10.
Unit 24—that portion that includes the John River drainage upstream from, but excluding the Hunt Fork drainage—1 moose.	Aug. 1–Dec. 31.
Unit 24—the Alatna River drainage upstream from and including Helpmejack Creek drainage, the John River drainage upstream from and including the Malemute Fork drainage and downstream from and including the Hunt Fork drainage, the Wild River drainage upstream from and including the Michigan Creek drainage, and the North Fork Koyukuk River drainage north of the Bettles/Coldfoot winter trail—1 moose; however, antlerless moose may be taken only from Sept. 21–Sept. 25 and Mar. 1–Mar. 10.	Aug. 25–Sept. 25. Mar. 1–Mar. 10.
Unit 24—that portion within the Dalton Highway Corridor Management Area; except, Gates of the Arctic National Park—1 bull by Federal registration permit only.	Aug. 25–Sept. 25.
Remainder of Unit 24—1 bull. Public lands in the Kanuti Controlled Use Area are closed to taking of moose, except by eligible rural Alaska residents.	Aug. 25–Sept. 25.
BEAVER:	
Trapping—No limit	Nov. 1–Apr. 15.
COYOTE:	
Hunting—2 coyotes	Sept. 1–Apr. 30.
Trapping—No limit	Nov. 1–Mar. 31.
FOX, RED (including Cross, Black and Silver Phases):	
Hunting—10 foxes; however, no more than 2 foxes may be taken prior to Oct. 1	Sept. 1–Mar. 15.
Trapping—No limit	Nov. 1–Feb. 28.
HARE (Snowshoe and Tundra):	
Hunting—No limit	July 1–June 30.
LYNX:	
Hunting—2 lynx	Nov. 1–Feb. 28.
Trapping—No limit	Nov. 1–Feb. 28.
MARTEN:	
Trapping—No limit	Nov. 1–Feb. 28.
MINK AND WEASEL:	
Trapping—No limit	Nov. 1–Feb. 28.
MUSKRAT:	
Trapping—No limit	Nov. 1–June 10.
OTTER:	
Trapping—No limit	Nov. 1–Apr. 15.
WOLF:	
Hunting—10 wolves	Aug. 10–Apr. 30.
Trapping—No limit	Nov. 1–Mar. 31.
WOLVERINE:	
Hunting—1 wolverine	Sept. 1–Mar. 31.
Trapping—No limit	Nov. 1–Mar. 31.
GROUSE (Spruce, Blue, Ruffed, and Sharp-tailed):	
15 per day, 30 in possession	Aug. 10–Apr. 30.
PTARMIGAN (Rock, Willow, and White-tailed):	
20 per day, 40 in possession	Aug. 10–Apr. 30.

(25) Unit 25.

(i) Unit 25 consists of the Yukon River drainage upstream from but not including the Hamlin Creek drainage, and excluding drainages into the south bank of the Yukon River upstream from the Charley River:

(A) Unit 25(A) consists of the Hodzana River drainage upstream from the Narrows, the Chandalar River drainage upstream from and including the East Fork drainage, the Christian River drainage upstream from Christian, the Sheenjek River drainage upstream from and including the Thluichohnjik Creek, the Coleen River drainage, and the Old Crow River drainage;

(B) Unit 25(B) consists of the Little Black River drainage upstream from but not including the Big Creek drainage, the Black River drainage upstream from and including the Salmon Fork drainage, the Porcupine River drainage upstream from the confluence of the Coleen and Porcupine Rivers, and drainages into the north bank of the Yukon River upstream from Circle, including the islands in the Yukon River;

(C) Unit 25(C) consists of drainages into the south bank of the Yukon River upstream from Circle to the Subunit 20(E) boundary, the Birch Creek drainage upstream from the Steese Highway bridge (milepost 147), the Preacher Creek drainage upstream from and including the Rock Creek drainage, and the Beaver Creek drainage upstream from and including the Moose Creek drainage;

(D) Unit 25(D) consists of the remainder of Unit 25;

(ii) In the following areas, the taking of wildlife for subsistence uses is prohibited or restricted on public land:

(A) The Dalton Highway Corridor Management Area, which consists of those portions of Units 20, 24, 25, and 26 extending five miles from each side of the Dalton Highway from the Yukon River to milepost 300 of the Dalton Highway, is closed to the use of motorized vehicles, except aircraft, boats, licensed highway vehicles, and snowmobiles. The use of snowmobiles is authorized only for the subsistence taking of wildlife by residents living within the Dalton Highway Corridor Management Area. The use of licensed highway vehicles is limited only to

designated roads within the Dalton Highway Corridor Management Area;

(B) The Arctic Village Sheep Management Area, which encompasses approximately 567,680 acres north and west of Arctic Village. The area consists of that portion of Unit 25(A) which is bounded on the east by the East Fork Chandalar River beginning at the confluence of Cane Creek and proceeding southwesterly downstream past Arctic Village to the confluence with Crow Nest Creek, continuing up Crow Nest Creek, through Portage Lake, to its confluence with the Junjik River; then down the Junjik River past Timber Lake and a larger tributary, to a major, unnamed tributary located directly south of Little Njoo Mountain; the boundary leaves the river and continues upstream along this unnamed tributary, northwesterly, for approximately 6 miles where the stream forks into two roughly equal drainages; the boundary follows the eastern most fork, proceeding almost due north to the headwaters and intersects the Continental Divide; the boundary then follows the Continental Divide easterly, through Carter Pass, then easterly and northeasterly approximately 20 miles along the divide to an unnamed peak, elevation 6,460, located north of the most southerly major fork of the headwaters of Cane Creek; then the boundary continues due south 1.5 miles to the high point of a saddle, then down the headwaters tributary to Cane Creek and down the creek to the confluence of Cane Creek and the East Fork Chandalar. Sheep hunting in this area is restricted to residents of Arctic Village, Venetie, Fort Yukon, Kaktovik and Chalkytsik.

Bag limits	Open season
BLACK BEAR:	
3 bears	July 1–June 30.
CARIBOU:	
Unit 25 (A), (B), and the remainder of Unit 25(D)—10 caribou; however, no more than 5 caribou may be transported from these units per regulatory year	July 1–Apr. 30.
Unit 25(C)—1 bull	Aug. 10–Sept. 20. Feb. 15–Mar. 15.
Unit 25(D)—that portion of Unit 25(D) drained by the west fork of the Dall River west of 150° W. long.—1 bull	Aug. 10–Sept. 30.
SHEEP:	
Unit 25(A)—that portion within the Dalton Highway Corridor Management Area—3 sheep by Federal registration permit only; the Aug. 10—Sept. 20 season is restricted to 1 ram with 7/8 curl horn or larger	Oct. 1–Apr. 30. Aug. 10–Sept. 30.
Units 25(A)—Arctic Village Sheep Management Area—2 rams by Federal registration permit only. Public lands are closed to the taking of sheep except by rural Alaska residents of Arctic Village, Venetie, Fort Yukon, Kaktovik and Chalkytsik	Aug. 10–Apr. 30.
Remainder of Unit 25(A)—3 sheep by Federal registration permit only	Aug. 10–Apr. 30.
MOOSE:	
nit 25(A)—that portion within the Dalton Highway Management Area—1 bull by Federal registration permit only.	Aug. 25–Sept. 25. Dec. 1–Dec. 10.
Remainder of Unit 25(A)—1 bull	Aug. 25–Sept. 25. Dec. 1–Dec. 10.
Unit 25(B)—that portion within the Porcupine River drainage upstream from, but excluding the Coleen River drainage—1 bull.	Aug. 25–Sept. 30. Dec. 1–Dec. 10.
Remainder of Unit 25(B)—1 bull	Aug. 25–Sept. 25. Dec. 1–Dec. 15.
Unit 25(C)—1 bull	Sept. 1–Sept. 15.
Unit 25(D)(West)—that portion lying west of a line extending from the Unit 25(D) boundary on Preacher Creek, then downstream along Preacher Creek, Birch Creek and Lower Mouth Birch Creek to the Yukon River, then downstream along the north bank of the Yukon River (including islands) to the confluence of the Hadweenzik River, then upstream along the west bank of the Hadweenzik River to the confluence of Forty and One-Half Mile Creek, then upstream along Forty and One-Half Mile Creek to Nelson Mountain on the Unit 25(D) boundary—1 antlered moose by a Federal registration permit. Alternate permits allowing for designated hunters are available to qualified applicants who reside in Beaver, Birch Creek, or Stevens Village. Moose hunting on public land in this portion of Unit 25(D)(West) is closed at all times except for residents of Beaver, Birch Creek and Stevens Village during seasons identified above. The moose season will be closed when 30 antlered moose have been harvested in the entirety of Unit 25(D)(West).	Aug. 25–Sept. 25. Nov. 1–Dec. 20.
Remainder of Unit 25(D)—1 antlered moose	Aug. 25–Sept. 25. Dec. 1–Dec. 20.
BEAVER:	
Unit 25(C) —Trapping—25 beaver per season	Nov. 1–Apr. 15.
Remainder of Unit 25—Trapping—50 beaver per season	Nov. 1–Apr. 15.
COYOTE:	
Hunting—2 coyotes	Sept. 1–Apr. 30.
Trapping—No limit	Nov. 1–Mar. 31.
FOX, RED (including Cross, Black and Silver Phases):	
Hunting—10 foxes; however, no more than 2 foxes may be taken prior to Oct. 1	Sept. 1–Mar. 15
Trapping—No limit	Nov. 1–Feb. 28.
HARE (Snowshoe and Tundra):	
Hunting—No limit	July 1–June 30.
LYNX:	
Unit 25(C)—Hunting—2 lynx	Dec. 1–Jan. 31.
Unit 25(C)—Trapping—No limit	Dec. 1–Jan. 31.
Remainder of Unit 25—Hunting—2 lynx	Nov. 1–Feb. 28.
Remainder of Unit 25—Trapping—No limit	Nov. 1–Feb. 28.
MARTEN:	
Trapping—No limit	Nov. 1–Feb. 28.

Bag limits	Open season
MINK AND WEASEL:	
Trapping—No limit	Nov. 1–Feb. 28.
MUSKRAT:	
Trapping—No limit	Nov. 1–June 10.
OTTER:	
Trapping—No limit	Nov. 1–Apr. 15.
WOLF:	
Unit 25(A)—Hunting—No limit	Aug. 10–Apr. 30.
Remainder of Unit 25—Hunting—10 wolves	Aug. 10–Apr. 30.
Trapping—No limit	Nov. 1–Mar. 31.
WOLVERINE:	
Hunting—1 wolverine	Sept. 1–Mar. 31.
Unit 25(C)—Trapping—No limit	Nov. 1–Feb. 28.
Remainder of Unit 25—Trapping—No limit	Nov. 1–Mar. 31.
GROUSE (Spruce, Blue, Ruffed, and Sharp-tailed):	
Unit 25(C)—15 per day, 30 in possession	Aug. 10–Mar. 31.
Remainder of Unit 25—15 per day, 30 in possession	Aug. 10–Apr. 30.
PTARMIGAN (Rock, Willow, and White-tailed):	
Unit 25(C)—those portions within 5 miles of Route 5 (Taylor Highway, both to Eagle and the Alaska-Canada boundary), and that portion of Route 4 (Richardson Highway) south of Delta Junction—20 per day, 40 in possession.	Aug. 10–Mar. 31.
Remainder of Unit 25—20 per day, 40 in possession	Aug. 10–Apr. 30.

(26) Unit 26.

(i) Unit 26 consists of Arctic Ocean drainages between Cape Lisburne and the Alaska-Canada border including the Firth River drainage within Alaska:

(A) Unit 26(A) consists of that portion of Unit 26 lying west of the Itkillik River drainage and west of the east bank of the Colville River between the mouth of the Itkillik River and the Arctic Ocean;

(B) Unit 26(B) consists of that portion of Unit 26 east of Unit 26(A), west of the west bank of the Canning River and west of the west bank of the Marsh Fork of the Canning River;

(C) Unit 26(C) consists of the remainder of Unit 26;

(ii) In the following areas, the taking of wildlife for subsistence uses is prohibited or restricted on public land:

(A) The Unit 26(A) Controlled Use Area, which consists of Unit 26(A), is closed to the use of aircraft in any manner for moose hunting, including transportation of moose hunters or parts of moose from Aug. 1-Aug. 31. No hunter may take or transport a moose, or part of a moose in Unit 26(A) after having been transported by aircraft into the unit. However, this does not apply to transportation of moose hunters or moose parts by regularly scheduled flights to and between villages by carriers that normally provide scheduled service to this area, nor does it apply to transportation by aircraft to or between publicly owned airports;

(B) The Dalton Highway Corridor Management Area, which consists of those portions of Units 20, 24, 25, and 26 extending five miles from each side of the Dalton Highway from the Yukon River to milepost 300 of the Dalton Highway, is closed to the use of motorized vehicles, except aircraft, boats, licensed highway vehicles, and snowmobiles. The use of snowmobiles is authorized only for the subsistence taking of wildlife by residents living within the Dalton Highway Corridor Management Area. The use of licensed highway vehicles is limited only to designated roads within the Dalton Highway Corridor Management Area;

(C) The Northwest Alaska Brown Bear Management Area, which consists of those portions of Unit 23, except the Baldwin Peninsula north of the Arctic Circle, Unit 24 west of the Dalton Highway Corridor Management Area, and Unit 26(A), is open to brown bear hunting by State registration permit in lieu of a resident tag. No resident tag is required for taking brown bears in the Northwest Alaska Brown Bear Management Area, provided that the hunter has obtained a State registration permit prior to hunting. Aircraft may not be used in the Northwest Alaska Brown Bear Management Area in any manner for brown bear hunting under the authority of a brown bear State registration permit, including transportation of hunters, bears or parts of bears. However, this does not apply to transportation of bear hunters or bear parts by regularly scheduled flights to and between communities by carriers that normally provide scheduled service to this area, nor does it apply to transportation of aircraft to or between publicly owned airports.

Bag limits	Open season
BLACK BEAR:	
3 bears	July 1–June 30.
BROWN BEAR:	
Unit 26(A)—1 bear	Sept. 1–May 31.
Remainder of Unit 26—1 bear every four regulatory years	Sept. 1–May 31.
CARIBOU:	
Unit 26(A)—5 caribou per day; however, cow caribou may not be taken May 16—June 30	July 1–June 30.
Unit 26(B)—5 caribou; however, cow caribou may be taken only from Oct. 1—Apr. 30	July 1–June. 30.
Unit 26(C)—10 caribou; however, not more than 5 caribou may be transported from Unit 26(C) per regulatory year	July 1–Apr. 30.
SHEEP:	
Unit 26(A)—those portions within the Gates of the Arctic National Park—3 sheep	Aug. 1–Apr. 30.
Unit 26(B)—that portion within the Dalton Highway Corridor Management Area—1 ram with 7/8 curl horn or larger by Federal registration permit only.	Aug. 10–Sept. 20.
Remainder of Unit 26(A) and (B)—including the Gates of the Arctic National Preserve—1 ram with 7/8 curl horn or larger.	Aug. 10–Sept. 20.

Bag limits	Open season
Unit 26(C)—3 sheep per year; the Aug. 10–Sept. 20 season is restricted to 1 ram with 7/8 curl horn or larger. A State registration permit is required for the Oct. 1–Apr. 30 season, except for residents of the City of Kaktovik. Kaktovik residents may harvest sheep in accordance with a Federal community harvest strategy for Unit 26(C) which provides for take of up to two bag limits of 3 sheep by designated hunter. Procedures for Federal permit issuance and community reporting will be mutually developed by Kaktovik and Federal representatives prior to the season opening.	Aug. 10–Sept. 20. Oct. 1–Apr. 30.
MOOSE:	
Unit 26(A)—1 moose; however, no person may take a cow accompanied by a calf	Aug. 1–Dec. 31.
Unit 26(B)—that portion within two miles of the Dalton Highway	No open season.
Unit 26(B) Remainder and (C)—1 moose	Aug. 1–Dec. 31.
MUSK OXEN:	
Unit 26(C)—1 bull by Federal registration permit only; up to 10 permits may be issued to rural Alaska residents of the village of Kaktovik only. Public lands are closed to the taking of musk oxen, except by rural Alaska residents of the village of Kaktovik.	Oct. 1–Oct. 31. Mar. 1–Mar. 31.
COYOTE:	
Hunting—2 coyotes	Sept. 1–Apr. 30.
Trapping—No limit	Nov. 1–Apr. 15.
FOX, ARCTIC (Blue and White Phase):	
Hunting—2 foxes	Sept. 1–Apr. 30.
Trapping—No limit	Nov. 1–Apr. 15.
FOX, RED (including Cross, Black and Silver Phases):	
Unit 26(A) and (B)—Hunting—10 foxes; however, no more than 2 foxes may be taken prior to Oct. 1	Sept. 1–Mar. 15.
Unit 26(C)—Hunting—10 foxes	Nov. 1–Apr. 15.
Trapping—No limit	Nov. 1–Apr. 15.
HARE (Snowshoe and Tundra):	
Hunting—No limit	July 1–June 30.
LYNX:	
Hunting—2 lynx	Nov. 1–Apr. 15.
Trapping—No limit	Nov. 1–Apr. 15.
MARTEN:	
Trapping—No limit	Nov. 1–Apr. 15.
MINK AND WEASEL:	
Trapping—No limit	Nov. 1–Jan. 31.
MUSKRAT:	
Trapping—No limit	Nov. 1–June 10.
OTTER:	
Trapping—No limit	Nov. 1–Apr. 15.
WOLF:	
Hunting—No limit	Aug. 10–Apr. 30.
Trapping—No limit	Nov. 1–Apr. 15.
WOLVERINE:	
Hunting—1 wolverine	Sept. 1–Mar. 31.
Trapping—No limit	Nov. 1–Apr. 15.
GROUSE (Spruce, Blue, Ruffed, and Sharp-tailed):	
15 per day, 30 in possession	Aug. 10–Apr. 30.
PTARMIGAN (Rock, Willow, and White-tailed):	
20 per day, 40 in possession	Aug. 10–Apr. 30.

§ _____.26 Subsistence taking of fish.

(a) *Applicability.* (1) Regulations in § _____.26 apply to the taking of finfish, excluding halibut, or their parts for subsistence uses.

(2) Finfish, excluding halibut, may be taken for subsistence uses at any time by any method unless restricted by the subsistence fishing regulations found in § _____.26.

(b) *Definitions.* The following definitions shall apply to all regulations contained in § _____.26 and § _____.27.

Abalone Iron means a flat device which is used for taking abalone and which is more than one inch (24 mm) in width and less than 24 inches (610 mm) in length, with all prying edges rounded and smooth.

ADF&G means the Alaska Department of Fish and Game.

Anchor means a device used to hold a salmon fishing vessel or net in a fixed position relative to the beach; this includes using part of the seine or lead, a ship's anchor, or being secured to another vessel or net that is anchored.

Bag Limit means the maximum legal take per person or designated group, per specified time period, even if part or all of the fish are preserved.

Beach seine means a floating net which is designed to surround fish and is set from and hauled to the beach.

Char means the following species: Arctic char (*Salvelinus alpinis*); lake trout (*Salvelinus namaycush*); and Dolly Varden (*Salvelinus malma*).

Crab means the following species: red king crab (*Paralithodes camshatica*); blue king crab (*Paralithodes platypus*); brown king crab (*Lithodes aequispina*); *Lithodes couesi*; all species of tanner or snow crab (*Chionoecetes* spp.); and Dungeness crab (*Cancer magister*).

Dip net means a bag-shaped net supported on all sides by a rigid frame; the maximum straight-line distance between any two points on the net frame, as measured through the net opening, may not exceed five feet; the depth of the bag must be at least one-half of the greatest straight-line distance, as measured through the net opening; no portion of the bag may be constructed of webbing that exceeds a stretched measurement of 4.5 inches; the frame must be attached to a single rigid handle and be operated by hand.

Diving Gear means any type of hard hat or skin diving equipment, including SCUBA equipment.

Drainage means all of the waters comprising a watershed including tributary rivers, streams, sloughs, ponds

and lakes which contribute to the supply of the watershed.

Drift gill net means a drifting gill net that has not been intentionally staked, anchored or otherwise fixed.

Federal lands means lands and waters and interests therein the title to which is in the United States.

Fishwheel means a fixed, rotating device for catching fish which is driven by river current or other means of power.

Freshwater of streams and rivers means the line at which freshwater is separated from saltwater at the mouth of streams and rivers by a line drawn between the seaward extremities of the exposed tideland banks at the present stage of the tide.

Fyke net means a fixed, funneling (fyke) device used to entrap fish.

Gear means any type of fishing apparatus.

Gill net means a net primarily designed to catch fish by entanglement in a mesh that consists of a single sheet of webbing which hangs between cork line and lead line, and which is fished from the surface of the water.

Grappling hook means a hooked device with flukes or claws, which is attached to a line and operated by hand.

Groundfish—bottomfish means any marine finfish except halibut, osmerids, herring and salmonids.

Hand purse seine means a floating net which is designed to surround fish and which can be closed at the bottom by pursing the lead line; pursing may only be done by hand power, and a free-running line through one or more rings attached to the lead line is not allowed.

Herring pound means an enclosure used primarily to contain live herring over extended periods of time.

Hung measure means the maximum length of the cork line when measured wet or dry with traction applied at one end only.

Jigging gear means a line or lines with lures or baited hooks, drawn through the water by hand, and which are operated during periods of ice cover from holes cut in the ice.

Lead means either a length of net employed for guiding fish into a seine, set gill net, or other length of net, or a length of fencing employed for guiding fish into a fishwheel, fyke net or dip net.

Long line means either a stationary, buoyed, or anchored line, or a floating, free-drifting line with lures or baited hooks attached.

Possession limit means the maximum number of fish a person or designated group may have in possession if the fish have not been canned, salted, frozen, smoked, dried, or otherwise preserved so as to be fit for human consumption after a 15 day period.

Pot means a portable structure designed and constructed to capture and retain live fish and shellfish in the water.

Public lands or *public land* means lands situated in the State of Alaska which are Federal lands, except—

(i) Land selections of the State of Alaska which have been tentatively approved or validly selected under the Alaska Statehood Act and lands which have been confirmed to, validly selected by, or granted to the Territory of Alaska or the State under any other provision of Federal law;

(ii) Land selections of a Native Corporation made under the Alaska Native Claims Settlement Act which have not been conveyed to a Native Corporation, unless any such selection is determined to be invalid or is relinquished; and

(iii) Lands referred to in Section 19(b) of the Alaska Native Claims Settlement Act.

Purse seine means a floating net which is designed to surround fish and which can be closed at the bottom by means of a free-running line through one or more rings attached to the lead line.

Ring net means a bag-shaped net suspended between no more than two frames; the bottom frame may not be larger in perimeter than the top frame; the gear must be nonrigid and collapsible so that free movement of fish or shellfish across the top of the net is not prohibited when the net is employed.

Rockfish means all species of the genus *Sebastes*.

Rod and reel means either a device upon which a line is stored on a fixed or revolving spool and is deployed through guides mounted on a flexible pole, or a line that is attached to a pole.

Salmon means the following species: pink salmon (*Oncorhynchus gorbusha*); sockeye salmon (*Oncorhynchus nerka*); chinook salmon (*Oncorhynchus tshawytscha*); coho salmon (*Oncorhynchus kisutch*); and chum salmon (*Oncorhynchus keta*).

Salmon stream means any stream used by salmon for spawning or for travelling to a spawning area.

Salmon stream terminus means a line drawn between the seaward extremities of the exposed tideland banks of any salmon stream at mean lower low water.

Set gill net means a gill net that has been intentionally set, staked, anchored, or otherwise fixed.

Shovel means a hand-operated implement for digging clams or cockles.

Spear means a shaft with a sharp point or fork-like implement attached to one end which is used to thrust through the water to impale or retrieve fish and which is operated by hand.

Take or *Taking* means to pursue, hunt, shoot, trap, net capture, collect, kill, harm, or attempt to engage in any such conduct.

To operate fishing gear means any of the following: the deployment of gear in the waters of Alaska; the removal of gear from the waters of Alaska; the removal of fish or shellfish from the gear during an open season or period; or the possession of a gill net containing fish during an open fishing period, except that a gill net which is completely clear of the water is not considered to be operating for the purposes of minimum distance requirement.

Trawl means a bag-shaped net towed through the water to capture fish or shellfish.

Trout means the following species: cutthroat trout *(Oncorhynchus clarki)* and rainbow trout or steelhead trout *(Oncorhynchus mykiss)*.

(c) *Methods, Means, and General Restrictions.* (1) No person may buy or sell fish, their parts, or their eggs which have been taken for subsistence uses, unless, prior to the sale, the prospective buyer or seller obtains a determination from the Federal Subsistence Board that the sale constitutes customary trade.

(2) No person may take fish for subsistence uses within 300 feet of any dam, fish ladder, weir, culvert or other artificial obstruction.

(3) No person may use explosives or chemicals to take fish for subsistence uses.

(4) Each person shall plainly and legibly inscribe his or her first initial, last name, and address on any fish wheel, keg, buoy, stakes attached to gill nets, and on any other unattended fishing gear which the person has employed to take fish for subsistence uses.

(5) All pots used to take fish must contain an opening on the webbing of a sidewall of the pot which has been laced, sewn, or secured together by untreated cotton twine or other natural fiber no larger than 120 thread which upon deterioration or parting of the twine produces an opening in the web with a perimeter equal to or exceeding one-half of the tunnel eye opening perimeter.

(6) Persons licensed by the State of Alaska to engage in a fisheries business may not receive for commercial purposes or barter or solicit to barter for subsistence taken salmon or their parts.

(7) Except as provided elsewhere in this subpart, the taking of rainbow trout and steelhead trout is prohibited.

(8) Fish taken for subsistence use or under subsistence regulations may not

be subsequently used as bait for commercial or sport fishing purposes.

(9) The use of live non-indigenous fish as bait is prohibited.

(10) Any fishing gear used to take fish for subsistence uses may not obstruct more than one-half the width of any stream. A stationary fishing device may obstruct not more than one-half the width of any stream.

(11) Kegs or buoys attached to any permitted gear may be any color but red.

(12) Bag limits authorized in §_____.26 or §_____.27 may not be accumulated with bag limits authorized in State seasons.

(13) Unless specified otherwise in §_____.26, use of a rod and reel to take fish is permitted without a subsistence fishing permit. Bag limits applicable to the use of a rod and reel to take fish for subsistence uses shall be as follows:

(i) Where a subsistence fishing permit issued by the ADF&G is required by §_____.26, that permit is not required to take fish for subsistence uses with rod and reel. The bag and possessions limits for taking fish for subsistence uses with a rod and reel in those areas are the same as indicated on the ADF&G permit issued for subsistence fishing with other gear types;

(ii) Where a subsistence fishing permit is not required by §_____.26, the bag and possession limits for taking fish for subsistence uses with a rod and reel is the same as for taking fish under State of Alaska sport fishing regulations in those same areas.

(14) Unless restricted in §_____.26, or unless restricted under the terms of a required subsistence fishing permit, gear specified in definitions in §_____.26(b) are legal types of gear for subsistence fishing.

(15) Unless restricted in §_____.26, or unless restricted under the terms of a subsistence fishing permit, fish may be taken at any time.

(16) Gill nets used for subsistence fishing for salmon may not exceed 50 fathoms in length, unless otherwise specified by regulations for particular areas set forth in §_____.26.

(17) Each fishwheel must have the first initial, last name, and address of the operator plainly and legibly inscribed on the side of the fishwheel facing midstream of the river.

(18) Unlawful Possession of Subsistence Finfish. Fish or their parts taken in violation of Federal or State regulations may not be possessed, transported, given, received or bartered.

(d) *Fishery management area restrictions.* For detailed descriptions of Fishery Management Areas, see State of Alaska Fishing Regulations.

(1) KOTZEBUE-NORTHERN AREA. (i) Salmon may be taken only by gill nets, beach seines, or a rod and reel;

(ii) Fish may be taken for subsistence purposes without a subsistence fishing permit.

(2) NORTON SOUND-PORT CLARENCE AREA. (i) Salmon may be taken only by gill nets, beach seines, fishwheel, or a rod and reel;

(ii) Except as provided in §_____.26(e)(2), fish may be taken for subsistence purposes without a subsistence fishing permit. A subsistence fishing permit issued by ADF&G is required, except for use of rod and reel, as follows:

(A) Pilgrim River drainage including Salmon Lake;

(B) For net fishing in all waters from Cape Douglas to Rocky Point;

(iii) Only one subsistence fishing permit will be issued to each household per year.

(3) YUKON AREA. (i) Salmon may be taken only by set gill nets, beach seines, fishwheels, or rod and reel;

(ii) Except as provided in §_____.26(e)(3), fish may be taken for subsistence purposes without a subsistence fishing permit;

(iii) A subsistence fishing permit issued by the ADF&G is required, except for the use of rod and reel, as follows:

(A) For the Yukon River drainage from the mouth of Hess Creek to the mouth of the Dall River;

(B) For the Yukon River drainage from the ADF&G regulatory markers placed near the upstream mouth of 22 Mile Slough upstream to the United States-Canada border;

(C) For the Tanana River drainage above the mouth of the Wood River;

(D) For whitefish and suckers in the waters listed;

(E) For the taking of pike in waters of the Tolovana River drainage upstream of its confluence with the Tanana River;

(F) For the taking of salmon in Subdistricts 6–A and 6–B;

(iv) Except as otherwise provided, and except as may be provided by the terms of a subsistence fishing permit issued by the ADF&G, there is no closed season on fish other than salmon;

(v) Only one subsistence fishing permit will be issued to each household per year;

(vi) Birch Creek of the upper Yukon drainage, and waters within 500 feet of its mouth, is closed to subsistence fishing June 10 through September 10, except that whitefish and suckers may be taken by rod and reel or under the authority of a subsistence fishing permit issued by the ADF&G;

(vii) The following drainages located north of the main Yukon River are closed to subsistence fishing:

(A) Kanuti River, upstream from a point five miles downstream of the State highway crossing;

(B) Fish Creek, upstream from the mouth of Bonanza Creek;

(C) Bonanza Creek;

(D) Jim River, including Prospect Creek and Douglas Creek;

(E) South Fork of the Koyukuk River system upstream from the mouth of Jim River;

(F) Middle Fork of the Koyukuk River system upstream from the mouth of the North Fork;

(G) North Fork of the Chandalar River system upstream from the mouth of Quartz Creek;

(viii) The main Tanana River and its adjoining sloughs are closed to subsistence fishing between the mouth of the Salcha River and the mouth of the Gerstle River, except that salmon may be taken in the area upstream of the Richardson Highway bridge to the mouth of Clearwater Creek after November 20;

(ix) Waters of the Tanana River drainage are closed to the subsistence taking of pike between the mouth of the Kantishna River and Delta River at Black Rapids on the Richardson Highway and Cathedral Rapids on the Alaska Highway, except that pike may be taken for subsistence purposes in the Tolovana River drainage upstream from its confluence with the Tanana River;

(x) The Delta River is closed to subsistence fishing, except that salmon may be taken after November 20;

(xi) The following locations are closed to subsistence fishing:

(A) The following rivers and creeks and within 500 feet of their mouths: Delta Clearwater River (Clearwater Creek at 64°06′ N. lat., 145°34′ W. long), Richardson Clearwater Creek (Clear Creek at 64°14′ N. lat., 146°16′ W. long), Goodpaster River, Chena River, Little Chena River, Little Salcha River, Blue Creek, Big Salt River, Shaw Creek, Bear Creek, McDonald Creek, Moose Creek, Hess Creek, and Beaver Creek;

(B) Ray River and Salcha River upstream of a line between the ADF&G regulatory markers located at the mouth of the rivers;

(C) Deadman, Jan, Boleo, Birch, Lost, Harding, Craig, Fielding, Two-Mile, Quartz, and Little Harding lakes;

(D) Piledriver and Badger (Chena) sloughs;

(xii) The following waters are closed to the taking of chum salmon from August 15–December 31:

(A) Toklat River;

(B) Kantishna River from the mouth of the Toklat River to its confluence with the Tanana River;

(xiii) Salmon may be taken only by set gill nets in those locations described in below after July 19:

(A) Waters of the Black River including waters within one nautical mile of its terminus;

(B) Waters of Kwikluak Pass downstream of Agmulegut and the waters of Kwemeluk Pass;

(C) Waters of Alakanuk Pass downstream from the mouth of Kuiukpak Slough;

(D) Waters of Kwiguk Pass downstream to the mouth of Kawokhawik Slough;

(E) Waters of Kawanak Pass downstream from Sea Gull Point;

(F) Waters of Apoon Pass downstream from the mouth of the Kotlik River and waters of Okwega Pass downstream from its confluence with Apoon Pass;

(G) Waters within one nautical mile seaward from any grassland bank in District 1;

(xiv) Pike may not be taken with gill nets in the waters of the Tolovana River drainage from October 15–April 14;

(xv) A commercial salmon fisherman who is registered for Districts 1, 2, or 3 may not take salmon for subsistence purposes in any other district located downstream from Old Paradise Village;

(xvi) In District 4, commercial fishermen may not take salmon for subsistence purposes during the commercial salmon fishing season by gill nets larger than 6-inch mesh after a date specified by emergency order issued between July 10–July 31;

(xvii) In Subdistricts 5–A, 5–B, 5–C, and that portion of Subdistrict 5–D downstream from Long Point, no person may possess salmon taken for subsistence purposes during a commercial fishing period, unless the dorsal fin has been immediately removed from the salmon; a person may not sell or purchase salmon from which the dorsal fin has been removed;

(xviii) Subsistence fishermen taking salmon in Subdistrict 6–C shall report their salmon catches at designated ADF&G check stations by the end of each weekly fishing period; immediately after salmon have been taken, catches must be recorded on a harvest form provided by the ADF&G;

(xix) The annual possession limit for the holder of a Subdistrict 6–C subsistence salmon fishing permit is 10 king salmon and 75 chum salmon for periods through August 15, and 75 chum and coho salmon for periods after August 15;

(xx) Subsistence salmon harvest limits in Subdistrict 6–C are 750 king salmon and 5,000 chum salmon taken through August 15 and 5,200 chum and coho salmon combined taken after August 15; when either the king or chum salmon harvest limit for periods before August 16 has been taken, the subsistence salmon fishing season in Subdistrict 6–C will close; a later season will open after August 15 to allow the taking of the harvest limit for periods after August 15; if the chum salmon harvest limit has not been obtained through August 15, the remaining harvest will not be added to the chum salmon harvest level for periods after August 15;

(xxi) The annual harvest limit for the holder of a Subdistrict 6–A or 6–B subsistence salmon fishing permit is 60 chinook salmon and 500 chum salmon for the period through August 15 of a year, and 2,000 chum and coho salmon combined for the period after August 15; upon request, permits for additional salmon may be issued by the ADF&G;

(xxii) In the Kantishna River drainage, the open subsistence salmon fishing periods are seven days per week.

(4) Kuskokwim Area.

(i) Salmon may only be taken by gill net, beach seine, fishwheel, or by a rod and reel, subject to the restrictions set forth in this § _____.26(e)(4), except that salmon may also be taken by spear in the Holitna River drainage;

(ii) Fish may be taken for subsistence purposes without a subsistence fishing permit;

(iii) Each subsistence gill net operated in tributaries of the Kuskokwim River must be attached to the bank, fished substantially perpendicular to the bank and in a substantially straight line;

(iv) The aggregate length of set gill nets or drift gill nets in use by any individual for taking salmon may not exceed 50 fathoms;

(v) Rainbow trout may be taken by residents of Goodnews Bay, Platinum, Quinhagak, Eek, Kwethluk, Akiachak, and Akiak from those non-navigable drainages tributary to the Kuskokwim River downstream from the confluence of the Kuskokwim and Holitna Rivers and from those non-navigable drainages to Kuskokwim Bay north of the community of Platinum, subject to the following restrictions:

(A) Rainbow trout may be taken only by the use of gill nets, rod and reel, or jigging through the ice;

(B) The use of gill nets for taking rainbow trout is prohibited from March 15–June 15.

(5) Bristol Bay Area.

(i) Salmon and char may only be taken by rod and reel or under authority of a subsistence fishing permit issued by the ADF&G;

(ii) Only one subsistence fishing permit may be issued to each household per year;

(iii) Each gill net must be staked and buoyed;

(iv) No person may operate or assist in operating subsistence salmon net gear while simultaneously operating or assisting in operating commercial salmon net gear;

(v) Salmon, herring, and capelin may only be taken by set gill nets and by a rod and reel, except that salmon may also be taken by spear in the Togiak River including its tributaries;

(vi) Subsistence fishing is not permitted within the boundaries of Katmai National Park;

(vii) Except for the western shore of the Newhalen River, waters used by salmon are closed to the subsistence taking of fish within 300 feet of a stream mouth;

(viii) Subsistence salmon fishing permits for the Naknek River drainage will be issued only through the ADF&G King Salmon office;

(ix) Subsistence fishing with nets is prohibited in the following waters and within one-fourth mile of the terminus of those waters during the period from September 1 through June 14: Lower Talarik Creek, Roadhouse Creek, Nick G. Creek, Middle Talarik Creek, Alexi Creek, Copper River, Upper Talarik Creek, Tazimina River, Kakhonak River, Pete Andrew Creek, Young's Creek, Gibralter River, Zacker Creek, Chekok Creek, Dennis Creek, Newhalen River, Tomokok Creek, Belinda Creek;

(x) Gill nets are prohibited in that portion of the Naknek River upstream from Sovonaski;

(xi) After August 20, no person may possess coho salmon for subsistence purposes in the Togiak River Section and the Togiak River drainage unless the head has been immediately removed from the salmon. It is unlawful to purchase or sell coho salmon from which the head has been removed.

(6) Aleutian Islands Area.

(i) Salmon may be taken by seine and gill net, with gear specified on a subsistence fishing permit issued by the ADF&G, or by a rod and reel;

(ii) The Adak District is closed to the taking of salmon;

(iii) Salmon and char may be taken only by rod and reel or under the terms of a subsistence fishing permit issued by the ADF&G, except that a permit is not required in the Akutan, Umnak and Adak Districts; not more than 250 salmon may be taken for subsistence purposes unless otherwise specified on the subsistence fishing permit; a record of subsistence-caught fish must be kept on the reverse side of the permit; the record must be completed immediately upon taking subsistence-caught fish and must be returned to the local

representative of the ADF&G no later than October 31.

(7) Alaska Peninsula Area.

(i) Salmon may be taken by seine, gill net, gear specified on a permit issued by the ADF&G, or rod and reel;

(ii) The following waters are closed to subsistence fishing for salmon:

(A) Russell Creek and Nurse Lagoon;

(B) Trout Creek;

(C) Humbolt Creek;

(iii) Salmon and char may only be taken by rod and reel or under the authority of a subsistence fishing permit issued by the ADF&G; a record of subsistence-caught fish must be kept on the reverse side of the permit; the record must be completed immediately upon taking subsistence-caught fish and must be returned to the local representative of the ADF&G no later than October 31.

(8) Chignik Area.

(i) Salmon may be taken by seines and gill nets, or with gear specified on a subsistence fishing permit issued by the ADF&G, or by a rod and reel, except that in Chignik Lake, salmon may not be taken with purse seines;

(ii) Salmon may not be taken in the Chignik River, upstream from the ADF&G weir site or counting tower, in Black Lake, or any tributary to Black and Chignik Lakes;

(iii) Salmon and char may only be taken by rod and reel or under the authority of a subsistence fishing permit issued by the ADF&G. A record of subsistence-caught fish must be kept on the reverse side of the permit. The record must be completed immediately upon taking subsistence-caught fish and must be returned to the local representative of the ADF&G no later than October 31;

(iv) From June 10–September 30, commercial fishing license holders may not subsistence fish for salmon.

(9) Kodiak Area.

(i) From June 1–September 15, salmon seine vessels may not be used to take subsistence salmon for 24 hours before, during, and for 24 hours after any open commercial salmon fishing period;

(ii) From June 1–September 15, purse seine vessels may be used to take salmon only with gill nets and no other type of salmon gear may be on board the vessel;

(iii) Salmon may be taken only by gill net, seine, or by a rod and reel;

(iv) Subsistence fishermen must be physically present at the net at all times the net is being fished;

(v) The following locations are closed to the subsistence taking of salmon:

(A) All waters of Mill Bay and all those waters bounded by a line from Spruce Cape to the northernmost point of Woody Island, then to the northernmost point of Holiday Island, then to a point on Near Island opposite the Kodiak small boat harbor entrance and then to the small boat harbor entrance.

(B) All freshwater systems of Little Afognak River and Portage Creek drainage in Discoverer Bay.

(C) All water closed to commercial salmon fishing in the Barbara Cove, Chiniak Bay, Saltery Cove, Pasagshak Bay, Monashka Bay and Anton Larsen Bay, and all waters closed to commercial salmon fishing within 100 yards of the terminus of Selief Bay Creek and north and west of a line from the tip of Las Point to the tip of River Mouth Point of Afognak Bay;

(D) All waters 300 yards seaward of the terminus of Monks Creek;

(E) From August 15 through September 30, all waters 500 yards seaward of the terminus of Little Kitoi Creek;

(F) All freshwater systems of Afognak Island;

(G) All waters of Ouzinkie Harbor north of a line from 57°55′10″ N. lat., 152°36′ W. long. to 57°55′03″ N. lat., 152°29′20″ W. long.;

(vi) A subsistence fishing permit issued by the ADF&G is required for taking salmon, trout and char, except by rod and reel, for subsistence purposes; a subsistence fishing permit issued by the ADF&G is required for taking herring and bottomfish for subsistence purposes during the commercial herring sac roe season from May 1–June 30; all subsistence fishermen shall keep a record of the number of subsistence fish taken each year; the number of subsistence fish shall be recorded on the reverse side of the permit. The record must be completed immediately upon landing subsistence caught fish and must be returned to the local representative of the ADF&G by February 1 of the year following the year the permit was issued.

(10) Cook Inlet Area.

(i) Salmon may be taken only by rod and reel, or under the authority of a subsistence fishing permit issued by the ADF&G; only one permit may be issued to a household each year; a subsistence fishing permit holder shall record daily salmon catches on forms provided by the ADF&G;

(ii) Trout, grayling, char, and burbot may not be taken in fresh water;

(iii) All public waters on the Kenai Peninsula are closed to subsistence fishing;

(iv) Smelt may be taken only with gill nets and dip nets. Gill nets used to take smelt may not exceed 50 feet in length and two inches in mesh size;

(v) Gill nets may not be used.

(11) Prince William Sound Area.

(i) Salmon and freshwater fish species may be taken only by rod and reel or under the authority of a subsistence fishing permit issued by the ADF&G;

(ii) Only one subsistence fishing permit will be issued to each household per year;

(iii) Use of fishwheels:

(A) Fishwheels used for subsistence fishing may not be rented, leased, or otherwise used for personal gain;

(B) Subsistence fishwheels must be removed from the water at the end of the permit period;

(C) Each permittee may operate only one fishwheel at any one time;

(D) No person may set or operate a fishwheel within 75 feet of another fishwheel;

(E) No fishwheel may have more than two baskets;

(F) The permit holder must personally operate the fishwheel or dip net. A subsistence fishwheel or dip net permit may not be loaned or transferred except;

(G) A wood or metal plate at least 12 inches high by 12 inches wide, bearing the permit holder's name and address in letters and numerals at least one inch high, must be attached to each fishwheel so that the name and address are plainly visible;

(iv) Salmon may not be taken in any area closed to commercial salmon fishing unless otherwise permitted;

(v) In locations open to commercial salmon fishing and in conformance with commercial salmon fishing regulations, the annual subsistence salmon limit is as follows:

(A) 15 salmon for a household of one person;

(B) 30 salmon for a household of two persons;

(C) 10 salmon for each additional person in a household over two;

(D) No more than five king salmon may be taken per permit;

(vi) All tributaries of the Copper River and waters of the Copper River are closed to the taking of salmon;

(vii) Crosswind Lake is closed to all subsistence fishing;

(viii) Salmon may be taken for subsistence purposes in the waters of the Southwestern District only as follows:

(A) Only pink salmon may be taken;

(B) Pink salmon may be taken by dipnets or by a rod and reel;

(C) Pink salmon may be taken only from May 15–September 30;

(D) Fishing periods are from May 15 until two days before the commercial opening of the Southwestern District, seven days per week; during the commercial salmon fishing season, only during open commercial salmon fishing

periods; and from two days following the closure of the commercial salmon season until September 30, seven days per week;

(E) There are no bag and possession limits for this fishery;

(F) ADF&G permits may be issued only at Chenega Bay village;

(ix) Salmon may be taken for subsistence purposes in the waters north of a line from Porcupine Point to Granite Point, and south of a line from Point Lowe to Tongue Point, only as follows:

(A) Only pink salmon may be taken;

(B) Pink salmon may be taken by dipnets or by a rod and reel;

(C) Pink salmon may be taken only from May 15–September 30;

(D) Fishing periods are from May 15 until two days before the commercial opening of the Southwestern District, seven days per week; during the commercial salmon fishing season, only during open commercial salmon fishing periods; and from two days following the closure of the commercial salmon season until September 30, seven days per week;

(F) There are no bag and possession limits for this fishery;

(G) ADF&G permits may be issued only at Tatitlek village.

(12) Yakutat Area.

(i) Salmon, trout, and char may be taken only by rod and reel or under authority of a subsistence fishing permit issued by the ADF&G;

(ii) Salmon, trout, or char taken incidentally by gear operated under the terms of a subsistence permit for salmon are legally taken and possessed for subsistence purposes; the holder of a subsistence salmon permit must report any salmon, trout, or char taken in this manner on his or her permit calendar;

(iii) Subsistence fishermen must remove the dorsal fin from subsistence-caught salmon when taken.

(13) Southeastern Alaska Area.

(i) Salmon, trout, char and herring spawn on kelp may be taken only by rod and reel or under authority of a subsistence fishing permit issued by the ADF&G;

(ii) No person may possess subsistence-taken and sport-taken salmon on the same day;

(iii) Salmon, trout or char taken incidentally by gear operated under the terms of an ADF&G subsistence permit for salmon are legally taken and possessed for subsistence purposes; the holder of a subsistence salmon permit must report any salmon, trout, or char taken in this manner on his or her permit calendar;

(iv) Subsistence fishermen shall immediately remove the dorsal fin of all salmon when taken.

§ _____.27 Subsistence taking of shellfish.

(a) Regulations in § _____.27 apply to subsistence taking of dungeness crab, king crab, tanner crab, shrimp, clams, abalone, and other shellfish or their parts.

(b) Shellfish may be taken for subsistence uses at any time in any area of the public lands by any method unless restricted by the subsistence fishing regulations of § _____.26 or § _____.27.

(c) Methods, Means, and General Restrictions.

(1) The bag limit specified herein for a subsistence season for a species and the State bag limit set for a State season for the same species are not cumulative. This means that a person or designated group who has taken the bag limit for a particular species under a subsistence season specified herein may not after that, take any additional shellfish of that species under any other bag limit specified for a State season.

(2) Unless otherwise provided in § _____.27, gear as specified in the definitions of § _____.26 is legal for subsistence taking of shellfish.

(3) It is prohibited to buy or sell subsistence-taken shellfish, their parts, or their eggs, unless otherwise specified.

(4) The use of explosives and chemicals is prohibited, except that chemical baits or lures may be used to attract shellfish.

(5) Each subsistence fisherman shall plainly and legibly inscribe their first initial, last name and address on a keg or buoy attached to unattended subsistence fishing gear. Subsistence fishing gear may not display a permanent ADF&G vessel license number. The keg or buoy may be any color except red.

(6) A side wall of all subsistence shellfish pots must contain an opening with a perimeter equal to or exceeding one-half of the tunnel eye opening perimeter. The opening must be laced, sewn, or secured together by untreated cotton twine or other natural fiber no larger than 120 thread. Dungeness crab and shrimp pots may have the pot lid tiedown straps secured to the pot at one end by untreated cotton twine no larger than 120 thread, as a substitute for the above requirement.

(7) No person may mutilate or otherwise disfigure a crab in any manner which would prevent determination of the minimum size restrictions until the crab has been processed or prepared for consumption.

(8) In addition to the marking requirements in § _____.27(c)(5), kegs or buoys attached to subsistence crab pots must also be inscribed with the name or U.S. Coast Guard number of the vessel used to operate the pots.

(9) No more than five pots per person and 10 pots per vessel may be used to take crab, except as specified in § _____.27(f).

(10) In the subsistence taking of shrimp in the Glacier Bay National Preserve, no person may use more than 10 pots, and no more than 20 pots may be operated from a vessel. In the subsistence taking of shellfish other than shrimp in the Glacier Bay National Preserve, no person may operate more than five pots of any type, and no more than 10 pots of any type may be operated from a vessel.

(d) Subsistence Take by Commercial Vessels. No fishing vessel which is commercially licensed and registered for shrimp pot, shrimp trawl, king crab, tanner crab, or dungeness crab fishing may be used for subsistence take during the period starting 14 days before an opening until 14 days after the closure of a respective open season in the area or areas for which the vessel is registered.

(e) Unlawful Possession of Subsistence Shellfish. Shellfish or their parts taken in violation of Federal or State regulations may not be possessed, transported, given, received or bartered.

(f) Subsistence Shellfish Areas and Pertinent Restrictions.

(1) Southeastern Alaska-Yakutat Area. Shellfish may be taken for subsistence purposes in the Glacier Bay National Preserve only under the authority of a subsistence shellfish fishing permit.

(2) Cook Inlet Area. All waters within the boundaries of the Kenai National Wildlife Refuge are closed to the taking of shellfish for subsistence purposes.

(3) Kodiak Area.

(i) Shellfish may be taken for subsistence purposes only under the authority of a subsistence shellfish fishing permit issued by the ADF&G;

(ii) The operator of a commercially licensed and registered shrimp fishing vessel must obtain a subsistence fishing permit from the ADF&G before subsistence shrimp fishing during a closed commercial shrimp fishing season or within a closed commercial shrimp fishing district, section or subsection. The permit shall specify the area and the date the vessel operator intends to fish. No more than 500 pounds (227 kg) of shrimp may be in possession aboard the vessel;

(iii) The daily bag and possession limit is 12 male dungeness crab per person;

(iv) In the subsistence taking of king crab:

(A) The daily bag and possession limit is six male crab per person.

(B) All crab pots used for subsistence fishing and left in saltwater unattended longer than a two-week period shall have all bait and bait containers removed and all doors secured fully open;

(C) No more than five crab pots may be used to take king crab;

(D) King crab may be taken only from June 1–January 31, except that the subsistence taking of king crab is prohibited in waters 25 fathoms or greater in depth during the period 14 days before and 14 days after open commercial fishing seasons for red king crab, blue king crab, or tanner crab in the location;

(v) In the subsistence taking of tanner crab:

(A) No more than five crab pots may be used to take tanner crab;

(B) From July 15–February 10, the subsistence taking of tanner crab is prohibited in waters 25 fathoms or greater in depth, unless the commercial tanner crab fishing season is open in the location;

(C) The daily bag and possession limit is 12 male crab per person.

(4) Alaska Peninsula-Aleutian Islands Area.

(i) Shellfish may be taken for subsistence purposes only under the authority of a subsistence shellfish fishing permit issued by the ADF&G;

(ii) The operator of a commercially licensed and registered shrimp fishing vessel must obtain a subsistence fishing permit from the ADF&G prior to subsistence shrimp fishing during a closed commercial shrimp fishing season or within a closed commercial shrimp fishing district, section, or subsection; the permit shall specify the area and the date the vessel operator intends to fish; no more than 500 pounds (227 kg) of shrimp may be in possession aboard the vessel;

(iii) The daily bag and possession limit is 12 male dungeness crab per person;

(iv) In the subsistence taking of king crab:

(A) The daily bag and possession limit is six male crab per person;

(B) All crab pots used for subsistence fishing and left in saltwater unattended longer than a two-week period shall have all bait and bait containers removed and all doors secured fully open;

(C) Crab may be taken only from June 1–January 31;

(v) The daily bag and possession limit is 12 male tanner crab per person.

(5) Bering Sea Area.

(i) In waters South of 60° North latitude, shellfish may be taken for subsistence purposes only under the authority of a subsistence shellfish fishing permit issued by the ADF&G;

(ii) In that portion of the area north of the latitude of Cape Newenham, shellfish may only be taken by shovel, jigging gear, pots and ring net;

(iii) The operator of a commercially licensed and registered shrimp fishing vessel must obtain a subsistence fishing permit from the ADF&G prior to subsistence shrimp fishing during a closed commercial shrimp fishing season or within a closed commercial shrimp fishing district, section or subsection; the permit shall specify the area and the date the vessel operator intends to fish; no more than 500 pounds (227 kg) of shrimp may be in possession aboard the vessel;

(iv) In waters south of 60° North latitude, the daily bag and possession limit is 12 male dungeness crab per person;

(v) In the subsistence taking of king crab:

(A) In waters south of 60° North latitude, the daily bag and possession limit is six male crab per person;

(B) All crab pots used for subsistence fishing and left in saltwater unattended longer than a two-week period shall have all bait and bait containers removed and all doors secured fully open;

(C) In waters south of 60° North latitude, crab may be taken only from June 1–January 31;

(vi) In waters south of 60° North latitude, the daily bag and possession limit is 12 male tanner crab.

Ronald B. McCoy,

Interim Chair, Federal Subsistence Board.

Michael A. Barton,

Regional Forester, USDA-Forest Service.

[FR Doc. 93–12660 Filed 5–28–93; 8:45 am]

BILLING CODE 3410–11–P and 4310–55–P

federal register

Tuesday
June 1, 1993

Part V

Department of Health and Human Services

Public Health Service

Grants for Bilingual/Bicultural Service Demonstration Projects in Minority Health; Notice

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Public Health Service

Availability of Grants for Bilingual/Bicultural Service Demonstration Projects in Minority Health

AGENCY: Office of Minority Health, Office of the Assistant Secretary for Health, PHS, DHHS.

ACTION: Notice of availability of funds for bilingual/bicultural service demonstration projects in minority health.

AUTHORITY: This program is authorized under section 1707(d)(1) of the Public Health Service Act, as amended in Public Law 101–527.

INTENT: To provide bilingual/bicultural assistance in the provision of health services for Asians, American Samoans, Native Hawaiians and other Pacific Islanders, including the unique linguistic needs of particular subpopulations of such groups, residing in the United States and its territories. Projects serving the Hispanics, Latinos, American Indians, Alaska Natives, and Caribbeans are also eligible to apply.

SUMMARY: The Office of Minority Health (OMH) announces the availability of grants to provide support, for a period not to exceed one year, for pilot or other small-scale projects and activities which have the potential for building the capacity of minority community-based organizations to address access to health services for limited-English-speaking minority populations.

ADDRESSES/CONTACTS: Applications must be prepared on Form PHS 5161–1 (Revised July 1992). Application kits may be obtained from Ms. Carolyn A. Williams, Grants Management Officer, Office of Minority Health, Rockwall II Building, suite 1102, 5515 Security Lane, Rockville, MD 20852, (telephone 301/227–8758). Completed applications are to be submitted to the same address.

Technical assistance on the programmatic content of the application may be obtained from Mr. Stephen P. Jiang, M.S.W., or Ms. Annette Nieves, Office of Minority Health, Rockwall II, suite 710, 5515 Security Lane, Rockville, MD 20852, (telephone 301/227–8769). Technical assistance on the business and budget aspects of the application may be obtained from Ms. Carolyn A. Williams, Grants Management Officer, Office of Minority Health, (telephone 301/227–8758). Assistance/referral for additional information on the OMH which might be useful in preparation of grant applications may be obtained from the Office of Minority Health Resource Center (telephone 1/800/444–6472).

DEADLINE: To receive consideration for Fiscal Year 1993, grant applications must be received by the Grants Management Officer by July 16, 1993. Applications will be considered as meeting the deadline if they are either: (1) Received at the above address on or before the deadline date, or (2) sent to the above address on or before the deadline date and received in time for submission to the review panel. A legibly dated U.S. Postal Service Postmark or a legibly dated receipt from the commercial carrier or U.S. Postal Service will be accepted. Private metered postmarks will not be accepted as proof of timely mailing. Applications which do not meet the deadline will be considered late and will be returned to the applicant.

AVAILABILITY OF FUNDS: It is anticipated that the Office of Minority Health will have approximately $500,000 available in Fiscal Year 1993 to support pilot or other small-scale projects, under this announcement. Grants may be awarded for up to $50,000 each pending the availability of appropriated funds.

PERIOD OF SUPPORT: Funds may be requested for a total project period of one year. Applicants may request from the OMH, a budget not to exceed a total of $50,000 which includes direct and indirect costs. Federal funding is intended to be only a portion of the total cost of the project.

SUPPLEMENTARY INFORMATION:

Relation to the Goals for the Year 2000

The Public Health Service (PHS) is committed to achieving the health promotion and disease prevention objectives of Healthy People 2000, a PHS-led national activity for setting priority areas. This announcement for Fiscal Year 1993 Development of Programs for Bilingual/Bicultural Projects in Minority Health is related to all twenty-two priority areas which are listed as follows: Physical activity and fitness; nutrition; tobacco; alcohol and other drugs; family planning; mental health and mental disorders; violent and abusive behavior; educational and community-based programs; unintentional injuries; occupational safety and health; environmental health; food and drug safety; oral health; maternal and infant health; heart disease and stroke; cancer; diabetes and chronic disabling conditions; HIV infection; sexually transmitted diseases; immunization and infectious diseases; clinical preventive services; surveillance and data systems. Potential applicants may obtain a copy of Healthy People 2000 (Full Report: Stock No. 017–00100474–0) or Healthy People 2000 (Summary Report: Stock No. 017–001–00473–1) through the Superintendent of Documents, Government Printing Office, Washington, DC 20402–9325 (telephone: 202/783–3238).

Background

The Office of Minority Health is the unit of the U.S. Department of Health and Human Services that coordinates federal efforts to improve the health status of groups recognized as racial and ethnic minority populations—American Indians, Alaska Natives, Asians, African Americans, Hispanics, Latinos, Pacific Islanders and Caribbeans. With the passage of the Disadvantaged Minority Health Improvement Act (Pub. L. 101–527), the OMH was established in legislation and given a broad mandate to advance efforts to improve minority health including supporting research, demonstration and evaluations of new and innovative programs that increase understanding of disease risk factors and support improvement information dissemination, education, prevention and service delivery to minority communities. The OMH was also directed to develop appropriate planning, logistical support, and technical assistance related to increasing the capabilities of health care professionals to address cultural and linguistic barriers to effective health care service delivery, and to increase access to effective health care for limited-English-speaking minority populations (Pub. L. 101–527, section 1707(b)(7)).

Social, cultural and linguistic barriers on the part of both providers and clients significantly affect the receipt of needed health care. Among the many factors contributing to the poorer health status of limited-English-speaking minorities are:

- Lack of health providers trained in cross-cultural delivery of services;
- Inadequate number of culturally competent health care providers;
- Absence of effective partnerships between major mainstream provider organizations and limited-English-speaking minority communities;
- Deficiency of knowledge about appropriate mechanisms to address language barriers in health care settings; and
- Scarcity of trained interpreters at the community level.

Although all OMH initiatives require that projects be culturally appropriate, linguistically competent service delivery has not been addressed directly. This RFA specifically

addresses the barriers that limited-English-speaking minority populations face when trying to access health services.

In the 1990 U.S. Census, language questions asked were (1) whether respondents speak another language at home, (2) how well they speak English (for those who answered yes to the first question), and (3) which language they speak at home. The census data indicates that 31.8 million persons ages 5 and above (13.8 percent of the total U.S. population counted by the 1990 census) spoke another language at home. Of those, 17.9 million reported that they speak English very well, 7.3 million reported that they speak English well, 4.8 million reported that they speak English "not well", and 1.8 million reported that they do not speak English at all.

Of the 31.8 million persons who reported that they spoke another language at home, 17.3 million speak Spanish, 1.3 million speak Chinese, 800,000 speak Tagalog, 600,000 speak Korean, 600,000 speak Indic (an Asian Indian language), and 500,000 speak Vietnamese. Approximately 3.8 million persons at least 5 years of age speak an Asian language at home.

Based on 1980 U.S. census data, the latest this information is available, the percentage of particular Asian subgroups who reported they did not speak English at all was high: Chinese (7 percent), Vietnamese (9 percent), Cambodian (15 percent), Hmong (31 percent), Laotian (26 percent).

Applicant Eligibility

An eligible applicant for this grant program must be a public or private nonprofit minority community-based organization in the United States or its territories as defined in this announcement. National organizations are not eligible to apply, however, affiliates of national organizations are eligible. The applicant organization must be prepared to be responsible for management of the project, and to serve as the fiscal agent for the Federal grant awarded. Because of the limitations on the availability of funds, applicant organizations may submit no more than one application in response to this announcement.

Definitions

For purposes of this grant announcement, the following definitions are provided:

(1) Minority Populations—the following are defined as racial/ethnic minority populations: Asians, Pacific Islanders, African Americans, Hispanics, Latinos, American Indians, Alaska Natives, Native Hawaiians, and Caribbeans.

(2) Limited-English-Speaking Minority Communities—minority populations, as defined above, whose first language is not English, including subpopulations of such groups.

(3) Minority Community-Based Organization—a public or private non-profit organization that has a governing board composed of 51% or more racial/ethnic minority members, has a significant number of minorities in key program positions, has an established record of service to a racial and ethnic minority community, and has a current clientele which is at least 25 percent limited-English-speaking; or a local affiliate of a national organization provided the local affiliate has a governing body composed of 51% or more racial/ethnic minority members, has a significant number of minorities in key program positions, has an established record of service to racial and ethnic minority populations in their target community, and has a current clientele which is at least 25 percent limited-English-speaking.

(4) Minority Institution—a public or private, non-profit institution which focuses predominately on addressing the needs of racial/ethic minority populations. Such an institution may include minority churches, Historically Black Colleges and Universities (HBCUs), Indian Tribal Colleges, and educational institutions that have an Hispanic enrollment of 25% or more.

(5) Pilot Study—an initial or trial study, conducted on a small scale in order to test a hypothesis, pose a preliminary question, or to gather initial data so as to determine if an approach is recommended for full implementation or can be replicated, if warranted, or to redirect the course of an ongoing study or project.

(6) Needs Assessment—a systematic process whereby information (including epidemiologic data) is gathered in order to identify linguistic and cultural barriers to effective access to health or disease prevention-needs at the community level, resulting in any number of outcomes including identification of risk factors, service gaps, infrastructure needs, strategic or action plans, and recommendations for policy changes.

(7) Bilingual Direct Services—any activity that delivers person to person health care/health promotion services which is linguistically and culturally appropriate to limited-English-speaking clientele, including, for example, translation and interpreter services and health education courses taught bilingually.

Eligible Projects/Activities

With this notice the OMH is announcing its intent to fund applications for small-scale community-based projects and activities that will demonstrate approaches for providing bilingual/bicultural services for limited-English-speaking minority populations, particularly among Asian and Pacific Islander populations. Organizations which intend to focus on other populations such as Hispanics, Latinos, American Indians, Alaska Natives, and Caribbean Americans are also eligible to apply. These projects must be consistent with the general mission of the OMH, represent a portion of a broader nonfederal effort, and demonstrate potential for innovation/impact in dealing with the important issue of increasing and improving access to appropriate health care and health promotion information among limited-English-speaking populations.

Projects should focus on increasing access and decreasing barriers to effective health care. Proposed projects may include, but are not limited to, developing language and cultural diversity training for health care professionals; developing bilingual health access or health promotion information; providing on-site interpretation services; conducting assessments to determine the extent and diversity of linguistic and cultural need in the project catchment area (with its anticipated use in effecting policy and institutional changes); and trainer development courses. Targeted beneficiaries may include, but not be limited to, community volunteers, and paraprofessionals. Project goals should promote access to direct services for limited-English-speaking minority populations as well as contribute to an expanding infrastructure for future bilingual/bicultural assistance to these populations.

The OMH intends to support projects and activities for one year that will stimulate or initiate a new effort or promote collaboration, encourage development of bilingual/bicultural health service capacities, and that will have a measurable impact on the health service access problems identified. OMH will also consider efforts that show promise of enhancing an ongoing program provided that it will not supplant ongoing efforts or support.

Due to the relatively small discretionary budget and limited awards expected to be made, organizations currently receiving OMH grant funds to provide bilingual/bicultural services are not eligible to apply for support under this announcement. Projects for

construction, building renovation or strictly to acquire equipment are not eligible.

Application Process

In past OMH grant competitions, the percentage of applications recommended for disapproval as compared to the total number submitted have been relatively high—often 60%. This indicates that many proposals have been submitted prematurely and needed further technical assistance and development. Furthermore, given the large number of applications submitted, the percentage of proposals eventually funded from among those recommended for approval have been low—e.g., 15%. With the time and resources typically involved in researching, developing, and writing an application, potential applicants should seriously consider whether or not they should apply under this announcement or wait until they have fully developed their project design and/or acquire greater expertise in planning and writing their proposal. Applicants wishing to enhance their chances for approval should pay particular attention to the general and supplemental instructions provided in the application kit to ensure that their applications are responsive to each of the concerns under the following headings:

Statement of Problem

Provide a description of the problem to be addressed; clearly identify the scope of the problem; the limited-English-speaking minority target group(s) affected; and the pertinent geographic area/sub-area.

Project Goals and Objectives

Clearly state the goals of the project. Provide a list of specific, time-phased, measurable objectives, including target dates, where appropriate.

Evaluation

Specify approach and provide an example of data collection instruments that will be used to measure accomplishment of objectives; the evaluation should include both process and outcome measures, as appropriate.

Implementation Plan

Delineate project activities specifying responsible parties, methods to be used, and anticipated outcomes. Project activities must be linked to goals and objectives.

Indicate the organizations capability to effectively reach the target population. Include in the discussion the proximity of the proposed services and the relationship of the proposed staff to the target population.

Potential for Impact

Provide a concise analysis of how the project, if successful in accomplishing its objectives, will result in a sustained impact on reducing the problem of access to bilingual/bicultural health care services or will result in introduction of an innovative approach to dealing with the problem in the target community.

Personnel/Management

1. Describe duties, reporting channels, requisite qualifications, and related experience of personnel who will be responsible for carrying out the project. Resumes and curriculum vitae of key personnel must be provided.

2. Describe management capability and experience of proposed grantee organization.

Budget

Funds up to $50,000 for total project costs may be requested. A detailed budget must be prepared and may cover costs for: personnel, consultants, support materials, and travel. All requests must be fully justified in terms of the goals and objectives proposed. The applicant must demonstrate how nonfederal resources will be applied to the proposed project.

The applicant must demonstrate within its application the availability of nonfederal support for the proposed project/activity. Include in-kind support.

Review of Applications

Applications will be screened upon receipt. Those that are judged to be incomplete or nonresponsive to the announcement will be returned without any comments. Each organization may submit no more than one proposal. If an organization submits more than one proposal, all will be deemed ineligible and returned to the applicant. Applications judged to be complete and responsive will be reviewed for technical merit in accordance with PHS policies.

Applications will be evaluated by federal and/or non-federal reviewers chosen for their expertise in minority health and their understanding and special knowledge of the health problems and related issues confronted by limited-English-speaking racial and ethnic populations in the United States.

Review Criteria

Applications will be reviewed and evaluated for evidence of consistency with the requirements of this announcement. Of specific importance will be the following criteria under the listed headings. (An indication of the quantitative weight appears in parentheses after each heading):

Project Plan (50%)

- Consistency of project's goals and objectives with both this announcement and the OMH mission;
- Coherence/strength of justification and selection of problems and target group;
- Demonstration of experience with providing services for the target population;
- Coherence and feasibility of methods and activities selected to address the problem as evidenced in proposed implementation plan;
- Adequacy of evaluation plan and instruments; likelihood that proposed objectives and outcomes can be readily measured; and

Personnel/Management (25%)

- Strength of proposed grantee organization's management capability;
- Adequacy of qualifications, experience, linguistic and cultural competence of proposed personnel;
- Evidence that the proposed staff can effectively outreach and work with the targeted community; and
- Evidence of clear lines of authority and accountability among proposed staff, volunteers, managers, and collaborators.
- Evidence that required budget items are consistent with stated goals and are appropriate to the level of effort required.
- Appropriateness of budget justifications, including demonstrating how non-federal monies/in-kind services will be incorporated.

Impact (25%)

- Evidence that the proposed implementation plan can bring about desired outcome(s);
- Strength of proposed analytic approach to assess the impact or innovation that the project proposes to generate;
- If the proposed project is to provide direct service, e.g. translation and/or interpretation services, the novelty of the approach to providing bilingual/bicultural service; and
- If the proposed project provides direct services, likelihood that services will be sustained beyond the expiration of the one year funding.

Award Criteria

Funding decisions will be determined by the Office of Minority Health and will be based on: The recommendations/ratings of review

panels, program balance, including geographic and race/ethnicity distribution, health problem area, and evidence of consistency with OMH's mission. Consistent with the Congressional intent of Public Law 101–527, section 1707(c)3, priority will be given to projects targeting Asian and Pacific Islander populations.

State Reviews

Executive Order 12372 sets up a system for State and local review of proposed Federal assistance applications. Applicants (other than federally-recognized Indian tribal governments) should contact their State Single Points of Contact (SPOCs) as early as possible to alert them to the prospective applications and receive any necessary instructions on the State process. A current list of SPOCs is included in the application kit. SPOCs will have 60 days to provide comments. SPOC comments must be received by August 2, 1993. The Office of Minority Health does not guarantee to accommodate or explain State process recommendations it receives after that date. SPOC comments are to be sent to: Office of Minority Health, Grants Management Officer, Rockwall II Building, suite 1102, 5515 Security Lane, Rockville, MD 20852.

Public Health System Reporting Requirements

This program is subject to Public Health Systems Reporting Requirements. Under these requirements, a community-based nongovernmental applicant must prepare and submit a Public Health System Impact Statement (PHSIS). The PHSIS is intended to provide information to State and local health officials to keep them apprised of proposed health services grant applications submitted by community-based nongovernmental organizations within their jurisdictions.

Community-based nongovernment applicants are required to submit the following information to the head of the appropriate State and local health agencies in the area(s) to be impacted no later than the Federal application receipt due date: (a) A copy of the face page of the applications (SF 424), (b) a summary of the project (PHSIS), not to exceed one page, which provides: (1) A description of the population to be served, (2) a summary of the services to be provided, (3) a description of the coordination planned with the appropriate State and local health agencies.

The Catalog of Federal Domestic Assistance number is 93.105.

Dated: May 21, 1993.

Claudia R. Baquet,

Deputy Assistant Secretary for Minority Health.

[FR Doc. 93–12825 Filed 5–28–93; 8:45 am]

BILLING CODE 4160–17–M

federal register

Tuesday
June 1, 1993

Part VI

Department of Health and Human Services

Administration for Children and Families

Availability of Financial Assistance to Expand Head Start Enrollment; Notice

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

[Program Announcement No. ACYF–HS 93.600–93–1]

Availability of Financial Assistance to Expand Head Start Enrollment

AGENCY: Administration on Children, Youth and Families (ACYF), Administration for Children and Families (ACF), HHS.

ACTION: Announcement of financial assistance to expand Head Start enrollment.

SUMMARY: The Head Start Bureau of the Administration on Children, Youth and Families announces that competing applications will be accepted to establish new Head Start programs or to expand current programs in geographical areas, including Federally recognized Indian Reservations, not currently served by Head Start, and to establish or expand programs serving children of migrant farmworkers.

DATES: The closing date for receipt of applications is August 2, 1993.

ADDRESSES: Address applications to: Department of Health and Human Services, Administration for Children and Families, Division of Discretionary Grants, room 341–F, HHH, 200 Independence Avenue, SW., Washington, DC 20201 Attn: Head Start Expansion.

FOR FURTHER INFORMATION CONTACT: For applications under Category 1—The ACF Regional Office which is responsible for the Head Start programs in your State. Regional Office telephone numbers are listed in Appendix A.

For applications under Category 2—Lee Fields, Chief, American Indian Programs Branch, Program Operations Division, Head Start Bureau; (202) 205–8437.

For applications under Category 3—Frank Fuentes, Chief, Migrant Programs Branch, Program Operations Division, Head Start Bureau; (202) 205–8455.

Applicants interested in receiving copies of applicable law and regulations should address their requests to the persons referred to above.

SUPPLEMENTARY INFORMATION:

Part I. General Information

A. Background

This announcement solicits applications from eligible applicants that wish to compete for Head Start grants to serve low-income preschool children in areas not currently served by Heart Start.

In fiscal year (FY) 1993, the Administration on Children, Youth and Families (ACYF) will award a total of $372,000,000 to expand Head Start enrollment by up to an estimated 100,000 children. An analysis was conducted to determine an appropriate distribution of expansion funds among the geographical areas in each State, based on the numbers of eligible children in each geographical area and the amount of Federal Heart Start funding already being provided. Most of the FY 1993 expansion funds will be used to increase enrollment in geographical areas currently served by Head Start programs because the great majority of children eligible for Head Start live in these areas. However, we are concerned that eligible children in all communities have access to Head Start. Therefore, a share of the funds—$13,391,000—is being reserved, as discussed in this announcement, to either establish new Head Start programs or to expand current programs in currently unserved areas. We plan to fund approximately 65 new or expanded programs.

Expansion applications under this announcement should be submitted under one of the following three categories:

Category 1

Children living in geographical areas that are not currently served by Head Start. A list of unserved areas is included in Table A.

Eligible applicants are: (a) Head Start grantees from nearby geographical areas that wish to expand their programs into unserved geographical areas; and (b) other local public or private non-profit organizations that wish to initiate a Head Start program in one or more unserved geographical areas.

Category 2

Children living on Federally recognized Indian reservations where a Head Start program does not currently operate.

Eligible applicants are Tribal governments, or agencies designated by the Tribal government, or unserved reservations that wish to initiate a Head Start program.

Category 3

Children of migrant farmworkers.

Eligible applicants are public or private non-profit agencies, including Migrant Head Start grantees, that wish to initiate a program for migrant children in geographical areas that are not currently served by a Migrant Head Start program. A list of unserved areas is included in Table B.

Eligible applicants may apply for more than one category, but must submit a separate application for each category.

B. Program Purpose

Head Start is a national program providing comprehensive developmental services primarily to low-income preschool children and their families. To help enrolled children achieve their full potential, Head Start programs provide comprehensive health, nutritional, educational, social and other services. In addition, Head Start programs are required to provide for the direct participation of the parents of enrolled children in the development, conduct, and direction of local programs. Head Start currently serves approximately 621,500 children through a network of approximately 1,370 grantees.

While Head Start is targeted primarily toward children whose families have incomes at or below the poverty line or who are eligible for public assistance, regulations permit up to 10 percent of the Head Start children in local programs to be from families which do not meet these low-income criteria. Head Start regulations also require that a minimum of 10 percent of enrollment opportunities in each program be made available to children with disabilities.

Such children are expected to be enrolled in the full range of Head Start services and activities in a mainstream setting with their non-disabled peers, and to receive needed special education and related services.

Statutory and Regulatory Authority

The Head Start program is authorized by the Head Start Act, 42 U.S.C. 9801 *et seq.*

The relevant regulations are:

45 CFR Part 1301, Head Start grants administration.
45 CFR Part 1302, Policies and procedures for selection, initial funding, and refunding of Head Start grantees, and for selection of replacement grantees.
45 CFR Part 1303, Appeal procedures for Head Start grantees and current or prospective delegate agencies.
45 CFR Part 1304, Program Performance Standards for the operation of Head Start programs by grantees and delegate agencies.
45 CFR Part 1305, Eligibility, Recruitment, Selection, Enrollment and Attendance in Head Start.
45 CFR Part 1306, Head Start Staffing Requirements and Program Options.
45 CFR Part 1308, Head Start Program Performance Standards on Services for Children with Disabilities.

45 CFR Part 74, Administration of Grants, and 45 CFR Part 92, Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments.

C. Available Funds

Category 1

A total of approximately $11,391,000 will be made available under Category 1 of this announcement for establishing new Head Start programs in currently unserved geographical areas. The available funds, by State, for this category are provided in Table C. To assure that the program can operate cost-efficiently, applicants that are not current Head Start grantees will generally not be funded to initiate a new program in unserved geographical areas for less than 60 children unless the applicant can justify why a smaller enrollment level is appropriate for the geographical area proposed for expansion. Current Head Start grantees may be funded for as little as one class when they expend into an unserved geographical area if such an expansion would be cost efficient.

Category 2

A total of approximately $1,000,000 will be made available under Category 2 of this announcement for applicants applying to serve children on unserved Federally recognized Indian reservations. Applicants will generally not be funded for less than 60 children unless the applicant can justify why a lower enrollment level is appropriate.

Category 3

A total of approximately $1,000,000 will be made available under Category 3 of this announcement for applicants applying to serve migrant children. While no minimum enrollment level has been established for Migrant Head Start projects, applicants should indicate a sufficient number of eligible children to ensure a viable program. Factors to be addressed related to program viability should include the size of the service area proposed and a sufficient population to justify program services in "off years" due to natural disasters, crop failure, or variations in the migrant stream.

D. Eligible Applicants

Eligible applicants are those described in Section A above.

Part II. Specific Responsibilities

A. Application Requirements

The following requirements refer to information that applicants should address in the application for assistance. In carrying out the proposed expansion of Head Start enrollment under this announcement, applicants should:

1. Demonstrate that there is a need for assistance based on the stated objectives of the program the applicant intends to operate.

2. Assure that services will be provided to those families and children who have the most serious need for Head Start services. All applicants must clearly document the number of unserved Head Start eligible children living in their proposed recruitment area. Applicants applying to serve migrant children must clearly document the number of migrant families and children in their proposed service area and the period of time when these families are in the applicant's proposed service area; the application must also clearly document that the families to be served are mobile migrants.

3. Demonstrate that the proposed program is consistent with the needs of the intended participants and the community proposed to be served and that the program will assure a plan to provide comprehensive health, nutritional, educational, social and other services. Applicants should state which program option or options would be most appropriate for the community (e.g., part or full day center-based, home-based, or combination option), and should include a plan to meet the needs of non-English language children in the community, when appropriate.

4. Indicate what geographical area or area the applicant is proposing to serve. Applicants may provide additional, verifiable demographic data if they wish to demonstrate that the number of eligible children in the area or areas proposed for service has increased at a significantly faster rate than it has in the rest of the State.

5. Explain why the proposed recruitment area has been chosen as opposed to other possible recruitment areas in the unserved geographical areas.

6. Assure that program enrollment opportunities are made available to children with disabilities, and that such children would be enrolled in the full range of Head Start services and activities in a mainstream setting and would receive needed special education and related services.

7. Indicate the ages of the children to be included in the expansion effort, and explain why children of those ages are proposed.

8. Provide for the involvement of parents and other community members and organizations in the development and planning of the application. Applicants should ensure that the plan for parent involvement includes efforts to involve Head Start parents in appropriate educational activities in order to aid their children to attain their full potential. This goal can be accomplished through activities conducted in accordance with the performance standards in effect under section 651(b) or through referral to educational services in the community.

9. Demonstrate that they have the ability and experience to administer a Head Start program. Programs that have past performance in providing services comparable to Head Start should provide information on the provision of such services. Applicants must also demonstrate the ability to provide comprehensive health, nutritional, educational, social and other services.

10. Propose to implement the increase in enrollment in a timely and efficient manner. This includes assuring the availability of classroom space which meets required licensing standards, the ability to provide adequate transportation, and the ability to recruit eligible children and families.

11. Indicate what types of cooperative arrangements have been made with other public or private agencies which would assist the applicant in providing quality Head Start services. Such cooperative arrangements must include a plan to coordinate the proposed Head Start program with other preschool programs and with the educational programs the children to be served will enter at the age of compulsory school attendance.

12. Describe the mechanisms for hiring teachers who have received appropriate training or have experience in early childhood education and for providing employment opportunities for residents from the service area.

13. Propose a reasonable staffing pattern and identify all proposed staff or staff positions, their proposed salary rates and the length of time they would be employed each year.

14. Demonstrate how the community would benefit from the services provided.

15. Describe how they will provide quality ongoing services at a reasonable cost. Provide two budgets, the first a budget for start-up costs, the second a budget for ongoing operating costs.

16. Propose a plan to provide child development and literacy skills training to parents of children who will participate in the program. These services may be provided either directly or through referral to educational services available in the community.

17. State how health services will be obtained from other sources for the younger siblings of children who will participate in the program, if the

applicant chooses to assist the younger siblings.

18. Explain what other resources in the community would help support the proposed expansion in enrollment.

Section 640(b) of the Head Start Act requires that at least 20 percent of the total cost of Head Start projects come from sources other than the Federal government. The non-Federal share may be in cash or in-kind, fairly valued, including facilities, equipment, or volunteer services. However, recent changes to the Head Start legislation permit a grantee to request a waiver of part or all of the required non-Federal share if the grantee can demonstrate that it has made a good faith effort to meet the non-Federal share requirements and is unable to do so because of a lack of resources available in the community. In deciding whether to grant the waiver request, the Department will take into consideration "(1) the lack of resources available in the community that may prevent the Head Start agency from providing all or a portion of the non-Federal contribution . . .; (2) the impact of the cost the Head Start agency may incur in the initial years it carries out such program; (3) the impact of an unanticipated increase in the cost the Head Start agency may incur to carry out such program; (4) whether the Head Start agency is located in a community adversely affected by a major disaster; and (5) the impact on the community that would result if the Head Start agency ceased to carry out such program."

While some of these criteria will likely not be relevant for the purposes of this announcement, any applicant which believes it satisfies one or more of the above criteria may choose to request an annual waiver of non-Federal share. Such request will not be considered by the review panels and thus will not be a part of the formal review process. All requests for waivers will be evaluated by the responsible ACF Regional Office for those applicants selected for funding. Any discussions necessary to determine the appropriateness of granting a waiver will be between the responsible ACF Regional Office and the applicant.

B. Optional Application Requirements to Purchase Facilities

Amendments to the Head Start Act that were recently signed into law (Pub. L. 102–401, Head Start Improvement Act of 1992) include a new provision, section 644(f), which allows Head Start agencies to request approval to purchase facilities to be used to carry out Head Start programs. We are hopeful that many programs will be able to continue to obtain donated facilities. We suggest that each applicant contact its local Public Housing Authority to discuss the possibility of obtaining donated space, especially when proposing to serve children living in public housing. Where donated space cannot be found, programs may choose to use grant funds to rent facilities. Applicants may request one-time funds to renovate facilities which they will be renting.

Applicants proposing to purchase a facility as part of the FY 1993 expansion must include the following information in their applications, as required by the parts of section 644(f)(2) of the Act that are quoted below:

"(A) a description of the site of the facility proposed to be purchased;"

In describing the site, applicants should explain how the location of the proposed facility is appropriate, given the applicant's proposed service and recruitment area.

"(B) the plans and specifications of such facility;"

Applicants must provide the plans and specifications of the proposed facility, i.e. the type of structure, its square footage, number of rooms, bathroom facilities, kitchen space, etc. Applicants must also provide information on the property on which the facility is located, including such information as availability of parking, location of proposed playground equipment, etc.

Applicants must demonstrate that any facility proposed for purchase complies or will be able to comply, after renovation, with all State and local licensing requirements and all accessibility requirements of the Americans with Disabilities Act.

Applicants must be very specific on the proposed uses of the facility proposed for purchase. This facility should be one which is at least primarily related to providing classroom services to the children which will be enrolled if the applicant receives a grant award in FY 1993. While requests to use part of a facility for non-classroom purposes, such as parent meeting rooms, will be considered, applicants need to explain in detail how they expect to use the proposed facility.

Applicants must provide information on what, if any, renovations will be required to make the facility suitable for Head Start.

"(C) information demonstrating that—

*(i) the proposed purchase will result in savings when compared to the costs that would be incurred to acquire the use of an alternative facility to carry out such program; or * * *"*

Applicants must develop complete business proposals which show the costs and benefits of purchase as compared to rental. In developing these proposals applicants should consider not only the relative costs of a mortgage vs. rent but any related costs, such as transportation and utilities. Applicants must also speak to the proposed one-time costs necessary to purchase the facility when discussing costs.

Applicants must clearly state what method is being proposed to purchase the requested facility; that is, whether the applicant is seeking one-time funds to buy the facility outright, thus incurring no mortgage obligation, or whether the request is to use grant funds to offset mortgage costs. In either situation the applicant must also clearly state what the anticipated costs will be for any proposed down payment, necessary closing costs and any renovation costs necessary to make the facility suitable for Head Start.

All relevant cost allocation principles will apply if applicants are proposing to purchase facilities which will not be used exclusively by the Head Start program.

(ii) the lack of alternative facilities will prevent the operation of such program. * * *"*

Any applicant asserting that alternative facilities are lacking must include with its proposal a detailed explanation of the process that was used to determine that there were no alternative facilities available.

"(D) such other information and assurances as the Secretary may require"

Applicants must address the impact on non-Federal share when proposing to purchase a facility, given that much of non-Federal share is generated by grantees using facilities in which the occupancy costs have been subsidized.

Applicants must address whether the facility proposed to be purchased will make it easier for the applicant to collaborate with other service providers in such areas as child care and health.

Applicants must certify that they understand that 45 CFR part 74, subpart O (or 45 CFR 92.31, in the case of State and local governments and Federally recognized Indian tribes), regarding the Government's rights and responsibilities for properties bought in whole or in part with Federal funds, will be applicable.

In considering the purchase of a facility applicants should be aware that there have been no additional funds appropriated in FY 1993 for such purchase. Any initial one-time cost necessary to permit applicants to purchase facilities, such as down

payments, closing costs, renovation costs, or outright purchase costs, will be part of an applicant's total start-up request which may include many other items: transportation equipment; supplies; etc. Applicants must carefully consider and address the impact of deferring enrollment when considering the relative merits of purchasing a facility, particularly the FY 1993 costs required to purchase that facility.

Congress, in giving applicants authority to purchase facilities, expressed concern that such purchases not be at the expense of serving fewer children. (See colloquy between Senators Kennedy and Coats on H.R. 5630, 138 Cong. Rec. S14,963 (daily ed. Sept. 24, 1992.)) All requests for facility purchases will be reviewed with this consideration in mind.

The consideration of requests to purchase facilities will be done through a process which will be established by the Secretary. This process will not be part of the formal review of an applicant's proposal and will not, therefore, be part of the criteria used by the review panels in evaluating applications.

Applicants are reminded that the grantee agency will need to apply for and obtain a mortgage without assistance from the Administration for Children and Families.

C. Additional Application Requirements for Migrant Programs

Applicants for Migrant Head Start funds should provide the following information in their responses to the requirements listed above: (a) The specific times and duration of the agricultural growing season; (b) the length of the work day for the migrant farmworkers; (c) the opening and closing hours for the proposed Head Start centers; (d) the distance of migrant residences to the centers; and (e) clear documentation that the families that would be served are mobile farmworkers.

Part III. Criteria for Review and Evaluation of the Grant Application

In considering how applicants will carry out the responsibilities addressed under Part II of this announcement, competing applications for financial assistance will be reviewed and evaluated against the following criteria.

A. Objectives and Need for Assistance (25 points)

The extent to which the application pinpoints any relevant physical, economic, social, financial, institutional, or other problems requiring a grant; demonstrates the need for assistance; states the principal and subordinate objectives of the project; and provides supporting documentation or other testimonies from concerned interests in the community to be served other than the applicant.

Information provided in response to Part II, Section A, Numbers 1, 2, and 3 will be used to review and evaluate applicants on the above criterion.

B. Results or Benefits Expected (10 points)

The extent to which the applicant identifies the results and benefits to be derived and describes the anticipated contribution to policy, practice, theory and/or research.

Information provided in response to Part II, Section A, Number 14 will be used to review and evaluate applicants on the above criterion.

C. Approach (50 points)

The extent to which the application outlines an acceptable plan of action pertaining to the scope of the project which details how the proposed work will be accomplished; lists each organization, consultant, or other key individuals who will work on the project along with a short description of the nature of their effort or contribution; and demonstrates that the program would employ residents of the applicant's proposed service area.

Information provided in response to Part II, Section A, Numbers 6, 7, 8, 9, 10, 11, 12, 13, 16, and 17 of this announcement will be used to review and evaluate applicants on the above criterion.

D. Geographic Location (5 points)

The extent to which the application gives a precise location of the project and area to be served by the proposed project and describes the families to be served.

Information provided in response to Part II, Section A, Numbers 4 and 5 of this announcement will be used to review and evaluate applicants on the above criterion.

E. Budget Appropriateness and Reasonableness (10 points)

The extent to which the project's costs are reasonable in view of the activities to be carried out and the anticipated outcomes. The extent to which assurances are provided that the applicant can and will contribute the required non-Federal share of the total project cost.

Information provided in response to Part II, Section A, Numbers 15 and 18 of this announcement will be used to review and evaluate applicants on the above criterion.

Part IV. The Application Process

A. Availability of Forms

Eligible agencies interested in applying for funds must submit all of the required forms included at the end of this announcement in Appendix C.

In order to be considered for a Head Start grant, an application must be submitted on Standard Form 424. Each application must be signed by an individual authorized to act for the applicant agency and to assume responsibility for the obligations imposed by the terms and conditions of the grant award and must contain certification regarding lobbying. Applications must be prepared in accordance with the guidance provided in this announcement and the instructions contained in the application kit.

B. Conference for Prospective Applicants

A conference for prospective applicants will be conducted by each ACF Regional Office between two and four weeks after the publication date of this announcement.

Conferences will also be held in Washington, DC for prospective applicants for programs proposing to serve American Indians or migrant farmworker families. At these conferences, staff will answer questions about this announcement and about the Head Start program. It is not necessary to attend the conference to submit a grant application.

Information about the location and time of a conference may be obtained by calling:

For applications under Category 1—the appropriate Regional Office at the number shown in Appendix A.

For applications under Category 2—Lee Fields, Chief, American Indian Programs Branch, Program Operations Division, Head Start Bureau; (202) 205–8437.

For applications under Category 3—Frank Fuentes, Chief, Migrant Programs Branch, Program Operations Division, Head Start Bureau; (202) 205–8455.

C. Application Submission

One signed original and two copies of the grant application, including all attachments, are required. Completed applications must be sent to: Head Start Expansion, Administration for Children and Families, Division of Discretionary Grants, Hubert H. Humphrey Building, 200 Independence Avenue, SW., room 341F.2, Washington, DC 20201. The

program announcement number (ACYF–HS 93.600–93–1) must be clearly identified on the application. Applicants must also indicate in Box 11 on Standard Form 424 which of the three categories in Section A above for which they are applying. Applicants may apply to serve children in more than one category, but must submit a separate application for each category. Applicants applying for more than one category in a single application will not be considered for funding in any category.

Please note that, in order to facilitate the review of proposals, applicants should include in their proposals the following items which relate to format:

- A Table of Contents;
- Page numbers;
- An abstract or brief summary statement of the essential information describing the proposed Head Start expansion.

D. Application Consideration

Applicants will be reviewed against the evaluation criteria outlined in Part III. The review will be conducted in Washington, DC. Reviewers will be persons knowledgeable about the Head Start program and early childhood education and development, including parents of Head Start children, Federal staff, and other experts, such as university staff or the staff of child development projects.

The results of the competitive review will be taken into consideration by the Associate Commissioner, Head Start Bureau, who, in consultation with ACF Regional officials, will recommend projects to be funded. The Commissioner of ACYF will make the final selection of the applicants to be funded. Applications may be funded in whole or in part depending on relative need, applicant ranking, and funds available.

The Commissioner may elect not to fund any applicants that have management, fiscal, or other problems and situations which make it unlikely that they would be able to provide effective Head Start services. For example, this might apply to a current Head Start grantee which had large, chronic balances of unobligated funds due to poor management, or one that has failed to serve the agreed upon numbers of children. Also, the Commissioner may decide not to fund projects which would require unreasonably large initial start-up costs for facilities or equipment. In addition, ACYF will assess the quality of current Head Start programs applying for expansion funding, using information from the Program Information Report, on-site reviews, cost studies, etc., and may elect not to provide expansion funding to programs experiencing problems in providing quality services. The degree of community support will be considered when selecting among applicants for an unserved geographical area whose rankings are similar.

Successful applicants will be notified through the issuance of a Financial Assistance Award which sets forth the amount of funds awarded, the terms and conditions of the grant, the effective date of the grant, the budget period for which support is given, the non-Federal share to be provided, and the total project period for which support is provided.

E. Closing Date for Receipt of Applications

The closing date for the receipt of applications is August 2, 1993.

Deadline

Applications shall be considered as meeting the deadline if they are either:

1. Received on or before the deadline date at the address specified in the program announcement, or

2. Sent on or before the deadline date and received by the granting agency in time for the independent review under DHHS GAM Chapter 1–62. (Applicants are cautioned to request a legibly dated U.S. Postal Service postmark or to obtain a legibly dated receipt from a commercial carrier or U.S. Postal Service. Private metered postmarks are not acceptable as proof of timely mailing.)

Late Applications

Applications which do not meet the criteria stated above are considered late applications. The granting agency shall notify each late applicant that its application will not be considered in the current expansion.

Extension of Deadlines

The granting agency may extend the deadline for all applicants because of acts of God such as floods, hurricanes, etc., or when there is a disruption of the mails. However, if the granting agency does not extend the deadline for all applicants, it may not waive or extend the deadline for any applicants.

F. Paperwork Reduction Act of 1980

Under the Paperwork Reduction Act of 1980, Public Law 96–511, the Department is required to submit to the Office of Management and Budget (OMB) for review and approval any reporting and recordkeeping requirements in regulations, including program announcements. This program announcement does not contain information collection requirements beyond those approved for ACF grant applications under OMB Control Number 0348–0043.

G. Executive Order 12372—Notification Process

This program is covered under Executive Order (E.O.) 12372, "Intergovernmental Review of Federal Programs," and 45 CFR part 100, "Intergovernmental Review of Department of Health and Human Services Programs and Activities." Under the Order, States may design their own processes for reviewing and commenting on proposed Federal assistance under covered programs. All States and territories except Alabama, Alaska, Idaho, Kansas, Louisiana, Minnesota, Nebraska, Oklahoma, Oregon, Pennsylvania, Virginia, American Samoa, and Palau have elected to participate in the Executive Order process and have established Single Points of Contact (SPOCs). Applications from Federally recognized Indian Tribes are exempt from E.O. 12372.

Applicants from these thirteen jurisdictions and from Federally recognized Indian tribes need take no action regarding E.O. 12372. All other applicants should contact their SPOC as soon as possible to alert them to the prospective application and to receive any necessary instructions. Applicants must submit any required material to the SPOC as soon as possible so that the program office can obtain and review SPOC comments as part of the award process. It is imperative that the applicant submit all required materials, if any, to the SPOC and indicate the date of this submittal (or date of contact if no submittal is required) on the SF 424, item 16a.

SPOCs have 60 days from the application deadline date to comment on applications submitted under this announcement. Therefore, the comment period for State processes will end on September 29, 1993, to allow time for ACF to review, consider, and attempt to accommodate SPOC input. SPOCs are encouraged to eliminate the submission of routine endorsements as official recommendations. Additionally, SPOCs are requested to clearly differentiate between mere advisory comments and those official State process recommendations which they intend to trigger the "accommodate or explain" rule.

When comments are submitted directly to ACF, they should be addressed to: Department of Health and Human Services, Administration for

Children and Families, Division of Discretionary Grants, room 342–F, HHH, 200 Independence Ave., SW., Washington, DC 20201, Attn: Head Start Expansion. ACF will notify the State of any application received which has no indication that the State process has had an opportunity for review.

A list of Single Points of Contact for each State and territory is included at Appendix B.

(Catalog of Federal Domestic Assistance Program Number 93.600, Project Head Start)

Dated: March 10, 1993.

Joseph A. Mottola,

Acting Commissioner, Administration on Children, Youth and Families.

TABLE A.—COUNTIES NOT SERVED BY HEAD START PROGRAMS FUNDED BY ACF REGIONAL OFFICES

Alabama:
Choctaw
All areas outside the city of Phoenix in Russell County

Alaska:
Aleutian Islands, Juneau, Lake and Peninsula Borough, North Slope, Northwest Arctic Borough, Sitka, Skagway-Yakutat, Southeast Fairbanks, Yukon-Koyukuk

Arizona:
No Unserved Counties

Arkansas:
Grant

California:
Alpine

Colorado:
Baca, Cheyenne, Custer, Dolores, Douglas, Elbert, Grand, Gunnison, Hinsdale, Jackson, Kiowa, Kit Carson, Lincoln, Mineral, Moffat, Ouray, Phillips, Pitkin, Rio Blanco, Routt, San Juan, San Miguel, Sedgwick, Summit, Teller, Yuma
The cities of Golden, Wheatridge, Columbine, Morrison, Evergreen, and Mountain View in Jefferson County
The city of Brush in Morgan County
The city of Estes Park in Larimer County

Connecticut:
No Unserved Counties

Delaware:
No Unserved Counties

District of Columbia:
No Unserved Counties

Florida:
Calhoun, Gulf, Liberty, Madison, Okeechobee, Wakulla

Georgia:
Atkinson, Brantley, Candler, Echols, Heard, Lee, Lincoln, Miller, Pierce, Seminole, Taliaferro, Wilkes

Hawaii:
Kalawao

Idaho:
Adams, Bear Lake, Boise, Butte, Caribou, Clark, Franklin, Fremont, Jefferson, Lemhi, Madison, Oneida

Illinois:
Ford

Indiana:
Hamilton, Kosciusko, Union, Wabash

Iowa:
Adair, Worth

Kansas:
Anderson, Barber, Barton, Chase, Chautauqua, Cheyenne, Clark, Coffey, Comanche, Dickinson, Edwards, Elk, Ellsworth, Gray, Greeley, Greenwood, Hamilton, Harper, Haskell, Hodgeman, Jewell, Kingman, Kiowa, Lane, Lincoln, Logan, McPherson, Marion, Meade, Mitchell, Morris, Morton, Ness, Norton, Osborne, Ottawa, Pawnee, Phillips, Pratt, Rawlins, Republic, Rice, Rooks, Russell, Seward, Sheridan, Smith, Stafford, Stanton, Stevens, Wallace
All areas outside Hutchinson Board of Education School District in Reno County

Kentucky:
Livingston, Pendleton, Scott

Louisiana:
Cameron, Plaquemines, W. Feliciana

Maine:
No Unserved Counties

Maryland:
No Unserved Counties

Massachusetts:
Nantucket

Michigan:
No Unserved Counties

Minnesota:
No Unserved Counties

Mississippi:
No Unserved Counties

Missouri:
No Unserved Counties

Montana:

TABLE A.—COUNTIES NOT SERVED BY HEAD START PROGRAMS FUNDED BY ACF REGIONAL OFFICES—Continued

Beaverhead, Big Horn, Carbon, Carter, Chouteau, Daniels, Dawson, Fallon, Golden Valley, Lake, McCone, Madison, Petroleum, Pondera, Powder River, Prairie, Richland, Roosevelt, Rosebud, Sheridan, Stillwater, Sweet Grass, Teton, Toole, Treasure, Wibaux, Yellowstone National Park

Nebraska:
Arthur, Banner, Blaine, Boyd, Chase, Cuming, Deuel, Dixon, Dundy, Franklin, Frontier, Furnas, Garden, Garfield, Gosper, Grant, Harlan, Hayes, Hitchcock, Hooker, Johnson, Kearney, Keya Paha, Logan, Loup, McPherson, Nuckolls, Pawnee, Perkins, Pierce, Willow, Rock, Sioux, Thomas, Washington, Wheeler

Nevada:
Douglas, Esmeralda, Eureka, Lander, Lincoln, Nye, Pershing, Storey

New Hampshire:
No Unserved Counties

New Jersey:
No Unserved Counties

New Mexico:
De Baca, Harding, Los Alamos

New York:
Hamilton

North Carolina:
Polk, Randolph

North Dakota:
Adams, Billings, Bowman, Burke, Cavalier, Dickey, Divide, Dunn, Eddy, Emmons, Foster, Golden Valley, Grant, Griggs, Hettinger, Kidder, La Moure, Logan, McIntosh, McKenzie, McLean, Mercer, Mountrail, Nelson, Oliver, Pembina, Ransom, Renville, Rolette, Sargent, Sheridan, Sioux, Slope

Ohio:
No Unserved Counties

Oklahoma:
Alfalfa, Cimarron, Dewey, Ellis, Grant, Harper

Oregon:
Gilliam, Harney, Lake, Morrow, Sherman, Wheeler

Pennsylvania:
No Unserved Counties

Puerto Rico:
No Unserved Counties

Rhode Island:
No Unserved Counties

South Carolina:
No Unserved Counties

South Dakota:
Bennett, Corson, Harding, Perkins, Shannon

Tennessee:
No Unserved Counties

Texas:
Armstrong, Austin, Bandera, Borden, Brewster, Briscoe, Camp, Carson, Coke, Crane, Culberson, Delta, De Witt, Donley, Franklin, Glassock, Hansford, Hartley, Haskell, Hemphill, Hopkins, Hudspeth, Irion, Jack, Jeff Davis, Jones, Kennedy, Kent, King, Lavaca, Lee, Lipscomb, Loving, McMullen, Morris, Motley, Ochiltree, Oldham, Presidio, Rains, Randall, Refugio, Roberts, Shackelford, Sherman Stephens, Sterling, Stonewall, Terrell, Throckmorton, Titus, Walker, Waller, Ward, Wheeler, Winkler, Wood
All areas outside of Tyler ISD in Smith County
All areas outside of Beaumont ISD and Port Arthur ISD in Jefferson County
All areas outside of Midland ISD in Midland County
All areas outside of West-Orange Cove ISD in Orange County
All areas outside of Plano ISD, Frisco ISD, and McKinney ISD in Collin County
All areas outside of Denton ISD in Denton County
All areas outside of Terrell ISD and Maybank ISD in Kaufman County
All areas outside of Sherman ISD, Denton ISD and Whitewright ISD in Grayson County
All areas outside of Hondo ISD in Medina County

Utah:
Beaver, Daggett, Rich, Sanpete

Vermont:
No Unserved Counties

Virginia:
Appomattox, Augusta, Bath, Brunswick, Campbell, Clarke, Culpepper, Dinwiddie, Essex, Frederick, Gloucester, Highland, King George, Loudoun, Mecklenburg, Prince George, Richmond, Rockingham, Spotsylvania
The cities of Colonial Heights, Harrisonburg, Manassas City, Manassas Park, Poquoson City, Staunton, Waynesboro, Winchester

Washington:
Columbia, Garfield, Lincoln, San Juan, Wahkiakum

West Virginia:
No Unserved Counties

Wisconsin:
Kewaunee, Ozaukee
All areas outside of the Green Bay Public School District in Brown County
All areas outside of the Merrill Areas School District in Lincoln County
All areas west of Interstate 94 in Kenosha County

TABLE A.—COUNTIES NOT SERVED BY HEAD START PROGRAMS FUNDED BY ACF REGIONAL OFFICES—Continued

Wyoming:	
	Lincoln, Sublette, Teton, Uinta

TABLE B.—STATES UNSERVED BY MIGRANT HEAD START PROGRAMS

Kansas
Kentucky
Louisiana
Mississippi
Missouri
Nevada
South Dakota
Texas (West of the Pecos River)
West Virginia

TABLE C.—STATE ALLOCATIONS

Estimated State Funding Levels for Unserved Counties

Alabama	$448,889
Alaska	71,719
Arizona	N/A
Arkansas	65,390
California	60,000
Colorado	623,388
Connecticut	N/A
Delaware	N/A
District of Columbia	N/A
Florida	750,257
Georgia	973,830
Hawaii	N/A
Idaho	160,732
Illinois	79,713
Indiana	504,465
Iowa	60,000
Kansas	901,409
Kentucky	304,208
Louisiana	409,157
Maine	N/A
Maryland	N/A
Massachusetts	N/A
Michigan	N/A
Minnesota	N/A
Mississippi	N/A
Missouri	N/A
Montana	266,040
Nebraska	177,758
Nevada	159,552
New Hampshire	N/A
New Jersey	N/A
New Mexico	60,000
New York	N/A
North Carolina	376,648
North Dakota	200,783
Ohio	N/A
Oklahoma	212,911
Oregon	155,249
Pennsylvania	N/A
Puerto Rico	N/A
Rhode Island	N/A
South Carolina	N/A
South Dakota	60,000
Tennessee	N/A
Texas	3,283,267
Utah	152,204
Vermont	N/A
Virginia	655,733
Washington	110,229
West Virginia	N/A
Wisconsin	93,166
Wyoming	74,748

TABLE C.—STATE ALLOCATIONS—Continued

"N/A" means that all counties in these States are served by Head Start and thus there will not be any competition for unserved counties.

The above levels are based on current estimates of funding availability. Should additional funds become available, these funds may be used to fund additional expansion proposals. If in any State there are not enough acceptable proposals received to award the State's full expansion allotment the State's unspent funds may be transferred to another State.

A discretionary reserve will be used to supplement the funds available in those States with unserved counties where the State's available funds are not sufficient to permit an expansion. In those States, sufficient funds will be made available to fund one new class (or home-based group) should an acceptable expansion proposal be received.

Appendix A—ACF Regional Offices

Region I: (617) 565–1139
Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, Vermont

Region II: (212) 264–2974
New Jersey, New York, Puerto Rico, Virgin Islands

Region III: (215) 596–1224
Delaware, District of Columbia, Maryland, Pennsylvania, Virginia, West Virginia

Region IV: (404) 331–2398
Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, Tennessee

Region V: (312) 353–4241
Illinois, Indiana, Michigan, Minnesota, Ohio, Wisconsin

Region VI: (214) 767–2981
Arkansas, Louisiana, New Mexico, Oklahoma, Texas

Region VII (816) 426–5401
Iowa, Kansas, Missouri, Nebraska

Region VIII: (303) 844–3106
Colorado, Montana, North Dakota, South Dakota, Utah, Wyoming

Region IX: (415) 556–6153
Arizona, California, Hawaii, Nevada, Outer, Pacific

Region X: (206) 399–0838
Alaska, Idaho, Oregon, Washington

American Indian Programs (202) 205–8437

Migrant Programs (202) 205–8455

Appendix B—State Single Points of Contact

Arizona

Ms. Janice Dunn, Arizona State Clearinghouse, 3800 N. Central Avenue, Fourteenth Floor, Phoenix, Arizona 85012, Telephone: (602) 280–1315

Arkansas

Mr. Joseph Gillesbie, Manager, State Clearinghouse, Office of Intergovernmental Service, Department of Finance and Administration, P.O. Box 3278, Little Rock, Arkansas 72203, Telephone (501) 371–1074

California

Glenn Stober, Grants Coordinator, Office of Planning and Research, 1400 Tenth Street, Sacramento, California 95814, Telephone (916) 323–7480

Colorado

State Single Point of Contact, State Clearinghouse, Division of Local Government, 1313 Sherman Street, Room 520, Denver, Colorado 80203, Telephone (303) 866–2156

Connecticut

Under Secretary, Attn: Intergovernmental Review coordinator, Comprehensive Planning Division, Office of Policy and Management, 80 Washington Street, Hartford, Connecticut 06106–4459, Telephone (203) 566–3410

Delaware

Francine Booth, State Single Point of Contact, Executive Department, Thomas Collins Building, Dover, Delaware 19903, Telephone (302) 736–3326

District of Columbia

Lovetta Davis, State Single Point of Contact, Executive Office of the Mayor, Office of Intergovernmental Relations, Room 416, District Building, 1350 Pennsylvania Avenue, N.W., Washington, D.C. 20004, Telephone (202) 727–9111

Florida

Karen McFarland, Director, Florida State Clearinghouse, Executive Office of the Governor, Office of Planning and Budgeting, The Capitol, Tallahassee, Florida 32399–0001, Telephone: (904) 488–8114

Georgia

Charles H. Badger, Administrator, Georgia State Clearinghouse, 270 Washington Street, S.W., Atlanta, Georgia 30334, Telephone (404) 656–3855

Hawaii

Mr. Harold S. Masumoto, Acting Director, Office of State Planning, Department of Planning and Economic Development,

Office of the Governor, State Capitol—Room 406, Honolulu, Hawaii 96813, Telephone (808) 548–5893, FAX (808) 548–8172

Illinois

Tom Berkshire, State Single Point of Contact, Office of the Governor, State of Illinois, Springfield, Illinois 62706, Telephone (217) 782–6639

Indiana

Frank Sullivan, Budget Director, State Budget Agency, 212 State House, Indianapolis, Indiana 46204, Telephone (317) 232–5610

Iowa

Steven R. McCann, Division for Community Progress, Iowa Department of Economic Development, 200 East Grand Avenue, Des Moines, Iowa 50309, Telephone (515) 281–3725

Kentucky

Debbie Anglin,
State Single Point of Contact,
Kentucky State Clearinghouse,
2nd Floor Capital Plaza Tower,
Frankfort, Kentucky 40601,
Telephone (502) 564–2382

Maine

State Single Point of Contact,
Attn: Joyce Benson,
State Planning Office,
State House Station #38,
Augusta, Maine 04333,
Telephone (207) 289–3261

Maryland

Mary Abrams,
Chief,
Maryland State Clearinghouse,
Department of State Planning,
301 West Preston Street,
Baltimore, Maryland 21201–2365,
Telephone (301) 225–4490

Massachusetts

State Single Point of Contact,
Attn: Beverly Boyle,
Executive Office of Communities & Development,
100 Cambridge Street, Room 1803,
Boston, Massachusetts 02202,
Telephone (617) 727–7001

Michigan

Milton O. Waters,
Director of Operations,
Michigan Neighborhood Builders Alliance,
Michigan Department of Commerce,
Telephone (517) 373–7111.

Please direct correspondence to: Manager, Federal Project Review, Michigan Department of Commerce, Michigan Neighborhood Builders Alliance, P.O. Box 30242, Lansing, Michigan 48909, Telephone (517) 373–6223.

Mississippi

Cathy Mallette,
Clearinghouse Officer,
Department of Finance and Administration,
Office of Policy Development,
421 West Pascagoula Street,
Jackson, Mississippi 39203,
Telephone (601) 960–4280

Missouri

Lois Pohl,
Federal Assistance Clearinghouse,
Office of Administration,
Division of General Services,
P.O. Box 809,
Room 430, Truman Building,
Jefferson City, Missouri 65102,
Telephone (314) 751–4834

Montana

Deborah Stanton,
State Single Point of Contact,
Intergovernmental Review Clearinghouse,
c/o Office of Budget and Program Planning,
Room 202—State Capitol,
Helena, Montana 59620,
Telephone (406) 444–5522

Nevada

Department of Administration,
State Clearinghouse,
Capitol Complex,
Carson City, Nevada 89710,
ATTN: John B. Walker,
Clearinghouse Coordinator

New Hampshire

Jeffery H. Taylor,
Director,
New Hampshire Office of State Planning,
Attn: Intergovernmental Review Process/James E. Bieber,
2½ Beacon Street,
Concord, New Hampshire 03301,
Telephone (603) 271–2155

New Jersey

Barry Skokowski,
Director,
Division of Local Government Services,
Department of Community Affairs, CN 803,
Trenton, New Jersey 08625–0803,
Telephone (609) 292–6613

Please direct correspondence and questions to: Nelson S. Silver, State Review Process, Division of Local Government Services, CN 803, Trenton, New Jersey 08625–0803, Telephone (609) 292–9025.

New Mexico

Aurelia M. Sandoval,
State Budget Division, DFA,
Room 190, Bataan Memorial Building,
Santa Fe, New Mexico 87503,
Telephone (505) 827–3640,
FAX (505) 827–3006

New York

New York State Clearinghouse, Division of the Budget, State Capitol, Albany, New York 12224, Telephone (518) 474–1605

North Carolina

Mrs. Chrys Baggett, Director, Intergovernmental Relations, N.C. Department of Administration, 116 W. Jones Street, Raleigh, North Carolina 27611, Telephone (919) 733–0499

North Dakota

William Robinson, State Single Point of Contact, Office of Intergovernmental Affairs, Office of Management and Budget, 14th Floor, State Capitol, Bismarck, North Dakota 58505, Telephone (701) 224–2094

Ohio

Larry Weaver, State Single Point of Contact, State/Federal Funds Coordinator, State Clearinghouse, Office of Budget and Management, 30 East Broad Street, 34th Floor, Columbus, Ohio 43266–0411, Telephone (614) 466–0698

Rhode Island

Daniel W. Varin, Associate Director, Statewide Planning Program, Department of Administration, Division of Planning, 265 Melrose Street, Providence, Rhode Island 02907, Telephone (401) 277–2656

Please direct correspondence and questions to: Review Coordinator, Office of Strategic Planning.

South Carolina

Danny L. Cromer, State Single Point of Contact, Grant Services, Office of the Governor, 1205 Pendleton Street, Room 477, Columbia, South Carolina 29201, Telephone (803) 734–0493

South Dakota

Susan Comer, State Clearinghouse Coordinator, Office of the Governor, 500 East Capitol, Pierre, South Dakota 57501, Telephone (605) 773–3212

Tennessee

Charles Brown, State Single Point of Contact, State Planning Office, 500 Charlotte Avenue, 309 John Sevier Building, Nashville, Tennessee 37219, Telephone (615) 741–1676

Texas

Tom Adams, Governor's Office of Budget and Planning, P.O. Box 12428, Austin, Texas 78711, Telephone (512) 463–1778

Utah

Utah State Clearinghouse,
Office of Planning and Budget,
ATTN: Carolyn Wright,
Room 116 State Capitol,
Salt Lake City, Utah 84114,
Telephone (801) 538–1535

Vermont

Bernard D. Johnson,
Assistant Director,
Office of Policy Research & Coordination,
Pavilion Office Building,
109 State Street,
Montpelier, Vermont 05602,
Telephone (802) 828–3326

West Virginia

Fred Cutlip,
Director,
Community Development Division,
Governor's Office of Community and Industrial Development,
Building #6, Room 553,
Charleston, West Virginia 25305,
Telephone (304) 348–4010

Wisconsin

William C. Carey,
Federal/State Relations,
IGA Relations,
101 South Webster Street,
P.O. Box 7864,
Milwaukee, Wisconsin 53707,
Telephone (608) 266–1741

Please direct correspondence and questions to: William C. Carey, Section Chief, Federal/State Relations Office, Wisconsin Department of Administration, (608) 266–0267.

Wyoming

Ann Redman,
State Single Point of Contact,
Wyoming State Clearinghouse,
State Planning Coordinator's Office,
Capitol Building,
Cheyenne, Wyoming 82002,
Telephone (307) 777–7574

Territories

Guam

Michael J. Reidy,
Director
Bureau of Budget and Management Research,
Office of the Governor,
P.O. Box 2950,
Agana, Guam 96910,
Telephone (671) 472–2285

Northern Mariana Islands

State Single Point of Contact,
Planning and Budget Office,
Office of the Governor,
Saipan, CM,
Northern Marina Islands 96950

Puerto Rico

Patria Custodio/Israel Soto Marrero,
Chairman/Director,
Puerto Rico Planning Board
Minillas Government Center,
P.O. Box 41119,
San Juan, Puerto Rico 00940–9985,
Telephone (809) 727–4444

Virgin Islands

Jose L. George,
Director,
Office of Management and Budget,
No. 32 & 33 Kongens Gade,
Charlotte Amalie, V.I. 00802,
Telephone (809) 774–0750

BILLING CODE 4184–01–M

Appendix C

OMB Approval No. 0348-0043

APPLICATION FOR FEDERAL ASSISTANCE

1. TYPE OF SUBMISSION: *Application* ☐ Construction ☐ Non-Construction *Preapplication* ☐ Construction ☐ Non-Construction	2. DATE SUBMITTED	Applicant Identifier
	3. DATE RECEIVED BY STATE	State Application Identifier
	4. DATE RECEIVED BY FEDERAL AGENCY	Federal Identifier

5. APPLICANT INFORMATION

Legal Name:	Organizational Unit:
Address *(give city, county, state, and zip code)*:	Name and telephone number of the person to be contacted on matters involving this application *(give area code)*

6. EMPLOYER IDENTIFICATION NUMBER (EIN): ☐☐ — ☐☐☐☐☐☐☐

7. TYPE OF APPLICANT: *(enter appropriate letter in box)* ☐

A. State
B. County
C. Municipal
D. Township
E. Interstate
F. Intermunicipal
G. Special District
H. Independent School Dist.
I. State Controlled Institution of Higher Learning
J. Private University
K. Indian Tribe
L. Individual
M. Profit Organization
N. Other (Specify): _____

8. TYPE OF APPLICATION:

☐ New ☐ Continuation ☐ Revision

If Revision, enter appropriate letter(s) in box(es): ☐ ☐

A. Increase Award B. Decrease Award C. Increase Duration
D. Decrease Duration Other *(specify)*:

_____

9. NAME OF FEDERAL AGENCY:

10. CATALOG OF FEDERAL DOMESTIC ASSISTANCE NUMBER: ☐☐ ▪ ☐☐☐

TITLE:

11. DESCRIPTIVE TITLE OF APPLICANT'S PROJECT:

12. AREAS AFFECTED BY PROJECT *(cities, counties, states, etc.)*:

13. PROPOSED PROJECT:		14. CONGRESSIONAL DISTRICTS OF:	
Start Date	Ending Date	a. Applicant	b. Project

15. ESTIMATED FUNDING:		
a. Federal	$	.00
b. Applicant	$	.00
c. State	$	.00
d. Local	$	.00
e. Other	$	.00
f. Program Income	$	.00
g. TOTAL	$	.00

16. IS APPLICATION SUBJECT TO REVIEW BY STATE EXECUTIVE ORDER 12372 PROCESS?

a. YES. THIS PREAPPLICATION/APPLICATION WAS MADE AVAILABLE TO THE STATE EXECUTIVE ORDER 12372 PROCESS FOR REVIEW ON:

DATE _____

b. NO. ☐ PROGRAM IS NOT COVERED BY E.O. 12372

☐ OR PROGRAM HAS NOT BEEN SELECTED BY STATE FOR REVIEW

17. IS THE APPLICANT DELINQUENT ON ANY FEDERAL DEBT?

☐ Yes If "Yes," attach an explanation. ☐ No

18. TO THE BEST OF MY KNOWLEDGE AND BELIEF, ALL DATA IN THIS APPLICATION/PREAPPLICATION ARE TRUE AND CORRECT, THE DOCUMENT HAS BEEN DULY AUTHORIZED BY THE GOVERNING BODY OF THE APPLICANT AND THE APPLICANT WILL COMPLY WITH THE ATTACHED ASSURANCES IF THE ASSISTANCE IS AWARDED

a. Typed Name of Authorized Representative	b. Title	c. Telephone number
d. Signature of Authorized Representative		e. Date Signed

Previous Editions Not Usable

Standard Form 424 (REV 4-88)
Prescribed by OMB Circular A-102

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Instructions for the SF 424

This is a standard form used by applicants as a required facesheet for reapplications and applications submitted for Federal assistance. It will be used by Federal agencies to obtain applicant certification that States which have established a review and comment procedure in response to Executive Order 12372 and have selected the program to be included in their process, have been given an opportunity to review the applicant's submission.

Item Entry

1. Self-explanatory.

2. Date application submitted to Federal agency (or State if applicable) & applicant's control number (if applicable).

3. State use only (if applicable).

4. If this application is to continue or revise an existing award, enter present Federal identifier number. If for a new project, leave blank.

5. Legal name of applicant, name of primary organizational unit which will undertake the assistance activity, complete address of the applicant, and name and telephone number of the person to contact on matters related to this application.

6. Enter Employer Identification Number (EIN) as assigned by the Internal Revenue Service.

7. Enter the appropriate letter in the space provided.

8. Check appropriate box and enter appropriate letter(s) in the space(s) provided:

—"New" means a new assistance award.

—"Continuation" means an extension for an additional funding/budget period for a project with a projected completion date.

—"Revision" means any change in the Federal Government's financial obligation or contingent liability from an existing obligation.

9. Name of Federal agency from which assistance is being requested with this application.

10. Use the Catalog of Federal Domestic Assistance number and title of the program under which assistance is requested.

11. Enter a brief descriptive title of the project, if more than one program is involved, you should append an explanation on a separate sheet. If appropriate (e.g., construction or real property projects), attach a map showing project location. For preapplications, use a separate sheet to provide a summary description of this project.

12. List only the largest political entities affected (e.g., State, counties, cities).

13. Self-explanatory.

14. List the applicant's Congressional District and any District(s) affected by the program or project.

15. Amount requested or to be contributed during the first funding/budget period by each contributor. Value of in-kind contributions should be included on appropriate lines as applicable. If the action will result in a dollar change to an existing award, indicate *only* the amount of the change. For decreases, enclose the amounts in parentheses. If both basic and supplemental amounts are included, show breakdown on an attached sheet. For multiple program funding, use totals and show breakdown using same categories as item 15.

16. Applicants should contact the State Single Point of Contact (SPOC) for Federal Executive Order 12372 to determine whether the application is subject to the State intergovernmental review process.

17. This question applies to the applicant organization, not the person who signs as the authorized representative. Categories of debt include delinquent audit disallowances, loans and taxes.

18. To be signed by the authorized representative of the applicant. A copy of the governing body's authorization for you to sign this application as official representative must be on file in the applicant's office (Certain Federal agencies may require that this authorization be submitted as part of the applications.)

BILLING CODE 4184-01-M

OMB Approval No. 0348-0044

BUDGET INFORMATION — Non-Construction Programs

SECTION A – BUDGET SUMMARY

Grant Program Function or Activity (a)	Catalog of Federal Domestic Assistance Number (b)	Estimated Unobligated Funds		New or Revised Budget		
		Federal (c)	Non-Federal (d)	Federal (e)	Non-Federal (f)	Total (g)
1.		$	$	$	$	$
2.						
3.						
4.						
5. TOTALS		$	$	$	$	$

SECTION B – BUDGET CATEGORIES

6 Object Class Categories	GRANT PROGRAM, FUNCTION OR ACTIVITY (1)	(2)	(3)	(4)	Total (5)
a. Personnel	$	$	$	$	$
b. Fringe Benefits					
c. Travel					
d. Equipment					
e. Supplies					
f. Contractual					
g. Construction					
h. Other					
i. Total Direct Charges (sum of 6a - 6h)					
j. Indirect Charges					
k. TOTALS (sum of 6i and 6j)	$	$	$	$	$
7. Program Income	$	$	$	$	$

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SECTION C - NON-FEDERAL RESOURCES

(a) Grant Program	(b) Applicant	(c) State	(d) Other Sources	(e) TOTALS
8.	$	$	$	$
9.				
10.				
11.				
12. TOTALS (sum of lines 8 and 11)	$	$	$	$

SECTION D - FORECASTED CASH NEEDS

	Total for 1st Year	1st Quarter	2nd Quarter	3rd Quarter	4th Quarter
13. Federal	$	$	$	$	$
14. NonFederal					
15. TOTAL (sum of lines 13 and 14)	$	$	$	$	$

SECTION E - BUDGET ESTIMATES OF FEDERAL FUNDS NEEDED FOR BALANCE OF THE PROJECT

(a) Grant Program	FUTURE FUNDING PERIODS (Years)			
	(b) First	(c) Second	(d) Third	(e) Fourth
16.	$	$	$	$
17.				
18.				
19.				
20. TOTALS (sum of lines 16 -19)	$	$	$	$

SECTION F - OTHER BUDGET INFORMATION

(Attach additional Sheets if Necessary)

21. Direct Charges:	22. Indirect Charges:
23. Remarks	

SF 424A (4-88) Page 2
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Instructions for the SF–424A

General Instructions

This form is designed so that application can be made for funds from one or more grant programs. In preparing the budget, adhere to any existing Federal grantor agency guidelines which prescribe how and whether budgeted amounts should be separately shown for different functions or activities within the program. For some programs, grantor agencies may require budgets to be separately shown by function or activity. For other programs, grantor agencies may require a breakdown by function or activity. Sections A, B, C, and D should include budget estimates for the whole project except when applying for assistance which requires Federal authorization in annual or other funding period increments. In the latter case, Sections A, B, C, and D should provide the budget for the first budget period (usually a year) and Section E should present the need for Federal assistance in the subsequent budget periods. All applications should contain a breakdown by the object class categories shown in Lines a–k of Section B.

Section A. Budget Summary

Lines 1–4, Columns (a) and (b)

For applications pertaining to a single Federal grant program (Federal Domestic Assistance Catalog number) and not requiring a functional or activity breakdown, enter on Line 1 under Column (a) the catalog program title and the catalog number in Column (b).

For applications pertaining to a single program requiring budget amounts by multiple functions or activities, enter the name of each activity or function on each line in Column (a), and enter the catalog number in Column (b). For applications pertaining to multiple programs where none of the programs require a breakdown by function or activity, enter the catalog program title on each line in Column (a) and the respective catalog number on each line in Column (b).

For applications pertaining to multiple programs where one or more programs require a breakdown by function or activity, prepare a separate sheet for each program requiring the breakdown. Additional sheets should be used when one form does not provide adequate space for all breakdown of data required. However, when more than one sheet is used, the first page should provide the summary totals by programs.

Lines 1–4, Columns (c) Through (g.)

For new applications, leave Columns (c) and (d) blank. For each line entry in Columns (a) and (b), enter in Columns (e), (f), and (g) the appropriate amounts of funds needed to support the project for the first funding period (usually a year).

For continuing grant program applications, submit these forms before the end of each funding period as required by the grantor agency. Enter in Columns (c) and (d) the estimated amounts of funds which will remain unobligated at the end of the grant funding period only if the Federal grantor agency instructions provide for this. Otherwise, leave these columns blank. Enter in columns (e) and (f) the amounts of funds needed for the upcoming period. The amount(s) in Column (g) should be the sum of amounts in Columns (e) and (f).

For supplemental grants and changes to existing grants, do not use Columns (c) and (d). Enter in Column (e) the amount of the increase or decrease of Federal funds and enter in Column (f) the amount of the increase or decrease of non-Federal funds. In Column (g) enter the new total budgeted amount (Federal and non-Federal) which includes the total previous authorized budgeted amounts plus or minus, as appropriate, the amounts shown in Columns (e) and (f). The amount(s) in Column (g) should not equal the sum of amounts in Columns (e) and (f).

Line 5—Show the totals for all columns used.

Section B Budget Categories

In the column headings (1) through (4), enter the titles of the same programs, functions, and activities shown on Lines 1–4, Column (a), Section A. When additional sheets are prepared for Section A, provide similar column headings on each sheet. For each program, function or activity, fill in the total requirements for funds (both Federal and non-Federal) by object class categories.

Lines 6a–i—Show the totals of Lines 6a to 6h in each column.

Line 6j—Show the amount of indirect cost.

Line 6k—Enter the total of amounts on Lines 6i and 6j. For all applications for new grants and continuation grants the total amount in column (5), Line 6k, should be the same as the total amount shown in Section A, Column (g), Line 5. For supplemental grants and changes to grants, the total amount of the increase or decrease as shown in Columns (1)–(4), Line 6k should be the same as the sum of the amounts in Section A, Columns (e) and (f) on Line 5.

Line 7—Enter the estimated amount of income, if any, expected to be generated from this project. Do not add or subtract this amount from the total project amount. Show under the program narrative statement the nature and source of income. The estimated amount of program income may be considered by the federal grantor agency in determining the total amount of the grant.

Section C. Non-Federal-Resources

Lines 8-11—Enter amounts of non-Federal resources that will be used on the grant. If in-kind contributions are included, provide a brief explanation on a separate sheet.

Column (a)—Enter the program titles identical to Column (a), Section A. A breakdown by function or activity is not necessary.

Column (b)—Enter the contribution to be made by the applicant.

Column (c)—Enter the amount of the State's cash and in-kind contribution if the applicant is not a State or State agency. Applicants which are a State or State agencies should leave this column blank.

Column (d)—Enter the amount of cash and in-kind contributions to be made from all other sources.

Column (e)—Enter totals of Columns (b), (c), and (d).

Line 12—Enter the total for each of Columns (b)-(e). The amount in Column (e) should be equal to the amount on Line 5, Column (f), Section A.

Section D. Forecasted Cash Needs

Line 13—Enter the amount of cash needed by quarter from the grantor agency during the first year.

Line 14—Enter the amount of cash from all other sources needed by quarter during the first year.

Line 15—Enter the totals of amounts on Lines 13 and 14.

Section E. Budget Estimates of Federal Funds Needed for Balance of the Project

Lines 16–19—Enter in Column (a) the same grant program titles shown in Column (a), Section A. A breakdown by function or activity is not necessary. For new applications and continuation grant applications, enter in the proper columns amounts of Federal funds which will be needed to complete the program or project over the succeeding funding periods (usually in years). This section need not be completed for revisions (amendments, changes, or supplements) to funds for the current year of existing grants.

If more than four lines are needed to list the program titles, submit additional schedules as necessary.

Line 20—Enter the total for each of the Columns (b)-(e). When additional schedules are prepared for this Section, annotate accordingly and show the overall totals on this line.

Section F. Other Budget Information

Line 21—Use this space to explain amounts for individual direct object-class cost categories that may appear to be out of the ordinary or to explain the details as required by the Federal grantor agency.

Line 22—Enter the type of indirect rate (provisional, predetermined, final or fixed) that will be in effect during the funding period, the estimated amount of the base to which the rate is applied, and the total indirect expense.

Line 23—Provide any other explanations or comments deemed necessary.

Assurances—Non-Construction Programs

Note: Certain of these assurances may not be applicable to your project or program. If you have questions, please contact the awarding agency. Further, certain Federal awarding agencies may require applicants to certify to additional assurances. If such is the case, you will be notified.

As the duly authorized representative of the applicant I certify that the applicant:

1. Has the legal authority to apply for Federal assistance, and the institutional, managerial and financial capability (including funds sufficient to pay the non-Federal share of project costs) to ensure proper planning, management and completion of the project described in this application.

2. Will give the awarding agency, the Comptroller General of the United States, and if appropriate, the State, through any authorized representative, access to and the right to examine all records, books, papers, or documents related to the award; and will establish a proper accounting system in accordance with generally accepted accounting standards or agency directives.

3. Will establish safeguards to prohibit employees from using their positions for a purpose that constitutes or presents the appearance of personal or organizational conflict of interest, or personal gain.

4. Will initiate and complete the work within the applicable time frame after receipt of approval of the awarding agency.

5. Will comply with the Intergovernmental Personal Act of 1970 (42 U.S.C. §§ 4728–4763) relating to prescribed standards for merit systems for programs funded under one of the nineteen statutes or regulations specified in Appendix A of OPM's Standards for a Merit System of Personnel Administration (5 C.F.R. 900, Subpart F).

6. Will comply with all Federal statutes relating to nondiscrimination. These include but are not limited to: (a) Title VI of the Civil Rights Act of 1964 (P.L. 88–352) which prohibits discrimination on the basis of race, color or national origin; (b) Title IX of the Education Amendments of 1972, as amended (20 U.S.C. §§ 1681–1683, and 1685–1686), which prohibits discrimination on the basis of sex; (c) Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. § 794), which prohibits discrimination on the basis of handicaps; (d) the Age Discrimination Act of 1975, as amended (42 U.S.C. §§ 6101–6107), which prohibits discrimination on the basis of age; (e) the Drug Abuse Office and Treatment Act of 1972 (P.L. 92–255), as amended, relating to nondiscrimination on the basis of drug abuse; (f) the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970 (P.L. 91–616), as amended, relating to nondiscrimination on the basis of alcohol abuse or alcoholism; (g) §§ 523 and 527 of the Public Health Service Act of 1912 (42 U.S.C. 290 dd-3 and 290 ee-3), as amended, relating to confidentiality of alcohol and drug abuse patient records; (h) Title VIII of the Civil Rights Act of 1968 (42 U.S.C. § 3601 et seq.), as amended, relating to non-discrimination in the sale, rental or financing of housing; (i) any other nondiscrimination provisions in the specific statute(s) under which application for Federal assistance is being made; and (j) the requirements of any other nondiscrimination statute(s) which may apply to the application.

7. Will comply, or has already complied, with the requirements of Titles II and III of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (P.L. 91–646) which provide for fair and equitable treatment of persons displaced or whose property is acquired as a result of Federal or federally assisted programs. These requirements apply to all interests in real property acquired for project purposes regardless of Federal participation in purchases.

8. Will comply with the provisions of the Hatch Act (5 U.S.C. §§ 1501–1508 and 7324–7328) which limit the political activities of employees whose principal employment activities are funded in whole or in part with Federal funds.

9. Will comply, as applicable, with the provisions of the Davis-Bacon Act (40 U.S.C. §§ 276a to 276a–7), the Copeland Act (40 U.S.C. § 276c and 18 U.S.C. §§ 874), and the Contract Work Hours and Safety Standards Act (40 U.S.C. §§ 327–333), regarding labor standards for federally assisted construction subagreements.

10. Will comply, if applicable, with flood insurance purchase requirements of Section 102(a) of the Flood Disaster Protection Act of 1973 (P.L. 93-234) which requires recipients in a special flood hazard area to participate in the program and to purchase flood insurance if the total cost of insurable construction and acquisition is $10,000 or more.

11. Will comply with environmental standards which may be prescribed pursuant to the following: (a) institution of environmental quality control measures under the National Environmental Policy Act of 1969 (P.L. 91–190) and Executive Order (EO) 11514; (b) notification of violating facilities pursuant to EO 11738; (c) protection of wetlands pursuant to EO 11990; (d) evaluation of flood hazards in floodplains in accordance with EO 11988; (e) assurance of project consistency with the approved State management program developed under the Coastal Zone Management Act of 1972 (16 U.S.C. §§ 1451 et seq.); (f) conformity of Federal actions to State (Clear Air) Implementation Plans under Section 176(c) of the Clear Air Act of 1955, as amended (42 U.S.C. § 7401 et seq.); (g) protection of underground sources of drinking water under the Safe Drinking Water Act of 1974, as amended (P.L. 93–523); and (h) protection of endangered species under the Endangered Species Act of 1973, as amended, (P.L. 93–205).

12. Will comply with the Wild and Scenic Rivers Act of 1968 (16 U.S.C. §§ 1271 et seq.) related to protecting components or potential components of the national wild and scenic rivers system.

13. Will assist the awarding agency in assuring compliance with Section 106 of the National Historic Preservation Act of 1966, as amended (16 U.S.C 470), EO 11593 (identification and protection of historic properties), and the Archaeological and Historic Preservation Act of 1974 (16 U.S.C. 469a-1 et seq.).

14. Will comply with P.L. 93–348 regarding the protection of human subjects involved in research, development, and related activities supported by this award of assistance.

15. Will comply with the Laboratory Animal Welfare Act of 1966 (P.L. 89–544, as amended, 7 U.S.C. 2131 et seq.) pertaining to the care, handling, and treatment of warm blooded animals held for research, teaching, or other activities supported by this award of assistance.

16. Will comply with the Lead-Based Paint Poisoning Prevention Act (42 U.S.C. §§ 4801 et seq.) which prohibits the use of lead based paint in construction or rehabilitation of residence structures.

17. Will cause to be performed the required financial and compliance audits in accordance with the Single Audit Act of 1984.

18. Will comply with all applicable requirements of all other Federal laws, executive orders, regulations and policies governing this program.

Signature of Authorized Certifying Official

Applicant Organization

Title

Date Submitted

BILLING CODE 4184-01-M

Appendix D

U.S. Department of Health and Human Services
Certification Regarding Drug-Free Workplace Requirements
Grantees Other Than Individuals

By signing and/or submitting this application or grant agreement, the grantee is providing the certification set out below.

This certification is required by regulations implementing the Drug-Free Workplace Act of 1988, 45 CFR Part 76, Subpart F. The regulations, published in the May 25, 1990 **Federal Register**, require certification by grantees that they will maintain a drug-free workplace. The certification set out below is a material representation of fact upon which reliance will be placed when the Department of Health and Human Services (HHS) determines to award the grant. If it is later determined that the grantee knowingly rendered a false certification, or otherwise violates the requirements of the Drug-Free Workplace Act, HHS, in addition to any other remedies available to the Federal Government, may taken action authorized under the Drug-Free Workplace Act. False certification or violation of the certification shall be grounds for suspension of payments, suspension or termination of grants, or governmentwide suspension or debarment.

Workplaces under grants, for grantees other than individuals, need not be identified on the certification. If known, they may be identified in the grant application. If the grantee does not identify the workplaces at the time of application, or upon award, if there is no application, the grantee must keep the identity of the workplace(s) on file in its office and make the information available for Federal inspection. Failure to identify all known workplaces constitutes a violation of the grantee's drug-free workplace requirements.

Workplace identifications must include the actual address of buildings (or parts of buildings) or other sites where work under the grant takes place. Categorical descriptions may be used (e.g., all vehicles of a mass transit authority or State highway department while in operation, State employees in each local unemployment office, performers in concert halls or radio studios.)

If the workplace identified to HHS changes during the performance of the grant, the grantee shall inform the agency of the change(s), if it previously identified the workplaces in question (see above).

Definitions of terms in the Nonprocurement Suspension and Debarment common rule and Drug-Free Workplace common rule apply to this certification. Grantees' attention is called, in particular, to the following definitions from these rules:

"Controlled substance" means a controlled substance in Schedules I through V of the Controlled Substances Act (21 USC 812) and as further defined by regulation (21 CFR 1308.11 through 1308.15).

"Conviction" means a finding of guilt (including a plea of nolo contendere) or imposition of sentence, or both, by any judicial body charged with the responsibility to determine violations of the Federal or State criminal drug statutes;

"Criminal drug statute" means a Federal or non-Federal criminal statute involving the manufacture, distribution, dispensing, use, or possession of any controlled substance;

"Employee" means the employee of a grantee directly engaged in the performance of work under a grant, including: (i) All "direct charge" employees; (ii) all "indirect charge" employees unless their impact or involvement is insignificant to the performance of the grant; and, (iii) temporary personnel and consultants who are directly engaged in the performance of work under the grant and who are on the grantee's payroll. This definition does not include workers not on the payroll of the grantee (e.g., volunteers, even if used to meet a matching requirement; consultants or independent contractors not on the grantee's payroll; or employees of subrecipients or subcontractors in covered workplaces).

The grantee certifies that it will or will continue to provide a drug-free workplace by:

(a) Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession or use of a controlled substance is prohibited in the grantee's workplace and specifying the actions that will be taken against employees for violation of such prohibition;

(b) Establishing an ongoing drug-free awareness program to inform employees about:

(1) The dangers of drug abuse in the workplace; (2) The grantee's policy of maintaining a drug-free workplace; (3) Any available drug counseling, rehabilitation, and employee assistance programs; and, (4) The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace;

(c) Making it a requirement that each employee to be engaged in the performance of the grant be given a copy of the statement required by paragraph (a);

(d) Notifying the employee in the statement required by paragraph (a) that, as a condition of employment under the grant, the employee will:

(1) Abide by the terms of the statement; and, (2) Notify the employer in writing of his or her conviction for a violation of a criminal drug statute occurring in the workplace no later than five calendar days after such conviction;

(e) Notifying the agency in writing, within ten calendar days after receiving notice under subparagraph (d)(2) from an employee or otherwise receiving actual notice of such conviction. Employers of convicted employees must provide notice, including position title, to every grant officer or other designee on whose grant activity the convicted employee was working, unless the Federal agency has designated a central point for the receipt of such notices. Notice shall include the identification number(s) of each affected grant;

(f) Taking one of the following actions, within 30 calendar days of receiving notice under subparagraph (d)(2), with respect to any employee who is so convicted:

(1) Taking appropriate personnel action against such an employee, up to and including termination, consistent with the requirements of the Rehabilitation Act of 1973, as amended; or, (2) Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State, or local health, law enforcement, or other appropriate agency;

(g) Making a good faith effort to continue to maintain a drug-free workplace through implementation of paragraphs (a), (b), (c), (d), (e) and (f).

The grantee may insert in the space provided below the site(s) for the performance of work done in connection with the specific grant (use attachments, if needed):

Place of Performance (Street address, City, County, State, ZIP Code)_____

_____

Check ___ if there are workplaces on file that are not identified here.

Sections 76.630(c) and (d)(2) and 76.635(a)(1) and (b) provide that a Federal agency may designate a central receipt point for STATE-WIDE AND STATE AGENCY-WIDE certifications, and for notification of criminal drug convictions. For the Department of Health and Human Services, the central receipt point is: Division of Grants Management and Oversight, Office of Management and Acquisition, Department of Health and Human Services, Room 517-D, 200 Independence Avenue, S.W., Washington, D.C. 20201.

DGMO Form#2 Revised May 1990

BILLING CODE 4184-01-C

Appendix E—Certification Regarding Debarment, Suspension, and Other Responsibility Matters—Primary Covered Transactions

By signing and submitting this proposal, the applicant, defined as the primary participant in accordance with 45 CFR part 76, certifies to the best of its knowledge and belief that it and its principals:

(a) Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by any Federal Department or agency;

(b) Have not within a 3-year period preceding this proposal been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State, or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;

(c) Are not presently indicted or otherwise criminally or civilly charged by a governmental entity (Federal, State or local) with commission of any of the offenses enumerated in paragraph (1)(b) of this certification; and

(d) Have not within a 3-year period preceding this application/proposal had one or more public transactions (Federal, State, or local) terminated for cause or default.

The inability of a person to provide the certification required above will not necessarily result in denial of participation in this covered transaction. If necessary, the prospective participant shall submit an explanation of why it cannot provide the certification. The certification or explanation will be considered in connection with the Department of Health and Human Services (HHS) determination whether to enter into this transaction. However, failure of the prospective primary participant to furnish a certification or an explanation shall disqualify such person from participation in this transaction.

The prospective primary participant agrees that by submitting this proposal, it will include the clause entitled "Certification Regarding Debarment, Suspension, Ineligibility, and Voluntary Exclusion—Lower Tier Covered Transaction." provided below without modification in all lower tier covered transactions and in all solicitations for lower tier covered transactions.

Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion—Lower Tier Covered Transactions (To Be Supplied to Lower Tire Participants)

By signing and submitting this lower tier proposal, the prospective lower tier participant, as defined in 45 CFR part 76, certifies to the best of its knowledge and belief that it and its principals:

(a) Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any federal department or agency.

(b) Where the prospective lower tier participant is unable to certify to any of the above, such prospective participant shall attach an explanation to this proposal.

The prospective lower tier participant further agrees by submitting this proposal that it will include this clause entitled "certification Regarding Debarment, Suspension, Ineligibility, and Voluntary Exclusion—Lower Tier Covered Transactions." without modification in all lower tier covered transactions and in all solicitations for lower tier covered transactions.

Appendix F—Certification Regarding Lobbying

Certification for Contracts, Grants, Loans and Cooperative Agreements

The undersigned certifies, to the best of his or her knowledge and belief, that:

(1) No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.

(2) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form To Report Lobbying," in accordance with its instructions.

(3) The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than $10,000 and not more than $100,000 for each such failure.

State for Loan Guarantee and Loan Insurance

The undersigned states, to the best of his or her knowledge and belief, that:

If any funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this commitment providing for the United States to insure or guarantee a loan, the undersigned shall complete and submit Standard Form-LLL "Disclosure Form To Report Lobbying," in accordance with its instructions.

Submission of this statement is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required statement shall be subject to a civil penalty of not less than $10,000 and not more than $100,000 for each such failure.

Signature

Title

Organization

Date

[FR Doc. 93–12774 Filed 5–28–93; 8:45am]

BILLING CODE 4184–01–M

federal register

Tuesday
June 1, 1993

Part VII

The President

Proclamation 6566—Prayer for Peace, Memorial Day, 1993

Executive Order 12850—Conditions for Renewal of Most-Favored-Nation Status for the People's Republic of China in 1994

Presidential Determination No. 93–23—Determination Under Section 402(d)(1) of the Trade Act of 1974, as Amended—Continuation of Waiver Authority

Federal Register
Vol. 58, No. 103
Tuesday, June 1, 1993

Presidential Documents

Title 3—

The President

Proclamation 6566 of May 28, 1993

Prayer for Peace, Memorial Day, 1993

By the President of the United States of America

A Proclamation

Each spring, our Nation pauses to remember those who have died securing our peace and freedom. Across our country, Americans are holding ceremonies in remembrance of those who have died under the colors of our Nation. We remember the brave men and women whose sacrifices have paved the way for us to live in a country like America. We remember the families of our fallen heroes, and we grieve for their losses. And we remember the men and women who are now serving in our Armed Forces.

In the war with Iraq and more recently in our peacekeeping operations in Somalia, more names of young Americans have been added to the roster of our departed heroes. Young service men and women who died in the Persian Gulf joined Americans who left their mark on history at places like the Argonne in World War I, Omaha Beach in World War II, and Pork Chop Hill in Korea, and in the jungles and rice paddies of Vietnam.

Through two centuries and several wars, America has remained the land of the free and the home of the brave. The Persian Gulf war reaffirmed that international peace and security depend on our Nation's vigilance and on the sacrifices of our service men and women. Even in this post-Cold War era, we must be wary, for the world still remains a dangerous place.

By showing our understanding, we can help further the sense of lives well lived, a time on earth well spent, and a heritage of service of lasting meaning.

In respect and recognition of those Americans to whom we pay tribute today, the Congress, by joint resolution of May 11, 1950 (64 Stat. 158), has requested the President to issue a proclamation calling upon the people of the United States to observe each Memorial Day as a day of prayer for permanent peace and designating a period on that day when the people of the United States might unite in prayer.

NOW, THEREFORE, I, WILLIAM J. CLINTON, President of the United States of America, do hereby designate Memorial Day, May 31, 1993, as a day of prayer for permanent peace, and I designate the hour beginning in each locality at 11 o'clock in the morning of that day as a time to unite in prayer. I urge the press, radio, television, and all other information media to cooperate in this observance.

I also request the Governors of the United States and the Commonwealth of Puerto Rico, and the appropriate officials of all units of government, to direct that the flag be flown at half-staff until noon during this Memorial Day on all buildings, grounds, and naval vessels throughout the United States and in all areas under its jurisdiction and control, and I request the people of the United States to display the flag at half-staff from their homes for the customary forenoon period.

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

William J. Clinton

[FR Doc. 93–13057
Filed 5–28–93; 12:10 pm]
Billing code 3195–01–P

Presidential Documents

Executive Order 12850 of May 28, 1993

Conditions for Renewal of Most-Favored-Nation Status for the People's Republic of China in 1994

WHEREAS, the Congress and the American people have expressed deep concern about the appropriateness of unconditional most-favored-nation (MFN) trading status for the People's Republic of China (China);

WHEREAS, I share the concerns of the Congress and the American people regarding this important issue, particularly with respect to China's record on human rights, nuclear nonproliferation, and trade;

WHEREAS, I have carefully weighed the advisability of conditioning China's MFN status as a means of achieving progress in these areas;

WHEREAS, I have concluded that the public interest would be served by a continuation of the waiver of the application of sections 402 (a) and (b) of the Trade Act of 1974 (19 U.S.C. 2432(a) and 2432(b)) (Act) on China's MFN status for an additional 12 months with renewal thereafter subject to the conditions below;

NOW, THEREFORE, by the authority vested in me as President by the Constitution and the laws of the United States of America, it is hereby ordered as follows:

Section 1. The Secretary of State (Secretary) shall make a recommendation to the President to extend or not to extend MFN status to China for the 12-month period beginning July 3, 1994.

(a) In making this recommendation the Secretary shall not recommend extension unless he determines that:

—extension will substantially promote the freedom of emigration objectives of section 402 of the Act; and

—China is complying with the 1992 bilateral agreement between the United States and China concerning prison labor.

(b) In making this recommendation the Secretary shall also determine whether China has made overall, significant progress with respect to the following:

—taking steps to begin adhering to the Universal Declaration of Human Rights;

—releasing and providing an acceptable accounting for Chinese citizens imprisoned or detained for the non-violent expression of their political and religious beliefs, including such expression of beliefs in connection with the Democracy Wall and Tiananmen Square movements;

—ensuring humane treatment of prisoners, such as by allowing access to prisons by international humanitarian and human rights organizations;

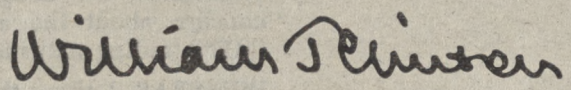
—protecting Tibet's distinctive religious and cultural heritage; and

—permitting international radio and television broadcasts into China.

Sec. 2. The Secretary shall submit his recommendation to the President before June 3, 1994.

Sec. 3. The Secretary, and other appropriate officials of the United States, shall pursue resolutely all legislative and executive actions to ensure that China abides by its commitments to follow fair, nondiscriminatory trade practices in dealing with U.S. businesses, and adheres to the Nuclear Non-Proliferation Treaty, the Missile Technology Control Regime guidelines and parameters, and other nonproliferation commitments.

Sec. 4. This order does not create any right or benefit, substantive or procedural, enforceable by any person or entity against the United States, its officers, or employees.



THE WHITE HOUSE,
May 28, 1993.

[FR Doc. 93–13062
Filed 5–28–93; 12:27 pm]
Billing code 3195–01–P

Editorial note: For the President's statement, report to the Congress and a letter transmitting the report to Congress on trade with China, see issue 21 of the *Weekly Compilation of Presidential Documents.*

Presidential Documents

Presidential Determination No. 93–23 of May 28, 1993

Determination Under Section 402(d)(1) of the Trade Act of 1974, as Amended—Continuation of Waiver Authority

Memorandum for the Secretary of State

Pursuant to the authority vested in me under the Trade Act of 1974, as amended, Public Law 93–618, 88 Stat. 1978 (hereinafter "the Act"), I determine, pursuant to section 402(d)(1) of the Act, 19 U.S.C. 2432(d)(1), that the further extension of the waiver authority granted by section 402(c) of the Act will substantially promote the objectives of section 402 of the Act. I further determine that the continuation of the waiver applicable to the People's Republic of China will substantially promote the objectives of section 402 of the Act.

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

William J. Clinton

THE WHITE HOUSE,
Washington, May 28, 1993.

[FR Doc. 93–13063
Filed 5–28–93; 12:28 pm]
Billing code 4710–10–P

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FEDERAL REGISTER PAGES AND DATES, JUNE

31147–31330.....1

CFR PARTS AFFECTED DURING JUNE

At the end of each month, the Office of the Federal Register publishes separately a List of CFR Sections Affected (LSA), which lists parts and sections affected by documents published since the revision date of each title.

LIST OF PUBLIC LAWS

Note: No public bills which have become law were received by the Office of the Federal Register for inclusion in today's List of Public Laws.

Last List May 28, 1993

CFR CHECKLIST

This checklist, prepared by the Office of the Federal Register, is published weekly. It is arranged in the order of CFR titles, stock numbers, prices, and revision dates.

An asterisk (*) precedes each entry that has been issued since last week and which is now available for sale at the Government Printing Office.

A checklist of current CFR volumes comprising a complete CFR set, also appears in the latest issue of the LSA (List of CFR Sections Affected), which is revised monthly.

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Title	Stock Number	Price	Revision Date
1, 2 (2 Reserved)	(869–019–00001–1)	$15.00	Jan. 1, 1993
3 (1992 Compilation and Parts 100 and 101)	(869–019–00002–0)	17.00	[1] Jan. 1, 1993
4	(869–019–00003–8)	5.50	Jan. 1, 1993
5 Parts:			
1–699	(869–019–00004–6)	21.00	Jan. 1, 1993
700–1199	(869–019–00005–4)	17.00	Jan. 1, 1993
1200–End, 6 (6 Reserved)	(869–019–00006–2)	21.00	Jan. 1, 1993
7 Parts:			
0–26	(869–019–00007–1)	20.00	Jan. 1, 1993
27–45	(869–019–00008–9)	13.00	Jan. 1, 1993
*46–51	(869–019–00009–7)	20.00	Jan. 1, 1993
52	(869–019–00010–1)	28.00	Jan. 1, 1993
53–209	(869–019–00011–9)	21.00	Jan. 1, 1993
210–299	(869–019–00012–7)	30.00	Jan. 1, 1993
*300–399	(869–019–00013–5)	15.00	Jan. 1, 1993
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*1950–1999	(869–019–00024–1)	32.00	Jan. 1, 1993
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§§ 1.641–1.850	(869–017–00090–6)	19.00	Apr. 1, 1992
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CFR Index and Findings Aids	(869-019-00053-4)	36.00	Jan. 1, 1993
Complete 1993 CFR set		775.00	1993
Microfiche CFR Edition: Complete set (one-time mailing)		188.00	1990

Title	Stock Number	Price	Revision Date
Complete set (one-time mailing)		188.00	1991
Complete set (one-time mailing)		188.00	1992
Subscription (mailed as issued)		223.00	1993
Individual copies		2.00	1993

[1] Because Title 3 is an annual compilation, this volume and all previous volumes should be retained as a permanent reference source.

[2] The July 1, 1985 edition of 32 CFR Parts 1–189 contains a note only for Parts 1–39 inclusive. For the full text of the Defense Acquisition Regulations in Parts 1–39, consult the three CFR volumes issued as of July 1, 1984, containing those parts.

[3] The July 1, 1985 edition of 41 CFR Chapters 1–100 contains a note only for Chapters 1 to 49 inclusive. For the full text of procurement regulations in Chapters 1 to 49, consult the eleven CFR volumes issued as of July 1, 1984 containing those chapters.

[4] No amendments to this volume were promulgated during the period Apr. 1, 1990 to Mar. 31, 1993. The CFR volume issued April 1, 1990, should be retained.

[5] No amendments to this volume were promulgated during the period Apr. 1, 1991 to Mar. 31, 1993. The CFR volume issued April 1, 1991, should be retained.

[6] No amendments to this volume were promulgated during the period July 1, 1989 to June 30, 1992. The CFR volume issued July 1, 1989, should be retained.

[7] No amendments to this volume were promulgated during the period July 1, 1991 to June 30, 1992. The CFR volume issued July 1, 1991, should be retained.

[8] No amendments to this volume were promulgated during the period October 1, 1991 to September 30, 1992. The CFR volume issued October 1, 1991, should be retained.

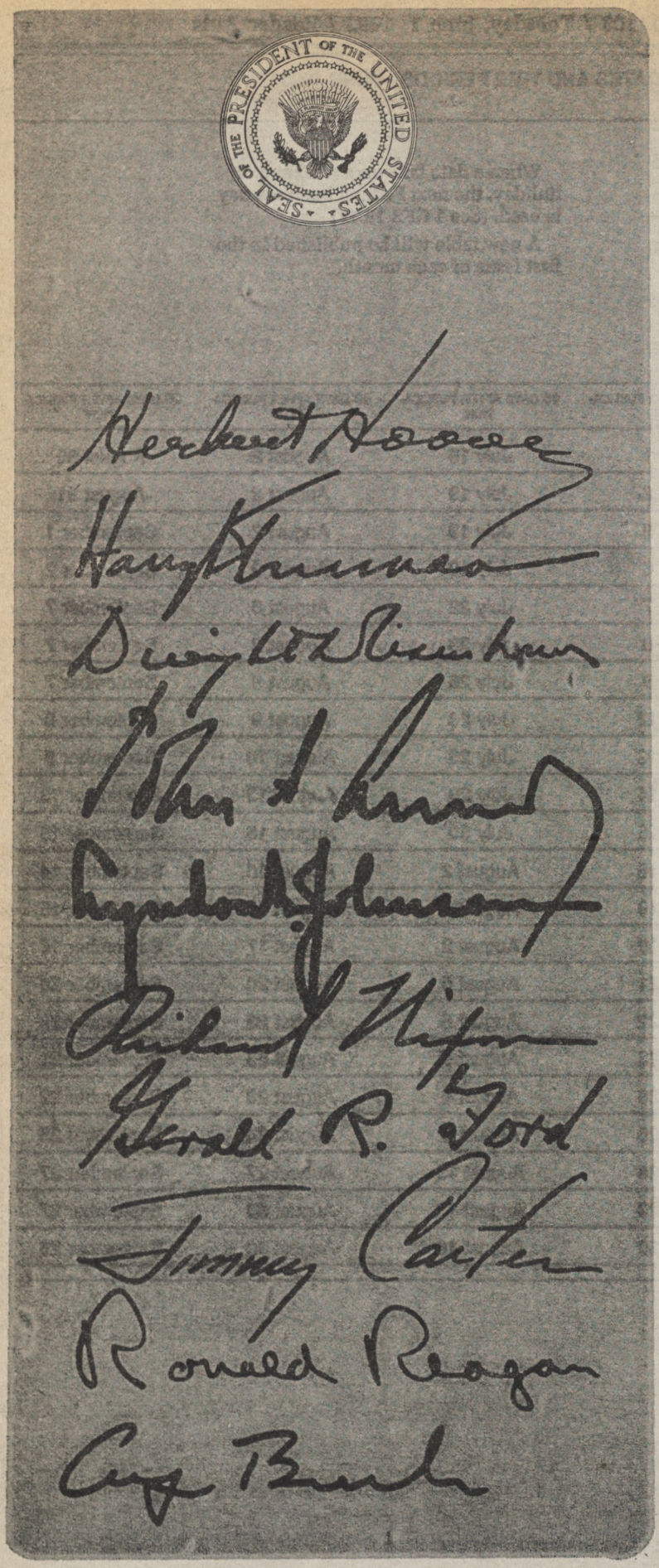
TABLE OF EFFECTIVE DATES AND TIME PERIODS—JUNE 1993

This table is used by the Office of the Federal Register to compute certain dates, such as effective dates and comment deadlines, which appear in agency documents. In computing these dates, the day after publication is counted as the first day.

When a date falls on a weekend or holiday, the next Federal business day is used. (See 1 CFR 18.17)

A new table will be published in the first issue of each month.

DATE OF FR PUBLICATION	15 DAYS AFTER PUBLICATION	30 DAYS AFTER PUBLICATION	45 DAYS AFTER PUBLICATION	60 DAYS AFTER PUBLICATION	90 DAYS AFTER PUBLICATION
June 1	June 16	July 1	July 16	August 2	August 30
June 2	June 17	July 2	July 19	August 2	August 31
June 3	June 18	July 6	July 19	August 2	September 1
June 4	June 21	July 6	July 19	August 3	September 2
June 7	June 22	July 7	July 22	August 6	September 7
June 8	June 23	July 8	July 23	August 9	September 7
June 9	June 24	July 9	July 26	August 9	September 7
June 10	June 25	July 12	July 26	August 9	September 8
June 11	June 28	July 12	July 26	August 10	September 9
June 14	June 29	July 14	July 29	August 13	September 13
June 15	June 30	July 15	July 30	August 16	September 13
June 16	July 1	July 16	August 2	August 16	September 14
June 17	July 2	July 19	August 2	August 16	September 15
June 18	July 6	July 19	August 2	August 17	September 16
June 21	July 6	July 21	August 5	August 20	September 20
June 22	July 7	July 22	August 6	August 23	September 20
June 23	July 8	July 23	August 9	August 23	September 21
June 24	July 9	July 26	August 9	August 23	September 22
June 25	July 12	July 26	August 9	August 24	September 23
June 28	July 13	July 28	August 12	August 27	September 27
June 29	July 14	July 29	August 13	August 30	September 27
June 30	July 15	July 30	August 16	August 30	September 28



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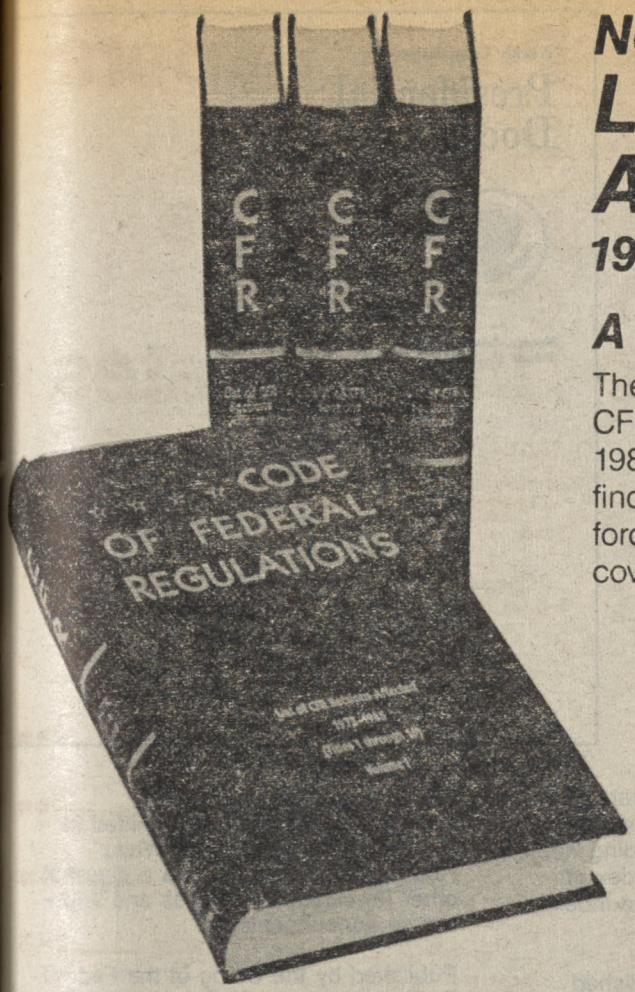

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