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NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

5 CFR Chapter LIX

14 CFR Part 1207

RINs 2700–AB44, 2700–AB48, and 3209–AA15

Supplemental Standards of Ethical Conduct for Employees of the National Aeronautics and Space Administration

AGENCY: National Aeronautics and Space Administration (NASA).

ACTION: Final rule.

SUMMARY: The National Aeronautics and Space Administration, with the concurrence of the Office of Government Ethics (OGE), is issuing a regulation for employees of NASA that supplements the executive branch-wide Standards of Ethical Conduct (Standards) issued by OGE and codified at 5 CFR part 2635. NASA is also repealing those sections of its existing standards of conduct regulations that are now superseded by the new Standards and by the executive branch financial disclosure regulations at 5 CFR part 2634, also issued by OGE, and is adding a cross-reference to the current provisions.

EFFECTIVE DATE: These regulations are effective September 28, 1994.

FOR FURTHER INFORMATION CONTACT: James L. Hoffman, NASA, (202) 358–2465.

SUPPLEMENTARY INFORMATION:

I. Background

On August 7, 1992, the Office of Government Ethics published the Standards of Ethical Conduct for Employees of the Executive Branch that are now codified at 5 CFR part 2635. See 57 FR 35006–35067, as corrected at 57 FR 48557 and 52583, with an additional grace period extension at 59 FR 4779–4780. The Standards became effective February 3, 1993, and established uniform ethical conduct standards applicable to all executive branch personnel.

With the concurrence of OGE, 5 CFR 2635.105 authorizes executive branch agencies to publish agency-specific supplemental regulations that are necessary to properly implement their respective ethics programs. NASA, with OGE's concurrence, has determined that the following supplemental regulations, being codified in new chapter LIX of 5 CFR, are necessary for successful implementation of NASA's ethics program, in light of NASA's unique programs and operations.

II. Analysis of the Regulations

Section 6901.101 General

Section 6901.101 explains that the regulations apply to NASA employees and supplement the Standards at 5 CFR part 2635.

Section 6901.102 Designation of Responsible Officials

Although some sections of NASA's existing rules at 14 CFR part 1207 have been temporarily "grandfathered" by the new OGE Standards, and others were not affected, 14 CFR part 1207 will eventually be totally superseded by a combination of the new Standards, the new financial disclosure regulation, the NASA supplemental regulation, NASA internal directives, and a future OGE regulation on regulatory waivers issued under 18 U.S.C. 208(b)(2). Therefore, the designation of NASA Agency Ethics Officials currently at 14 CFR 1207.104 is being modified to include and identify "Agency designees" and is restated at section 6901.102 of the NASA supplemental regulation.

Section 6901.103 Outside Employment

5 CFR 2635.802 and 2635.803, respectively, authorize individual agencies, by supplemental regulation, to prohibit conflicting outside employment and to require employees to obtain approval before engaging in other outside employment or activities. The current NASA rules prohibiting outside employment with certain entities and requiring administrative approval for other particular employment activities have been in effect for many years and have served NASA well in avoiding violations of the standards of conduct and conflict of interest statutes and, thus, in ensuring public confidence in the integrity of NASA personnel and programs. Accordingly, the rules at 14 CFR 1207.300–1207.306 have been modified form as § 6901.103 of the NASA supplemental regulation.

As permitted by 5 CFR 2635.802, NASA is issuing § 6901.103(c) which sets forth prohibitions on non-Government employment that are substantially similar to those found in 14 CFR 1207.302(f). Prohibited employment listed in § 6901.103(c) includes employment with a NASA contractor, subcontractor, or grantee, in connection with work performed by that entity for NASA, and employment with parties to certain classes of agreements to which NASA is a party, if the employment would be in connection with work to be performed under such an agreement. NASA has determined, in accordance with the standard set forth in 5 CFR 2635.403(a), that such outside employment by employees, other than special Government employees, would cause reasonable persons to question the impartiality and objectivity with which NASA programs are administered.

As permitted by 5 CFR 2635.803, and based on its finding that the long-standing requirements for prior approval for certain categories of outside employment at 14 CFR 1207.306 has helped to ensure that employees' outside activities conform to applicable statutes and regulations, NASA has determined to continue to require prior approval for those outside employment activities that, by their nature, tend to raise questions under the Standards. Before engaging in specified categories of outside employment, with or without compensation, § 6901.103(d) requires a NASA employee, other than a special Government employee, to obtain written approval from an appropriate agency official.

"Outside Employment" is broadly defined at § 6901.103(b)(2) to cover any form of non-Federal employment or business relationship involving the provision of personal services, including writing when done under an arrangement with another person for production or publication of the written product. It does not, however, include participation in the activities of nonprofit charitable, religious, professional, social, fraternal, and similar organizations, unless the

organization is a prohibited source as defined in 5 CFR 2635.203(d), or unless such activities involve the provision of professional services or advice or are for compensation other than reimbursement for expenses. Sections 6901.103(f) and (g) set forth the requirements for submission and processing of a written request for approval.

To ensure that section 6901.103 is not itself construed as authority to deny permission to engage in any outside employment activity, § 6901.103(g)(3) states that approval will be granted unless it is determined that the prospective outside employment is expected to involve conduct prohibited by statute or Federal regulations, including 5 CFR part 2635 and this supplemental regulation.

III. Repeal of NASA Standards of Conduct

Most of NASA's standards of conduct at 14 CFR part 1207 were superseded by the executive branch-wide financial disclosure regulations at 5 CFR part 2634 and by the ethical conduct standards at 5 CFR part 2635. NASA is, therefore, repealing those portions of its existing standards of conduct regulation at 14 CFR part 1207 which were superseded by 5 CFR parts 2634 and 2635 or which will be superseded on the date of the current rulemaking by this NASA supplemental regulation. In the place of the superseded regulations, NASA is substituting cross-references to the new executive branch-wide regulations on ethical conduct and financial disclosure, the Office of Personnel Management provisions on employee responsibilities and conduct at 5 CFR part 735, and the NASA supplemental regulation. Consistent with 5 CFR 2635.402(d)(1), existing § 1207.403 of 14 CFR is being preserved and redesignated as § 1207.102, pending issuance by OGE of superseding regulatory waivers. Similarly, existing sections 1207.800 and 1207.801 of 14 CFR, which provide guidance to former NASA employees who desire to communicate with NASA to provide scientific or technical information in accordance with 18 U.S.C. 207(j)(5), have no counterpart in the new Standards and are being retained and redesignated, with a couple of modifications to reflect the current post-Government employment law, as §§ 1207.201 and 1207.202 of 14 CFR.

IV. Matters of Regulatory Procedure

Administrative Procedure Act

As Administrator of NASA, I have found that good cause exists under 5 U.S.C. 553(b) and (d)(3) for waiving, as unnecessary and contrary to the public interest, the general notice of proposed rulemaking and the 30-day delay in effectiveness as to these rules and repeals. The supplemental regulations are essentially similar to rules previously contained in NASA's standards of conduct, and I believe that it is important to a smooth transition from NASA's prior ethics rules to the new executive branch-wide Standards and financial disclosure regulations that these rulemaking actions take place as soon as possible. Furthermore, this rulemaking is related to NASA's organization, procedures, and practices.

Executive Order 12866

In promulgating this final rule, NASA has adhered to the regulatory philosophy and the applicable principles of regulation set forth in Executive Order 12866, Regulatory Planning and Review. This regulation has been reviewed by the Office of Management and Budget under that Executive order.

Regulatory Flexibility Act

As Administrator of NASA, I have determined under the Regulatory Flexibility Act (5 U.S.C. chapter 6) that this regulation will not have a significant impact on small business entities because it affects only NASA employees.

Paperwork Reduction Act

As Administrator of NASA, I have determined that the Paperwork Reduction Act (44 U.S.C. chapter 35) does not apply because this regulation does not contain any information collection requirements that require the approval of the Office of Management and Budget.

List of Subjects

5 CFR Part 6901

Conflict of interests, Executive branch standards of conduct, Government employees.

14 CFR Part 1207

Conflict of interests, Executive branch standards of conduct, Government employees.

Dated: September 16, 1994.

Daniel S. Goldin,

Administrator, National Aeronautics and Space Administration.

Approved: September 20, 1994.

Stephen D. Potts,

Director, Office of Government Ethics.

For the reasons set forth in the preamble, the National Aeronautics and Space Administration, with the concurrence of the Office of Government Ethics, is amending title 5 of the Code of Federal Regulations and title 14, chapter V, of the Code of Federal Regulations, as follows:

TITLE 5—[AMENDED]

1. A new chapter LIX, consisting of part 6901, is added to title 5 of the Code of Federal Regulations to read as follows:

5 CFR CHAPTER LIX—NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

PART 6901—SUPPLEMENTAL STANDARDS OF ETHICAL CONDUCT FOR EMPLOYEES OF THE NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

Sec.

6901.101 General.
6901.102 Designation of responsible officials.
6901.103 Outside employment.

Authority: 5 U.S.C. 7301; 5 U.S.C. App. (Ethics in Government Act of 1978); 42 U.S.C. 203(c)(1); E.O. 12674, 54 FR 15159, 3 CFR, 1989 Comp., p. 215, as modified by E.O. 12731, 55 FR 42547, 3 CFR, 1990 Comp., p. 306; 5 CFR 2635.105, 2635.403(a), 2635.802(a), 2635.803.

§ 6901.101 General.

In accordance with 5 CFR 2635.105, the regulations in this part apply to employees of the National Aeronautics and Space Administration (NASA) and supplement the Standards of Ethical Conduct for Employees of the Executive Branch contained in 5 CFR part 2635. In addition to the standards in 5 CFR part 2635 and this part, employees are subject to the executive branch financial disclosure regulations contained in 5 CFR part 2634, and to additional regulations regarding their conduct contained in 5 CFR part 735 and 14 CFR part 1207.

§ 6901.102 Designation of responsible officials.

(a) *Designated Agency Ethics Official.* The General Counsel of NASA is the Designated Agency Ethics Official (DAEO) and as such has the responsibilities, authorities, and duties set forth in 5 CFR 2638.203.

(b) *Alternate Designated Agency Ethics Official.* The Associate General Counsel (General) shall serve as the Alternate Designated Agency Ethics Official in accordance with 5 CFR 2638.202(b).

(c) *Deputy Ethics Officials.* (1) The following officials are designated as NASA Deputy Ethics Officials pursuant to 5 CFR 2638.202(b)(7):

(i) Deputy General Counsel;

(ii) Associate General Counsel (General);

(iii) Senior Ethics Attorney assigned to the Associate General Counsel (General); and

(iv) Chief Counsel at each NASA Field or Component Installation.

(2) Deputy Ethics Officials may carry out responsibilities delegated to them through designated subordinates, but shall retain ultimate responsibility for the ethics functions assigned to them.

(d) *Agency Designee.* As used in 5 CFR part 2635, the term "Agency Designee" at NASA refers to the following:

(1) For employees at NASA Headquarters, the DAEO, the Alternate DAEO, or the Associate Administrator for Human Resources and Education; and

(2) For employees at Field or Component Installations, the Director of the Installation, who may delegate specific responsibilities of the Agency Designee to the Installation's Chief Counsel or to another official who reports directly to the Director.

§ 6901.103 Outside employment.

(a) *General.* A NASA employee shall not engage in outside employment prohibited by paragraph (c) of this section and shall obtain approval before engaging in the outside employment activities specified in paragraph (d) of this section.

(b) *Definitions.* For purposes of this section:

(1) *Key official* means an officer or employee, other than a special Government employee, who is required, in accordance with 5 CFR part 2634, to file a public financial disclosure report or who holds a position as astronaut, astronaut candidate, procurement officer, or chief counsel.

(2) *Outside employment* means any form of compensated or uncompensated non-Federal employment or business relationship involving the provision of personal services by the employee. It includes, but is not limited to, personal services as an officer, director, employee, agent, attorney, consultant, contractor, general partner, trustee, teacher, or speaker. It includes writing when done under an arrangement with another person for production or publication of the written product. It does not, however, include participation in the activities of a nonprofit charitable, religious, professional, social, fraternal, educational, recreational, public service, or civic organization, unless the organization is a prohibited source or unless such activities involve the provision of professional services or advice, or are for compensation other than reimbursement of expenses.

(3) *Profession* has the meaning set forth in 5 CFR 2636.305(b)(1).

(4) *Prohibited source* has the meaning set forth in 5 CFR 2635.203(d).

(c) *Prohibited outside employment.* A NASA employee, other than a special Government employee, shall not engage in outside employment with the following:

(1) A NASA contractor, subcontractor, or grantee in connection with work performed by that entity for NASA; or

(2) A party to a Space Act agreement, Commercial Launch Act agreement, or other agreement to which NASA is a party pursuant to specific statutory authority, if the employment is in connection with work performed under that agreement.

(d) *Prior approval for outside employment.* A NASA employee, other than a special Government employee, shall request and obtain administrative approval before engaging in the following outside employment activities:

(1) Teaching, speaking, writing, or editing, unless the subject matter pertains to the private interests of the employee, such as a hobby, cultural activity, or nonwork related professional pursuit;

(2) The practice of a profession or the rendering of professional consulting services;

(3) The management or conduct of a business in which the employee or the employee's spouse has an ownership interest;

(4) Holding a State or local public office, whether by election or appointment;

(5) Employment with a NASA contractor, subcontractor, or grantee;

(6) Employment with a party to a Space Act agreement, Commercial Launch Act agreement, or other agreement to which NASA is a party pursuant to specific statutory authority;

(7) Serving as an officer, trustee, or member of a board, directorate, or other such body of a for profit organization or of a nonprofit organization that is a prohibited source; or

(8) Employment which involves the practice of a NASA-owned invention.

(e) *Prior approval requested by employee.* Even when not required by paragraph (d) of this section, a NASA employee who is in doubt as to the propriety of outside employment or another outside activity may request prior approval using the procedures set forth in this section.

(f) *Form of request for approval.* (1) A request for administrative approval of outside employment shall be in writing and shall include the following:

(i) The employee's name and occupational title;

(ii) The nature of the employment, including a full description of the specific duties or services to be performed;

(iii) The name and address of the person or organization for which work will be done;

(iv) The estimated total time that will be devoted to the activity. If the employment is on a continuing basis, indicate the estimated number of hours per year; for other employment, indicate the anticipated beginning and ending date;

(v) A statement as to whether the work can be performed entirely outside of the employee's regular duty hours and, if not, the estimated number of hours of absence from work that will be required;

(vi) The amount of compensation, if any, to be received; and

(vii) A statement that the employee currently has no official duties involving a matter that affects the outside employer and will disqualify from future participation in matters that could directly affect the outside employer.

(2) Locally prepared forms providing for collection of the information required by paragraph (f)(1) of this section may be used for submission of the request and subsequent approval or disapproval.

(g) *Approval of requests*—(1) *Key Officials.* The Headquarters Associate Administrator for Human Resources and Education has authority to approve requests for approval of outside employment submitted by NASA Key Officials. Prior to approval or disapproval, Key Official requests shall be submitted to the appropriate Official-in-charge of the Headquarters Office or to the Director of the appropriate Field or Component Installation, who shall add a recommendation and forward the request through the General Counsel to the Associate Administrator.

(2) *Employees other than Key Officials.* The appropriate Official-in-Charge of a Headquarters Office, or the Director of a Field or Component Installation, or a person designated to act for the Director, has authority to approve requests for approval of outside employment submitted by employees other than NASA Key Officials. Prior to approval or disapproval:

(i) Requests by NASA Headquarters personnel shall be submitted to and reviewed by the employee's supervisor and by the Office of the Associate General Counsel (General); and

(ii) Requests by Field or Component Installation personnel shall be

submitted to and reviewed by the employee's supervisor and by a Deputy Ethics Official or designee.

(3) *Standard for approval.* Approval will be granted unless a determination is made that the prospective outside employment is expected to involve conduct prohibited by statute or Federal regulation, including 5 CFR part 2635 and this part.

(4) *Scope of approval.* Approval will be for a period not to exceed 3 years. Upon a significant change in the nature or scope of the outside employment or in the employee's NASA position, the employee shall submit a revised request for approval.

(5) *Notification of approval or disapproval.* Employees will be notified in writing of the action taken on their requests.

(6) *Records of requests.* All requests for approval will be maintained in the local Human Resources/Personnel Office for the duration of the requester's NASA employment.

14 CFR CHAPTER V—NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

PART 1207—STANDARDS OF CONDUCT

2. The authority citation for part 1207 is revised to read as follows:

Authority: 5 U.S.C. 7301; 42 U.S.C. 203(c)(1).

3. Subpart A of part 1207 is amended by removing §§ 1207.100 and 1207.102 through 1207.104, redesignating § 1207.403 as § 1207.102 and revising § 1207.101 to read as follows:

§ 1207.101 Cross-references to ethical conduct, financial disclosure, and other applicable regulations.

Employees of the National Aeronautics and Space Administration (NASA) should refer to the executive branch-wide Standards of Ethnical Conduct at 5 CFR part 2635, the NASA regulation at 5 CFR part 6901 which supplements the executive branch-wide standards with respect to prohibitions and prior approval requirements applicable to certain outside employment activities, the Office of Personnel Management provisions on employee responsibilities and conduct at 5 CFR part 735, and the executive branch-wide financial disclosure regulation at 5 CFR part 2634.

4. In part 1207, subpart B, consisting of §§ 1207.200 through 1207.203; subpart C, consisting of §§ 1207.300 through 1207.306; subparts E and F; and subpart G, consisting of §§ 1207.700 through 1207.704, are removed.

5. In part 1207, subpart D, consisting of §§ 1207.400 through 1207.402, 1207.404, and 1207.405, is removed.

6. In part 1207, subpart H, consisting of §§ 1207.800 and 1207.801 is redesignated as subpart B, consisting of §§ 1207.201 and 1207.202 respectively, and paragraph (a) of newly designated § 1207.202 is amended by revising the reference in the introductory text to "section 207(f)" to read "section 207(j)(5)", and by revising the citation in paragraph (a)(1) to "18 U.S.C. 207(a), (b), or (c)" to read "18 U.S.C. 207(a), (c), or (d)".

[FR Doc. 94–23735 Filed 9–27–94; 8:45 am]
BILLING CODE 7510–01–P–M

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 51

[Docket Number FV–92–303]

Apricots: Grade Standards

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This final rule revises the United States Standards for Grades of Apricots. The revision specifies definitions that do not appear in the standard but are described in the inspection instructions and brings up to date any obsolete terms and definitions. In addition, the revision will provide metric equivalents for dimensions given in terms of U.S. Customary units and contains conforming and editorial changes.

EFFECTIVE DATE: October 28, 1994.

FOR FURTHER INFORMATION CONTACT: Frank O'Sullivan, Fresh Products Branch, Fruit and Vegetable Division, Agricultural Marketing Service, U.S. Department of Agriculture, P.O. Box 96456, Washington D.C. 20090–6456, (202) 720–2185.

SUPPLEMENTARY INFORMATION: This rule is exempt from Executive Order 12866 review.

Pursuant to the requirements set forth in the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), the Administrator of the Agricultural Marketing Service (AMS) has determined that this action will not have a significant economic impact on a substantial number of small entities. This final rule for the revision of U.S. Standards for Grades of Apricots will not impose substantial direct economic cost, recordkeeping, or personnel workload changes on small entities, and will not alter the market share or competitive position of these entities relative to large businesses. In addition, under the Agricultural Marketing Act of 1946, the use of these standards is voluntary.

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

Agencies periodically review existing regulations. An objective of the review is to ensure that the grade standards are serving their intended purpose, the language is clear, and the standards are consistent with AMS policy and authority.

The United States Standards for Grades of Apricots became effective on May 25, 1928, and has not been revised since then. In June 1992, the Washington Apricot Marketing Committee (WAMC) requested the USDA to revise the standard. Consisting of producers from various districts throughout the State, the WAMC recommends minimum size, pack, and grade requirements each year for the Federal Marketing Order on Washington State grown apricots. Specifically, the WAMC requested that skin breaks (cuts and stem punctures), and stem pulls be changed from "free from" defects to "free from damage" or "serious damage" defects in the U.S. No. 1 and U.S. No. 2 grades, respectively. Such changes would have the effect of allowing these defects on fruit in various degrees without being scored against the grade (versus "free from" which means they are scored on sight). According to the WAMC, "This will provide the industry with the opportunity to expand markets into Canada." WAMC also suggested that the Department should make any other revisions deemed necessary.

AMS reviewed these issues to ascertain the need for the change proposed by WAMC as well as other technical changes or updates that the Agency believed may be helpful. Many suggestions and comments were received pertaining to an informal market survey by AMS. These comments reinforced that updating changes were necessary to bring the standard in line with today's marketing practices.

These changes as well as the request by the WAMC pertaining to skin breaks were incorporated in the proposed rule, United States Standards for Grades of

Apricots [7 CFR 51.2925–51.2934], which was published in the **Federal Register** on January 11, 1994 [59 FR 1490]. The 60-day comment period ended March 14, 1994, and a total of fourteen comments were received concerning the proposal.

Six of these comments were in favor of the proposal. Four of these commentors were shippers/packers/growers from Washington State, one from Idaho, and one from California. One commentor who felt that the standard should allow some skin breaks asserted that, "We felt that these were very good quality apricots and would have been received by our Canadian customers and they would have been very well satisfied with our quality just like our customers in the United States." Another commentor stated that "This injury is slight, and does not detract from the quality or appearance of the fruit, but under present U.S. grade standards it can not be marketed."

A comment from a grower in Idaho suggested extending the definition to hail damage. The proposal considers a broken skin due to hail to be considered as serious damage. However, the grower suggested providing a 3/16 inch aggregate surface area and 1/16 inch depth maximum allowance to broken skins due to hail injury.

Also, a grower/packer/shipper from California commented that although they intended to maintain their current level of quality, they did not object to the proposal to lower the grade standards. "If Washington state apricot shippers perceive a market for their apricots with reduced grade standards, then they must be allowed to access that market. Lowering the export grade standard does not require export buyers to purchase product with more defects. It does, however, provide them with an option for access to possibly more product at a potentially more attractive price to consumers. Although this may result in reduced market share for California apricot shippers, it must not be the intent of grade standards to grant favor to one shipping region over another. The dynamics of the marketplace must prevail without the intervention of excessive grade standards that prohibit a mutually beneficial transaction between a buyer and seller."

Eight comments were received which were against the proposed changes regarding skin breaks. Six of these comments were from grower/packer/shippers in the State of California, one comment from the California Apricot Advisory Board (CAAB), and one comment from the National Association of Perishable Agricultural Receivers (NAPAR).

One grower from California commented, "My experience with skin breaks (cuts and stem punctures) on mature apricots is not good. Discoloration and rot begin to form almost immediately after a skin break occurs at harvest time. This severely shortens the already short shelf life of the damaged apricot. Neither the retailer nor the consumer benefit in such a situation."

Another grower commented, "We feel that if growers and shippers such as those in Washington are allowed to ship lower quality and potentially disease-vulnerable fruit the opportunity to build a growing and reliable export market will be severely retarded."

The CAAB noted in its comment three reasons for objecting to the skin break changes: (1) "Increasing the size and depth of skin breaks, stem pulls and bruises will further reduce the grocery trade's confidence in U.S. Apricots * * * Questionable and erratic quality of apricots is still one of this industry's serious problems." (2) "The next several years will see a substantial increase in the production of apricots both in California and Washington. This means that export potential will be needed to absorb this volume growth. Fruit that has greater damage tolerances at present will severely threaten our ability to utilize this vitally needed outlet. Export markets take longer to reach increasing the danger of fruit spoilage from wounds." (3) "It can't be stressed enough that the risk of infected fruit spreading to entire containers and even loads by the time they reach their destination is a potential problem far beyond that of approving just a few damaged apricots at point of inspection."

NAPAR's comment summarized its viewpoint with the following statement, "We oppose the removal of fresh cuts, stem puncture and stem pulls from the FREE FROM defects clause in both grades, U.S. No. 1 and U.S. No. 2. These defects will permit pathogenic microorganisms to enter the product at shipping point, developing during transit, distant terminal markets, storage and or at retail outlets and develop into decay or serious discolorations resulting in great losses to the receivers and retailers. Additionally and not of lesser importance, if we allow the marketing of apricots in a world wide produce marketing system, we can expect other countries to request to import into the United States fruits of the same poor quality or otherwise unsalable product. To prevent foreign countries from requesting to import to the United States product of this quality and condition, we should maintain a strict U.S. Standards for Grades of all commodities grown in the United States of America."

AMS has considered these comments and agrees that skin breaks should remain as a "free from" defect for both grades. The agency also believes that the other changes proposed to update and modernize the standard are important and will be incorporated as a result of this final rule.

The rationale for this decision is two-fold: First, the record supports maintaining the definition of skin breaks as it now exists in the standard. As indicated above, the stronger case is made for not allowing greater damage tolerances. Second, most comments in favor of the proposed change were based on the belief that this would allow shipment of more apricots into Canada.

Canadian Import Requirements state that apricots must meet a U.S. grade to be shipped to Canada. If apricots fail to grade based on skin breaks, then the lot cannot be shipped to Canada. The Canadian government generally defines its import requirements in terms of U.S. standards for the convenience of U.S. shippers, but that does not mean the U.S. standards have to be the terms of regulation for the Canadian government's import requirements. Ultimately, inclusion of skin breaks in the U.S. standard may only prompt the Canadian government to specify their requirements for no skin breaks outside the standard.

The Agricultural Marketing Service (AMS) develops and improves standards of quality, condition, grade, and packaging to enhance the marketing of agricultural commodities by fostering consistency in commercial practices. The Agency has determined this final rule will enhance the marketing of apricots. The provisions of this final rule are the same as those in the proposed rule except for skin breaks as previously mentioned and for the editorial changes made for clarity.

Accordingly, this revision shall become effective 30 days after publication in the **Federal Register**.

List of Subjects in 7 CFR Part 51

Agricultural commodities, Food grades and standards, Fruits, Nuts, Reporting and recordkeeping requirements, Vegetables.

PART 51—[AMENDED]

For reasons set forth in the preamble, 7 CFR part 51 is amended as follows:

PART 51—[AMENDED]

1. The authority citation for 7 CFR Part 51 is revised to read as follows:

Authority: 7 U.S.C. 1622, 1624.

2. In Part 51, Subpart—United States Standards for Apricots is revised to read as follows:

Subpart—United States Standards for Grades of Apricots

Grades

Sec.
51.2925 U.S. No. 1.
51.2926 U.S. No. 2.

Marking and Packing Requirements

51.2927 Marking and packing requirements.

Tolerances

51.2928 Tolerances.

Application of Tolerances

51.2929 Application of Tolerances.

Definitions

51.2930 Mature.
51.2931 Well formed.
51.2932 Damage.
51.2933 Serious damage.
51.2934 Diameter.

Subpart—United States Standards for Grades of Apricots

Grades

§ 51.2925 U.S. No. 1.

"U.S. No. 1" shall consist of apricots of one variety which are mature but not soft, overripe, or shriveled and which are well formed, free from decay, cuts, skin breaks, and worm holes and free from damage caused by limbrubs, russeting, growth cracks, dirt, scab, scale, hail, bruises, disease, insects, or mechanical or other means. For tolerances see § 51.2928.

§ 51.2926 U.S. No. 2.

"U.S. No. 2" shall consist of apricots of one variety which are mature but not soft, overripe or shriveled and which are free from decay, cuts, skin breaks, and worm holes and free from serious damage caused by limbrubs, growth cracks, dirt, scale, hail, bruises, disease, insects, or mechanical or other means. For tolerances see § 51.2928.

Marking and Packing Requirements

§ 51.2927 Marking and packing requirements.

The minimum size or numerical count of the apricots in any package shall be plainly labeled, stenciled, or otherwise marked on the package.

(a) *Numerical count.* When the numerical count is used the fruit in any sample shall not vary more than one-fourth inch in diameter. See § 51.2928(b) Size for tolerances.

(b) *Minimum size.* "Minimum size" refers to the diameter of the smallest apricot in the package. It shall be stated in terms of whole and eighth inches, as 1½ inches min., 1⅝ inches min., etc., in accordance with the facts.

Tolerances

§ 51.2928 Tolerances.

In order to allow for variations incident to proper grading and handling the following tolerances are provided as specified:

(a) *Defects*—(1) *U.S. No. 1 grade.* Not more than 10 percent, by count, of any lot may be below the requirements of this grade and provided that not more than 5 percent, shall be allowed for defects causing serious damage and further provided that not more than 1 percent, shall be allowed for decay.

(2) *U.S. No. 2 grade.* Not more than 10 percent, by count, of any lot may be below the requirements of this grade, and not more than 1 percent shall be allowed for decay.

(b) *Size.* (1) If packages are marked with numerical count: Not more than 10 percent of the samples in a lot may fail the one-quarter inch variation requirement designated in § 51.2927 paragraph (a).

(2) If packages are marked with minimum size: Not more than 10 percent, by count, of the apricots in any sample may be below the minimum size specified.

Application of Tolerances

§ 51.2929 Application of tolerances.

Individual samples are subject to the following limitations: Provided, that the averages for the entire lot are within the tolerances specified for the grade.

(a) For a tolerance of 10 percent or more; individual samples in any lot may contain not more than one and one-half times the tolerance specified, except that 1 decayed or 1 seriously damaged specimen may be permitted in any sample.

(b) For a tolerance of less than 10 percent, individual samples in any lot may contain not more than double the tolerance specified, except that 1 decayed specimen may be permitted in any sample.

Definitions

§ 51.2930 Mature.

Mature means having reached the stage of development which will insure a proper completion of the ripening process.

§ 51.2931 Well formed.

Well-formed means having the shape characteristic of the variety.

§ 51.2932 Damage.

Damage means any specific defect defined in this section; or an equally objectionable variation of any one of these defects, any other defect, or a combination of defects, which materially detracts from the appearance, or the edible or shipping quality of the apricot. The dimensions given for these defects are based on an apricot with a diameter of 1⅞ inches (4.8 cm). Correspondingly larger or smaller dimensions are allowed on larger or smaller apricots. The following specific defects shall be considered as damage:

(a) *Growth Cracks* which are unhealed or when well healed and over three-eighths of an inch (9.5 mm) in length.

(b) *Limbrubs* which are smooth and shallow and are more than one-fourth inch (6.4 mm) in diameter.

(c) *Russeting* which is reddish to brown in color and exceeds 10 percent of the surface or thick, rough, and very dark and exceeds 5 percent of the surface.

(d) *Dirt* including spray residue appearing to the extent that it is readily apparent.

(e) *Scab* spots when cracked or aggregating more than three-eighths inch (9.5 mm) in diameter.

(f) *Scale* occurring as scale insects, scale marks, or similar marks which are heavily concentrated or are scattered and aggregating more than one-fourth inch (6.3 mm) in diameter.

(g) *Hail* when the skin has been broken or when not shallow and superficial or more than three-eighths inch (9.5 mm) in diameter in the aggregate.

(h) *Bruises* when: (1) The flesh is discolored deeper than one-eighth of an inch (3.1 mm); or

(2) Any bruise causing discoloration exceeding the area of a circle three-eighths inch (9.5 mm) in diameter; or

(3) An aggregate of lesser bruises detracting from the appearance, edible or shipping quality of the apricot as much as paragraph (h) (1) or (2) of this section.

§ 51.2933 Serious damage.

Serious Damage means any specific defect defined in this section; or an equally objectionable variation of any one of these defects, any other defect, or a combination of defects, which seriously detracts from the appearance, or the edible or shipping quality of the apricot. The dimensions given for these defects are based on an apricot with a diameter of 1⅞ inches (4.8 cm). Correspondingly larger or smaller dimensions are allowed on larger or smaller apricots. The following specific

defects shall be considered as serious damage:

(a) *Growth Cracks* which are unhealed or when well healed and over one-half inch (12.7 mm) in length.

(b) *Limbrubs* which are smooth and shallow and are more than one-half inch (12.7 mm) in diameter.

(c) *Russeting* which is reddish to brown in color and exceeds one-third of the surface or thick, rough, and very dark and exceeds 15 percent of the surface.

(d) *Dirt* including spray residue which is readily apparent and seriously affects the appearance.

(e) *Scab* spots when cracked or when well healed and aggregating more than one inch (2.5 cm) in diameter.

(f) *Scale* occurring as scale insects, scale marks, or similar marks aggregating more than one-half inch (12.7 mm) in diameter.

(g) *Hail* when the skin has been broken or when more than three sixteenths (4.8 mm) of an inch deep or more than one-half inch (12.7 mm) in diameter in the aggregate.

(h) *Bruises* when: (1) The flesh is discolored deeper than three-sixteenths of an inch (4.8 mm); or

(2) Any bruise causing discoloration exceeding the area of a circle five-eighths inch (15.9 mm) in diameter; or

(3) An aggregate of lesser bruises detracting from the appearance, edible or shipping quality of the apricot as much as paragraph (h)(1) or (2) of this section.

§ 51.2934 Diameter.

Diameter means the greatest diameter, measured through the center of the apricot, at right angles to a line running from the stem to the blossom end.

Dated: September 22, 1994.

Lon Hatamiya,

Administrator.

[FR Doc. 94–23920 Filed 9–27–94; 8:45 am]

BILLING CODE 3410–02–P

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7 CFR Parts 922, 923, and 924

[Docket No. FV94–922–2IFR]

Expenses and Assessment Rates for the 1994–95 Fiscal Year for Specified Marketing Orders

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: The Department of Agriculture (Department) is adopting as a final rule, without change, the provisions of the interim final rule which authorized expenses and established assessment rates for the 1994–95 fiscal year for Marketing Orders (M.O.) No.'s 922 and 923, covering apricots and sweet cherries grown in designated counties in Washington, and M.O. No. 924 covering fresh prunes grown in designated counties in Washington and in Umatilla County, Oregon. Authorization of these budgets enables the Washington Apricot Marketing Committee, the Washington Cherry Marketing Committee, and the Washington-Oregon Fresh Prune Marketing Committee (Committees) established under these marketing orders to incur expenses that are reasonable and necessary to administer the programs. Funds to administer the programs are derived from assessments on handlers.

EFFECTIVE DATE: April 1, 1994, through March 31, 1995.

FOR FURTHER INFORMATION CONTACT: Britthany E. Beadle, Marketing Order Administration Branch, Fruit and Vegetable Division, AMS, USDA, P.O. Box 96456, Room 2523–S, Washington, DC 20090–6456; telephone: (202) 720–5127; or Teresa Hutchinson, Northwest Marketing Field Office, Fruit and Vegetable Division, AMS, USDA, 1220 SW Third Avenue, Room 369, Portland, OR 97204; telephone: (503) 326–2724.

SUPPLEMENTARY INFORMATION: This final rule is issued under Marketing Agreements and Marketing Order No. 922 [7 CFR part 922] regulating the handling of apricots grown in designated counties in Washington; Marketing Order No. 923 [7 CFR part 923] regulating the handling of sweet cherries grown in designated counties in Washington; and Marketing Order No. 924 [7 CFR part 924] regulating the handling of fresh prunes grown in designated counties in Washington and in Umatilla County, Oregon. The marketing agreements and orders are effective under the Agricultural Marketing Agreement Act of 1937, as amended [7 U.S.C. 601–674], hereinafter referred to as the Act.

The Department of Agriculture (Department) is issuing this rule in conformance with Executive Order 12866.

This final rule has been reviewed under Executive Order 12778, Civil Justice Reform. Under the marketing order provisions now in effect, apricots and sweet cherries grown in designated counties in Washington, and fresh prunes grown in designated counties in Washington and in Umatilla County, Oregon are subject to assessments. It is intended that the assessment rates specified herein will be applicable to all assessable apricots, sweet cherries, and fresh prunes handled during the 1994–95 fiscal year, which began April 1, 1994, through March 31, 1995. This final rule will not preempt any State or local laws, regulations, or policies unless they present an irreconcilable conflict with this rule.

The Act provides that administrative proceedings must be exhausted before parties may file suit in court. Under section 608c(15)(A) of the Act, any handler subject to an order may file with the Secretary a petition stating that the order, any provision of the order, or any obligation imposed in connection with the order is not in accordance with law and requesting a modification of the order or to be exempted therefrom. A handler is afforded the opportunity for a hearing on the petition. After the hearing, the Secretary would rule on the petition. The Act provides that the district court of the United States in any district in which the handler is an inhabitant, or has his or her principal place of business, has jurisdiction in equity to review the Secretary's ruling on the petition, provided a bill in equity is filed not later than 20 days after date of the entry of the ruling.

Pursuant to requirements set forth in the Regulatory Flexibility Act (RFA), the Administrator of the Agricultural Marketing Service (AMS) has considered the economic impact of this rule on small entities.

The purpose of the RFA is to fit regulatory actions to the scale of business subject to such actions in order that small businesses will not be unduly or disproportionately burdened. Marketing orders issued pursuant to the Act, and rules issued thereunder, are unique in that they are brought about through group action of essentially small entities acting on their own behalf. Thus, both statutes have small entity orientation and compatibility.

There are about 55 handlers of Washington apricots, 55 handlers of Washington sweet cherries, and 30 handlers of Washington-Oregon fresh prunes subject to regulation under their respective marketing orders. In addition, there are about 190 Washington apricot producers, 1,100 Washington sweet cherry producers, and 350 Washington-Oregon fresh prune producers in the respective production areas. Small agricultural producers have been defined by the Small Business Administration [13 CFR 121.601] as those having annual receipts of less than $500,000, and small agricultural service firms are defined as those whose annual receipts are less than $5,000,000. The majority of these handlers and producers may be classified as small entities.

An annual budget of expenses is prepared by each marketing order committee and submitted to the Department for approval. The members of the Committees are handlers and producers of the regulated commodities. They are familiar with the Committees' needs and with the costs for goods, services, and personnel in their local areas and are thus in a position to formulate appropriate budgets. The budgets are formulated and discussed in public meetings. Thus, all directly affected persons have an opportunity to participate and provide input.

The assessment rate recommended by each Committee is derived by dividing anticipated expenses by the tons of fresh fruit expected to be shipped under the order. Because the rates are applied to actual shipments, they must be established at rates which will produce sufficient income to pay the Committees' expected expenses. Recommended budgets and rates of assessment are usually acted upon by the Committees shortly before a season starts, and expenses are incurred on a continuous basis. Therefore, budget and assessment rate approvals must be expedited so that the Committees will have funds to pay their expenses.

The Washington Apricot Marketing Committee met on May 16, 1994, and unanimously recommended 1994–95 expenses of $13,602, which is $1,216 more in expenses than the $12,386 amount that was recommended for the 1993–94 fiscal year.

The Committee also unanimously recommended an assessment rate of $0.00 per ton of fresh apricots, which is a decrease of $2.50 in the assessment rate. In comparison, the 1993–94 assessment rate was $2.50 per ton. The Committee unanimously recommended bringing forward its reserve fund of $22,170 to pay budgeted expenses for the 1994–95 fiscal year as an alternative to charging handlers an assessment rate. Shipments of fresh apricots are estimated at 5,200 tons.

Funds in the reserve at the end of the 1994–95 fiscal year, estimated at $8,568, will be within the maximum permitted by the order of one fiscal year's expenses.

The Washington Cherry Marketing Committee met on May 17, 1994, and unanimously recommended 1994–95 expenses of $100,213 and an assessment rate of $1.00 per ton of sweet cherries. In comparison, 1993–94 budgeted expenses were $139,313, with an approved assessment rate of $3.00 per ton. This represents a $39,100 decrease in expenses and a $2.00 decrease in the assessment rate from the amounts recommended for the current fiscal year.

The assessment rate, when applied to anticipated shipments of 40,000 tons of cherries, would yield $40,000 in assessment income. Adequate funds exists in the Committee's reserve to cover additional expenses.

Funds in the reserve at the end of the 1994–95 fiscal year, estimated at $74,695, will be within the maximum permitted by the order of one fiscal year's expenses.

The Washington-Oregon Fresh Prune Marketing Committee met on June 1, 1994, and recommended 1994–95 expenses of $18,760, which represents a $8,042 decrease in expenses from the $26,802 that was recommended for 1993–94 fiscal year.

The Committee also unanimously recommended an assessment rate of $1.00 per ton of fresh prunes. In comparison, this is $2.00 less than the $3.00 per ton assessment rate that was approved for the previous fiscal year. Shipments of fresh prunes for 1994 are estimated at 6,500 tons, which would yield $6,500 in assessment income. Adequate funds exists in the Committee's reserve to cover additional expenses.

Funds in the reserve at the end of the 1994–95 fiscal year, estimated at $22,800, will be within the maximum permitted by the order of one fiscal year's expenses.

Major expense categories for the Committees are for the administration of these marketing orders and for fresh prune research and sweet cherry market development activities. Administrative expenses include those for salaries, travel, and office operations. The stone fruit marketing Committees share office expenses, based on an agreement among the Committees.

An interim final rule was published in the **Federal Register** [59 FR 39415, August 3, 1994] and provided a 30-day comment period for interested persons. No comments were received.

While this action will impose some additional costs on handlers, the costs are in the form of uniform assessments on all handlers. Some of the additional costs may be passed on to producers. However, these costs will be offset by the benefits derived from the operation of the marketing orders. Therefore, the Administrator of the AMS has determined that this action will not have a significant economic impact on a substantial number of small entities.

It is found that the specified expenses for the marketing order covered in this rule are reasonable and likely to be incurred and that such expenses and the specified assessment rates to cover such expenses will tend to effectuate the declared policy of the Act.

It is further found that good cause exists for not postponing the effective date of this action until 30 days after publication in the **Federal Register** [5 U.S.C. 553] because the Committees need to have sufficient funds to pay its expenses which are incurred on a continuous basis. The 1994–95 fiscal year for the program began April 1, 1994. The marketing orders require that the rates of assessment apply to all assessable apricots, sweet cherries, and prunes handled during the fiscal year. In addition, handlers are aware of this action which was recommended by the Committees at a public meeting and published in the **Federal Register** as an interim final rule. No comments were received concerning the interim final rule that is adopted in this action as a final rule without change.

List of Subjects

7 CFR Part 922

Apricots, Marketing agreements, Reporting and recordkeeping requirements.

7 CFR Part 923

Cherries, Marketing agreements, Reporting and recordkeeping requirements.

7 CFR Part 924

Marketing agreements, Plums, Prunes, Reporting and recordkeeping requirements.

For the reasons set forth in the preamble, 7 CFR Parts 922, 923, and 924 are amended as follows:

PART 922—APRICOTS GROWN IN DESIGNATED COUNTIES IN WASHINGTON

The interim final rule amending 7 CFR Part 922 which was published at 59 FR 39415 on August 3, 1994, is adopted as a final rule without change.

PART 923—SWEET CHERRIES GROWN IN DESIGNATED COUNTIES IN WASHINGTON

The interim final rule amending 7 CFR Part 923 which was published at 59 FR 39415 on August 3, 1994, is adopted as a final rule without change.

PART 924—FRESH PRUNES GROWN IN DESIGNATED COUNTIES IN WASHINGTON AND IN UMATILLA COUNTY, OREGON

The interim final rule amending 7 CFR Part 924 which was published at 59 FR 39415 on August 3, 1994, is adopted as a final rule without change.

Dated: September 22, 1994.

Eric M. Forman,

Deputy Director, Fruit and Vegetable Division.

[FR Doc. 94–23922 Filed 9–27–94; 8:45 am]

BILLING CODE 3410–02–P

7 CFR Part 1004

[DA–94–19]

Milk in the Middle Atlantic Marketing Area; Suspension of Certain Provisions of the Order

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Suspension of rule.

SUMMARY: This document suspends certain provisions of the Middle Atlantic Federal milk marketing order for the months of September 1994 through February 1995. The suspension reduces the percent of receipts that must be disposed of as Class I disposition by pool distributing plants, provides automatic pool plant status for supply plants and reserve processing plants that were pool plants during the preceding months of September through February, and suspends the limit on the amount of milk that may be diverted to nonpool plants by cooperative associations and by pool plant operators. The suspension was requested by several Middle Atlantic cooperatives and handlers. The suspension is necessary to assure that producer milk historically associated with the market will continue to be pooled and priced under the order without incurring unnecessary and uneconomic movements solely for the purpose of maintaining pool status.

EFFECTIVE DATE: September 1, 1994, through February 28, 1995.

FOR FURTHER INFORMATION CONTACT: Gino M. Tosi, Marketing Specialist, USDA/AMS/Dairy Division, Order Formulation Branch, Room 2971, South Building, P.O. Box 96456, Washington, DC 20090–6456, (202) 690–1366.

SUPPLEMENTARY INFORMATION: Prior document in this proceeding:

Notice of Proposed Suspension: Issued August 8, 1994; published August 12, 1994 (59 FR 41413).

The Regulatory Flexibility Act (5 U.S.C. 601–612) requires the Agency to examine the impact of a proposed rule on small entities. Pursuant to 5 U.S.C. 605(b), the Administrator of the Agricultural Marketing Service has certified that this rule will not have a significant economic impact on a substantial number of small entities. This rule lessens the regulatory impact of the order on certain milk handlers and tends to ensure that dairy farmers will continue to have their milk priced under the order and thereby receive the benefits that accrue from such pricing.

The Department is issuing this final rule in conformance with Executive Order 12866.

This final rule has been reviewed under Executive Order 12778, Civil Justice Reform. This rule is not intended to have a retroactive effect. This rule will not preempt any state or local laws, regulations, or policies, unless they present an irreconcilable conflict with this rule.

The Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), provides that administrative proceedings must be exhausted before parties may file suit in court. Under section 608c(15)(A) of the Act, any handler subject to an order may file with the Secretary a petition stating that the order, any provisions of the order, or any obligation imposed in connection with the order is not in accordance with the law and requesting a modification of an order or to be exempted from the order. A handler is afforded the opportunity for a hearing on the petition. After a hearing, the Secretary would rule on the petition. The Act provides that the district court of the United States in any district in which the handler is an inhabitant, or has its principal place of business, has jurisdiction in equity to review the Secretary's ruling on the petition, provided a bill in equity is filed not later than 20 days after the date of the entry of the ruling.

This order of suspension is issued pursuant to the provisions of the Agricultural Marketing Agreement Act and of the order regulating the handling of milk in the Middle Atlantic marketing area.

Notice of proposed rulemaking was published in the **Federal Register** on August 12, 1994 (59 FR 41413) concerning a proposed suspension of certain provisions of the order. Interested persons were afforded opportunity to file written data, views and arguments thereon. No opposing comments were received.

After consideration of all relevant material, including the proposal in the notice and other available information, it is hereby found and determined that for the months of September 1, 1994, through February 28, 1995, the following provisions of the order do not tend to effectuate the declared policy of the Act:

1. In § 1004.7(a), the words "40 percent in the months of September through February, and" and "in the months of March through August".

2. In § 1004.7(e), the word "immediately" and the words "for each of the following months of March through August,".

3. In the introductory text of § 1004.12(d), the words "in accordance with the conditions of paragraphs (d)(1) and (d)(2) of this section."

4. In § 1004.12, paragraphs (d)(1) and (d)(2).

Statement of Consideration

This suspension reduces the total Class I disposition standard for pool distributing plants, provides automatic pool plant status for supply plants and reserve processing plants that were pool plants during each of the preceding months of September through February, and suspends the limit on the amount of milk that may be diverted to nonpool plants by cooperative associations and pool plant operators.

The first provision suspended reduces the percentage of a distributing plant's receipts that have to be disposed of as Class I milk to meet the order's pooling standards. With the suspension, a pool distributing plant will have to use at least 30 percent, rather than 40 percent, of its monthly milk receipts as Class I milk during September 1994 through February 1995.

The second provision suspended permits supply plants and reserve processing plants that have met the order's pooling standards during the months of September 1993 through February 1994 to retain pool status for the months of September 1994 through August 1995. The shipping requirements that normally would have applied to such plants during the months of September 1994 through February 1995 are eliminated under the suspension.

The third provision included in the suspension removes the limit on the percentage of milk that may be diverted to nonpool plants by a cooperative association or a pool plant operator for the period of September 1994 through February 1995.

The suspension was requested by Pennmarva Dairymen's Federation, Inc., Atlantic Processing, Inc., Dairylea, Eastern Milk Producers Cooperative, and Lehigh Valley Dairies. Together these organizations market over 90 percent of the market's producer milk.

As the proponents contended, producer receipts between 1991 and 1993 on Order 4 increased while the percentage of the market's producer milk used for Class I purposes consistently decreased. A comparison of monthly Class I percentages for the months of September through February of 1991, 1992, and 1993 show the

continuing decline. For example, the Class I use percentage for September 1991 was 56.2, while in September 1993 it was 51.4 percent. The reduction in Class I use results in an increase in diversions to nonpool plants, making it increasingly difficult for cooperatives and pool plant operators to maintain the pool status of the milk of producers who have historically been associated with the market.

In addition to the decline in Class I use, two large Order 4 distributing plants with which large volumes of Order 4 diverted milk had been associated became regulated under the New York-New Jersey order, another Order 4 distributing plant closed, and two additional Order 4 distributing plants have changed their product mix, causing a reduction of pool plant deliveries for the cooperatives supplying milk to these plants. These changes have caused cooperatives and pool plants under the order to experience difficulty in associating all of their diverted producer milk with the remaining distributing plants now regulated under the Middle Atlantic order because the additional diverted milk is reducing the Class I use percentage of the plants from which it is diverted, thereby jeopardizing their status as pool plants.

The suspension is found to be necessary to reduce uneconomic movements of milk solely for the purpose of meeting pool qualifications, and will reflect current marketing conditions without causing the milk of producers long associated with the Middle Atlantic marketing area to become depooled.

It is hereby found and determined that thirty days' notice of the effective date hereof is impractical, unnecessary and contrary to the public interest in that:

(a) The suspension is necessary to reflect current marketing conditions and to assure orderly marketing conditions in the marketing area, in that such rule is necessary to permit the continued pooling of the milk of dairy farmers who have historically supplied the market without the need for making costly and inefficient movements of milk;

(b) This suspension does not require of persons affected substantial or extensive preparation prior to the effective date; and

(c) Notice of proposed rulemaking was given interested parties and they were afforded opportunity to file written data, views or arguments concerning this suspension. No opposing comments were received.

Therefore, good cause exists for making this order effective less than 30 days from the date of publication in the **Federal Register.**

List of Subjects in 7 CFR Part 1004

Milk marketing orders.

For the reasons set forth in the preamble, the following provisions in Title 7, Part 1004 are amended as follows effective September 1, 1994 through February 28, 1995:

PART 1004—MILK IN THE MIDDLE ATLANTIC MARKETING AREA

1. The authority citation for 7 CFR Part 1004 continues to read as follows:

Authority: Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674.

§ 1004.7 [Suspended in part]

2. In § 1004.7(a), the words "40 percent in the months of September through February, and" and "in the months of March through August," are suspended.

3. In § 1004.7(e), the word "immediately" and the words "for each of the following months of March through August," are suspended.

§ 1004.12 [Suspended in part]

4. In the introductory text of § 1004.12(d), the words "in accordance with the conditions of paragraphs (d)(1) and (d)(2) of this section." are suspended.

5. In § 1004.12, paragraphs (d)(1) and (d)(2) are suspended.

Dated: September 22, 1994.

Patricia Jensen,

Acting Assistant Secretary, Marketing and Inspection Services.

[FR Doc. 94–23919 Filed 9–27–94; 8:45 am]

BILLING CODE 3410–02–P

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7 CFR Part 1036

[DA–94–20]

Milk in the Eastern Ohio-Western Pennsylvania Marketing Area; Temporary Revision of Rule

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Temporary revision of rule.

SUMMARY: This document temporarily revises the supply plant shipping standards under the Eastern Ohio-Western Pennsylvania Federal milk order (Order 36) for the months of September 1994 through February 1995. Required shipping percentages for pool supply plants are reduced by 10 percentage points for each of the affected months. This action is necessary to prevent the uneconomic and inefficient movements of milk to qualify plants for pooling.

EFFECTIVE DATE: September 1, 1994, through February 28, 1995.

FOR FURTHER INFORMATION CONTACT: Constance M. Brenner, Marketing Specialist, USDA/AMS/Dairy Division, Order Formulation Branch, Room 2971, South Building, P.O. Box 96456, Washington, DC 20090–6456, (202) 720–2357.

SUPPLEMENTARY INFORMATION: Prior document in this proceeding: Notice of Proposed Temporary Revision: Issued August 22, 1994; published August 26, 1994 (59 FR 44088).

The Regulatory Flexibility Act (5 U.S.C. 601–612) requires the Agency to examine the impact of a proposed rule on small entities. Pursuant to 5 U.S.C. 605(b), the Administrator of the Agricultural Marketing Service has certified that this rule will not have a significant economic impact on a substantial number of small entities. This rule lessens the regulatory impact of the order on certain milk handlers and tends to ensure that dairy farmers will continue to have their milk priced under the order and thereby receive the benefits that accrue from such pricing.

The Department is issuing this final rule in conformance with Executive Order 12866.

This final rule has been reviewed under Executive Order 12778, Civil Justice Reform. This rule is not intended to have a retroactive effect. This rule will not preempt any state or local laws, regulations, or policies, unless they present an irreconcilable conflict with this rule.

The Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), provides that administrative proceedings must be exhausted before parties may file suit in court. Under section 608c(15)(A) of the Act, any handler subject to an order may file with the Secretary a petition stating that the order, any provisions of the order, or any obligation imposed in connection with the order is not in accordance with the law and requesting a modification of an order or to be exempted from the order. A handler is afforded the opportunity for a hearing on the petition. After a hearing, the Secretary would rule on the petition. The Act provides that the district court of the United States in any district in which the handler is an inhabitant, or has its principal place of business, has jurisdiction in equity to review the Secretary's ruling on the petition, provided a bill in equity is filed not later than 20 days after the date of the entry of the ruling.

This temporary revision is issued pursuant to the provisions of the

Agricultural Marketing Agreement Act and the provisions of § 1036.7(f) of the Eastern Ohio-Western Pennsylvania order.

Notice of proposed rulemaking was published in the **Federal Register** (59 FR 44088) concerning a proposed temporary relaxation of the supply plant shipping standards under the Eastern Ohio-Western Pennsylvania milk order. The revisions were proposed to be effective for the months of September 1, 1994, through February 28, 1995. The public was afforded the opportunity to comment on the proposed notice by submitting written data, views and arguments by September 2, 1994. One comment supporting the proposed revision was received. No opposing comments were received.

Statement of Consideration

Currently, the order provides that for a supply plant to be considered a pool plant, a minimum percentage of the total quantity of milk received at the supply plant must be transferred or diverted to and physically received at pool distributing plants regulated under the order or disposed of as route disposition in the marketing area. This provision is subject to the following two conditions: (1) Not less than 45,000 pounds of Grade A fluid milk must be shipped from the supply plant to a pool distributing plant during either September, October, or November; and (2) shipments used to determine qualifying percentages must be milk transferred or diverted to and physically received by pool distributing plants, less any transfers or diversions of bulk fluid milk products from such distributing pool plants.

This rule temporarily revises the minimum requirement from 40 percent to 30 percent for the months of September through November 1994, from 30 percent to 20 percent for the month of December 1994, and from 35 percent to 25 percent for the months of January and February 1995.

The Eastern Ohio-Western Pennsylvania milk order provides authority for the Director of the Dairy Division to increase or decrease the required shipping percentages for supply plants by up to 10 percentage points if such a revision is necessary to obtain needed shipments or to prevent uneconomic shipments.

The temporary revision was requested by Brewster Dairy, Inc. (Brewster), a proprietary handler who operates a pool supply plant regulated under the order. Brewster contends that in Fall 1993 the plant was unable to accept surplus distributing plant milk associated with Order 36 and still meet supply plant qualifications. Consequently, milk from a distributing plant located 10 miles from Brewster had to be diverted to a manufacturing facility 92 miles away. At the same time, Brewster had to procure surplus milk from greater distances to fulfill manufacturing obligations. Brewster contends that this situation represents inequitable and inefficient movements of milk for both supply and distributing plants, undertaken to meet order shipping requirements. Brewster asserts that the same inequitable and inefficient movements of milk are expected again for Fall 1994. Thus, Brewster contends, a reduction of supply plant shipping percentages is necessary to prevent uneconomic and inefficient shipments of milk.

Milk Marketing Inc. (MMI), a dairy farmer cooperative representing 1,350 dairy farmers whose milk is pooled under Order 36, supported Brewster's request for reducing shipping percentages for pool supply plants. MMI's comment stated the cooperative supports Brewster's request for the same reasons MMI gave in a recent continued reduction of shipping requirements for cooperative association reserve processing plants (59 FR 48557) in the Eastern Ohio-Western Pennsylvania milk order. In this continued reduction, MMI's comments included a description of milk marketing conditions for June 1994 that show milk production for the market increased over 4 percent from the same month of the previous year, representing 12 million additional pounds of milk in the Order 36 pool. For the same month, Class I sales decreased by nearly 2.5 percent from June 1993, representing a reduction of approximately 3.4 million pounds of Class I sales. As a result of the market's increasing production and declining Class I use, nearly 15.5 million more pounds of milk had to be used in manufactured products than in the same month the previous year.

In view of the current supply and demand relationship for the market, the supply plant shipping percentages should be reduced for the months of September 1994 through February 1995. A reduction of the shipping percentages will contribute to orderly marketing in that costly and inefficient shipments of milk from distant supply plants will not be necessary. Thus, dairy farmers who have supplied the market will continue to have their milk pooled under the order.

After consideration of all relevant material, including the proposal set forth in the aforesaid notice, and other available information, it is hereby found and determined that the supply plant shipping percentage set forth in § 1036.7(b) should be reduced to 30 percent for the months of September, October, and November 1994, reduced to 20 percent for the month of December 1994, and reduced to 25 percent for the months of January and February 1995.

It is hereby found and determined that 30 days' notice of the effective date hereof is impractical, unnecessary, and contrary to the public interest in that:

(a) This temporary revision is necessary to reflect current marketing conditions and to maintain orderly marketing conditions in the marketing area for the months of September 1994 through February 1995;

(b) This temporary revision does not require of persons affected substantial or extensive preparation prior to the effective date; and

(c) Notice of the proposed temporary revision was given interested parties and they were afforded opportunity to file written data, views, or arguments concerning this temporary revision. One comment supporting the proposed temporary revision was received, with no comments opposing.

Therefore, good cause exists for making this temporary revision effective less than 30 days from the date of publication in the **Federal Register**.

List of Subjects in 7 CFR Part 1036

Milk marketing orders.

For the reasons set forth in the preamble, the following provision in Title 7, Part 1036, is amended as follows:

PART 1036—MILK IN THE EASTERN OHIO-WESTERN PENNSYLVANIA MARKETING AREA

1. The authority for 7 CFR part 1036 continues to read as follows:

Authority: Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674.

§ 1036.7 [Amended]

2. In § 1036.7(b), the introductory text is temporarily revised for the months of September 1, 1994, through February 28, 1994, by changing the "40 percent" to "30 percent", the "35 percent" to "25 percent", and the "30 percent" to "20 percent".

Dated: September 22, 1994.

Richard M. McKee,

Director, Dairy Division.

[FR Doc. 94–23921 Filed 9–27–94; 8:45 am]

BILLING CODE 3410–02–P

Farmers Home Administration

7 CFR Part 1944

Cost Containment and Vulnerability—Corrections

AGENCY: Farmers Home Administration, USDA.

ACTION: Final rule; correction.

SUMMARY: The Farmers Home Administration (FmHA) corrects errors on the final rule published on February 14, 1994 (59 FR 6869–6897) concerning cost containment. The intended effect of this action is to correct errors in the final rule.

EFFECTIVE DATE: September 28, 1994.

FOR FURTHER INFORMATION CONTACT: Gail McCowan, Rural Rental Housing Branch, Multi-Family Housing Processing Division, Farmers Home Administration, USDA, room 5337, South Agriculture Building, Washington, DC 20250, telephone (202) 720–1623.

SUPPLEMENTARY INFORMATION: FmHA published its final rule on February 14, 1994 (59 FR 6869) which encompassed numerous additions and changes intended to reduce fraud, waste, and abuse in the Section 515 program, as well as to reduce costs associated with construction and related amentities.

(1) FmHA inadvertently included dishwashers as an acceptable feature in elderly unit design. Dishwashers are acceptable only for central kitchens in congregate and group home projects. As stated, allowing dishwashers in elderly projects when they are not even acceptable in individual congregate living units is contradictory and will lead to higher construction costs. The results of this error would significantly conflict with the Agency's current emphasis on cost containment.

(2) A discrepancy exists in the language of Exhibit A–8 between the introductory page and paragraph IV Housing demand forecasts. The word "person" referred to in "Persons Living in Substandard Rental Units" and "Persons Experiencing Rent Overburden" outlined in paragraph IV should read "Households" as outlined in the introductory page. In addition, paragraph IV Housing demand forecast requires the market analyst to subtract "Comparable Rental Units" from the overall demand figure. These words were erroneously included in the housing demand calculation and are being removed to prevent miscalculation of housing need and demand.

List of Subjects in 7 CFR Part 1944

Administrative practice and procedure, Low- and moderate-income housing—rental, Rural housing.

Accordingly, the final rule published on February 14, 1994 (59 FR 6869) amending Chapter XVIII, Title 7, Code of Federal Regulations, is corrected as follows:

PART 1944—HOUSING

1. The authority citation for part 1944 continues to read as follows:

Authority: 42 U.S.C. 1480; 5 U.S.C. 301; 7 CFR 2.23; 7 CFR 2.70.

Subpart E—Rural Rental and Rural Cooperative Housing Loan Policies, Procedures, and Authorizations

2. Section 1944.215 is corrected by revising paragraph (a)(13) to read as follows:

§ 1944.215 Special conditions.

(a) * * *

(13) The following is a list of allowable amenities according to the type of units:

	Family	Elderly	Congregate	Group home
Active outdoor recreation	Yes	No	No	Yes.
Carpet	Yes	Yes	Yes	Yes.
Central laundry facilities	Yes	Yes	Yes	Yes.
Community rooms	No	Yes	Yes	Yes.
Dishwashers	No	No	Yes[1]	[1] Yes.
Drapes/blinds/shades	Yes	Yes	Yes	Yes.
Elevators for 2-story elderly	No	Yes	Yes	No.
Garbage disposals	No	No	Yes[1]	[1] Yes.
Lawn sprinklers—financing will depend on geographic area.				

[1] In central kitchens only.

* * * * *

3. In Exhibit A–8 of subpart E, paragraph IV is corrected to read as follows:

Exhibit A–8 of Subpart E—Outline of Professional Market Study

* * * * *

IV. Housing Demand Forecasts

The analyst must give a projection of the housing needs for a specified forecast period. The information should include the following as a minimum:

Sources of demand	Town renter	Market area renter
New Households (from the most recent census year plus 2-year projection)	_____	_____
.20 of Households in Substandard Rental Units	+_____	+_____
Plus Demolition of Rental Stock	+_____	+_____
.20 of Households Experiencing Rent Overburden	+_____	+_____
Plus Vacancy (.05 of New Household Growth)	+_____	+_____
Total demand	_____	_____
Number of Total Demand Determined Income Eligible (tax credit eligible, if applicable)	_____	_____
Less Number of Units in Planning Stage (FmHA/HUD)	–_____	–_____
Net Demand	_____	_____

If a penetration percentage is used in the study analysis, explain how that particular percentage was chosen.

RECOMMENDED NUMBER BY UNIT

Size	One	Two	Three	Four
	____	____	____	____

Names and positions of individuals in the community who provided information for the study:

_____

_____

_____

_____

Dated: August 31, 1994.

Bob J. Nash,

Under Secretary for Small Community and Rural Development.

[FR Doc. 94–23925 Filed 9–27–94; 8:45 am]

BILLING CODE 3410–07–U

DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

8 CFR Part 286

[INS No. 1392–93]

RIN 1115–AA–30

Immigration User Fee; Remittance Requirements

AGENCY: Immigration and Naturalization Service, Justice.

ACTION: Final rule.

SUMMARY: This rule publishes changes to requirements related to the Immigration User Fee Account (IUFA). The rule amends existing regulations to comply with the 1991 and 1994 Department of Justice Appropriations Acts. In addition, this rule changes where remittances shall be sent; requires additional information in the remittance and statement procedures for fees; clarifies how remittances shall be paid; and makes a nomenclature change. Two minor technical corrections are also being made to correct errors in the text of the regulations.

EFFECTIVE DATE: October 28, 1994.

FOR FURTHER INFORMATION CONTACT: Michael Natchuras, Budget Analyst, Fee Analysis and Operations Branch, Office of Finance, Office of Budget, Immigration and Naturalization Service (INS), 425 I Street NW., Room 6307, Washington, DC 0536–0002, telephone (0) (202) 616–2754.

SUPPLEMENTARY INFORMATION:

I. Introduction

The INS published a proposed rule on February 15, 1994, at 59 FR 7227, making changes to requirements related to the Immigration User Fee Account. The proposed rule was published with a 60-day comment period. The public had the opportunity to comment on the proposed rule through April 18, 1994.

Changes in current regulations are needed to make the regulations consistent with current law, and establish requirements for fee collection data and remittance information. In addition, the final rule implements a nomenclature change throughout 8 CFR 86 to remove the word "Comptroller" and to put in its place the words "Associate Commissioner, Finance," and makes two other technical corrections.

Comments were received from seven commenters, including three industry associations. All the comments were carefully considered before preparing this final rule. Following is a discussion of the comments.

II. Summary of Comments

A. Monthly Summary Statement Requirement

Five commenters expressed dissatisfaction with this reporting requirement. One commenter expressed agreement in principal with the proposed submission of monthly information related to the Immigration User Fees collected.

The commenters who expressed dissatisfaction with the reporting requirement indicated that the monthly requirement would add an additional and costly reporting burden which would duplicate a quarterly remittance statement, and would require carrier-ticketing information which is considered to be "commercially confidential." One commenter indicated that there would be timing difficulty in reporting information as required in the proposed rule, given the dates airlines receive domestic and international sales reports. Along these same lines, another commenter suggested that carriers be given at least 1 month to submit a report. Further, two commenters noted that the universal scope of the requirement should be limited if the reporting requirement is published as a final rule. One of these suggested that the requirement apply to high-volume carriers; the other suggested that it be applicable to carriers who consistently fail to remit fees. Another of the comments suggested that, should the monthly reporting requirement be implemented, it should include a "sunset" provision to discontinue the requirement after 2 years subject to evaluation of the benefits in relation to the costs.

The commenter that supported the requirement believed that the monthly submission of a summary report for each month's collections would assist the INS in developing more accurate budgets and in allocating funds for staff and equipment as traffic patterns change.

The INS continues to believe that, in order to improve its financial management of the IUFA, it must have some indication of fee remittances in advance of their receipt. Therefore, a report of net monthly collections will be required. As a result of the type and timing of remittance data available, there has been difficulty in making resource estimates. Remittances to INS represent passengers who purchased tickets during the remittance period, which is not necessarily the same period in which the passenger will travel. The INS data are limited to the number of persons inspected and actual remittances. Since the remittances are made on a quarterly basis, there is not timely information with which to make accurate collection projections. For example, even though the fiscal year starts on October 1, the first remittances for the fiscal year are not due until January 31 of each year. Historically, the bulk of these collections are received in February and accounting records report them in March. Hence, it is mid-March before any picture of actual collections comes into focus. The mid-point of the year is very late in the fiscal year to be making program and budget changes.

Concerning the comment which suggested that the monthly reporting requirement and the statement which accompanies remittances are duplicative, INS believes that there is a misunderstanding concerning the purpose of each document. The monthly report is to serve as a predictor of the amount of funds to be received, while the remittance statement provides detailed information pertaining to a specific actual remittance. Each document has a separate, unique, and identifiable purpose.

However, in response to the public's comments, INS is making the following changes. The INS will not require a reporting of the number of ticket sales, given issues related to commercial confidentiality. In addition, in order to ease the reporting burden, a report of remittances will be required only for carriers or ticket-selling agents whose fee collections exceed $50,000 a month. Further, in response to the issue of duplication of reporting requirements, INS is making an additional change. Since the quarterly remittance statement includes information for the last month in a given quarter, a separate monthly

report will not be required for those months. This means that monthly reporting will be required for the months of October, November, January, February, April, May, July, and September. In order to allow more reporting time, the report will be due to INS on the last business day of the following month.

Finally, with regard to the suggestion to "sunset" the monthly reporting requirement, INS seriously considered this comment. However, INS believes this to be an ongoing requirement which is needed to adequately manage the account. Should the information become available from other sources, or should some other matters arise, INS will reevaluate the requirement and modify the regulations as appropriate.

B. Record Retention Period

Three commenters addressed the proposed 5-year record-retention period. Each commenter indicated the extended retention period was burdensome and costly, and that it exceeded the requirements of other Federal agencies. In view of the comments received, the current 2-year retention period will remain in effect.

One commenter noted that the proposed rule did not specify the type of records and documents which must be kept. In response to this comment, INS provides the following guidance. Each collector and remitter should maintain records necessary for the carrier to demonstrate to the INS the accuracy of fees collected and remitted, and to otherwise determine compliance with applicable statutes and regulations. Modern technology available to achieve this result may be utilized.

C. Fourth Quarter Remittance of Fees

Two commenters addressed the remittance deadline for fourth quarter immigration user fees. One commenter objected to the September 20 due date for the remittance of fourth quarter fees. A second suggested that the final rule clarify that the fourth quarter remittance should include collections from the months of July and August for that year.

The rule establishes the fourth quarter remittance due dates in order to make the regulation consistent with a statutory change. The 1991 Department of Justice Appropriations Act (Public Law 101–515, November 5, 1990), as amended by section 309(a)(2)(b) of Miscellaneous and Technical Immigration and Naturalization Amendments of 1991 (Pub. L. 102–232, December 12, 1991), changed the remittance schedule for the fourth quarter.

D. Change in the Immigration User Fee

One commenter urged that the Immigration User Fee not be raised from $5.00 to $6.00 per passenger.

The change in the User Fee is mandated by statute. The 1994 Department of Justice Appropriations Act (Pub. L. 103–121, October 27, 1993) increased the fee to $6.00 per passenger. The regulation is being changed to be consistent with the law.

Regulatory Flexibility Act

The Commissioner of the Immigration and Naturalization Service, in accordance with the Regulatory Flexibility Act (5 U.S.C. 605(b)), has reviewed this regulation, and by approving it, certifies that the rule will not have a significant economic impact on a substantial number of small entities because of the following factors. Most of the regulation updates the CFR to conform with current law. The reporting requirement is constructed so that only major entities are required to report. Further, the information required under this rule should be readily available from business records which must be maintained as a routine business practice.

Executive Order 12866

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

Executive Order 12612

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

Paperwork Reduction Act

The information collection requirements contained in this rule have been cleared by the Office of Management and Budget under the provisions of the Paperwork Reduction Act. The OMB Clearance number is 1115–0142.

List of Subjects in 8 CFR Part 286

Air carriers, Immigration, Maritime carriers, Reporting and recordkeeping requirements.

Accordingly, part 286 of chapter I of title 8 of the Code of Federal Regulations is amended as follows:

PART 286—IMMIGRATION USER FEES

1. The authority citation for part 286 continues to read as follows:

Authority: 8 U.S.C. 1103, 1356; 8 CFR part 2.

2. Section 286.2 is revised to read as follows:

§ 286.2 Fee for arrival of passengers aboard commercial aircraft or commercial vessels.

(a) Under the provisions of section 286(b) of the Act, a $6.00 fee per individual is charged and collected by the Commissioner for the immigration inspection of each passenger aboard a commercial aircraft or commercial vessel, arriving at a Port-of-Entry in the United States, or for the preinspection of a passenger in a place outside the United States prior to such arrival, except as provided in § 286.3.

(b) Each commercial aircraft and vessel carrier or ticket-selling agent whose monthly collections in any month exceed $50,000 shall submit a summary statement showing the amount of user fees collected that month. The summary statement is due on the last business day of the following month. This information shall be forwarded to the Immigration and Naturalization Service, Chief, Fee Analysis and Operations Branch, 425 I Street, NW., Room 6307, Washington, DC 20536. For the months of December, March, June, and August, the quarterly remittance and statement required by § 286.5 will serve as the monthly report for those months. Therefore, a monthly report is required for all other months in which monthly collections exceed $50,000.

3. In § 286.3 paragraph (a) is revised to read as follows:

§ 286.3 Exceptions.

* * * * *

(a) Persons, other than aircraft passengers, whose travel originated in Canada, Mexico, the adjacent islands, and territories or possessions of the United States;

* * * * *

4. In § 286.5 paragraphs (b), (c) and (d) are revised to read as follows:

§ 286.5 Remittance and statement procedures.

* * * * *

(b)(1) Fee remittances shall be sent to the Immigration and Naturalization Service, at a designated Treasury depository, for receipt no later than 31 days after the close of the calendar quarter in which the fees are collected, except the fourth quarter payment for fees collected shall be made on the date that is 10 days before the end of the U.S. Government's fiscal year, and the first quarter payment shall include any collections made in the preceding quarter that were not remitted with the previous payment. The fourth quarter payment shall include collections for the months of July and August. The fiscal year referenced is the U.S. Government's fiscal year which begins on October 1 and ends on September 30.

(2) Late payments will be subject to interest, penalty, and handling charges as provided in the Debt Collection Act of 1982 (31 U.S.C. 3717). Refunds by a remitter of fees collected in conjunction with unused tickets or documents for transportation shall be netted against the next subsequent remittance.

(c) Along with the remittance, as set forth in paragraph (b) of this section, each remitter making such remittance shall attach a statement which sets forth the following:

(1) Name and address;

(2) Taxpayer identification number;

(3) Calendar quarter covered by the payment;

(4) Interest and penalty charges; and

(5) Total amount collected and remitted.

(d) Remittances shall be made in U.S. dollars by check or money order through a U.S. bank, to Associate Commissioner, Finance, INS.

* * * * *

§§ 286.1(e), 286.4(c), 286.5(e), and 286.6 [Amended]

5. §§ 286.1(e), 286.4(c), 286.5(e), and 286.6, are amended by removing the word "Comptroller" and adding in its place "Associate Commissioner, Finance" wherever it appears.

§ 286.5(e) [Amended]

6. In § 286.5(e), the first sentence, is amended by removing the word "*Auditing*" in the title "*Statement on Auditing Standards for Attestation Engagement.*"

§ 286.5(g) [Amended]

7. In § 286.5(g), the first sentence, is amended by removing the citation "§ 28.4" and adding "§ 287.4."

Dated: September 22, 1994.

Doris Meissner,

Commissioner, Immigration and Naturalization Service.

[FR Doc. 94–23954 Filed 9–27–94; 8:45 am]

BILLING CODE 4410–10–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 93–NM–234–AD; Amendment 39–9018; AD 94–18–05]

Airworthiness Directives; Saab Model SF340A and SAAB 340B Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule; correction.

SUMMARY: This document corrects a typographical error that appeared in the above-captioned airworthiness directive (AD), applicable to certain Saab Model SF340A and SAAB 340B series airplanes. That AD currently requires inspections to detect discrepancies of certain main landing gear (MLG) retract actuator bracket retaining bolts; replacement of discrepant parts; installation of washers, if necessary; and eventual replacement of certain MLG retract actuator bracket retaining bolts and certain nose landing gear (NLG) trunnion pin cross bolts. This action corrects terms in the compliance time specified for the requirement to remove the NLG trunnion pin cross bolts. This action is necessary to ensure that operators are not required to perform actions at a time that does not correspond with scheduled maintenance.

DATES: Effective October 11, 1994.

The incorporation by reference of certain publications listed in the regulations was previously approved by the Director of the Federal Register as of October 11, 1994 (59 FR 46543, September 9, 1994).

ADDRESSES: The service information referenced in this AD may be obtained from Saab Aircraft AB, Product Support, S581.88, Linköping, Sweden. 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: Mark Quam, Aerospace Engineer, Standardization Branch, ANM–113, FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington 98055–4056; telephone (206) 227–2145; fax (206) 227–1320.

SUPPLEMENTARY INFORMATION: On August 24, 1994, the FAA issued AD 94–18–05, amendment 39–9018 (59 FR 46543, September 9, 1994), to require inspections to detect discrepancies of certain main landing gear (MLG) retract actuator bracket retaining bolts; replacement of discrepant parts; installation of washers, if necessary; and eventual replacement of certain MLG retract actuator bracket retaining bolts and certain nose landing gear (NLG) trunnion pin cross bolts. That action was prompted by reports of extension and retraction problems on the MLG, due to loose retract actuator brackets on the MLG shock struts. The actions required by that AD are intended to prevent a loose retract actuator bracket from interfering with the MLG shock strut trunnion support, which could result in the inability of the MLG to extend or retract.

Recently, the FAA has become aware of a typographical error that appeared in paragraph (c) of the published final airworthiness directive, which would incorrectly require operators to replace the NLG trunnion pin cross bolts at a time that may not correspond with scheduled maintenance for the NLG. The compliance time for paragraph (c) was incorrectly published as, "At the next MLG overhaul, or within 12,000 landings after the effective date of this AD, whichever occurs earlier * * *" However, the correct compliance time for that requirement should have referred to "* * * at the next NLG overhaul."

Since it is essential that operators perform the replacement in a timely manner and at a time when the NLG is normally serviced, this document corrects the compliance terms of paragraph (c) of AD 94–18–05, amendment 39–9018, to read as follows:

"(c) At the next NLG overhaul, or within 12,000 landings after the effective date of this AD, whichever occurs earlier, remove the existing nose landing gear trunnion pin cross bolt, P/N NAS 1305–54D, and replace it with a new bolt, P/N NAS 1305–50D, in accordance with Paragraphs C. through F. of the Accomplishment Instructions of Saab Service Bulletin 340–32–094, dated October 29, 1993, or Revision 1, dated March 4, 1994."

The effective date of the rule remains October 11, 1994.

Since no other portion of the regulatory information has been changed, the final rule is not being republished.

Issued in Renton, Washington, on September 21, 1994.

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 94–23815 Filed 9–27–94; 8:45 am]

BILLING CODE 4910–13–U

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 310

[Docket No. 77N–0094]

RIN 0905–AA06

Drug Products for the Treatment and/or Prevention of Nocturnal Leg Muscle Cramps for Over-The-Counter Human Use; Correction

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule; correction.

SUMMARY: The Food and Drug Administration (FDA) is correcting a final rule that appeared in the **Federal Register** of August 22, 1994 (59 FR 43234). The document established that any over-the-counter (OTC) drug product for the treatment and/or prevention of nocturnal leg muscle cramps is not generally recognized as safe and effective and is misbranded. The document was published with some typographical errors. This document corrects those errors.

FOR FURTHER INFORMATION CONTACT: LaJuana D. Caldwell, Office of Policy (HF–27), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–2994.

In FR Doc. 94–20449, appearing on page 43234, the following corrections are made:

1. On page 43239, in the third column, in reference 3, line 5, and in reference 4, line 2, the word "Q–VELR" is corrected to read "Q–VEL®".

2. On page 43242, in the second column, line 21, and in the first full paragraph, line 19, the number "106" is corrected to read "10^6".

3. On page 43245, in the second column, in reference 4, line 2, and in reference 5, line 4, the word "Q–VELR" is corrected to read "Q–VEL®".

4. On page 43249, in the second column, in reference 1, line 2, and in reference 2, line 4, the word "Q–VELR" is corrected to read "Q–VEL®".

5. On page 43250, in the third column, in reference 1, line 2, and in reference 2, line 4, the word "Q–VELR" is corrected to read "Q–VEL®".

6. On page 43252, in the first column, in the second paragraph, in line 2, "regulatuion" is corrected to read "regulation"; and in line 7, the word "agencies" is corrected to read "agency's"; and in line 8, the word "substances" is corrected to read "substance".

Dated: September 21, 1994.

William K. Hubbard,

Interim Deputy Commissioner for Policy.

[FR Doc. 94–24014 Filed 9–27–94; 8:45 am]

BILLING CODE 4160–01–F

21 CFR Parts 600, 610, 630, and 640

[Docket No. 93N–0392]

Biologics; Technical Amendment

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule; technical amendment.

SUMMARY: The Food and Drug Administration (FDA) is amending the biologics regulations by substituting the term "supplement" for "amendment" when referring to the submission of a change to an approved establishment license or product license application. This action is being taken to harmonize the regulations with terminology used in the Prescription Drug User Fee Act of 1992.

DATES: Effective September 28, 1994; written comments by December 12, 1994.

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

FOR FURTHER INFORMATION CONTACT: Stephen M. Ripley, Center for Biologics Evaluation and Research (HFM–635), Food and Drug Administration, 1401 Rockville Pike, Rockville, MD 20852–1448, 301–594–3074.

SUPPLEMENTARY INFORMATION: The Prescription Drug User Fee Act of 1992 (Pub. L. 102–571) (section 735 (21 U.S.C. 379g)) defines the term "supplement" as "a request to the Secretary to approve a change in a human drug application which has been approved." Also in section 735 of the Prescription Drug User Fee Act, a "human drug application" includes "an application for licensure of a biological product under section 351 of the Public Health Service Act." FDA is amending the biologics regulations by substituting the term "supplement" for "amendment." This change is being made to harmonize the regulations with the terminology used in the Prescription Drug User Fee Act of 1992.

Prior to this announced change in terminology, the term "amendment" was used for all changes to both approved and unapproved license applications and amendments. In general, FDA intends to use the term "supplement" when referring to the submission of a change to an approved license application, and the term "amendment" when referring to the submission of a change to an unapproved license application or amendment. This change will not affect pending supplements (amendments) to establishment or product license applications.

This final rule contains only a minor change that is necessary to clarify terminology in the regulations. The rule change will not affect the way a license amendment or supplement to an application should be submitted to the agency, except in the way it is identified; nor will the change affect the way a license amendment or supplement will be reviewed by FDA. Therefore, FDA finds that there is good cause to dispense with a notice of proposed rulemaking as unnecessary, pursuant to the Administrative Procedure Act (5 U.S.C. 553) and FDA's administrative practices and procedures regulations (21 CFR 10.40(e)). FDA also finds, in accordance with the Administrative Procedure Act, that there is good cause to make this final rule effective on the date of publication in the **Federal Register**. FDA, however, is allowing 75 days for public comment on this final rule, in accordance with 21 CFR 10.40(e)(1).

Interested persons may, on or before December 12, 1994, submit to the Dockets Management Branch (address above) written comments regarding this rule. Two copies of any comments are to be submitted, except that individuals may submit one copy. Comments are to be identified with the docket number found in brackets in the heading of this document. Received comments may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday. FDA will consider any comments submitted to determine if any additional changes to the regulations are necessary.

List of Subjects

21 CFR Part 600

Biologics, Reporting and recordkeeping requirements.

21 CFR Part 610

Biologics, Labeling, Reporting and recordkeeping requirements.

21 CFR Part 630

Biologics, Labeling.

21 CFR Part 640

Blood, Labeling, 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 parts 600, 610, 630, and 640 are amended as follows:

PART 600—BIOLOGICAL PRODUCTS: GENERAL

1. The authority citation for 21 CFR part 600 continues to read as follows:

Authority: Secs. 201, 501, 502, 503, 505, 510, 519, 701, 704 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321, 351, 352, 353, 355, 360, 360i, 371, 374); secs. 215, 351, 352, 353, 361 of the Public Health Service Act (42 U.S.C. 216, 262, 263, 263a, 264).

§ 600.15 [Amended]

2. Section 600.15 *Temperatures during shipment* is amended in paragraph (b) by removing the words "an amendment" and by adding in their place the words "a supplement".

PART 610—GENERAL BIOLOGICAL PRODUCTS STANDARDS

3. The authority citation for 21 CFR part 610 continues to read as follows:

Authority: Secs. 201, 501, 502, 503, 505, 510, 701 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321, 351, 352, 353, 355, 360, 371); secs. 215, 351, 352, 353, 361 of the Public Health Service Act (42 U.S.C. 216, 262, 263, 263a, 264).

§ 610.9 [Amended]

4. Section 610.9 *Equivalent methods and processes* is amended in the first sentence of paragraph (a) by removing the word "amendment" and adding in its place the word "supplement".

§ 610.11 [Amended]

5. Section 610.11 *General safety* is amended in the third sentence of the introductory text by removing the words "an amendment" and adding in their place the words "a supplement".

§ 610.53 [Amended]

6. Section 610.53 *Dating periods for licensed biological products* is amended in paragraph (d) by removing the words "an amendment" and by adding in their place the words "a supplement".

PART 630—ADDITIONAL STANDARDS FOR VIRAL VACCINES

7. The authority citation for 21 CFR part 630 continues to read as follows:

Authority: Secs. 201, 501, 502, 503, 505, 510, 701 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321, 351, 352, 353, 355, 360, 371); secs. 215, 351, 352, 353, 361 of the Public Health Service Act (42 U.S.C. 216, 262, 263, 263a, 264).

§ 630.10 [Amended]

8. Section 630.10 *Poliovirus Vaccine Live Oral Trivalent* is amended in paragraph (c)(3) by removing the word "amendment" and by adding in its place the word "supplement".

PART 640—ADDITIONAL STANDARDS FOR HUMAN BLOOD AND BLOOD PRODUCTS

9. The authority citation for 21 CFR part 640 continues to read as follows:

Authority: Secs. 201, 501, 502, 503, 505, 510, 701 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321, 351, 352, 353, 355, 360, 371); secs. 215, 351, 352, 353, 361 of the Public Health Service Act (42 U.S.C. 216, 262, 263, 263a, 264).

§ 640.6 [Amended]

10. Section 640.6 *Modifications of Whole Blood* is amended in the introductory text by removing the words "an amendment" and adding in their place the words "a supplement".

§ 640.21 [Amended]

11. Section 640.21 *Suitability of donors* is amended in paragraph (c) by removing the words "an amendment" and adding in their place the words "a supplement".

§ 640.22 [Amended]

12. Section 640.22 *Collection of source material* is amended in paragraph (c) by removing the words "an amendment" and adding in their place the words "a supplement".

§ 640.64 [Amended]

13. Section 640.64 *Collection of blood for Source Plasma* is amended in the second sentence of paragraph (c) by removing the words "an amendment" and adding in their place the words "a supplement".

§ 640.74 [Amended]

14. Section 640.74 *Modification of Source Plasma* is amended in paragraph (a) by removing the words "an amendment" and by adding in their place the words "a supplement".

Dated: September 15, 1994.

William K. Hubbard,

Interim Deputy Commissioner for Policy.

[FR Doc. 94–23899 Filed 9–27–94; 8:45 am]

BILLING CODE 4160–01–F

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[OPP–300362; FRL–4912–5]

RIN 2070–AB78

Neomycin Phosphotransferase II; Tolerance Exemption

AGENCY: Environmental Protection Agency (EPA)

ACTION: Final rule.

SUMMARY: This document establishes an exemption from the requirement of a tolerance for residues of neomycin phosphotransferase II (NPTII) and the genetic material necessary for its production when used as a plant pesticide inert ingredient. Monsanto Co. petitioned EPA for this exemption.

EFFECTIVE DATE: This regulation becomes effective September 28, 1994.

ADDRESSES: Written objections and hearing requests, identified by the document control number, [OPP-300362], may be submitted to: Hearing Clerk (1900), Environmental Protection Agency, Rm. M3708, 401 M St., SW., Washington, DC 20460. A copy of any objections and hearing requests filed with the Hearing Clerk should be identified by the document control number and submitted to: Public Response and Program Resources Branch, Field Operations Division (7506C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. In person, bring copy of objections and hearing requests to: Rm. 1132, CM #2, 1921 Jefferson Davis Hwy., Arlington, VA 22202. Fees accompanying objections shall be labeled "Tolerance Petition Fees" and forwarded to: EPA Headquarters Accounting Operations Branch, OPP (tolerance fees), P.O. Box 36027M, Pittsburgh, PA 15251.

FOR FURTHER INFORMATION CONTACT: By mail: Phillip O. Hutton, Product Manager (PM 18), Registration Division (7505C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC. Office location and telephone number: Rm. 213, CM #2, 1921 Jefferson Davis Hwy., Arlington, VA 22202, (703)-305-7690.

SUPPLEMENTARY INFORMATION: In the **Federal Register** of December 8, 1993 (58 FR 64582, 64583), EPA issued notices which announced that Monsanto Co., 700 Chesterfield Parkway North, St. Louis, MO 63193, had submitted a pesticide petition (PP 3F4273) to EPA proposing to amend 40 CFR part 180 to establish an exemption

from the requirement of a tolerance for neomycin phosphotransferase II (NPTII), and the genetic material necessary to produce NPTII when produced in plants as a plant pesticide inert ingredient. The Agency did not receive any comments on the notices. Selectable markers such as NPTII are considered inert ingredients by the Agency when they are introduced into a plant in order to ensure or confirm the presence of a plant pesticide. The genetic material necessary to produce NPTII (the NPTII gene) is also considered part of the inert ingredient; therefore, the NPTII gene is also addressed in this final rule.

Neomycin phosphotransferase II (NPTII) is uniquely different from other types of inert ingredients because it is a selectable marker used to identify plant cells early in the product development that had been successfully transformed to express the active ingredient.

The data submitted in the petition and other relevant material have been evaluated and deemed sufficient to support the tolerance. The rationale for this decision is described below.

Assessment of Data

The Agency has evaluated the toxicology data, information on product identity, equivalence of microbially and plant produced NPTII, and other information provided by the petitioner. The information showed that the plant and microbially produced protein are similar with respect to the protein characteristics of amino acid sequence, enzyme activity, electrophoretic mobility, lack of glycosylation, and specific antibody recognition. These findings justified the use of microbial protein in the toxicity studies. The registrant provided the following studies: Acute Oral Toxicity of NPTII in Mice and an In Vitro Digestion of the NPTII Protein. A single oral exposure dose of 5 g/kg NPTII protein produced no adverse effects in mice. The In Vitro Digestion study showed that the protein was rapidly degraded in simulated gastric or intestinal digestive fluids to fragments that were no longer recognized by specific antibodies to NPTII. These results suggest the NPTII protein will not survive passage through the gastrointestinal tract. Therefore, the Agency concluded that the information provided was sufficient to assess the acute toxicity of NPTII when used as a marker gene in transgenic plants expressing plant pesticides and to justify an exemption from the requirement for a food tolerance for residues of the inert. The Agency recognizes that alternative information could be used to indicate the lack of mammalian toxicity and to justify a tolerance exemption.

Since no toxicity was indicated, residue chemistry data were not required. Residue data are necessary only if the submitted toxicity studies indicate that additional toxicology data were needed. These additional data were not needed. Therefore, no residue data are required in order to grant an exemption from the requirement of a tolerance for the plant pesticide inert ingredient neomycin phosphotransferase II when used as a plant pesticide inert ingredient, as expressed in plant cells.

The exemption from a tolerance for the genetic material which encodes for production of NPTII is based on the fact that the nucleic acids which form the genetic material are found in all foods and have not, by themselves, been associated with toxic or pathogenic effects in animals and humans. None of the constituents of nucleic acids are known to be acute toxicants by themselves but, like proteins and other normal constituents in food, may cause indirect, adverse metabolic effects if consumed exclusively at high doses over a long period of time in the absence of a normal diet. The NPTII gene will not occur at these high amounts in plants. Thus, EPA does not believe there is a potential for adverse health effects related to the consumption of plants containing the NPTII gene.

Acceptable daily intake (ADI) and maximum permissible intake (MPI) considerations are not relevant to this petition because the data/information submitted demonstrate that this plant-pesticide inert ingredient (NPTII) and the NPTII gene are not toxic to mammalian species. No enforcement actions are expected based upon the level of residue for NPTII and the genetic material necessary for its production. Therefore, the requirement for an analytical method for enforcement purposes is not applicable to this exemption.

Based on the above information and review of its use, EPA has found that when used in accordance with good agricultural practice, this ingredient is useful for the purpose for which the tolerance exemption is sought. Based on the information considered, EPA concludes that a tolerance is not necessary to protect the public health. Therefore, the exemption from the requirement of a tolerance is established as set forth below.

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

The Office of Management and Budget has exempted this rule from the requirements of section 2 of Executive Order 12866.

Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96-354, 94 Stat. 1164, 5 U.S.C. 601-612), the Administrator has determined that regulations establishing new tolerances or raising tolerance levels or establishing exemptions from tolerance requirements do not have a significant economic effect on a substantial number of small entities. A certification statement to this effect was published in the **Federal Register** of May 4, 1981 (49 FR 24950).

List of Subjects in 40 CFR Part 180

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

Dated: September 19, 1994.

Stephen L. Johnson,

Director, Registration Division, Office of Pesticide Programs.

Therefore, 40 CFR part 180 is amended as follows:

PART 180—[AMENDED]

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

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

2. In subpart D, by adding new § 180.1134, to read as follows:

§ 180.1134 Neomycin phosphotransferase II and genetic material necessary for its production; exemption from the requirement of a tolerance.

The neomycin phosphotransferase II (NPTII) and the genetic material necessary for the production of this protein are exempted from the requirement of a tolerance in or on all raw agricultural commodities when used as a plant-pesticide inert ingredient.

[FR Doc. 94–23762 Filed 9–27–94; 8:45 am]
BILLING CODE 6560–50–F

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 64

[Docket No. FEMA–7603]

Suspension of Community Eligibility

AGENCY: Federal Emergency Management Agency, FEMA.

ACTION: Final rule.

SUMMARY: This rule identifies communities, where the sale of flood insurance has been authorized under the National Flood Insurance Program (NFIP), that are suspended on the effective dates listed within this rule because of noncompliance with the floodplain management requirements of the program. If the Federal Emergency Management Agency (FEMA) receives documentation that the community has adopted the required floodplain management measures prior to the effective suspension date given in this rule, the suspension will be withdrawn by publication in the **Federal Register**.

EFFECTIVE DATES: The effective date of each community's suspension is the third date ("Susp.") listed in the third column of the following tables.

ADDRESSES: If you wish to determine whether a particular community was suspended on the suspension date, contact the appropriate FEMA Regional Office or the NFIP servicing contractor.

FOR FURTHER INFORMATION CONTACT: Robert F. Shea Jr., Division Director, Program Implementation Division, Mitigation Directorate, 500 C Street, SW., Room 417, Washington, DC 20472, (202) 646–3619.

SUPPLEMENTARY INFORMATION: The NFIP enables property owners to purchase flood insurance which is generally not otherwise available. In return, communities agree to adopt and administer local floodplain management aimed at protecting lives and new construction from future flooding. Section 1315 of the National Flood Insurance Act of 1968, as amended, 42 U.S.C. 4022, prohibits flood insurance coverage as authorized under the National Flood Insurance Program, 42 U.S.C. 4001 et seq., unless an appropriate public body adopts adequate floodplain management measures with effective enforcement measures. The communities listed in this document no longer meet that statutory requirement for compliance with program regulations, 44 CFR part 59 *et seq.* Accordingly, the communities will be suspended on the effective date in the third column. As of that date, flood insurance will no longer be available in the community. However, some of these communities may adopt and submit the required documentation of legally enforceable floodplain management measures after this rule is published but prior to the actual suspension date. These communities will not be suspended and will continue their eligibility for the sale of insurance. A notice withdrawing the suspension of the communities will be published in the **Federal Register**.

In addition, the Federal Emergency Management Agency has identified the special flood hazard areas in these communities by publishing a Flood Insurance Rate Map (FIRM). The date of the FIRM if one has been published, is indicated in the fourth column of the table. No direct Federal financial assistance (except assistance pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act not in connection with a flood) may legally be provided for construction or acquisition of buildings in the identified special flood hazard area of communities not participating in the NFIP and identified for more than a year, on the Federal Emergency Management Agency's initial flood insurance map of the community as having flood-prone areas (section 202(a) of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4106(a), as amended). This prohibition against certain types of Federal assistance becomes effective for the communities listed on the date shown in the last column.

The Deputy Associate Director finds that notice and public comment under 5 U.S.C. 553(b) are impracticable and unnecessary because communities listed in this final rule have been adequately notified.

Each community receives a 6-month, 90-day, and 30-day notification addressed to the Chief Executive Officer that the community will be suspended unless the required floodplain management measures are met prior to the effective suspension date. Since these notifications have been made, this final rule may take effect within less than 30 days.

National Environmental Policy Act

This rule is categorically excluded from the requirements of 44 CFR Part 10, Environmental Considerations. No environmental impact assessment has been prepared.

Regulatory Flexibility Act

The Deputy Associate Director has determined that this rule is exempt from the requirements of the Regulatory Flexibility Act because the National Flood Insurance Act of 1968, as amended, 42 U.S.C. 4022, prohibits flood insurance coverage unless an appropriate public body adopts adequate floodplain management measures with effective enforcement measures. The communities listed no longer comply with the statutory requirements, and after the effective date, flood insurance will no longer be available in the communities unless they take remedial action.

Regulatory Classification

This final rule is not a significant regulatory action under the criteria of section 3(f) of Executive Order 12866 of September 30, 1993, Regulatory Planning and Review, 58 FR 51735.

Paperwork Reduction Act

This rule does not involve any collection of information for purposes of the Paperwork Reduction Act, 44 U.S.C. 3501 et seq.

Executive Order 12612, Federalism

This rule involves no policies that have federalism implications under Executive Order 12612, Federalism, October 26, 1987, 3 CFR, 1987 Comp., p. 252.

Executive Order 12778, Civil Justice Reform

This rule meets the applicable standards of section 2(b)(2) of Executive Order 12778, October 25, 1991, 56 FR 55195, 3 CFR, 1991 Comp., p. 309.

List of Subjects in 44 CFR Part 64

Flood insurance, Floodplains.

Accordingly, 44 CFR part 64 is amended as follows:

PART 64—[AMENDED]

1. The authority citation for Part 64 continues to read as follows:

Authority: 42 U.S.C. 4001 *et seq.*; Reorganization Plan No. 3 of 1978, 3 CFR,

1978 Comp., p. 329; E.O. 12127, 44 FR 19367, 3 CFR, 1979 Comp., p. 376.

§ 64.6 [Amended]

2. The tables published under the authority of § 64.6 are amended as follows:

State and location	Community No.	Effective date of authorization/cancellation of sale of flood insurance in community	Current effective map date	Date certain federal assistance no longer available in special flood hazard areas
Region II				
New York: Hamburg, town of, Erie County	360244	May 23, 1974 Emerg; Nov. 19, 1980, Reg.; Oct. 4, 1994, Susp.	10–4–94	Oct. 4, 1994.
Region V				
Indiana:				
Ellettsville, town of, Monroe County	180170	April 14, 1974 Emerg; July 18, 1985, Reg.; Oct. 4, 1994, Susp.	10–4–94	Do.
Steuben County, unincorporated areas	180243	Aug. 26, 1975, Emerg.; July 3, 1986, Reg.; Oct. 4, 1994, Susp.	7–3–86	Do.
Jasper, city of, DuBois County	180055	June 24, 1971, Emerg.; June 1, 1982, Reg.; Oct. 18, 1994, Susp.	10–18–94	Oct. 18, 1994.
Minnesota: Argyle, city of, Marshall County	270268	April 24, 1974, Emerg.; Dec. 15, 1982, Reg.; Oct. 18, 1994, Susp.	10–18–94	Do.
Ohio: South Lebanon, village of, Warren County	390563	Jan. 23, 1975, Emerg.; Sep. 1, 1978, Reg.; Oct. 18, 1994, Susp.	10–18–94	Do.
Region X				
Idaho: Gooding, city of, Gooding County	160064	Feb. 7, 1975, Emerg.; June 19, 1985, Reg.; Oct. 18, 1994, Susp.	10–18–94	Do.

Code for reading third column: Emerg.- Emergency; Reg.- Regular; Rein.- Reinstatement; Susp.- Suspension.

(Catalog of Federal Domestic Assistance No. 83.100, "Flood Insurance.")

Issued: September 21, 1994.

Robert H. Volland,

Acting Deputy Associate Director, Mitigation Directorate.

[FR Doc. 94–24001 Filed 9–27–94; 8:45 am]

BILLING CODE 6718–21–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 94–50; RM–8458]

Radio Broadcasting Services; Galatia, IL

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This document allots Channel 255A to Galatia, Illinois, as that community's first local FM service, at the request of Michael Scott Clem, See 59 FR 32177, June 22, 1994. Channel 255A can be allotted to Galatia in compliance with the Commission's minimum distance separation requirements with a site restriction of 0.8 kilometers (0.5 miles) northwest, in order to avoid a short-spacing to the licensed site of Station WKDQ(FM), Channel 258C, Henderson, Kentucky. The coordinates for Channel 255A at Galatia, Illinois, are North Latitude 37–50–53 and West Longitude 88–37–10. With this action, this proceeding is terminated.

DATES: Effective Nov. 7, 1994. The window period for filing applications for Channel 255A at Galatia, Illinois, will be open on November 8, 1994, and close on Dec. 8, 1994.

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

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Report and Order, MM Docket No. 94–50, adopted Sept. 14, 1994, and released Sept. 21, 1994. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC 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, 1919 M Street, NW., Room 246, or 2100 M Street, NW., Suite 140, Washington, DC 20037.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Part 73 of Title 47 of the Code of Federal Regulations is amended as follows:

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 Illinois, is amended by adding Galatia, Channel 255A.

Federal Communications Commission.

John A. Karousos,

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

[FR Doc. 94–23786 Filed 9–27–94; 8:45 am]

BILLING CODE 6712–01–M

47 CFR Part 73

[MM Docket No. 94–12; RM–8419]

Radio Broadcasting Services; Sebastian, FL

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This document allots Channel 240C3 to Sebastian, Florida, as that community's first local aural

transmission service, at the request of T & M Communications, See 59 FR 10605, March 7, 1994. Channel 240C3 can be allotted to Sebastian in compliance with the Commission's minimum distance separation requirements without a site restriction. The coordinates for Channel 240C3 at Sebastian are North Latitude 27–49–00 and West Longitude 80–28–12. With this action, this proceeding is terminated.

DATES: Effective Nov. 7, 1994. The window period for filing applications for Channel 240C3 at Sebastian, Florida, will be open on November 8, 1994, and close on December 8, 1994.

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

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Report and Order, MM Docket No. 94–12, adopted September 14, 1994, and released Sept. 21, 1994. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Reference Center (Room 239), 1919 M Street, NW, Washington, D.C. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Service, Inc., (202) 857–3800, 1919 M Street, N.W., Room 246, or 2100 M Street, N.W., Suite 140, Washington, D.C. 20037.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Part 73 of Title 47 of the Code of Federal Regulations is amended as follows:

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 Florida, is amended by adding Sebastian, Channel 240C3.

Federal Communications Commission.

John A. Karousos,

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

[FR Doc. 94–23783 Filed 9–27–94; 8:45 am]

BILLING CODE 6712–01–M

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

49 CFR Part 571

RIN 2127–AE36

[Docket No. 92–33; Notice 3]

Federal Motor Vehicle Safety Standards; Lamps, Reflective Devices and Associated Equipment

AGENCY: National Highway Traffic Safety Administration (NHTSA), DOT.

ACTION: Technical amendment.

SUMMARY: This notice reinstates Figures 1a, 1b, and 1c of 49 CFR 571.108, Federal Motor Vehicle Safety Standard No. 108, which were inadvertently omitted from Title 49 Code of Federal Regulations Parts 400–999 as of October 1, 1993.

EFFECTIVE DATE: The rule is effective September 28, 1994.

FOR FURTHER INFORMATION CONTACT: Taylor Vinson, Office of Chief Counsel, NHTSA (202–366–5263).

SUPPLEMENTARY INFORMATION: On March 3, 1993, NHTSA published a final rule which, among other things, revised and redesignatetl certain paragraphs of S5.1 of Motor Vehicle Safety Standard No. 108, *Lamps, Reflective Devices and Associated Equipment* (58 FR 12183).

Before the final rule, paragraph S5.1.1.11 contained internal references to Figures 1a and 1b, and paragraph S5.1.1.12 an internal reference to Figure 1c. The final rule redesignated S5.1.1.11 as S5.1.1.6, and revised it to incorporate the substance of S5.1.1.12, including the reference to Figure 1c. (Further amendments adopted a new paragraph S5.1.1.11, removed S5.1.1.12, and redesignated S5.1.1.32 as S5.1.1.12.)

NHTSA has been informed by the **Federal Register** that, because the amendatory language of the final rule did not contain instructions where to place Figures 1a, 1b, and 1c within the text of Standard No. 108, the figures were removed from the Code of Federal Regulations. This document reinstates those figures, to follow the text of S5.1.1.6.

Effective Date

Because this amendment is corrective in nature and imposes no additional burden upon any person, notice and comment upon are not required under the Administrative Procedure Act, and it is found, for good cause shown, that an effective date earlier than 180 days after issuance is in the public interest. The amendment will become effective upon publication in the **Federal Register.**

List of Subjects in 49 CFR part 571

Imports, Motor vehicle safety, Motor vehicles.

In consideration of the foregoing, 49 CFR part 571 is amended as follows:

PART 571—FEDERAL MOTOR VEHICLE SAFETY STANDARDS

1. The authority citation for part 571 continues to read as follows:

Authority: 49 U.S.C. 322, 30111, 30115, 30117 and 30166; delegation of authority at 49 CFR 1.50.

2. Section 571.108 is amended by adding Figures 1a, 1b and 1c, as set forth below, to follow paragraph S5.1.1.6.

§ 571.108 Motor Vehicle Safety Standard No. 108 Lamps, Reflective Devices, and Associated Equipment.

* * * * *

S5.1.1.6 * * *

FIGURE 1a.—REQUIRED PERCENTAGES OF MINIMUM CANDLEPOWER OF FIGURE 1b

Test points (deg)		Turn signal	Stop	Parking	Tail
10U, 10D	5L, 5R	20	20	20	20
5U, 5D	20L, 20R	12.5	12.5	10	15
	10L, 10R	37.5	37.5	20	40
	V	87.5	87.5	70	90
H	10L, 10R	50	50	35	40
	5L, 5R	100	100	90	100
	V	100	100	100	100

Note—Minimum design candlepower requirements are determined by multiplying the percentages given in this Figure by the minimum allowable candlepower values in Figure 1b. The resulting values shall be truncated after one digit to the right of the decimal point.

FIGURE 1b.—MINIMUM AND MAXIMUM ALLOWABLE CANDLEPOWER VALUES

Lamp	Lighted sections		
	1	2	3
Stop	80/300	95/360	110/420
Tail [1]	2/18	3.5/20	5.0/25
Parking [2]	4.0/125		
Red turn signal	80/300	95/360	110/420
Yellow turn signal rear	130/750	150/900	175/1050
Yellow turn signal front	200/–	240–	275/–
Yellow turn signal front [3]	500/–	600/–	650/–

[1] Maximum at H or above.
[2] The maximum candlepower value of 125 applies to all test points at H or above. The maximum allowable candlepower value below H is 250.
[3] Values apply when the optical axis (filament center) of the front turn signal is at a spacing less than 4 in. (10 cm.) from the lighted edge of the headlamp unit providing the lower beam, or from the lighted edge of any additional lamp installed as original equipment and which supplements the lower beam.

FIGURE 1c.—SUM OF THE PERCENTAGES OF GROUPED MINIMUM CANDLEPOWER

Group and test points	Turn signal	Stop	Parking	Tail
1 10U–5L, 5U–20L, 5D–20L, 10D–5L	65	65	60	70
2 5U–10L, H–10L, 5D–10L	125	125	75	120
3 H–5L, 5U–V, H–V, 5D–V, H–5R	475	475	420	480
4 5U–10R, H–10R, 5D–10R	125	125	75	120
5 10U–5R, 5U–20R, 5D–20R, 10D–5R	65	65	60	70

* * * * *

Issued on: September 22, 1994.

Christopher A. Hart,

Deputy Administrator.

[FR Doc. 94–23908 Filed 9–27–94; 8:45 am]

BILLING CODE 4910–59–M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 641

[Docket No. 940536–4202; I.D. 041994B]

RIN 0648–AG28

Reef Fish Fishery of the Gulf of Mexico; Correction

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

ACTION: Final rule; correction.

SUMMARY: This rule corrects the final rule to implement Amendment 9 to the Fishery Management Plan for the Reef Fish Resources of the Gulf of Mexico, which was published on August 2, 1994. This correction also extends the effective date of certain amendments previously published.

EFFECTIVE DATE: July 27, 1994. See paragraph 1, which corrects the effective date of rules published on June 15, 1993, and December 27, 1993.

FOR FURTHER INFORMATION CONTACT: Robert Sadler, 813–570–5305.

SUPPLEMENTARY INFORMATION: The final rule to implement Amendment 9, among other things, extended the red snapper endorsement system and its associated trip and landing limits from their scheduled expiration on December 31, 1994, through as late as December 31, 1995. Changes to the regulatory text clearly stated this extended effectiveness regarding the endorsement system.

The intent to extend the effectiveness of the associated trip and landing limits, and associated prohibitions, which originally appear at 58 FR 33027, June 15, 1993, and 58 FR 68326, December 27, 1993, was stated in the preamble of the final rule to implement Amendment 9, but was inadvertently omitted from the **EFFECTIVE DATE** section.

In the final rule, the telephone numbers of the Regional Director and of the Regulations and Permits Branch, Southeast Region, NMFS, are incorrect. The address of the Southeast Region as published under the definition of "Regional Director" requires a revision.

Accordingly, the publication on August 2, 1994 (59 FR 39301), of the final regulations (I.D. 041994B), which were the subject of FR Doc. 94–18683, is corrected as follows:

1. On page 39301, in the third column, under the **EFFECTIVE DATE** heading, add the following sentence to the end: "In addition, 50 CFR 641.7 (u), (v), and (w) and 50 CFR 641.21(d), which were to expire December 31, 1994, are extended through December 31, 1995."

§ 641.2 [Corrected]

2. On page 39304, in the first column, in § 641.2, in the definition of *Regional Director,* in line 3, the address is corrected by inserting "N." after "Drive" and in line 4, the telephone number is corrected to read "813–570–5301".

§ 641.10 [Corrected]

3. On page 39304, in the third column, in § 641.10(b)(3), in the next to last line, the telephone number is corrected to read "813–570–5326".

Dated: September 22, 1994.

Samuel W. McKeen,

Acting Assistant Administrator for Fisheries, National Marine Fisheries Service.

[FR Doc. 94–24009 Filed 9–27–94; 8:45 am]

BILLING CODE 3510–22–W

50 CFR Part 642

[Docket No. 930791–3191; I.D. 092294B]

Coastal Migratory Pelagic Resources of the Gulf of Mexico and South Atlantic

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

ACTION: Closure of a commercial fishery for king mackerel.

SUMMARY: NMFS closes the commercial fishery in the exclusive economic zone (EEZ) for king mackerel from the western zone of the Gulf migratory group. This closure is necessary to protect the overfished Gulf king mackerel resource.

EFFECTIVE DATE: September 24, 1994, through June 30, 1995.

FOR FURTHER INFORMATION CONTACT: Mark F. Godcharles, 813–570–5306.

SUPPLEMENTARY INFORMATION: The fishery for coastal migratory pelagic fish (king mackerel, Spanish mackerel, cero, cobia, little tunny, dolphin, and, in the Gulf of Mexico only, bluefish) is managed under the Fishery Management Plan for the Coastal Migratory Pelagic Resources of the Gulf of Mexico and South Atlantic (FMP). The FMP was prepared by the Gulf of Mexico and South Atlantic Fishery Management Councils (Councils) and is implemented by regulations at 50 CFR part 642, under the authority of the Magnuson Fishery Conservation and Management Act.

Catch limits recommended by the Councils and implemented by NMFS for the Gulf of Mexico migratory group of king mackerel set the commercial quota at 0.77 million lb (0.35 million kg) for the western zone.

Under § 642.26(a), NMFS is required to close any segment of the king mackerel commercial fishery when its allocation or quota has been reached, or is projected to be reached, by publishing a document in the **Federal Register**. NMFS has determined that the commercial quota of 0.77 million lb (0.35 million kg) for the western zone of the Gulf migratory group of king mackerel was reached on September 23, 1994. Hence, the commercial fishery for Gulf group king mackerel from the western zone is closed effective 12:01 a.m., local time, September 24, 1994, through June 30, 1995, the end of the fishing year. The boundary between the eastern and western zones is a line directly south from the Florida/Alabama boundary (87°31′06″ W. long.).

Except for a person aboard a charter vessel, during the closure, no person aboard a vessel permitted to fish under a commercial allocation may fish for, retain, or have in possession in the EEZ, king mackerel from the western zone. A person aboard a charter vessel may continue to fish for king mackerel in the western zone under the bag limit set forth in § 642.24(a)(1)(i), provided the vessel is under charter and the vessel has an annual charter vessel permit, as specified in § 642.4(a)(2). A charter vessel with a permit to fish on a commercial allocation is under charter when it carries a passenger who fishes for a fee or when there are more than three persons aboard, including operator and crew.

During the closure, king mackerel from the western zone taken in the EEZ, including those harvested under the bag limit, may not be purchased, bartered, traded, or sold. This prohibition does not apply to trade in king mackerel from the western zone that were harvested, landed, and bartered, traded, or sold prior to the closure and held in cold storage by a dealer or processor.

Classification

This action is taken under 50 CFR 642.26(a) and is exempt from OMB review under E.O. 12866.

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

Dated: September 22, 1994.

David S. Crestin,

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

[FR Doc. 94–23989 Filed 9–23–94; 1:19pm]

BILLING CODE 3510–22–F

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50 CFR Part 695

[Docket No. 940956–4256; I.D. 081594D]

RIN 0648–AD31

Vessels of the United States Fishing in Colombian Treaty Waters

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

ACTION: Final rule.

SUMMARY: NMFS issues this final rule to amend the regulations that govern fishing by vessels of the United States in certain waters of the Caribbean Sea covered by a treaty between the United States and the Government of Colombia (GOC). This rule requires that such vessels in treaty waters display their official numbers and that fish and lobster traps used in treaty waters have degradable panels. The intended effect of this rule is to implement conservation and management measures agreed to in consultations between the United States and the GOC.

EFFECTIVE DATE: October 28, 1994.

FOR FURTHER INFORMATION CONTACT: W. Perry Allen, 813–570–5326.

SUPPLEMENTARY INFORMATION: Fishing by vessels of the United States in certain waters of the Caribbean Sea is governed under the Treaty Between the Government of the United States of America and the Government of the Republic of Colombia Concerning the Status of Quita Sueno, Roncador and Serrana (treaty). Under the terms of the treaty, vessels of the United States may fish in the waters of Quita Sueno, Roncador, and Serrana (treaty waters), but are subject to reasonable conservation measures applied by the GOC, provided that such measures are nondiscriminatory and no more restrictive than those applied to Colombian or other fishermen.

NMFS published proposed and final rules on September 18, 1990 (55 FR 38365) and January 4, 1991 (56 FR 377), respectively, that implemented regulations for treaty waters. Included in the proposed rule were requirements that (1) U.S. vessels display their official numbers when in treaty waters, and (2) nonwooden fish and lobster traps in treaty waters have degradable panels. These requirements were not included in the final rule because a necessary exchange of notes between the United States and the GOC regarding the requirements had not occurred. Such exchange of notes was made at a meeting of representatives of the two governments on May 17–18, 1994, at Cartagena, Colombia. Accordingly, the requirements are added to the regulations. Rationale for the requirements was included in the proposed rule and is not repeated here.

This final rule also corrects the address of the Director, Southeast Region, NMFS ("Regional Director"); and adds a prohibition on making a false statement to an authorized officer concerning the taking, catching, harvesting, landing, purchase, sale, possession, or transfer of fish. The added prohibition is necessary for effective enforcement and conforms the regulations to current standards.

Changes From the Proposed Rule

Minor language changes are made to clarify the regulations and conform them to current standards.

Classification

This rule is necessary to implement agreements between the United States and the GOC. Because it pertains to a foreign affairs function of the United States, it is exempt from the provisions of E.O. 12866, and from the requirement to provide notice and an opportunity for public comment pursuant to authority at 5 U.S.C. 553(a)(1).

List of Subjects in 50 CFR Part 695

Fisheries, Fishing, Reporting and recordkeeping requirements, Treaties.

Dated: September 23, 1994.

Gary Matlock,

Program Management Officer, National Marine Fisheries Service.

For the reasons set out in the preamble, 50 CFR part 695 is amended as follows:

PART 695—VESSELS OF THE UNITED STATES FISHING IN COLOMBIAN TREATY WATERS

1. The authority citation for part 695 continues to read as follows:

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

2. In § 695.2, the definition of "Regional Director" is revised to read as follows:

§ 695.2 Definitions.

* * * * *

Regional Director means the Director, Southeast Region, NMFS, 9721 Executive Center Drive, St. Petersburg, FL 33702, telephone 813–570–5301; or a designee.

* * * * *

3. In § 695.6, text is added to read as follows:

§ 695.6 Vessel identification.

(a) *Official number.* A vessel with a permit issued pursuant to § 695.4, when in treaty waters, must display its official number—

(1) On the port and starboard sides of the deckhouse or hull, and on an appropriate weather deck, so as to be clearly visible from an enforcement vessel or aircraft;

(2) In block arabic numerals in contrasting color to the background;

(3) At least 18 inches (45.7 cm) in height for fishing vessels over 65 ft (19.8 m) in length and at least 10 inches (25.4 cm) in height for all other vessels; and

(4) Permanently affixed to or painted on the vessel.

(b) *Duties of operator.* The operator of each fishing vessel must—

(1) Keep the official number clearly legible and in good repair; and

(2) Ensure that no part of the fishing vessel, its rigging, fishing gear, or any other material aboard obstructs the view of the official number from an enforcement vessel or aircraft.

4. In § 695.7, paragraphs (f), (k), and (s) are added to read as follows:

§ 695.7 Prohibitions.

* * * * *

(f) Falsify or fail to display and maintain vessel identification, as required by § 695.6.

* * * * *

(k) Use or possess in treaty waters a lobster trap or fish trap without a degradable panel, as specified in § 695.21(d).

* * * * *

(s) Make any false statement, oral or written, to an authorized officer concerning the taking, catching, harvesting, landing, purchase, sale, possession, or transfer of fish.

5. In § 695.21, text is added to paragraph (d) to read as follows:

§ 695.21 Vessel and gear restrictions.

* * * * *

(d) *Trap requirements.* A lobster trap or fish trap used or possessed in treaty waters that is constructed of material other than wood must have an escape panel located in the upper half of the sides or on top of the trap that, when removed, will leave an opening no smaller than the throat or entrance of the trap. Such escape panel must be constructed of or attached to the trap with wood, cotton, or other degradable material.

* * * * *

[FR Doc. 94–23996 Filed 9–27–94; 8:45 am]

BILLING CODE 3510–22–P

Proposed Rules

Federal Register
Vol. 59, No. 187
Wednesday, September 28, 1994

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

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 94–CE–15–AD]

Airworthiness Directives; American General Aircraft Corporation Models AA–5, AA–5A, AA–5B, and AG–5B Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This document proposes to adopt a new airworthiness directive (AD) that would apply to American General Aircraft Corporation (American General) Models AA–5, AA–5A, AA–5B, and AG–5B airplanes. The proposed action would require inspecting (one-time) the wing attach shoulder bolts for fretting, scoring, wear, excessive clearance, or enlarged or elongated mounting holes (known as damage from hereon), replacing any damaged parts and repairing any damaged areas, and reporting to the Federal Aviation Administration (FAA) the results of the inspection. Four reports of wing attach shoulder bolt failure prompted the proposed action. The actions specified by the proposed AD are intended to prevent wing attach shoulder bolt failure, which could lead to structural damage of the wing/fuselage to the point of failure.

DATES: Comments must be received on or before December 9, 1994.

ADDRESSES: Submit comments in triplicate to the FAA, Central Region, Office of the Assistant Chief Counsel, Attention: Rules Docket No. 94–CE–15–AD, Room 1558, 601 E. 12th Street, Kansas City, Missouri 64106. Comments may be inspected at this location between 8 a.m. and 4 p.m., Monday through Friday, holidays excepted.

Service information that applies to the proposed AD may be obtained from Fletch Air, Inc., 9000 Randolph Street, Houston, Texas 77061; telephone (713) 649–8700 or (800) 329–4647; facsimile (713) 643–0070. This information also may be examined at the Rules Docket at the address above.

FOR FURTHER INFORMATION CONTACT: Mr. Ozzie Lopez, Aerospace Engineer, FAA, Atlanta Aircraft Certification Office, 1669 Phoenix Parkway, Suite 210C, Atlanta, Georgia 30349; telephone (404) 991–2910; facsimile (404) 991–3606.

SUPPLEMENTARY INFORMATION:

Comments Invited

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

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

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket No. 94–CE–15–AD." The postcard will be date stamped and returned to the commenter.

Availability of NPRMs

Any person may obtain a copy of this NPRM by submitting a request to the FAA, Central Region, Office of the Assistant Chief Counsel, Attention: Rules Docket No. 94–CE–15–AD, Room 1558, 601 E. 12th Street, Kansas City, Missouri 64106.

Discussion

The FAA has received four reports (three in England and one in the United States) of wing attach shoulder bolt failure on American General Models AA–5, AA–5A, AA–5B, and AG–5B airplanes. Investigation reveals that excessive wing to center spar clearance could have contributed to the bolt failures; however, in each of the four instances, the bolts failed prior to reaching the service life of 7,250 hours time-in- service (TIS). The FAA has determined that, in order to assure the safety of these airplanes, the established service life of these bolts needs review.

American General has issued Critical Service Bulletin SB–185, dated July 6, 1994, which specifies procedures for inspecting the wing attach shoulder bolts and the mounting holes in the wing spar and the center section spar on American General Models AA–5, AA–5A, AA–5B, and AG–5B airplanes.

After examining the circumstances and reviewing all available information related to the incidents described above, the FAA has determined that, in order to determine whether the established service life of the wing attach shoulder bolts is adequate, (1) a one-time inspection should be accomplished to reveal the condition of these bolts on the American General Models AA–5, AA–5A, AA–5B, and AG–5B airplane fleet; and (2) AD action should be taken to prevent wing attach shoulder bolt failure, which could lead to structural damage of the wing/fuselage to the point of failure.

Since an unsafe condition has been identified that is likely to exist or develop in other American General Models AA–5, AA–5A, AA–5B, and AG–5B airplanes of the same type design, the proposed AD would require inspecting (one-time) the wing attach shoulder bolts for fretting, scoring, wear, excessive clearance, or enlarged or elongated mounting holes (known as damage from hereon), replacing any damaged parts and repairing any damaged areas, and reporting to the FAA the results of the inspection. The proposed inspections would be accomplished in accordance with American General Critical Service Bulletin SB–185, dated July 6, 1994.

The FAA will examine the inspection results and determine whether further rulemaking action is needed.

The FAA estimates that 3,700 airplanes in the U.S. registry would be affected by the proposed AD, that it would take approximately 10 workhours per airplane to accomplish the proposed inspection, and that the average labor rate is approximately $55 an hour. Based on these figures, the total cost impact of the proposed AD on U.S. operators is estimated to be $2,035,000 ($550 per airplane X 3,700 airplanes). This figure is based upon the assumption that no affected airplane operator has accomplished the proposed inspection, and does not take into account the cost for replacement if damaged bolts are found. The FAA has no way of determining the number of bolts that may need to be replaced based upon the results of the inspections.

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

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

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

2. Section 39.13 is amended by adding a new AD to read as follows:

American General Aircraft Corporation: Docket No. 94–CE–15–AD.

Applicability: Models AA–5, AA–5A, AA–5B, and AG–5B airplanes (all serial numbers), certificated in any category.

Compliance: Required within the next 100 hours time-in- service (TIS) after the effective date of this AD, unless already accomplished.

To prevent wing attach shoulder bolt failure, which could lead to structural damage of the wing/fuselage to the point of failure, accomplish the following:

(a) Inspect the wing attach shoulder bolts (4) for fretting, scoring, wear, excessive clearance, or enlarged or elongated mounting holes (known as damage from hereon) in accordance with all the procedures included in the *INSPECTION* section of American General Critical Service Bulletin SB–185, dated July 6, 1994. Prior to further flight, replace any damaged parts and repair any damaged areas in accordance with the applicable maintenance manual.

(b) Send the results of the inspection required by paragraph (a) of this AD within 10 calendar days after the inspection to the Manager, Atlanta Aircraft Certification Office (ACO), 1669 Phoenix Parkway, Suite 210C, Atlanta, Georgia 30349. Include the airplane serial number, and the condition and number of hours TIS of each bolt at the time of inspection. (Reporting approved by the Office of Management and Budget under OMB no. 2120–0056.)

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

(d) An alternative method of compliance or adjustment of the compliance time that provides an equivalent level of safety may be approved by the Manager, Atlanta ACO at the address specified in paragraph (b) of this AD. The request shall be forwarded through an appropriate FAA 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) All persons affected by this directive may obtain copies of the document referred to herein upon request to Fletch Air, Inc., 9000 Randolph Street, Houston, Texas 77061; or may examine this document at the FAA, Central Region, Office of the Assistant Chief Counsel, Room 1558, 601 E. 12th Street, Kansas City, Missouri 64106.

Issued in Kansas City, Missouri, on September 22, 1994.

Barry D. Clements,

Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. 94–23944 Filed 9–27–94; 8:45 am]

BILLING CODE 4910–13–U

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14 CFR Part 91

[Docket No. 26242, Notice No. 94–28A]

RIN 2120–AF30

Suspension of Certain Aircraft Operations From the Transponder With Automatic Pressure Altitude Reporting Capability Requirement

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM); extension of comment period.

SUMMARY: This notice announces an extension of the comment period for Notice 94–28, "Suspension of Certain Aircraft Operations From the Transponder With Automatic Pressure Altitude Reporting Capability Requirement" (59 FR 43994; August 25, 1994). This comment period is extended from October 11, 1994 to November 25, 1994. The extension responds to a request from the Aircraft Owners and Pilots Association (AOPA) to allow additional time for specific comments responsive to Notice No. 94–28.

DATES: The comment period is being extended from October 11, 1994 to November 25, 1994.

ADDRESSES: As stated in Notice No. 94–28, comments should be mailed in triplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attention: Rules Docket (AGC–200), Airspace Docket No. 26242, 800 Independence Avenue, SW., Washington DC 20591.

The official docket may be examined in the Rules Docket, Office of the Chief Counsel, Room 916, 800 Independence Avenue, SW., Washington DC, weekdays, except Federal holidays, between 8:30 a.m. and 5:00 p.m.

FOR FURTHER INFORMATION CONTACT: Ms. Ellen Crum, Air Traffic Rules Branch (ATP–230), Airspace-Rules and Aeronautical Information Division, Air Traffic Rules and Procedures Service, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591; telephone: (202) 267–8783.

SUPPLEMENTARY INFORMATION: On August 25, 1994, the FAA published Notice No. 94–28, "Suspension of Certain Aircraft Operations From the Transponder With

Automatic Pressure Altitude Reporting Capability Requirement." This notice invites comments on issues related to the reinstatement and modification of the expired Special Federal Aviation Regulation (SFAR) No. 62, which suspended certain provisions of the regulations that require the installation of use of automatic altitude reporting (Mode C) transponders.

Because the comment period originally established in Notice 94–28 would not provide sufficient time for AOPA to notify its members before the close of the comment period, AOPA forwarded a written request to the FAA for a 45-day extension of the comment period. This extension would provide the required 45-day lead time for AOPA to publish this information in its magazine and provide sufficient time for the submission of meaningful comments from its members.

In order to give all interested persons additional time to be notified of the issues, and submit their specific comments, the FAA finds that it is in the public interest to extend the comment period. Accordingly, the comment period for Notice No. 94–28 is extended to November 25, 1994.

Issued in Washington, DC on September 23, 1994.

Harold W. Becker,

Manager, Airspace Rules and Aeronautical Information Division, Air Traffic Rules & Procedures Service.

[FR Doc. 94–24002 Filed 9–27–94; 8:45 am]

BILLING CODE 4910–13–M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 52 and 81

[CA–64–1–6504; FRL–5080–5]

Approval and Promulgation of Implementation Plans and Designation of Areas for Air Quality Planning Purposes; State of California; Approval of the Maintenance Plan for the San Francisco Bay Area and Redesignation of the San Francisco Bay Area Ozone Nonattainment Area to Attainment; Approval of Emissions Inventory; Approval of NO_X RACT Exemption Petition

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of proposed rulemaking (NPR).

SUMMARY: On November 12, 1993 the California Air Resources Board (CARB) submitted a maintenance plan and a request to redesignate the San Francisco Bay Area ozone nonattainment area from nonattainment to attainment. The ozone nonattainment area includes the following counties: Alameda, Contra Costa, Marin, Napa, San Francisco, San Mateo, Santa Clara, Solano (part), and Sonoma (part). Under the Clean Air Act, nonattainment areas may be redesignated to attainment if sufficient data are available to warrant the redesignation and the area meets the other Clean Air Act redesignation requirements.

In today's action, EPA is proposing to approve the State of California's submittal because it meets the maintenance plan and redesignation requirements. In addition, EPA is proposing to approve the nitrogen oxides (NO_x) Reasonably Available Control Technology (RACT) exemption petition submitted by the Bay Area Air Quality Management District (BAAQMD) on April 15, 1994 under section 182(f). Finally, EPA is proposing to expedite the approval of the annual and peak season 1990 inventory of actual ozone precursor emissions required by section 182(a)(1) by parallel processing the emissions inventory.

DATES: Comments must be received by December 27, 1994.

ADDRESSES: Written comments should be addressed to: David P. Howekamp, Director, Air and Toxics Division (A–1), United States Environmental Protection Agency, Region IX, 75 Hawthorne Street, San Francisco, California, 94105.

Copies of the redesignation request, State submittal and the EPA's technical support document (TSD) are available for public review at the above address and at the California Air Resources Board, 2020 L Street, Sacramento, CA 95814.

FOR FURTHER INFORMATION CONTACT: Wallace Woo, Chief, Plans Development Section (A–2–2), Air Planning Branch, United States Environmental Protection Agency, Region IX, 75 Hawthorne Street, San Francisco, California, 94105, (415) 744–1207.

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I. Background

The Clean Air Act, as amended in 1977 (1977 Act) required areas that were designated nonattainment based on a failure to meet the ozone national ambient air quality standard (NAAQS) to develop SIPs with sufficient control measures to expeditiously attain and maintain the standard. The San Francisco Bay Area was designated under section 107 of the 1977 Act as nonattainment with respect to the ozone NAAQS on March 3, 1978 (40 CFR 81.305). In accordance with section 110 of the 1977 Act, the California Air Resources Board (CARB) submitted an ozone SIP as required by part D of the 1977 Act on July 25, 1979, which EPA took final action to approve in part, disapprove in part (lack of legal authority and legislation to implement an inspection and maintenance (I/M) program) and conditionally approve in part (resource and extension requirements for transportation control measures with respect to part D) on March 19, 1982 (47 FR 11866) with respect to the requirements of section 110 and part D of the 1977 Act. On July 26, 1983, CARB submitted the legislation and implementation schedule for an I/M program which EPA fully approved on November 25, 1983 (48 FR 53114). This approval rescinded EPA's earlier disapproval of the San Francisco Bay Area's SIP. On February 4, 1983, CARB submitted a SIP revision for the San Francisco Bay Area which projected attainment of the ozone and carbon monoxide NAAQS by 1987. EPA published final approval of this SIP revision and removed the earlier conditional approval for the San Francisco Bay Area on December 28,

1983 (48 FR 57130). In its SIP, CARB projected that the San Francisco Bay Area nonattainment area would attain the ozone standard by 1987. The area failed to attain the standard.

In a May 26, 1988 letter, EPA issued a finding under section 110(a)(2)(H) of the Clean Air Act (the 1988 SIP-Call) that California's SIP for the San Francisco Bay Area was substantially inadequate to attain and maintain the NAAQS for ozone and carbon monoxide. This finding called on California to begin a two phase process which would lead to the revision of the plans. The first phase consisted of updating the emissions inventory, making certain corrections to the area's existing stationary source rules, and beginning to gather other pertinent data by August 1988. The second phase consisted of submitting a revised SIP containing changes necessary to attain the NAAQS. On June 13, 1989, EPA notified California that the deadline for the second phase of this SIP-Call was September 30, 1991.

On November 15, 1990, the Clean Air Act Amendments of 1990 were enacted. Public Law 101–549, 104 Stat. 2399, codified at 42 U.S.C. 7401–7671q. The ozone nonattainment designation for the San Francisco Bay Area continued by operation of law according to section 107(d)(1)(C)(i) of the Clean Air Act, as amended in 1990; furthermore, the area was classified by operation of law as moderate for ozone under section 181(a)(1). See 56 FR 56694 (Nov. 6, 1991), codified at 40 CFR 81.305. In a September 5, 1991 letter, EPA notified California that earlier deadlines for the SIP-Call were revised to conform with the requirements of the Clean Air Act Amendments of 1990.

The BAAQMD more recently has collected ambient monitoring data that show no violations of the ozone NAAQS (See discussion in Section III.1 below). Accordingly, on November 12, 1993 California requested redesignation of the area to attainment with respect to the ozone NAAQS and submitted an ozone maintenance SIP for the San Francisco Bay Area. The three co-lead agencies in the San Francisco Bay Area under section 174 of the Act, the BAAQMD, the Metropolitan Transportation Commission (MTC), and the Association of Bay Area Governments (ABAG), delegated authority to the Joint Air Quality Policy Committee (JAQPC), which is composed of representative board members from the three co-lead agencies, to hold a joint agency public hearing on the redesignation request and maintenance plan. On August 18, 1993, JAQPC held a public hearing on the redesignation request and maintenance plan. The plan and redesignation request were subsequently adopted by the BAAQMD, MTC and ABAG on September 1, 1993, September 22, 1993 and September 16, 1993, respectively, at regularly scheduled agency board meetings.

All SIP submittals to EPA must meet certain minimum administrative and technical criteria as set forth in 40 CFR part 51, appendix V (the "completeness" criteria) in order for the Administrator to review and take action on the submittal. Section 110(k)(1) of the Act describes the mandatory timeframe for EPA's determination of completeness and rulemaking action on plan submissions. In accordance with section 110(k)(1)(B) of the Act, the San Francisco Bay Area's ozone redesignation request and maintenance plan was deemed complete by operation of law on May 12, 1994. Thus, the submittal is considered complete as of November 12, 1993, the date it was submitted.

On July 21, 1994, CARB sent a letter to EPA requesting "parallel processing" of certain revisions to the San Francisco Bay Area's ozone maintenance plan and SIP, including new contingency measures in the maintenance plan, a 1990 emissions inventory, emission statement rule, new source review rule, and amendments to various VOC RACT regulations. The parallel processing request contained draft copies of the SIP revisions that the BAAQMD will adopt this year. The parallel processing provision of 40 CFR part 51, appendix V allows EPA to propose action on the draft revisions prior to submission of the locally adopted SIP revision by the State. At the time of final EPA action, the complete revisions must be submitted to EPA by the State.

II. Evaluation Criteria

The 1990 Amendments revised section 107(d)(1)(E) to provide five specific requirements that an area must meet in order to be redesignated from nonattainment to attainment: (1) The area must have attained the applicable NAAQS; (2) the area has met all relevant requirements under section 110 and part D of the Act; (3) the area has a fully approved SIP under section 110(k) of the Act; (4) the air quality improvement must be permanent and enforceable; and, (5) the area must have a fully approved maintenance plan pursuant to section 175A of the Act. Section 107(d)(3)(D) allows a Governor to initiate the redesignation process for an area to apply for attainment status.

III. Review of State Submittal

The California redesignation request for the San Francisco Bay Area meets the five requirements of section 107(d)(3)(E), noted above. Following is a brief description of how the State has fulfilled each of these requirements. EPA's technical support document (TSD) contains a more detailed analysis of the submittal with respect to certain of these evaluation criteria.

1. Attainment of the Ozone NAAQS

A. The Ozone Standard

Attainment of the ozone NAAQS is determined based on the expected number of exceedances in a calendar year. The method for determining attainment of the ozone NAAQS is contained in 40 CFR 50.9 and appendix H to that section. The simplest method by which expected exceedances are calculated is by averaging actual exceedances at each monitoring site over a three year period. An area is in attainment of the standard if this average results in expected exceedances for each monitoring site of 1.0 or less per calendar year. When a valid daily maximum hourly average value is not available for each required monitoring day during the year, these missing days must be accounted for when estimating exceedances for the year. Appendix H provides the formula used to estimate the expected number of exceedances for each year.

B. The BAAQMD Monitoring Data

The State of California's request is based on an analysis of quality-assured ozone air quality data which is relevant to both the maintenance plan and to the redesignation request. This data comes from the BAAQMD State and Local Air Monitoring Station (SLAMS) network which is comprised of 23 monitoring stations. The request is based on ambient air ozone monitoring data for calendar years 1990 through 1992. This data clearly shows an expected exceedance rate for the ozone standard of less than 1.0 per year for 22 of the 23 monitors, including each of the monitors on which the nonattainment designation was based. The exception is the Alum Rock monitor, discussed below, which is a monitoring site that was established during the 1992 ozone season. As described below, the Alum Rock monitoring site recorded one exceedance of the ozone NAAQS in 1992, but EPA believes that due to the circumstances of the timing of the establishment of the site, the best estimate of the expected exceedance rate for this monitoring site leads to the conclusion that the San Francisco Bay

Area achieved the ozone NAAQS during the 1990–1992 period.

C. The Alum Rock Monitor

The original Alum Rock monitoring site was located at a fire station in the northeast portion of San Jose. The BAAQMD lost its lease to this monitoring site in October 1990. Prior to its forced closure, the site had not recorded any exceedances of the standard since 1987. A new Alum Rock monitoring location was established in August 1992. This monitor recorded an exceedance of the ozone NAAQS on September 26, 1992. The actual monitored value was 0.125 ppm, the lowest possible measured value which would be considered an exceedance of the ozone NAAQS.

Because the site was operated for only five months during 1992, there is a large gap in data for the new site for 1992. Appendix H contains a formula for estimating the number of exceedances for a year when there is missing data. Normally, for an established site with two previous years of monitoring data, this number would be added to the number of exceedances for the two previous years and averaged to yield an expected exceedance per year. However, because the new site was established at a nearby but different location, it must be considered to be a different site. For this reason, the estimated exceedances for 1992 cannot be averaged over the three year period from 1990 through 1992. Therefore, while an expected annual exceedance rate can be calculated for the Alum Rock site, the lack of three complete years of data introduces uncertainties into the calculation using the formula contained in appendix H.

Appendix H does not explicitly address the situation where a new site starts up and collects data for only a portion of the calendar year. However, this situation has been addressed in an EPA memorandum, "Ozone and Carbon Monoxide Design Value Calculations," William Laxton, Director, Technical Support Division, OAQPS, June 18, 1990 (Laxton memo). The memo recognizes the disincentive created by applying the estimated exceedance calculation for missing data to new sites. The missing data penalty created by the calculation is designed to encourage prompt repair or replacement of monitors, rather than to discourage air pollution control agencies from installing new monitoring sites in excess of the number required by 40 CFR part 58. For this reason, the Laxton memo essentially allows an agency which installs a new monitoring site to base the estimated exceedance calculation for the initial year on the portion of the year following start-up of the monitor. Based on the underlying reasoning of the Laxton memo and the fact that there were no exceedances at any of the 22 established monitoring sites during June, July and August of 1992, EPA calculated expected exceedances for the new Alum Rock site using data from August 24, 1992, the date on which the new Alum Rock monitoring site was established, through the end of December 1992. That calculation results in an estimated expected exceedance calculation of 1.0 exceedances for 1992. EPA believes that, in light of the uncertainties attendant to the lack of three full years of data from the Alum Rock monitor, this calculation represents the "best estimate" of the expected exceedance rate for the Alum Rock monitor in 1992 and leads to the conclusion that, in all likelihood, the San Francisco Bay Area achieved attainment during the 1990–1992 period. The lack of any monitored exceedances at any of the other monitors in the San Francisco Bay Area's extensive SLAMs network during the June-August 1992 period provides additional support for EPA's belief that this calculation represents the best estimate of expected exceedances at the Alum Rock site.

EPA notes that monitoring at Alum Rock following the end of 1992 continues to show attainment. This provides further support for the conclusion that the best estimate of expected exceedances at the Alum Rock site for 1992 is 1.0.

D. Demonstration of Attainment

In sum, while some uncertainty attaches to the monitoring data from the Alum Rock site established in August 1992, EPA believes that the data submitted by the BAAQMD provides an adequate demonstration that the San Francisco Bay Area attained the ozone NAAQS during the 1990–1992 period. Moreover, monitoring data from all sites in the Bay Area SLAMs network continues to show attainment in 1993 and so far in 1994.

In order for EPA to take final action approving the San Francisco Bay Area redesignation request, monitoring data from all 23 sites in the BAAQMD's SLAMs network must continue to demonstrate attainment up to the time of final action. Thus, EPA proposes to approve the San Francisco Bay Area redesignation only if the monitoring data from the entire SLAMs network continues to demonstrate attainment. If the monitoring data records a violation of the NAAQS before final action is taken on this proposal, the proposed approval of the redesignation will be withdrawn and a proposed disapproval substituted for the proposed approval.

In addition to the demonstration discussed above, EPA required completion of air network monitoring requirements set forth in 40 CFR part 58. This included a quality assurance plan revision and a monitoring network review to determine the adequacy of the ozone monitoring network. The BAAQMD fulfilled these requirements to complete documentation for the air quality demonstration. The BAAQMD has also committed to continue monitoring in this area in accordance with 40 CFR part 58.

EPA agreed with the BAAQMD recommendation in its network review concerning the need for one additional ozone monitor in the area south of San Jose. As a result, the BAAQMD established an additional State and Local Air Monitoring Site (SLAMS) at the San Martin site in Santa Clara County in April 1994. EPA will review data from this new monitoring station as part of its review of the 1994 ozone season.

2. Meeting Applicable Requirements of Section 110 and Part D

On December 28, 1983 (48 FR 57130), EPA fully approved California's SIP for the San Francisco Bay Area as meeting the requirements of section 110(a)(2) and part D of the 1977 Act, with the exception of the I/M program which was approved on November 25, 1983 (48 FR 53114) and committed to specific implementation schedules for the San Francisco Bay Area. The amended Act, however, modified section 110(a)(2) and, under part D, revised section 172 and added new requirements for all nonattainment areas. Therefore, for purposes of redesignation, to meet the requirement that the SIP contain all applicable requirements under the Act, EPA has reviewed the SIP to ensure that it contains all measures that were due under the amended Act prior to or at the time the State submitted its redesignation request, as set forth in EPA policy.[1] EPA interprets section

[1] "Procedures for Processing Requests to Redesignate Areas to Attainment," John Calcagni, Director, Air Quality Management Division, September 4, 1992.

"State Implementation Plan (SIP) Actions Submitted in Response to Clean Air Act (CAA) Deadlines," John Calcagni, Director, Air Quality Management Division, October 28, 1992.

"State Implementation Plan (SIP) Requirements for Areas Submitted Requests for Redesignation to Attainment of the Ozone and Carbon Monoxide (CO) National Ambient Air Quality Standards (NAAQS) on or after November 15, 1992," Michael H. Shapiro, Acting Assistant Administrator, September 17, 1993.

107(d)(3)(E)(v) of the Act to mean that, for a redesignation request to be approved, the State must have met all requirements that applied to the subject area prior to or at the same time as the submission of a complete redesignation request. Requirements of the Act that come due subsequently continue to be applicable to the area at later dates (see section 175A(c)) and, if redesignation of any of the areas is disapproved, the State remains obligated to fulfill those requirements. These requirements are discussed below.

As discussed earlier in this document, all of the SIP requirements must be met by the BAAQMD and approved by EPA into the SIP prior to final action on the redesignation request. In the event that these requirements are not met, EPA proposes in the alternative to disapprove the redesignation request. Based on CARB's July 21, 1994 letter to EPA, EPA is "parallel processing" certain SIP revisions in this document (contingency measures and 1990 emission inventory) and will address the other requirements (VOC RACT regulations, emission statement rule, new source review) in a separate **Federal Register** document prior to final action on this revision. EPA's decision to parallel process the locally adopted contingency measures and 1990 emissions inventory reflect EPA's positive technical and administrative review. An EPA letter dated August 25, 1994 (Howekamp, EPA, to Boyd, CARB) finds the revised baseyear inventory complete (for parallel processing purposes) and rescinds the April 13, 1993 finding of incompleteness for the emission inventory. An approvability review was performed separately by EPA.

A. Section 110 Requirements

Although section 110 was amended in 1990, the San Francisco Bay Area SIP meets the requirements of amended section 110(a)(2). A number of the requirements did not change in substance and, therefore, EPA believes that the pre-amendment SIP met these requirements. As to those requirements that were amended, see 57 FR 27936 and 23939 (June 23, 1993), many are duplicative of other requirements of the Act. EPA has analyzed the SIP and determined that it is consistent with the requirements of amended section 110(a)(2). The SIP contains enforceable emission limitations, requires monitoring, compiling, and analyzing ambient air quality data, requires preconstruction review of new major stationary sources and major modifications to existing ones, provides for adequate funding, staff, and associated resources necessary to implement its requirements, and requires stationary source emissions monitoring and reporting.

B. Part D Requirements

Before the San Francisco Bay Area may be redesignated to attainment, it also must have fulfilled the applicable requirements of part D of the Act. Under part D, an area's classification indicates the requirements to which it will be subject. Subpart 1 of part D sets forth the basic nonattainment requirements applicable to all nonattainment areas, classified as well as nonclassifiable. Subpart 2 of part D establishes additional requirements for nonattainment areas classified under table 1 of section 181(a)(1) or table 3 of section 186(a). The San Francisco Bay Area was classified under table 1 of section 181(a)(1) as a moderate ozone nonattainment area (See 56 FR 56694, codified at 40 CFR 81.305). Therefore, in order to be redesignated to attainment, the State must meet the applicable requirements of subpart 1 of part D—specifically sections 172(c) and 176, as well as the applicable requirements of subpart 2 of part D.

B.1. Subpart 1 of part D—Section 172(c) Plan Provisions. Under section 172(b), the Administrator established that States containing nonattainment areas shall submit a plan or plan revision meeting the applicable requirements of section 172(c) no later than three years after an area is designated as nonattainment, i.e., unless EPA establishes an earlier date. EPA has determined that the section 172(c)(2) reasonable further progress (RFP) (with parallel requirements for a moderate ozone nonattainment area under subpart 2 of part D, due November 15, 1993) was not applicable at the time the State of California submitted the San Francisco Bay Area redesignation request on November 12, 1993. Also, the 172(c)(9) contingency measures and additional 172(c)(1) non-RACT reasonable available control measures (RACM) beyond what may already be required in the SIP are no longer necessary, since no earlier date was set for these measures and as RFP was not due until November 15, 1993. As discussed below in section B3., subpart 2 of part D, the BAAQMD is in the process of revising certain VOC RACT rules to meet the Clean Air Act requirements.

The 172(c)(3) emissions inventory requirement has been met by the submission and proposed approval of the 1990 base year inventory required under subpart 2 of part D, section 182(a)(1).

As for the 172(c)(5) NSR requirement, once an area is redesignated to attainment, this requirement is no longer applicable. The area then becomes subject to prevention of significant deterioration (PSD) requirements in lieu of the NSR program (57 FR 13564). Currently, the San Francisco Bay Area is amending its NSR rule to comply with the provisions of the 1990 Clean Air Act amendments. Prior to final action on the redesignation request and maintenance plan, EPA will take final rulemaking action on the BAAQMD's NSR program with respect to the ozone requirements of sections 182(a)(2)(C) and 182(b)(5) in a separate **Federal Register** document. Upon redesignation to attainment, BAAQMD will continue with NSR permitting until such time as BAAQMD requests delegation of the PSD program for VOC. At that time, the nonattainment area requirements of the BAAQMD's NSR program will be placed in the contingency plan. See the TSD accompanying this notice for a detailed discussion of the NSR requirements and deficiencies in the current regulation.

Finally, for purposes of redesignation, the San Francisco Bay Area SIP was reviewed to ensure that all requirements of section 110(a)(2), containing general SIP elements, under the Act were satisfied. Title 40 CFR 52.220 evidences that the San Francisco Bay Area SIP was approved under section 110 of the Act, and further that it satisfies all applicable part D, title I requirements with the exception of the outstanding part D requirements for the ozone SIP, mentioned above.

B.2. Subpart 1 of Part D— Section 176 Conformity Plan Provisions. Section 176(c) of the Act requires States to revise their SIPs to establish criteria and procedures to ensure that Federal actions, before they are taken, conform to the air quality planning goals in the applicable State SIP. The requirement to determine conformity applies to transportation plans, programs and projects developed, funded, or approved under title 23 U.S.C. or the Federal Transit Act ("transportation conformity"), as well as to all other Federal actions ("general conformity"). Section 176 further provides that the conformity revisions to be submitted by the States must be consistent with Federal conformity regulations that the Act required EPA to promulgate. Congress provided for the State revisions to be submitted one year after the date for promulgation of final EPA conformity regulations. When that date passed without such promulgation, EPA's General Preamble for the Implementation of title I informed the

State that its conformity regulations would establish a submittal date (*see* 57 FR 13498, 13557, (April 16, 1992)).

The EPA promulgated final transportation conformity regulations on November 24, 1993 (58 FR 62118) and general conformity regulations on November 30, 1993 (58 FR 63214).

These conformity rules require that States adopt both transportation and general conformity provisions in the SIP for areas designated nonattainment or subject to a maintenance plan approved under CAA section 175A. Pursuant to 40 CFR 51.396 of the transportation conformity rule and 40 CFR 51.851 of the general conformity rule, the State of California is required to submit a SIP revision containing transportation conformity criteria and procedures consistent with those established in the Federal rule by November 25, 1994. Similarly, California is required to submit a SIP revision containing general conformity criteria and procedures consistent with those established in the Federal rule by December 1, 1994. Because the deadlines for these submittals have not yet come due, they are not applicable requirements under section 107(d)(3)(E)(v) and, thus, do not affect approval of this redesignation request.

Moreover, the BAAQMD has committed to revise its SIP to be consistent with the final Federal regulations on conformity by the applicable November 1994 deadlines (see 40 CFR 51.396(a) and 51.851(a), November 24, 1993 (58 FR 62218) and November 30, 1993 (58 FR 63247), respectively).

B.3. Subpart 2 of Part D—Section 182(a) and 182(b) Requirements. The San Francisco Bay Area is a moderate ozone nonattainment area. Under subpart 2 of part D, such areas must meet the requirements for marginal areas under section 182(a)(1) as well as the requirements for moderate areas contained in section 182(b). As discussed in section 2.B.2. above, for purposes of section 107(d)(3)(E)(v), the San Francisco Bay Area must meet only those requirements of sections 182 (a) and (b) which were due prior to or at the time of the submittal of a complete redesignation request. The BAAQMD has met the requirements of section 182 with the exception of VOC RACT rule corrections, the emissions statement rule, and the NSR rule corrections.

At the request of the CARB, EPA will parallel process the SIP revisions required pursuant to section 182(a) and (b) in a separate **Federal Register** notice before final action on the redesignation request and maintenance plan (See letter dated July 21, 1994 from James D. Boyd, Executive Officer, CARB to Felicia Marcus, Regional Administrator, EPA).

The CARB submitted a 1990 emissions inventory of ozone precursors as required by section 182(a)(1) on November 12, 1992. On November 18, 1993 the CARB submitted a revised 1990 emissions inventory of ozone precursors which EPA found incomplete on April 13, 1994 because the emissions inventory had not gone through an adequate public notice and hearing process. To correct the deficiency, the BAAQMD held a public hearing on July 29, 1994 (which was the maintenance plan 1990 attainment inventory submitted on November 12, 1993) and will submit the appropriate documentation to EPA. Through this document, EPA also proposes to approve the 1990 emissions inventory as required by section 182(a)(1).

Currently, the BAAQMD is in the process of amending certain VOC RACT regulations required by sections 182(a)(2)(A) and 182(b)(2) which EPA must fully approve into the SIP prior to final action on the redesignation request and maintenance plan.[2] The following is a list of the deficient VOC RACT regulations:

Rule No.	Rule title
8–1	General Provisions.
8–2	Miscellaneous Operations.
8–4	General Solvent & Surface Coating Operations.
8–7	Gasoline Dispensing Facilities.
8–8	Wastewater (Oil-Water) Separators.
8–11	Metal Container Closure and Coil Coating.
8–12	Paper, Fabric, and Film Coating.
8–13	Light and Medium Duty Motor Vehicle Assembly Plants.
8–14	Surface Coating of Large Appliance and Metal Furniture.
8–15	Emulsified and Liquid Asphalts.
8–16	Solvent Cleaning Operations.
8–19	Surface Coating of Miscellaneous Metal Parts and Products.
8–20	Graphic Arts Printing and Coating Operations.
8–22	Valves and Flanges at Chemical Plants.
8–23	Coating of Flat Wood Paneling and Wood Flat Stock.
8–24	Pharmaceutical and Cosmetic Manufacturing Operations.
8–25	Pump and Compressor Seals at Petroleum Refineries, Chemical Plants, Bulk Plants, and Bulk Terminals.
8–28	Pressure Relief Valves at Petroleum Refineries and Chemical Plants.
8–29	Aerospace Assembly and Component Coating Operations.
8–30	Semiconductor Manufacturing Operations.
8–31	Surface Coating of Plastic Parts and Products.
8–32	Wood Product Coatings.
8–33	Gasoline Bulk Terminals and Gasoline Delivery Vehicles.
8–34	Solid Waste Disposal Sites.
8–35	Coating, Ink, and Adhesive Manufacturing.
8–38	Flexible and Rigid Disk Manufacturing.
8–39	Gasoline Bulk Plants and Gasoline Delivery Vehicles.
8–40	Aeration of Contaminated Soil.
8–41	Vegetable Oil Manufacturing Operations.
8–42	Large Commercial Bakeries.
8–43	Surface Coating of Marine Vessels.
8–45	Motor Vehicle and Mobile Equipment Coating Operations.
8–47	Air Stripping and Soil Vapor Extraction Operations.
8–50	Polyester Resin Operations.

Upon EPA's final approval of these rules and the other corrections noted above, the BAAQMD will have met the applicable requirements of the Act.

B4. Section 182(f) NO_X RACT Exemption Petition—a. Section 182(f) Requirements and Exemption Provisions. Section 182(f) of the Act requires that the same ozone provisions that apply to major stationary sources of VOC under subpart 2 of Part D also apply to major stationary sources of NO_X. Areas designated nonattainment of the NAAQS for ozone, and classified as moderate nonattainment or above, are required to adopt RACT rules for major stationary sources of NO_X and to provide for nonattainment area new source review (NSR) for new sources and modifications that are major for NO_X. Section 182(f) provides further that these requirements do not apply if EPA determines that additional NO_X reductions would not contribute to attainment of the NAAQS, for areas outside the ozone transport region (OTR). Any person (including a state) may petition EPA to make such a finding. EPA guidance interpreting the section 182(f) exemption provisions provides that a state may submit an exemption petition based on three consecutive years of air quality monitoring data showing attainment of the ozone NAAQS.

[2] EPA has received all of the VOC RACT rules required by section 182(a), but the rules do not meet all of EPA requirements for full approval. EPA has met extensively with the BAAQMD to discuss specific revisions to correct RACT deficiencies. EPA is unable to make a definitive determination on the approvability of these rules until EPA receives and reviews the formal SIP revision from the CARB.

EPA's NO_X exemption policy is contained in several memoranda[3] providing that under section 182(f)(1)(A), an exemption from the NO_X requirements may be granted for nonattainment areas outside the OTR if EPA determines that additional reductions of NO_X would not contribute to attainment of the NAAQS for those areas. In cases where a nonattainment area is demonstrating attainment with three consecutive years of air quality monitoring data, without having implemented the section 182(f) NO_X provisions, it is clear that the "contribute to attainment" test is met. Thus, a State may submit a petition for a section 182(f) exemption based on air quality monitoring data.

Pursuant to section 182(f)(1) of the Act, the exemption guidance outlines circumstances under which EPA would determine whether the new NO_X requirements would be limited or would not apply. For areas that did not implement the section 182(f) NO_X requirements but did attain the ozone standard, as demonstrated by ambient monitoring data, it is clear that the additional NO_X reductions required by section 182(f) would not contribute to attainment, although they might contribute to maintenance. In addition, EPA has not received a demonstration that the NO_X exemption would interfere with attainment or maintenance in downwind areas. (See discussion below in IV. Potential Impact of California Federal Implementation Plan and State Implementation Plan.)

EPA's conformity rules[4],[5] also reference the section 182(f) exemption process as a means for exempting affected areas from NO_X conformity requirements. Therefore, ozone nonattainment areas that are granted areawide section 182(f) exemptions under this approach will also be exempt from the NO_X conformity requirements.

b. BAAQMD NO_X RACT Exemption Petition. On April 21, 1993, EPA notified the Governor of California of a finding that the State failed to submit the NO_X RACT provisions by November 15, 1992 as required by section 182(f). On April 15, 1994, the BAAQMD submitted a petition to EPA requesting that the San Francisco Bay Area ozone nonattainment area be exempted from the requirement to implement NO_X RACT controls pursuant to section 182(f) of the Act. A successful exemption demonstration or a complete submittal of the NO_X RACT rules would cure this deficiency.

The BAAQMD has not implemented NO_X RACT and has submitted monitoring data as part of its redesignation request to demonstrate attainment of the standard. As discussed above, the BAAQMD has monitoring data showing that the area attained the ozone NAAQS since the 1990–1992 timeframe. See section III.1. of this notice for a detailed discussion of the ozone air quality monitoring data.

c. Proposed Action. The EPA proposes to grant the BAAQMD section 182(f) NO_X RACT exemption petition based upon the evidence provided by the BAAQMD and the BAAQMD's compliance with the requirements outlined in EPA's section 182(f) exemption guidance. The final approval of this proposed action would exempt the San Francisco Bay Area from the requirements to implement the NO_X RACT requirements and the applicable general and transportation conformity provisions for NO_X. However, the NO_X RACT control measures are included as contingency measures in the San Francisco Bay Area's maintenance plan (See discussion below, 5E. Contingency Plan).

3. Fully Approved SIP Under Section 110(k) of the Act

In order for EPA to take final action approving the redesignation request and maintenance plan, the San Francisco Bay Area must have a fully approved SIP under section 110(k), which also meets the applicable requirements of section 110 and Part D. As discussed in Section 2.A. above, EPA approved numerous provisions of the San Francisco Bay Area SIP under the pre-amended Act and finds that these provisions meet the requirements of section 110(a)(2). In addition, EPA will take action on the following SIP revisions prior to taking final action on the redesignation request and maintenance plan: VOC RACT rules, NSR rule, and the emission statement rule. Also, EPA is proposing to approve the emissions inventory as required by section 182(a)(1) through this document. Assuming that these SIP revisions meet all requirements for approval, EPA will undertake rulemaking to approve them. Once EPA approves these revisions, the San Francisco Bay Area will have fulfilled the requirement to have a fully approved SIP under section 110(k).

The proposed approval of the redesignation request is contingent upon the BAAQMD fulfilling the requirements of sections 173 and 182 discussed above prior to final rulemaking. In the alternative, if the requirements are not fulfilled, EPA must disapprove the redesignation request for the San Francisco Bay Area.

4. Improvement in Air Quality Due to Permanent and Enforceable Measures

Under the pre-amended Act, EPA approved California's SIP control strategy for the San Francisco Bay Area nonattainment area, satisfied that the rules and the emission reductions achieved as a result of those rules were enforceable. Since enactment of the amended Act, the State has made additional submittals as identified in section 182(b) above. In addition, EPA finds that the measures listed below contribute to the permanence and enforceability of reductions in ambient ozone levels in the San Francisco Bay Area.

Selected control measures[1]	BAAQMD reg 8 rule #	Emission reductions 1987–1990 VOC (TPD)
Stationary Sources:		
Architectural Coatings	3	1.8
Emulsified and Liquid Asphalts	15	2.0
Solvent Cleaning Operations	16	0.8
Valves and Flanges at Petroleum Refinery Complexes	18	1.4
Graphic Arts Printing and Coating Operations	20	0.7
Pump and Compressor Seals at Petroleum Refineries	25	1.1
Solid Waste Disposal Sites	34	3.1
Natural Gas and Crude Oil Production Refineries	37	0.6

[3] Michael H. Shapiro, Acting Assistant Administrator for Air and Radiation, issued on September 17, 1993, entitled "State Implementation Plan (SIP) Requirements for Areas Submitting Requests for Redesignation to Attainment of the Ozone and Carbon Monoxide (CO) National Ambient Air Quality Standards (NAAQS) on or after November 15, 1992", and, "Guideline for Determining the Applicability of Nitrogen Oxide Requirements under Section 182(f)," from John Seitz, Director, Office of Air Quality Planning and Standards, to the Regional Division Directors, December 16, 1993, and a subsequent revision to portions of these memoranda from John S. Seitz, Director of EPA's Office of Air Quality Planning and Standards, issued on May 27, 1994, entitled, "Section 182(f) Nitrogen Oxides (NO_X) Exemptions—Revised Process and Criteria".

[4] "Criteria and Procedures for Determining Conformity to State or Federal Implementation Plans or Transportation Plans, Programs, and Projects Funded or Approved under Title 23 U.S.C. of the Federal Transit Act", November 24, 1993 (58 FR 62188).

[5] "Determining Conformity of General Federal Actions to State or Federal Implementation Plans; Final Rule", November 30, 1993 (58 FR 63214).

Selected control measures [1]	BAAQMD reg 8 rule #	Emission reductions 1987–1990 VOC (TPD)
Motor Vehicles and Mobile Equipment Coating Operations	45	0.6
Marine Tank Vessel to Marine Tank Vessel Loading	46	0.5
Aerosol Paint Coatings	49	0.8
Stationary Sources Subtotal		13.4
Mobile Sources:		
ARB Motor Vehicle Program (including Basic I/M)	n/a	56
Total		69

[1] Control Measures achieving at least 0.5 TPD reduction of VOC between 1987 and 1990.

The actual reduction in VOC emissions from 1987 to 1990 was 61 TPD which reflects growth in emissions from some sources and reductions in emissions due to all control measures.

In association with its emission inventory discussed in Section 5.A. below, the State demonstrated that point source VOC emissions were not artificially low due to local economic downturn. The BAAQMD included trend data for vehicle miles traveled (VMT) and employment in the maintenance plan to demonstrate that attainment was not due to economic downturn. These trend data indicate that neither VMT growth nor daily VMT actually decreased during the attainment period. In addition, using employment data as an indicator for stationary source emissions, the BAAQMD demonstrated a modest decrease during the calendar years 1991 and 1992. The overall effect on the stationary source inventory should have been less than a 2% reduction, not enough to significantly affect the San Francisco Bay Area's attainment of the ozone NAAQS. EPA finds that the combination of existing EPA-approved SIP and Federal measures contribute to the permanence and enforceability of reductions in ambient ozone levels that have allowed the area to attain the NAAQS.

5. Fully Approved Maintenance Plan Under Section 175A

In today's document, EPA is proposing approval of the State's maintenance plan for the San Francisco Bay Area because EPA finds that the BAAQMD's submittal meets the requirements of section 175A. If EPA determines after public notice and comment that it should give final approval to the maintenance plan, the San Francisco Bay Area nonattainment area will have a fully approved maintenance plan in accordance with section 175A. Section 175A of the Act sets forth the elements of a maintenance plan for areas seeking redesignation from nonattainment to attainment. The plan must demonstrate continued attainment of the applicable NAAQS for at least ten years after the Administrator approves a redesignation to attainment. Eight years after the redesignation, the State must submit a revised maintenance plan which demonstrates attainment for the ten years following the initial ten-year period. To provide for the possibility of future NAAQS violations, the maintenance plan must contain contingency measures, with a schedule for implementation, adequate to assure prompt correction of any air quality problems. Each of the section 175A plan requirements is discussed below.

5.A. Emissions Inventory—Base Year Inventory. The BAAQMD adopted comprehensive inventories of VOC, NO_x, and CO emissions from area, stationary, and mobile sources using 1990 as the base year for calculations to demonstrate maintenance of the ozone NAAQS. EPA has determined that 1990 is an appropriate year on which to base attainment level emissions because EPA policy allows States to select any one of the three years in the attainment period as the attainment year inventory.[6]

CARB originally submitted the annual and peak ozone season 1990 comprehensive inventories of actual emissions as a SIP revision on November 12, 1992, and revised them in a submission dated November 18, 1993. CARB also submitted the San Francisco Bay Area's ozone maintenance plan on November 12, 1993 which contained a comprehensive 1990 emission inventory. EPA policy (September 29, 1992, Calcagni and Laxton) allows the public hearing and adoption of the 1990 base year inventories to occur with the first related regulatory submittal. CARB developed the inventories to meet the requirements of sections 172(c)(3) and 182(a)(1), in accordance with EPA guidance.

The State submittal contains the detailed inventory data and summaries by county and source category. The BAAQMD provided the stationary source estimates, based on source test and mass balance computations, as required for annual permit renewal. The CARB and BAAQMD generated area source emissions for each source category based on emission and activity factors for each county in the nonattainment area. These factors are cited or their sources referenced in Methods for Assessing Area Source Emissions in California, California Air Resources Board, September 1991.

CARB based on-road mobile source emission and activity estimates on CARB's EMFAC7F and BURDEN7C models, respectively. Different emission factors and activity rates apply to each type of vehicle, roadway, and road condition. Vehicle mix and age data from vehicle registration vary within each county. Off-road engine estimates were derived from both State and local sources, as cited in the area source document, referenced above. The CARB derived VMT estimates from a mix of the California "Highway Performance Monitoring System" (HPMS) and local surveys. Actual, as opposed to allowable, emission estimates were used for all source categories.

The comprehensive base year emissions inventory discussed above has been entered into the Aerometric Information Retrieval System (AIRS). AIRS is EPA's computerized data storage system for air quality and emission source data. EPA, under contract with Radian Corporation, has entered the base year emissions inventory of stationary sources into AIRS and has also prepared computer software to convert the California Emission Data System stationary source data to AIRS/AFS format for entry into AIRS. California is responsible for entering 1990 area and mobile source (AMS) data into AIRS by October 1994, according to a fiscal year 1994 Clean Air Act section 105 air program grant agreement. EPA's TSD contains a more detailed analysis of the base year inventory for the San Francisco Bay Area.

On April 13, 1994, EPA found the 1990 base year inventory submission incomplete for lack of adequate public notice and adoption. Instead of adopting the November 12, 1992 and November 18, 1993 base year inventories as submitted by CARB, the BAAQMD held a public hearing on a revised 1990 base year inventory on July 29, 1994 which was the attainment inventory submitted as part of the maintenance plan. The State requested parallel processing of this revised emissions inventory to fulfill section 182(a)(1). Based on the State's parallel processing request and

[6] "Procedures for Processing Requests to Redesignate Areas to Attainment," John Calcagni, Director, Air Quality Management Division, September 4, 1992.

submission of associated documentation, EPA rescinded the finding of incompleteness in an EPA letter dated August 25, 1994 to CARB (Howekamp, EPA to Boyd, CARB).

Following is a table of the revised average peak ozone season weekday VOC and NO_x emissions for the biogenic and major anthropogenic source categories for 1990 (the attainment year inventory, 1995, 2000, and 2005.

VOC EMISSION INVENTORY SUMMARY [1] (TONS PER DAY)

	1990	1995	2000	2005
Point	78	73	75	77
Area	173	154	141	141
Mobile On-Road	300	204	142	104
Mobile Non-Road	81	85	82	84
Anthropogenic Total	631	515	440	406
Biogenics	300	300	300	300
Total	931	815	740	706

[1] Entries are rounded to the nearest whole number. Totals may not equal to sum of column entries.

NO_x EMISSION INVENTORY SUMMARY [1] (TONS PER DAY)

	1990	1995	2000	2005
Point	131	130	141	146
Area	15	16	17	18
Mobile On-Road	251	194	166	158
Mobile Non-Road	159	164	176	186
Total	557	504	499	508

[1] Entries are rounded to the nearest whole number, totals may not equal to sum of column entries.

The BAAQMD provided EPA with the appropriate documentation for technical (Base Year 1990 Emission Inventory—Source Category Methodologies) and administrative requirements. The revised VOC and NO_x inventories are 3.4 and 13.5 percent lower, respectively, than the reactive organic compound (ROG) and NO_x inventories previously submitted by the State. The primary reason for the difference between the inventories is the use of the BURDEN7F model in place of the BURDEN7C model to estimate vehicular emissions. In addition, ROG inventories include ethane, which are approximately 4 percent higher than VOC inventories.

5.B. Demonstration of Maintenance—Projected Inventories. The BAAQMD developed projected VOC and NO_x emissions inventories for the years 1990, 1995, 2000 and 2005 by applying growth factors in accordance with EPA guidance. The CARB included these 1990 emissions inventories for VOC, NO_x and CO in the maintenance plan submission. These 1990 emission inventories will be entered into AIRS.

The projected inventories show that the ozone standard will be maintained and that emissions are not expected to exceed the level of the 1990 inventory during the maintenance period. EPA's TSD contains a detailed analysis of the projected emission inventories for the San Francisco Bay Area.

5.C. Verification of Continued Attainment. Continued attainment of the ozone NAAQS in the San Francisco Bay Area depends, in part, on the State's efforts to track indicators of continued attainment during the maintenance period. The BAAQMD will analyze annually the three most recent consecutive years of air quality monitoring data to verify continued attainment of the national ozone standard, in accordance with 40 CFR part 50, appendix H. The BAAQMD will submit to EPA an annual report by July 1 of each year for data collected from the previous calendar year. This information in conjunction with the reports from the previous two years will provide adequate information for determining continued compliance with the ozone NAAQS. The BAAQMD has chosen a violation of the NAAQS as the trigger for the contingency plan.

5.D. Contingency Plan. The level of VOC and NO_x emissions in the San Francisco Bay Area will largely determine its ability to stay in compliance with the ozone NAAQS in the future. Despite best efforts to demonstrate continued compliance with the NAAQS, the ambient air pollutant concentrations may exceed or violate the NAAQS. Therefore, as required pursuant to section 175A, the BAAQMD has provided contingency measures with a schedule for implementation in the event of a future ozone air quality problem.

At the time of local adoption of the redesignation request and maintenance plan, the BAAQMD identified the enhanced vehicle inspection and maintenance program (I/M), required for serious and above ozone nonattainment areas, as the contingency measure which would be triggered in the event of a violation during the maintenance period. Since that time, the State of California has passed legislation for an enhanced I/M program which restricts the implementation of the test-only program to nonattainment areas which are required to implement the program under the Clean Air Act. Thus, BAAQMD is prohibited from opting into the test-only portion of the enhanced I/M program. However, the BAAQMD has selected new measures to fulfill the contingency plan requirements of section 175A(d) which are discussed below.

On April 15, 1994, the BAAQMD, MTC, and ABAG sent a letter to the CARB Executive Officer, James Boyd, which committed to adopt basic improvements to the I/M program and NO_x control measures as the new contingency provisions for the maintenance plan. In this letter, the BAAQMD, MTC and ABAG, have proposed to implement the basic improvements to the I/M program beginning in January 1995 in order to ensure continued maintenance of the NAAQS. The emission reductions associated with this program go beyond the necessary emission reductions required for maintenance and the reductions are not included in the BAAQMD's projected inventories in the maintenance plan. These improvements yield approximate emission reductions in the amount of 8 tons per day (TPD) VOC and 7 TPD NO_x. The early implementation of this contingency provision provides an additional margin of safety for the area in maintaining the NAAQS. In addition, in the event of a violation during the maintenance period, the BAAQMD will meet with EPA within 30 days following the violation to determine which additional measures would be appropriate to implement. The additional measures contained in the proposal include numerous NO_x RACT control measures which yield additional NO_x reductions through the year 2001. The chart below lists the additional measures and their associated emission reductions. The TSD contains detailed information concerning the basic improvements to the I/M program and the NO_x RACT control measures.

BAAQMD NO_x RULES AS CONTINGENCY MEASURES

Title regulation 9	Adopted	Implementation year(s)	NO_x Reductions (TPD)
NO_x and CO from Industrial, Institutional and Commercial Boilers, Steam Generators (rule 7)	9/16/92	1/1/96	14.9

BAAQMD NO_X RULES AS CONTINGENCY MEASURES—Continued

Title regulation 9	Adopted	Implementation year(s)	NO_X Reductions (TPD)
NO_2 and CO_2 Emissions from Stationary Internal Combustion Engines (rule 8)	1/20/93	1/1/97	8.3
NO_X from Stationary Gas Turbines (rule 9)	5/5/93	1/1/97	7/0
Refinery Boilers, Steam Generators and Process Heaters (rule 10)	1/5/94	5/31/95	n/a
NO_X and CO from Utility Electric Power Generating Boilers (rule 11)	2/16/94	5/31/95	1–2.6
NO_X from Glass Melting Furnaces (rule 12)	1/19/94	1/1/97–1/1/2001	1.2

[1] Sources already meet RACT standards.

At the request of CARB, the changes to the contingency plan are being parallel processed in accordance with 40 CFR part 51, appendix V in order to expedite the approval of the redesignation request and maintenance plan. The BAAQMD, MTC and ABAG held a public hearing on the new contingency plan on July 29, 1994.

The contingency measures proposed by the BAAQMD meet the requirements of section 175A(d) of the Act.

5E. Subsequent Maintenance Plan Revisions. In accordance with section 175A(b) of the Act, the State has agreed to submit a revised maintenance SIP eight years after the area is redesignated to attainment. Such revised SIP will provide for maintenance for an additional ten years (See letter dated April 15, 1994 from Milton Feldstein, BAAQMD to James Boyd, CARB attached to the TSD).

IV. Potential Impact of California Federal Implementation Plans and State Implementation Plans

EPA is under court order to promulgate final federal implementation plans (FIPs) for ozone for Los Angeles-South Coast Air Basin Area, the Sacramento Metro Area, and the Ventura County Area and for carbon monoxide for Los Angeles-South Coast Air Basin Area by February 15, 1995. EPA discusses the phenomenon of pollutant transport within air basins in the proposed FIPs (59 FR 23393, May 5, 1994). EPA acknowledges that future modeling analyses could eventually result in revisions to the FIP, which may impose additional FIP controls for areas not covered by the proposed FIPs, such as the San Francisco Bay Area, which is upwind of Sacramento. EPA's proposed action to redesignate the San Francisco Bay Area to an attainment area does not exclude the possibility of future FIP controls in the area.

In addition, States are responsible for developing and submitting demonstrations which show that the standard will be attained by the applicable date for areas where the demonstration of attainment is complicated by transport between two areas of different classifications (See General Preamble to title I of the Clean Air Act (57 FR 13528, April 16, 1992)). Thus, EPA expects the ozone modeling demonstrations due by November 15, 1994 required by section 182(c)(2) to address transport and to demonstrate attainment for all areas within California.

A recent report released by CARB, "Preliminary Assessment of Transport on San Joaquin Valley Ozone," discusses recent simulations to assess the impact of transported emissions in the San Joaquin Valley. It should be noted that the results discussed in the report are based on an extreme scenario in which anthropogenic emissions for the San Francisco Bay Area and the Sacramento area are set to zero. In this scenario, the report indicates that there would be a decrease in ozone measurements of 27% in the Northern San Joaquin Valley, ten percent in the Central San Joaquin Valley and seven percent in Southern San Joaquin Valley. The results discussed in this report are preliminary. EPA will review the final report when it is available.

EPA is soliciting comment on whether transport has any impact on EPA's proposed redesignation of the San Francisco Bay Area to attainment.

V. Conclusion

EPA is soliciting public comments on this document and on issues relevant to EPA's proposed action. Comments will be considered before taking final action. Interested parties may participate in the Federal rulemaking procedure by submitting written comments to the person and address listed in the ADDRESSES section at the beginning of this notice.

Proposed Action

In today's document, EPA proposes to approve the San Francisco Bay Area's ozone maintenance plan because it meets the requirements of section 175A. In addition, the Agency is proposing approval of the redesignation request for the ozone nonattainment area, subject to final approval of the maintenance plan and provided the hearing notice and adoption documentation are submitted for the amendments to the contingency plan, because the State has demonstrated compliance with the requirements of section 107(d)(3)(E) for redesignation. Finally, EPA proposes to approve the emissions inventory as meeting the requirements of section 182(a)(1), provided the hearing notice and adoption documentation are submitted, and the NO_X exemption petition which fulfills the requirements of section 182(f). Nothing in this action should be construed as permitting or allowing or establishing a precedent for any future request for revision to any SIP. Each request for revision to the SIP shall be considered separately in light of specific technical, economic, and environmental factors and in relation to relevant statutory and regulatory requirements.

Ozone State implementation plans (SIP's) are designed to satisfy the requirements of part D of the Clean Air Act and to provide for attainment and maintenance of the ozone NAAQS. This proposed redesignation should not be interpreted as authorizing the State to delete, alter, or rescind any of the VOC or NO_X emission limitations and restrictions contained in the approved ozone SIP. Changes to ozone SIP VOC regulations rendering them less stringent than those contained in the EPA approved plan cannot be made unless a revised plan for attainment and maintenance is submitted to and approved by EPA. Unauthorized relaxations, deletions, and changes could result in both a finding of nonimplementation (section 173(b) of the Clean Air Act) and in a SIP deficiency call made pursuant to section 110(a)(2)(H) of the Clean Air Act.

Under the Regulatory Flexibility Act, 5 U.S.C. 600 *et seq.*, EPA must prepare a regulatory flexibility analysis assessing the impact of any proposed or final rule on small entities. 5 U.S.C. 603 and 604. Alternatively, EPA may certify that the rule will not have a significant

impact on a substantial number of small entities. Small entities include small businesses, small not-for-profit enterprises, and government entities with jurisdiction over populations of less than 50,000.

SIP approvals under section 110 and subchapter I, part D of the CAA do not create any new requirements, but simply approve requirements that the State is already imposing. Therefore, because the Federal SIP-approval does not impose any new requirements, it does not have any economic impact on any small entities. Redesignation of an area to attainment under section 107(d)(3)(E) of the CAA does not impose any new requirements on small entities.

Redesignation is an action that affects the status of a geographical area and does not impose any regulatory requirements on sources. Accordingly, I certify that the approval of the redesignation request will not have an impact on any small entities.

The Office of Management and Budget has exempted this rule from the requirements of section 6 of Executive Order 12866.

List of Subjects

40 CFR Part 52

Environmental protection, Air pollution control, Hydrocarbons, Intergovernmental relations, Ozone.

40 CFR Part 81

Air pollution control, National parks, Wilderness areas.

Authority: 42 U.S.C. 7401–7671q.

Dated: August 31, 1994.

Felicia Marcus,

Regional Administrator.

[FR Doc. 94–23983 Filed 9–27–94; 8:45 am]

BILLING CODE 6560–50–P

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40 CFR Part 180

[PP 8F3649, 9F3703, 0F3880/P590; FRL–4913–2]

RIN 2070–AC18

Pesticide Tolerances for Abamectin B_1 and Its Delta-8,9-Isomer

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA proposes to establish tolerances for residues of the insecticide abamectin B_1 and its delta-8,9-isomer in or on the raw agricultural commodities celery, tomatoes, and strawberries. The proposed regulation to establish maximum permissible levels for residues of the insecticide was requested in petitions submitted by the Merck Sharp & Dohme, Division of Merck & Co.

DATES: Comments, identified by document control number [PP 8F3649, 9F3703, 0F3880/P590], must be received on or before October 28, 1994.

ADDRESSES: By mail, submit written comments to: Public Response and Program Resources Branch, Field Operations Division (7506C), Office of Pesticide Programs, Environmental Protection Agency, Rm. M3708, 401 M St., SW., Washington, DC 20460. In person, bring objections and hearing requests to Rm. 1132, CM #2, 1921 Jefferson Davis Hwy., Arlington, VA 22202.

Information submitted as comments concerning this document may be claimed confidential by marking any part or all of that information as "Confidential Business" (CBI). Information marked so will not be disclosed except in accordance with procedures set forth in 40 CFR part 2. A copy of the comment that does not contain CBI must be submitted for inclusion in the public record. Information not marked confidential may be disclosed publicly by EPA without prior notice. All written comments will be available for public inspection in Rm. 1132 at the address given above, from 8 a.m. to 4 p.m., Monday through Friday, excluding legal holidays.

FOR FURTHER INFORMATION CONTACT: By mail: George T. LaRocca, Product Manager (PM) 13, Registration Division (7505C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Office location and telephone number: Second Floor, Crystall Mall #2, Rm. 204, 1921 Jefferson Davis Hwy., Arlington, VA 22202, (703)-305-6100.

SUPPLEMENTARY INFORMATION: EPA issued a notice, published in the **Federal Registers** of October 12, 1988 (53 FR 39783), February 22, 1989 (54 FR 7596), and January 16, 1991 (56 FR 1631), which announced that Merck Sharp & Dohme, Division of Merck & Co., Hillsborough Rd., Three Bridges, NJ 08887, had submitted pesticide petitions (PP 8F3649 for celery, PP 9F3703 for tomatoes, and PP 0F3880 for strawberries) to EPA requesting that the Administrator, pursuant to section 408(d) of the Federal Food, Drug, and Cosmetic Act (FFDCA), 21 U.S.C. 346a(d), establish tolerances for residues of the pesticide abamectin B_1 and its delta-8,9-isomer (a mixture of abamectin containing greater than or equal to 80 percent abamectin B_{1b} (5-0-demethyl abamectin A_{1a}) and less than or equal to 20 percent abamectin B_{1a} (5-0-demethyl-25-di(1-methylpropyl)-25-(1-methylethyl) abamectin A_{1a})) in or on the raw agricultural commodities (RACs) celery at 0.035 part per million (ppm); tomatoes at 0.005 ppm; and strawberries at 0.02 ppm and a feed additive petition (FAP 9H5570) proposing to amend 40 CFR 186.300 by establishing a feed additive regulation under section 409 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C.348) for abamectin B_1 and its delta-8,9-isomer in or on tomato wet pomace at 0.01 ppm and tomato dry pomace at 0.07 ppm.

On January 31, 1990, Merck Sharp & Dohme, Division of Merck & Co. requested that the pesticide petitions be amended by increasing the proposed tolerances for the RACs tomatoes (PP 9F3703) and celery (PP 8F3649) to 0.01 and 0.05 ppm, respectively, and by deleting the proposed tolerance on wet tomato pomace (9H5570) since there is no distinction between wet and dry pomace, and the higher proposed feed additive tolerance of 0.07 ppm for tomato pomace is adequate.

Subsequent to the initial notices of filing, EPA established import tolerances for residues of abamectin B_1 and its delta-8,9 isomer on the RAC fresh tomatoes at 0.01 ppm and established a feed additive regulation for tomato pomace at 0.07 ppm for tomatoes imported from Mexico. (See the **Federal Register** of December 13, 1991 (56 FR 6503)). Although the tolerance level proposed for tomatoes is the same as that established in December 13, 1991, that tolerance was limited to fresh tomatoes only. The current proposed tolerance is for all tomatoes. Since the tolerance level proposed for tomato pomace is the same as that established in December 13, 1991, FAP 9H5570 is being administratively withdrawn.

The data submitted in support of these tolerances and other relevant material have been reviewed. The toxicological and metabolism data and analytical methods for enforcement purposes considered in support of these tolerances are discussed in detail in related documents published in the **Federal Registers** of May 31, 1989 (54 FR 23209, cottonseed) and August 2, 1989 (54 FR 31836, citrus).

The Agency used a two-generation rat reproduction study with an uncertainty factor of 300 to establish a Reference Dose (RfD). The 300-fold uncertainty factor was utilized for (1) inter- and intra-species differences, (2) the extremely serious nature (pup death) observed in the reproduction study, (3) maternal toxicity (lethality) no-

observable-effect level (NOEL) (0.05 mg/kg/day), and (4) cleft palate in the mouse developmental toxicity study with isomer (NOEL = 0.06 mg/kg/day). Thus, based on a NOEL of 0.12 mg/kg/day from the two-generation rat reproduction and an uncertainty factor of 300, the RfD is 0.0004 mg/kg/body weight (bwt)/day.

A chronic dietary exposure/risk assessment has been performed for abamectin using the above RfD. Available information on anticipated residues and 100% crop treated was incorporated into the analysis to estimate the Anticipated Residue Contribution (ARC). The ARC is generally considered a more realistic estimate than an estimate based on tolerance-level residues. The ARC from established tolerances and the current action is estimated at 0.000106 mg/kg bwt/day and utilizes 26.5 percent of the RfD for the U.S. population. The ARC for children, aged 1 to 6 years old, and nonnursing infants (subgroups most highly exposed) utilizes 64.2 and 95.1 percent of the RfD, respectively. Generally speaking, the Agency has no cause for concern if anticipated residues contribution for all published and proposed tolerances is less than the RfD.

Because of the developmental effects seen in animal studies, the Agency used the mouse teratology study (with a NOEL of 0.06 mg/kg/day for developmental toxicity for the delta-8,9 isomer) to assess acute dietary exposure and determine a margin of exposure (MOE) for the overall U.S. population and certain subgroups. Since the toxicological end point pertains to developmental toxicity, the population group of interest for this analysis is women aged 13 and above, the subgroup which most closely approximates women of child-bearing age. The MOE is calculated as the ratio of the NOEL to the exposure. For this analysis, the Agency calculated the MOE for high-end exposures for women ages 13 and above. The MOE for the high-end exposure is 167. Generally speaking, MOEs greater than 100 for developmental toxicity are acceptable to the Agency.

The metabolism of the chemical in plants and livestock for this use is adequately understood. Any secondary residues occurring in meat, meat byproducts, or milk will be covered by existing tolerances for those commodities. There is no reasonable expectation of finite residues in poultry and swine commodities; therefore, no tolerances are necessary at this time. Adequate analytical methodology (HPLC-Fluorescence Methods) is available for enforcement purposes. Prior to publication in the Pesticide Analytical Manual, Vol. II, the enforcement methodology is being made available in the interim to anyone who is interested in pesticide enforcement when requested from: Calvin Furlow, Public Reponse and Program Resource Branch, Field Operations Division (7506C), Office of Pesticide Programs, U.S. Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Office location and telephone number: Rm. 1132, CM #2, 1921 Jefferson Davis Hwy., Arlington, VA 22202 (703)-304-5232.

The tolerances established by amending 40 CFR part 180 will be adequate to cover residues in or on celery, strawberries, and tomatoes. There are presently no actions pending against the continued registration of this chemical. Based on the information and data considered, the Agency has determined that the tolerances established by amending 40 CFR part 180 will protect the public health. Therefore, tolerances are established as set forth below.

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

Under Executive Order 12866 (58 FR 51735, October 4, 1993), the Agency must determine whether the regulatory action is "significant" and therefore subject to all the requirements of the Executive Order (i.e., Regulatory Impact Analysis, review by the Office of Management and Budget (OMB)). Under section 3(f), the order defines "significant" as those actions likely to lead to a rule (1) having an annual effect on the economy of $100 million or more, or adversely and materially affecting a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local or tribal governments or communities (also known as "economically significant"); (2) creating serious inconsistency or otherwise interfering with an action taken or planned by another agency; (3) materially altering the budgetary impacts of entitlement, grants, user fees, or loan programs; or (4) raising novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in this Executive Order.

Pursuant to the terms of this Executive Order, EPA has determined that this rule is not "significant" and is therefore not subject to OMB review.

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

List of Subjects in 40 CFR Part 180

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

Dated: September 16, 1994.

Stephen L. Johnson,

Director, Registration Division, Office of Pesticide Programs.

Therefore, 40 CFR part 180 is amended as follows:

PART 180—AMENDED

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

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

2. In § 180.449, by amending paragraph (b) by revising the table therein, to read as follows:

§ 180.449 Abamectin B_1 and its delta-8,9-isomer; tolerances for residues.

* * * * *

(b) * * *

Commodity	Parts per million
Celery	0.05
Strawberry	0.02
Tomatoes	0.01

[FR Doc. 94-23760 Filed 9-27-94; 8:45 am]

BILLING CODE 6560-50-F

40 CFR Part 180

[OPP-300359; FRL-4909-7]

RIN 2070-AC18

Polystyrene; Tolerance Exemption

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: This document proposes to establish an exemption from the requirement of a tolerance for residues of polystyrene (CAS Reg. No. 9003-53-6) when used as an inert ingredient (suspending agent, thickener) in pesticide formulations applied to growing crops, raw agricultural commodities after harvest, or animals. Dow Chemical Co. requested this proposed regulation.

DATES: Comments, identified by the document control number [OPP-300359], must be received on or before October 28, 1994.

ADDRESSES: By mail, submit written comments to: Public Response and Program Resources Branch, Field Operations Division (7506C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. In person, deliver to: Rm. 1132, Crystal Mall Bldg. #2, 1921 Jefferson Davis Hwy., Arlington, VA 22202.

Information submitted as a comment concerning this document may be claimed confidential by marking any part or all of that information as "Confidential Business Information" (CBI). Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2. A copy of the comment that does not contain CBI must be submitted for inclusion in the public record. Information not marked confidential will be included in the public docket by EPA without prior notice. The public docket is available for public inspection in Rm. 1132 at the address given above, from 8 a.m. to 4 p.m., Monday through Friday, excluding legal holidays.

FOR FURTHER INFORMATION CONTACT: By mail: Tina Levine, Registration Support Branch, Registration Division (7505W), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Office location and telephone number: 2800 Crystal Drive, North Tower, 6th Floor, Arlington, VA 22202, (703)-308-8393.

SUPPLEMENTARY INFORMATION: Dow Chemical Co., 1320 Waldo Ave., Suite 300, Midland, MI 48674, submitted pesticide petition (PP) 4E04371 to EPA requesting that the Administrator, pursuant to section 408(e) of the Federal Food, Drug, and Cosmetic Act (FFDCA) (21 U.S.C. 346a(e)), propose to amend 40 CFR part 180 by establishing an exemption from the requirement of a tolerance for residues of polystyrene (CAS Reg. No. 9003-53-6) when used as an inert ingredient (suspending agent, thickener) in pesticide formulations applied to growing crops, to raw agricultural commodities after harvest, or to animals.

Inert ingredients are all ingredients that are not active ingredients as defined in 40 CFR 153.125, and include, but are not limited to, the following types of ingredients (except when they have a pesticidal efficacy of their own): solvents such as alcohols and hydrocarbons; surfactants such as polyoxyethylene polymers and fatty acids; carriers such as clay and diatomaceous earth; thickeners such as carrageenan and modified cellulose; wetting, spreading, and dispersing agents; propellents in aerosol dispensers; microencapsulating agents; and emulsifiers. The term "inert" is not intended to imply nontoxicity; the ingredient may or may not be chemically active.

The data submitted in the petition and other relevant material have been evaluated. As part of the EPA policy statement on inert ingredients, published in the **Federal Register** of April 22, 1987 (52 FR 13305), the Agency set forth a list of studies which would generally be used to evaluate the risks posed by the presence of an inert ingredient in a pesticide formulation. However, where it can be determined without that data that the inert ingredient will present minimal or no risk, the Agency generally does not require some or all of the listed studies to rule on the proposed tolerance or exemption from the requirement of a tolerance for an inert ingredient. The Agency has decided that no data, in addition to that described below, for polystyrene will need to be submitted. The rationale for this decision is described below:

In the case of certain chemical substances that are defined as "polymers," the Agency has established a set of criteria which identify categories of polymers that present low risk. These criteria (described in 40 CFR 723.250) identify polymers that are relatively unreactive and stable compared to other chemical substances as well as polymers that typically are not readily absorbed. These properties generally limit a polymer's ability to cause adverse effects. In addition, these criteria exclude polymers about which little is known. The Agency believes that polymers meeting the criteria noted above will present minimal or no risk. Polystyrene conforms to the definition of a polymer given in 40 CFR 723.250 (b)(11) and meets the following criteria that are used to identify low risk polymers:

1. The minimum number-average molecular weight of polystyrene is 50,000. Substances with molecular weights greater than 400 generally are not absorbed through the intact skin, and substances with molecular weights greater than 1,000 generally are not absorbed through the intact gastrointestinal (GI) tract. Chemicals not absorbed through skin or GI tract generally are incapable of eliciting a toxic response.

2. Polystyrene is not a cationic polymer, nor is it reasonably anticipated to become a cationic polymer in a natural aquatic environment.

3. Polystyrene does not contain less than 32.0 percent by weight of the atomic element carbon.

4. Polystyrene contains as an integral part of its composition the atomic elements carbon, hydrogen, nitrogen, and oxygen.

5. Polystyrene does not contain as an integral part of its composition, except as impurities, any elements other than those listed in 40 CFR 723.250 (d)(3)(ii).

6. Polystyrene is not a biopolymer, a synthetic equivalent of a biopolymer, or a derivative or a modification of a biopolymer that is substantially intact.

7. Polystyrene is not manufactured from reactants containing, other than impurities, halogen atoms or cyano groups.

8. Polystyrene does not contain a reactive functional group that is intended or reasonably anticipated to undergo further reaction.

9. Polystyrene is not designed or reasonably anticipated to substantially degrade, decompose, or depolymerize.

Based on the information above and review of its use, EPA has found that,

when used in accordance with good agricultural practice, this ingredient is useful and a tolerance is not necessary to protect the public health. Therefore, EPA proposes that the exemption from the requirement of a tolerance be established as set forth below.

Any person who has registered or submitted an application for registration of a pesticide, under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) as amended, that contains any of the ingredients listed herein, may request within 30 days after the publication of this document in the **Federal Register** that this rulemaking proposal be referred to an Advisory Committee in accordance with section 408(e) of the FFDCA.

Interested persons are invited to submit written comments on the proposed regulation. Comments must bear a notation indicating the document control number [OPP-300359]. All written comments filed in response to this petition will be available in the Public Response and Program Resources Branch, at the address given above, from 8 a.m. to 4 p.m., Monday through Friday, except legal holidays.

The Office of Management and Budget has exempted this rule from the requirements of section 2 of Executive Order 12866.

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

List of Subjects in 40 CFR Part 180

Environmental protection, Administrative practice and procedure, Agricultural commodities, Pesticides and pests, Recording and recordkeeping requirements.

Dated: September 14, 1994.

Stephen L. Johnson,

Director, Registration Division, Office of Pesticide Programs.

Therefore, it is proposed that 40 CFR part 180 be amended as follows:

PART 180—[AMENDED]

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

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

2. In § 180.1001 paragraphs (c) and (e) are amended in the tables therein by adding and alphabetically inserting the inert ingredient, to read as follows:

§ 180.1001 Exemptions from the requirement of a tolerance.

* * * * *

(c) * * *

Inert ingredients	Limits	Uses
* *	* * *	* *
Polystyrene (CAS Reg. No. 9003-53-6), minimum number average molecular weight 50,000..	.....	Suspending agent, thickener.
* *	* * *	* *

* * * * *

(e) * * *

Inert ingredients	Limits	Uses
* *	* * *	* *
Polystyrene (CAS Reg. No. 9003-53-6), minimum number average molecular weight 50,000..	.....	Suspending agent, thickener.
* *	* * *	* *

[FR Doc. 94–23889 Filed 9–27–94; 8:45 am]
BILLING CODE 6560–50–F

40 CFR Part 745

[OPPTS–62134C; FRL–4910–7]

RIN 2070–AC21

Lead Fishing Sinkers; Response to Citizens' Petition and Proposed Ban; Reopening of Comment Period

AGENCY: Environmental Protection Agency (EPA).

ACTION: Reopening of comment period.

SUMMARY: EPA is reopening the comment period for a proposed rule to prohibit the manufacture, processing, and distribution in commerce of certain lead- and zinc-containing fishing sinkers which was published in the **Federal Register** of March 9, 1994.

DATES: Comments must be received on or before November 9, 1994.

ADDRESSES: All comments should be submitted in triplicate to: TSCA Docket Receipt (7407), Office of Pollution Prevention and Toxics, Environmental Protection Agency, Rm. E–G99, 401 M St., SW., Washington, DC 20460, Attention: Docket No. 62134C.

FOR FURTHER INFORMATION CONTACT: Susan B. Hazen, Director, Environmental Assistance Division (7408), Office of Pollution Prevention and Toxics, Rm. E–545, 401 M St., SW., Washington, DC 20460, Telephone: (202) 554–1404, TDD: 202–554–0551.

SUPPLEMENTARY INFORMATION: In the **Federal Register** of March 9, 1994 (59 FR 11122), EPA issued a proposed rule under section 6(a) of the Toxic Substances Control Act to prohibit the manufacture, processing, and distribution in commerce of certain lead- and zinc-containing fishing sinkers. Written comments on the proposed rule were to be received on or before May 9, 1994. EPA received requests seeking a 60–day extension of the public comment period because of additional time needed to provide EPA with information it requested in the proposed rule. EPA believed that providing an additional 60–day

comment period to prepare written comments was reasonable, and extended the comment period until July 8, 1994. The Agency has continued to receive numerous comments from the public although the public comment period has closed. Therefore, in order to give all interested persons the opportunity to comment fully, EPA has decided to reopen the public comment period. Written comments must now be received by EPA on or before November 9, 1994.

A person may assert a claim of business confidentiality for any comments submitted to EPA in connection with the proposed rule. Any person who submits a comment that contains information claimed as confidential, must also submit a nonconfidential version. Any claim of confidentiality must accompany the information when it is submitted to EPA. Persons may claim information confidential by circling, bracketing, or underlining it, and marking it with "CONFIDENTIAL" or some other appropriate designation. EPA will disclose information subject to a claim of business confidentiality only to the extent permitted by section 14 of TSCA and 40 CFR part 2, subpart B. If a person does not assert a claim of confidentiality for information in comments at the time it is submitted to EPA, the Agency will put the comments in the public docket without further notice to that person.

List of Subjects in 40 CFR Part 745

Environmental protection, Lead, Recordkeeping and reporting requirements.

Dated: September 20, 1994.

Mark Greenwood,

Director, Office of Pollution Prevention and Toxics.

[FR Doc. 94–23982 Filed 9–27–94; 8:45 am]

BILLING CODE 6560–50–F

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

49 CFR Part 28

[Docket No. (49783)]

Nondiscrimination on the Basis of Disability in Department of Transportation Conducted Programs: Review of Department Facilities

AGENCY: Department of Transportation.

ACTION: Notice and request for comment.

SUMMARY: This notice provides an opportunity to interested persons to participate in the self-evaluation process and development of transition plans for structural changes in departmental facilities by submitting comments (either oral or written) to the Department of Transportation in accordance with Section 504 of the Rehabilitation Act, as amended, and the Department's implementing regulations.

DATES: General comments concerning this notice are requested by October 28, 1994. Late-filed comments will be considered to the extent practicable.

ADDRESSES: Written or oral comments concerning specific facilities should be provided to the appropriate operating administration contact listed below.

U.S. Department of Transportation, 400 Seventh Street SW., Washington, DC 20590

Attention:

Office of the Secretary, Mr. Brian Kerr (M–442), Tele: (202) 366–0030.

Federal Highway Administration, Mr. Lyle Hayhurst (HMS–31), Tele: (202) 366–0550.

Federal Railroad Administration, Ms. Marie Savoy (RAD–30), Tele: (202) 366–0083.

National Highway Transportation Safety Administration, Mr. John Ogas (NAD–51), Tele: (202) 366–2597.

Federal Transit Administration, Mr. Wayne Hirst (TAD–12), Tele: (202) 366–4865.

Maritime Administration, Mr. Edward Telfair (MAR–310), Tele: (202) 366–2812.

Research and Special Programs Administration, Mr. Jesse Dobbs (DMA–11), Tele: (202) 366–0894.

Office of the Inspector General, Ms. Dottie Bowie (JP–20), Tele: (202) 366–6908.

Federal Aviation Administration, 800 Independence Avenue, SW.,Washington, DC 20591.

Attention:

Mr. Murry Camp (ASU–5), Tele: (202) 267–8246.

United States Coast Guard, 2100 2nd Street, SW., Washington, DC 20593–0001.

Attention:

Mr. Bill Logan (G-ECV), Tele: (202) 267–1936.

St. Lawrence Seaway Development Corp., 180 Andrews Street, Massena, New York 13662–1763.

Attention:

Ms. Rhonda Worden, Tele: (315) 764–3208.

FOR FURTHER INFORMATION CONTACT: General comments concerning this notice should be submitted to Rita Martin (M–44), Office of the Assistant Secretary for Administration, Department of Transportation, 400 7th Street SW., Washington, DC 20590, telephone number 202/366–0815. Persons with impaired hearing or speech may provide comments through the Federal Relay Service at 1–800–877–8339.

SUPPLEMENTARY INFORMATION: Under Section 504 of the Rehabilitation Act, as amended (29 U.S.C. 794), and the Department's implementing regulations (49 CFR part 28), the Department of Transportation must ensure that individuals with disabilities are not excluded from or discriminated against under programs or activities that the Department conducts. To comply with the law, the Department must review its facilities to determine if they meet the program accessibility standards of Section 504, make modifications, and develop a transition plan for structural changes.

Under the implementing regulations (49 CFR part 28), the Department is required to provide an opportunity to interested persons, including individuals with disabilities, DOT employees with disabilities, and organizations representing individuals with disabilities to participate in the self-evaluation process and development of transition plans by submitting comments (either oral or written) to the Department of Transportation.

To comply with this requirement, the Department is posting two public notices at each facility being evaluated to request comments from interested persons. A "Facility Review" notice requesting comments from interested persons is posted in the facility fifteen days prior to the scheduled review. A "Transition Plan" notice requesting comments from interested persons is posted in the facility for thirty days after the development of a transition plan.

Dated: September 22, 1994.

Jon H. Seymour,

Assistant Secretary for Administration.

[FR Doc. 94–23912 Filed 9–27–94; 8:45 am]

BILLING CODE 4910–62–P

Federal Railroad Administration

49 CFR Part 215

[FRA Docket No. RSFC–7, Notice No. 2]

RIN 2130–AA68

Freight Car Safety Standards; Maintenance-of-Way Equipment

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

ACTION: Extension of comment period.

SUMMARY: FRA is extending the comment period on its notice of proposed rulemaking to amend the Freight Car Safety Standards. The NPRM proposed changing the provisions in 49 CFR Part 215, by making all maintenance-of-way vehicles subject to the Standards with the exception of stenciled cars not used in revenue service and restricted to a speed of less than 20 miles per hour. The extension is necessary to clarify initial comments received from interested parties.

DATES: Written comments must be received no later than November 28, 1994. Comments received after that date will be considered to the extent practicable without incurring additional expense or delay.

ADDRESSES: Written comment should identify the docket number and the notice number and should be submitted in triplicate to the Docket Clerk, Office of Chief Counsel, Federal Railroad Administration, 400 Seventh Street, S.W., Washington, D.C. 20590. Persons desiring to be notified that their written comments have been received by FRA should submit a stamped, self-addressed postcard with their comments. The Docket Clerk will indicate the date on which the comments were received and will return the postcard to the addressee. Written comments will be available for examination during regular business hours in room 8201 of the Nassif Building located at the above address.

FOR FURTHER INFORMATION CONTACT: Phil Olekszyk, Acting Deputy Associate Administrator for Safety Compliance and Program Implementation, Office of Safety, Federal Railroad Administration, 400 Seventh Street, S.W., Washington, D.C. 20590 (telephone: 202–366–0897), or Cedestra L. Jordan, Trial Attorney, Office of Chief Counsel, Federal Railroad Administration, 400 Seventh Street, S.W., Washington, D.C. 20590 (telephone: 202–366–0628).

SUPPLEMENTARY INFORMATION: FRA published a notice of proposed rulemaking (NPRM) on March 10, 1994 (59 FR 11238) to amend its Freight Car Safety Standards. The Freight Car Safety Standards, at 49 CFR 215.3(c)(3), exclude maintenance-of-way equipment from the requirements of Part 215, "if that equipment is not used in revenue service and is stenciled in accordance with § 215.305." The proposed amendment would add to the present regulation an additional condition which must be met before a freight car in maintenance-of-way service can be operated without complying with the Freight Car Safety Standards: the equipment must be operated at a speed of less than 20 mph. FRA has received comments from the Brotherhood of Maintenance of Way Employees; The American Short Line Railroad Association; the Brotherhood Railway Carmen Division, Transportation Communication International Union; the Duluth, Missabe and Iron Range Railway Company; and the Association of American Railroads (AAR). In light of comments received, particularly from the AAR, FRA is preparing a request for clarification on some issues presented in the AAR's comments. FRA's written request as well as any written response will be included in the docket and made available for review. Based on the comments received, FRA believes it would be beneficial to extend the comment period, so that all interested parties will have ample opportunity to comment. For these reasons, FRA has determined that an extension to November 28, 1994, is appropriate. In addition, FRA has not received any requests, formal or informal, for a hearing on this matter; therefore a hearing will not be scheduled.

Donald M. Itzkoff,

Federal Railroad Deputy Administrator.

[FR Doc. 94–23967 Filed 9–27–94; 8:45 am]

BILLING CODE 4910–06–P–M

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49 CFR Part 225

[FRA Docket No. RAR–4, Notice No. 7]

RIN 2130–AA58

Railroad Accident Reporting

AGENCY: Federal Railroad Administration (FRA).

ACTION: Announcement of change in location for public hearing.

SUMMARY: By notice of proposed rulemaking (NPRM) published on August 19, 1994 (59 FR 42880), FRA scheduled a public hearing for November 3, 1994, at the Delta King Hotel in Old Sacramento, California, to allow interested parties the opportunity to comment on issues addressed in the NPRM. The location for this public hearing has been changed to Portland, Oregon at the following address: Portland Inn, 1414 S.W. Sixth Avenue, Portland, Oregon.

DATES: The hearing will take place on Thursday, November 3, 1994, from 9:30 a.m. to 4:00 p.m.

FOR FURTHER INFORMATION CONTACT: Robert Finkelstein, Chief, Systems Support Division, Office of Safety Analysis, Office of Safety, FRA, 400 Seventh Street, S.W., Washington, D.C. 20590 (telephone 202–366–2760); or Marina C. Appleton, Trial Attorney, Office of Chief Counsel, FRA, 400 Seventh Street, S.W., Washington, D.C. 20590 (telephone 202–366–0628).

Issued in Washington, D.C., on September 22, 1994.

Donald M. Itzkoff,

Federal Railroad Deputy Administrator.

[FR Doc. 94–23911 Filed 9–27–94; 8:45 am]

BILLING CODE 4910–06–P

National Highway Traffic Safety Administration

49 CFR Part 571

Federal Motor Vehicle Safety Standards; Occupant Crash Protection

AGENCY: National Highway Traffic Safety Administration (NHTSA), DOT.

ACTION: Petition for rulemaking; denial.

SUMMARY: This notice for rulemaking to amend Standard No. 208, *Occupant Crash Protection*, to disallow the use of the word "WARNING" as an alternative to the word "CAUTION" at the heading of an air bag information label on the sun visors of an air bag equipped vehicle. NHTSA is denying this petition because the agency believes that, in common usage, the words "caution" and "warning" are synonymous and that either word properly achieves the intended effect.

FOR FURTHER INFORMATION CONTACT: Mr. Daniel Cohen, Chief, Frontal Crash Protection Division, Office of Vehicle Safety Standards, NRM–12, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590. Telephone: (202) 366–2264.

SUPPLEMENTARY INFORMATION: On September 2, 1993, NHTSA published a final rule (58 FR 46551) requiring that manufacturers install air bags to satisfy automatic crash protection requirements for the front outboard seating positions in certain motor vehicles, beginning on September 1, 1996. The final rule also requires that three labels bearing specified information related to air bags be placed in air bag-equipped vehicles. S4.5.1(b)(1) of the rule requires one label to be permanently affixed to the sun visor of each front seating position with an air bag. This label would have read:

Caution

To Avoid Serious Injury:

For maximum safety protection in all types of crashes, you must always wear your safety belt.

Do not install rearward-facing child seats in any front passenger seat position.
Do not sit or lean unnecessarily close to the air bag.
Do not place any objects over the air bag or between the air bag and yourself.
See the owners manual for further information and explanations.

On October 29, 1993, American Suzuki Motor Corporation (Suzuki) submitted a "request for interpretation" regarding the wording of the sun visor label. Suzuki requested that manufacturers be permitted to use the signal word "WARNING" as an alternative to the signal word "CAUTION" in the heading. Suzuki pointed out that the American National Standards Institute (ANSI) had issued a standard (Z535.4–1991) for signal words on product safety signs and labels. The standard contains a hierarchy of signal words signifying different degrees of potential personal injury. In this hierarchy, "caution" signifies a potential for "minor or moderate injury," and "warning" indicates the possibility of "death or serious injury." Since accommodating Suzuki's request would require a change in the wording permitted by the regulation, instead of an interpretation of the existing wording, it was treated by NHTSA as a petition for rulemaking.

On March 10, 1994, NHTSA published a notice (59 FR 11200) responding to two petitions for reconsideration of the September 2 rule and three requests for interpretation of that rule (including Suzuki's). In response to Suzuki's request, the agency stated:

> NHTSA added the phrase "CAUTION, TO AVOID SERIOUS INJURY" in the final rule to "attract occupants' attention to the label and provide a brief statement of the risks of improper use and consequences." NHTSA concluded that substitution of the word "WARNING" would also achieve these goals, and is therefore permitting its use.

NHTSA therefore amended S4.5.1(b)(1) of Standard 208 to permit manufacturers to use either word in the required air bag label.

In a petition dated May 12, 1994, Advocates for Highway and Auto Safety (Advocates) requested that NHTSA reverse its decision to permit the word "WARNING" as a substitute for the word "CAUTION." Advocates styled its petition as a "petition for reconsideration of an interpretation." However, the challenged action was a regulatory amendment, rather than an interpretation. Advocates' petition was received too late to be treated as a petition for reconsideration of a regulation under 49 CFR § 553.35. Therefore, NHTSA is treating the letter as a petition for rulemaking.

The petition sets forth substantial and procedural objections to the March 10 amendment. As to substance, Advocates believes that the word "WARNING" will cause vehicle occupants to be unnecessarily concerned. It disagrees with NHTSA's conclusion that "CAUTION" and "WARNING" are equivalent, citing the stronger nature of the word "WARNING" in the ANSI hierarchy of signal words. Advocates added that it thought the entire label concept was unnecessary, but that it reluctantly accepted the September 2 final rule's use of the word "CAUTION" because it was less aggressive than the word "WARNING." It believes that "[t]he message now conveyed is clearly one of *danger* of likely serious injury" (emphasis added).

The agency did not rely on the ANSI standards when deciding to permit the use of the word "WARNING." In fact, Suzuki's petition was granted based on the conclusion that the words "WARNING" and "CAUTION" would achieve the same results since they have similar meanings. This similarity is evident in the following dictionary definitions:

Random House Dictionary of the English Language (unabridged):
caution a warning against danger or evil; anything serving as a warning
warning that which serves to warn, give notice or caution
Webster's Third International Dictionary (unabridged):
caution a warning or admonishment especially in counselling vigilance, due attention or consideration, safety or reservation
warning a notice, bulletin or signal that serves to caution of the approach of danger

Moreover, the latter dictionary lists the two words as synonyms.

The agency believes that it is more appropriate to base its decision about these two words on the similarity of their dictionary definitions than on the ANSI standard. The public is presumptively familiar with the common usage and meaning of these words, as reflected in their dictionary definitions. Conversely, all but an extremely small portion of the public is likely unaware of the ANSI standards.

Given the similarity of the dictionary definitions, the agency believes that the public will not have any greater reaction to the use of "WARNING" than to "CAUTION." Either word choice provides an appropriate attention-getting visual cue. However, it is worth noting that, if the ANSI distinctions were to be applied in determining the appropriate word, the stronger work, "WARNING," would be preferable to "CAUTION" because it more accurately describes the potential degree of injury.

NHTSA also notes that S5.5.2 of Standard 213, *Child Restraint Systems*, requires that each rear-facing child seat bear a label that contains the signal work "WARNING," advising that the seat should not be used in air bag-equipped seating positions. NHTSA has difficulty understanding Advocates' strong reaction to the word "WARNING" on the sun visor label given that it did not object to requiring that the same signal word be placed on the child safety seat itself.

Advocates also is particularly concerned about the possibility that the word "WARNING" will cause some people to want to deactivate the air bag. NHTSA is considering a request from the American Association of Automobile Manufacturers for a rulemaking that would permit a manual cutoff switch for the passenger side air bag in vehicles with no rear seat. The purpose of the cutoff switch would be to allow drivers to deactivate the air bag in that passenger seating position when a rear-facing infant safety seat is placed there. Advocates speculates that the two rules would have a detrimental synergistic effect. It believes that some passengers in these vehicles would use the cutoff switch to disable their air bags, not for the intended purpose of protecting an infant in a safety seat, but because they are frightened by the word "WARNING."

Advocates' concern is premature, speculative, and addressed to the wrong forum. NHTSA has not made any judgment about what, if any, kind of cutoff switch it might eventually permit. When NHTSA issues an NPRM, it will provide Advocates and other members of the public with an opportunity to submit comments to the rulemaking docket for that rule.

Advocates also posed a procedural objection to the agency's permitting the use of "WARNING." It believes that it had the right to submit its views on the use of the word "WARNING." Advocates states that it relied to its detriment on what it said was NHTSA's representation in the final rule that only the term "CAUTION" would be used. It stated that the choice of terminology should be determined through rulemaking instead of interpretation. Advocates believes that, as part of that rulemaking, the ANSI scheme should have been presented to the public for comment. Advocates apparently did not realize that the Suzuki request was treated as a petition for rulemaking,

even though the March 10 rule stated that the September 2 rule was being amended, something that cannot be done through an interpretation.

While the Administrative Procedure Act requires notice and comment procedures for most substantive rules, such procedures are not needed for minor technical amendments, such as permitting the use of a synonym on an information label. Since "CAUTION" and "WARNING" are synonyms in common usage, the addition of "WARNING" will have no practical impact on the public's understanding of and reaction to the label. Thus, the amendment allowing the word "WARNING" was essentially technical in nature. Further, the agency had already obtained public comment on essentially the same issue as a result of the December 14, 1992 notice of proposed rulemaking regarding the wording of the label. Accordingly, an additional opportunity for comment was not required.

Based on the foregoing, there is no reasonable possibility that the order requested in the petition will be issued at the conclusion of a rulemaking proceeding. Therefore, this petition is denied.

Authority: 49 U.S.C. 322, 30111, 30162; delegations of authority at 49 CFR 1.50 and 501.8.

Issued on September 22, 1994.

Barry Felrice,

Associate Administrator for Rulemaking

[FR Doc. 94–23910 Filed 9–27–94; 8:45 am]

BILLING CODE 4910–59–P–M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 638

[Docket No. 940973–4273; I.D. 082394A]

RIN 0648–AF85

Coral and Coral Reefs of the Gulf of Mexico and South Atlantic

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

ACTION: Proposed rule.

SUMMARY: NMFS issues this proposed rule to implement Amendment 2 to the Fishery Management Plan for Coral and Coral Reefs of the Gulf of Mexico and South Atlantic (FMP). Amendment 2 would prohibit the taking of wild live rock in the exclusive economic zone (EEZ) off the southern Atlantic states (South Atlantic) from the North Carolina/Virginia boundary to the Dade/Broward County line in Florida and in the EEZ of the Gulf of Mexico (Gulf), except off Florida north of Monroe County; phase out wild live rock harvests in the South Atlantic EEZ south of the Dade/Broward County line by 1996; phase out wild live rock harvests in the Gulf EEZ off Florida north of Monroe County by 1997; establish restrictions on live rock harvesting and possession and require permits and reporting during the phase-out periods; and allow and facilitate live rock aquaculture. In addition, NMFS proposes changes to the regulations to correct and conform them to current standards.

DATES: Written comments must be received on or before November 7, 1994.

ADDRESSES: Requests for copies of Amendment 2, which includes a regulatory impact review (RIR)/initial regulatory flexibility analysis (IRFA) and a final supplemental environmental impact statement (FSEIS), should be sent to the Gulf of Mexico Fishery Management Council, 5401 W. Kennedy Boulevard, Suite 331, Tampa, FL 33609–2486, FAX 813–225–7015, or to the South Atlantic Fishery Management Council, Southpark Building, One Southpark Circle, Suite 306, Charleston, SC 29407–4699, FAX 803–769–4520.

Comments on the proposed rule, Amendment 2, the RIR/IRFA, and the FSEIS must be sent to the Southeast Regional Office, NMFS, 9721 Executive Center Drive N., St. Petersburg, FL 33702.

Comments regarding the collection-of-information requirements contained in this proposed rule should be sent to Edward E. Burgess, Southeast Regional Office, NMFS, 9721 Executive Center Drive N., St. Petersburg, FL 33702, and to the Office of Information and Regulatory Affairs, OMB, Washington, DC 20503 (Attention: NOAA Desk Officer).

FOR FURTHER INFORMATION CONTACT: Georgia Cranmore, 813–570–5305.

SUPPLEMENTARY INFORMATION: The FMP was prepared by the Gulf of Mexico Fishery Management Council (Gulf Council) and the South Atlantic Fishery Management Council (South Atlantic Council) and is implemented through regulations at 50 CFR part 638 under the authority of the Magnuson Fishery Conservation and Management Act (Magnuson Act).

Live rock consists of living marine organisms, or an assemblage thereof, attached to a hard substrate, including dead coral or rock (excluding individual mollusk shells). Live rock is collected by scuba divers and sold to the marine aquarium industry, which markets it as the basis for minireef aquaria. Live rock is a nonrenewable resource providing essential fishery habitat in the South Atlantic and Gulf.

In the recent public review process during the development of Amendment 2, the Gulf and South Atlantic Councils received testimony concerning serious damage to reefs, ledges, and other hard bottom habitats from live rock harvesting activities. At the request of the Gulf Council, NMFS published an emergency interim rule on May 16, 1994 (59 FR 25344), effective May 16 through August 14, 1994, and extended the rule, with modifications, through November 12, 1994 (59 FR 42533, August 18, 1994). At the request of the South Atlantic Council, NMFS published an emergency interim rule on June 27, 1994 (59 FR 32938), effective through September 26, 1994, and extended the rule through December 25, 1994 (59 FR 47563, September 16, 1994). These rules were intended to slow the rate of harvest, prevent serious damage to habitat, and prevent geographical extension of harvest until permanent measures could be implemented through Amendment 2.

In the South Atlantic EEZ, Amendment 2 would: (1) Prohibit the harvest and possession of wild live rock north of the Dade/Broward County line in Florida; (2) south of the Dade/Broward County line, phase out harvesting of wild live rock by January 1, 1996, establish an annual quota on harvests of wild live rock of 485,000 lb (219,992 kg) for calendar years 1994 and 1995, and prohibit the taking of wild live rock by chipping during those years; and (3) provide for a permit system for the harvest and possession of live rock from aquaculture operations that will be implemented when appropriate criteria are developed through a subsequent amendment.

In the Gulf EEZ, Amendment 2 would: (1) Prohibit the harvest and possession of wild live rock off Texas, Louisiana, Mississippi, Alabama, and south of the Monroe/Collier County line in Florida; (2) from the Monroe/Collier County line to the Florida/Alabama boundary, phase out harvesting of wild live rock by January 1, 1997, contingent upon development of a Federal aquaculture permitting system; (3) from the Pasco/Hernando County line in Florida to the Florida/Alabama boundary, prohibit the taking of wild live rock by chipping during the phase-out period; (4) from the Pasco/Hernando County line to the Monroe/Collier County line, limit the taking of wild live rock by chipping to nonpower-assisted,

hand-held hammers and chisels during the phase-out period; (5) from the Monroe/Collier County line to the Florida/Alabama boundary, establish a daily vessel possession limit for wild live rock during the phase-out period; (6) require a permit to harvest or possess live rock from aquaculture operations; and (7) provide an exception to the taking of prohibited corals as part of the aquaculture permit.

For both the South Atlantic and Gulf, Amendment 2 would: (1) Define live rock and add it to the fishery management unit; (2) redefine allowable octocorals to ensure that individual colonies and not whole rocks are taken under the octocoral quota; (3) establish a Federal permit and reporting system for wild live rock harvesting during harvest phase-out periods; (4) allow and facilitate live rock aquaculture; (5) require a permit to harvest and possess live rock in the EEZ for scientific, educational, or restoration purposes; and (6) provide for separate management of coral and coral reef resources by each Council in its geographical area of authority.

A description of the fishery and the rationale and effects of live rock harvesting restrictions during the phase-out periods in the Gulf EEZ off Florida and prohibitions on harvesting in the EEZ off Alabama and in the South Atlantic north of the Dade/Broward County line in Florida were contained in the emergency interim rules and are not repeated here. Rationales for prohibitions on harvest and possession in other areas, the phaseout of harvesting in remaining areas off Florida, permits and reporting, the redefinition of allowable octocorals, and separation of management between the Councils are discussed below.

To prevent effort shifting from the current areas of harvest, Amendment 2 would prohibit wild live rock harvesting and possession in the EEZ off Texas, Louisiana, and Mississippi, in addition to areas closed under the emergency interim rules. No landings of live rock have been reported from these areas. Coral habitats are at such a premium in the northern Gulf that local governments and private organizations are considering construction of artificial reefs to supplement scarce natural hard bottom habitats. Amendment 2 would close the Gulf EEZ off Monroe County to all harvest and possession in order to prevent effort shifting from the South Atlantic EEZ following closures in that adjoining jurisdiction.

About 99 percent of reported live rock landings are from the Gulf EEZ off Florida north of Monroe County and from the South Atlantic EEZ south of the Dade/Broward County line. All landings of live rock to date have been of "wild" live rock, that is, non-aquacultured live rock. The Councils propose to phase out these landings and replace them with aquacultured products from either state or EEZ waters. The delay in implementation of a harvest and possession prohibition in these areas is designed to allow live rock harvesters additional time and resources to make the transition to aquaculture.

The Councils propose to redefine allowable octocorals to close a potential loophole that could allow harvest of live rock as part of the 50,000 colony annual quota for allowable octocorals. The revised definition would include as allowable octocoral only a limited amount of the attached substrate—one inch (2.54 cm) in the South Atlantic EEZ and 3 inches (7.62 cm) in the Gulf EEZ.

Currently, a Federal permit for prohibited coral is issued only when the prohibited coral is for a scientific or educational purpose. The Councils propose to add restoration to the purposes for which these permits are available. This addition recognizes the benefits of habitat restoration following ship groundings and other environmental perturbations. The Councils also propose to allow the harvest of live rock under a Federal permit issued for a scientific, educational, or restoration purpose.

The Councils propose to require permits for and reporting of wild live rock harvest during the phase-out periods in the Gulf EEZ off Florida north of Monroe County and in the South Atlantic EEZ south of the Dade/Broward County line. Permits would be limited to persons who legally participated in the fishery on or prior to February 3, 1994, and to the number of vessels that operated in the commercial fishery for live rock on or prior to February 3, 1994, as documented on trip tickets received by the Florida Department of Environmental Protection prior to March 15, 1994. The date of February 3, 1994, was published in the **Federal Register** (59 FR 5179, February 3, 1994) as the control date for entry into the commercial fishery for live rock. All commercial landings of live rock have been permitted and reported under Florida's permitting and reporting requirements. Those requirements include a Saltwater Products License with a Restricted Species Endorsement and a Marine Life Endorsement, and the submission of trip tickets. These limitations on permits are intended to stabilize harvest during the phase-out period to near the 1992 level and to limit participants to those already in the fishery. To accomplish these intended effects, NMFS finds it necessary to identify owners with the requisite permit history and the number of vessels, by owner, that operated in the commercial fishery on or prior to the control date. Vessel permits would be issued to such owners in corresponding numbers.

The Councils intend to allow and facilitate live rock aquaculture to replace the wild harvest. Amendment 2 proposes to require an aquacultured live rock permit for the harvest and possession of live rock from aquaculture operations in the Gulf EEZ, under specific criteria designed to protect natural hard bottom areas as specified in this rule. The aquaculture permit would also authorize an exception to the prohibition on taking and possession of otherwise prohibited corals. Otherwise, an aquaculturist could be prevented from harvesting the aquaculture product if small polyps of such species are detected on the rocks.

Amendment 2 would establish a permit requirement for the harvest and possession of live rock from aquaculture operations in the South Atlantic EEZ, but aquaculture permits for this area will be issued only after appropriate criteria are developed and implemented through a subsequent rulemaking.

Both Councils have agreed that management of coral, coral reefs, live rock, and any other part of the management unit in the FMP will be the responsibility of the Council in whose jurisdiction it occurs. Under this arrangement, Amendment 2 proposes to eliminate the current requirement that both Councils approve all measures in any FMP amendment submitted for agency review. This requirement exists because the FMP was designated by NMFS as a joint management plan prepared by the two Councils.

Additionally, the South Atlantic Council has requested designation of a separate FMP for the South Atlantic because it believes (1) the habitats in the Gulf and South Atlantic are different, (2) the resource does not move between the South Atlantic and the Gulf, (3) it should have authority to coordinate all habitat concerns and policies in the South Atlantic, (4) there are additional management needs in the South Atlantic, (5) the Councils have different management philosophies, and (6) a separate FMP will improve timeliness of management adjustments and reduce constituent costs. The Gulf Council concurs in the South Atlantic's request. NMFS requests comments on the proposal to separate the FMP into an

FMP for the South Atlantic and an FMP for the Gulf of Mexico.

Additional background and rationale for the measures discussed above are contained in Amendment 2, the availability of which was announced in the **Federal Register** on August 29, 1994 (59 FR 44398).

Additional Measures Proposed by NMFS

This proposed rule would eliminate unnecessary language; change the scientific names of corals to conform to current standards of the American Fisheries Society; add definitions of additional terms; correct the address and telephone number of the Regional Director, Southeast Region, NMFS; clarify that all coral in a habitat area of particular concern (HAPC), including allowable octocoral, is prohibited coral; require identification markings on vessels in the live rock fishery; prohibit the use or possession of a toxic chemical in the EEZ; prohibit the possession of coral in the Flower Garden Banks HAPC; prohibit the use of dredges in the Flower Garden Banks HAPC; prohibit making a false statement to an authorized officer concerning the taking of coral, coral reefs, or live rock; and prohibit interference with an investigation, search, seizure, or disposition of seized property in connection with enforcement of the Magnuson Act. The requirement for identification markings and the added prohibitions are necessary for effective enforcement of existing and added management measures and would conform the regulations to current standards applicable to other federally-managed fisheries in the Gulf of Mexico and off the southern Atlantic states.

NMFS proposes to simplify the existing permitting and reporting requirements. Specifically, this rule proposes to remove the requirement for Federal permits for and reports on taking allowable octocoral that are landed in Florida and for taking fish with an allowable chemical that are landed in Florida. Florida requires permits and reports for these activities, whether or not the allowable octocoral or fish are harvested in the EEZ or State waters. Currently, all but one of the Federal permits for these activities involve landings in Florida. Duplicate Federal/State permitting and reporting serve no useful purpose.

NMFS proposes to broaden the ban on the use of power- assisted tools. Amendment 2 proposes to ban the use of power- assisted tools for the taking of aquacultured live rock, wild live rock in the Gulf EEZ during the phase-out period, and allowable octocoral. Since chipping of wild live rock would be banned in the South Atlantic EEZ during the phase-out period, power-assisted tools implicitly would be banned in the EEZ in that area. Amendment 2 does not explicitly address prohibited coral in either area or allowable octocoral in the South Atlantic EEZ. NMFS believes the rationale for the ban on power-assisted tools is equally applicable to prohibited coral and allowable octocoral throughout the EEZ—extension of the ban to those species and additional areas is necessary to enhance enforcement.

Classification

Section 304(a)(1)(D) of the Magnuson Act requires the Secretary of Commerce (Secretary) to publish regulations proposed by a council within 15 days of receipt of an amendment and regulations. At this time the Secretary has not determined that Amendment 2 is consistent with the national standards, other provisions of the Magnuson Act, and other applicable laws. The Secretary, in making that determination, will take into account the data, views, and comments received during the comment period.

This proposed rule has been determined to be not significant for purposes of E.O. 12866.

The Councils prepared an FSEIS for Amendment 2 that will be filed with the Environmental Protection Agency for public review and comment; a notice of its availability for public comment for 30 days will be published in the **Federal Register**. According to the FSEIS, the proposed actions would benefit the natural environment by phasing out activities that result in damage to live bottom habitat areas. Potential adverse economic impacts on fishermen would be mitigated by the harvest of aquacultured live rock.

The Councils prepared an IRFA as part of the RIR which describes the impact this proposed rule would have on small entities, if adopted. The IRFA concludes that this proposed rule, if adopted, may have a significant economic impact on a substantial number of small entities. Specifically, the required change from harvest of wild live rock to aquaculture may result in significant increases in the operating and capital costs to fishermen. An unknown number of current participants may be forced to cease business as live rock harvesters. All current participants are small entities. A copy of this analysis is available (see **ADDRESSES**).

This rule contains five new collection-of-information requirements subject to the Paperwork Reduction Act—namely, applications for permits to take wild live rock, applications for permits to take aquacultured live rock, site evaluation reports for aquacultured live rock, reports of live rock harvests, and notification of intent to harvest aquacultured live rock. These requirements have been submitted to the Office of Management and Budget (OMB) for approval. The public reporting burdens for these collections of information are estimated to average 15, 15, 45, 15, and 2 minutes per response, respectively, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. This rule also revises a collection-of-information requirement subject to the Paperwork Reduction Act—namely, applications for prohibited coral, allowable chemical, and allowable octocoral permits. This collection of information is estimated to average 15 minutes per response and was previously approved by OMB under OMB control number 0648–0205. Send comments regarding these reporting burden estimates or any other aspect of the collections of information, including suggestions for reducing the burdens, to NMFS and OMB (see **ADDRESSES**).

List of Subjects in 50 CFR Part 638

Fisheries, Fishing, Reporting and recordkeeping requirements.

Dated: September 22, 1994.

Samuel W. McKeen,

Acting Assistant Administrator for Fisheries, National Marine Fisheries Service.

For the reasons set out in the preamble, 50 CFR part 638 is proposed to be amended as follows:

PART 638—CORAL AND CORAL REEFS OF THE GULF OF MEXICO AND THE SOUTH ATLANTIC

1. The authority citation for part 638 continues to read as follows:

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

2. Section 638.1 is revised to read as follows:

§ 638.1 Purpose and scope.

(a) The purpose of this part is to implement the Fishery Management Plan for Coral and Coral Reefs off the Southern Atlantic States and the Fishery Management Plan for Coral and Coral Reefs of the Gulf of Mexico developed under the Magnuson Act by the South Atlantic Fishery Management Council and the Gulf of Mexico Fishery Management Council, respectively.

(b) This part governs conservation and management of coral, coral reefs, and live rock in the EEZ off the southern Atlantic states and in the Gulf of Mexico. "EEZ" in this part 638 refers to the EEZ in those geographical areas, unless the context clearly indicates otherwise.

3. In § 638.2, the definition of "Scientific and educational purpose" is removed; in the definition of "Allowable chemical", paragraphs (a) and (b) are redesignated as paragraphs (1) and (2), respectively; the definitions of "Allowable octocoral", "HAPC", "Prohibited coral", and "Regional Director" are revised; and new definitions of "Aquacultured live rock", "Chipping", "Gulf of Mexico", "Live rock", "Off the southern Atlantic states", "Scientific, educational, or restoration purpose", "Trip", and "Wild live rock" are added in alphabetical order to read as follows:

§ 638.2 Definitions.

* * * * *

Allowable octocoral means an erect, nonencrusting species of the subclass Octocorallia, except the seafans *Gorgonia flabellum* and *G. ventalina*, plus the attached substrate—

(1) Within 1 inch (2.54 cm) of an allowable octocoral in or from the EEZ off the southern Atlantic states; and

(2) Within 3 inches (7.62 cm) of an allowable octocoral in or from the Gulf of Mexico EEZ.

Aquacultured live rock means live rock that is harvested under an aquacultured live rock permit issued pursuant to § 638.4.

Chipping means breaking up reefs, ledges, or rocks into fragments, usually by means of a chisel and hammer.

* * * * *

Gulf of Mexico means the waters off the southern states from the boundary between the Atlantic Ocean and the Gulf of Mexico, as specified in § 601.11(c) of this chapter, to the Texas/Mexico border.

HAPC means habitat area of particular concern.

Live rock means living marine organisms, or an assemblage thereof, attached to a hard substrate, including dead coral or rock (excluding individual mollusk shells).

Off the southern Atlantic states means the waters off the east coast from 36°34′55″ N. lat. (extension of the Virginia/North Carolina boundary) to the boundary between the Atlantic Ocean and the Gulf of Mexico, as specified in § 601.11(c) of this chapter.

Prohibited coral means—

(1) Coral belonging to the Class Hydrozoa (fire corals and hydrocorals);

(2) Coral belonging to the Class Anthozoa, Subclass Hexacorallia, Orders Scleractinia (stony corals) and Antipatharia (black corals);

(3) A seafan, *Gorgonia flabellum* or *G. ventalina*;

(4) Coral in a coral reef, except for allowable octocoral; or

(5) Coral in an HAPC, including allowable octocoral.

Regional Director means the Director, Southeast Region, NMFS, 9721 Executive Center Drive N., St. Petersburg, FL 33702, telephone 813–570–5301; or a designee.

* * * * *

Scientific, educational, or restoration purpose means the objective of gaining knowledge for the benefit of science, humanity, or management of coral or returning a disturbed habitat as closely as possible to its original condition.

* * * * *

Trip means a fishing trip, regardless of number of days duration, that begins with departure from a dock, berth, beach, seawall, or ramp and that terminates with return to a dock, berth, beach, seawall, or ramp.

Wild live rock means live rock other than aquacultured live rock.

4. In § 638.3, in paragraph (a), the reference to "paragraph (b) of this section" is revised to read "paragraphs (b) and (c) of this section"; and paragraph (c) is added to read as follows:

§ 638.3 Relation to other laws.

* * * * *

(c) If a state has a catch, landing, or gear regulation that is more restrictive than a catch, landing, or gear regulation in this part, a person landing in such state allowable octocoral taken from the EEZ must comply with the more restrictive state regulation.

5. Section 638.8 is redesignated as § 638.9; § 638.6 is redesignated as § 638.8; §§ 638.4, 638.5, and 638.7 are revised, and new § 638.6 is added to read as follows:

§ 638.4 Permits and fees.

(a) *Applicability.* (1) *Federal permits.* Federal permits are required for specified activities in the EEZ as follows:

(i) *Prohibited coral.* A Federal permit is required for an individual to take or possess prohibited coral and will be issued only when the prohibited coral will be used for a scientific, educational, or restoration purpose.

(ii) *Allowable chemical.* A Federal permit is required for an individual to take or possess fish or other marine organisms with an allowable chemical in a coral area, other than fish or other marine organisms that are landed in Florida.

(iii) *Allowable octocoral.* A Federal permit is required for an individual to take or possess allowable octocoral, other than allowable octocoral that is landed in Florida.

(iv) *Wild live rock.* (A) A Federal permit is required for a vessel to take or possess wild live rock. A wild live rock vessel permit will not be issued unless the current owner of the vessel for which the permit is requested had the required Florida permit and endorsements for live rock on or before February 3, 1994, and a record of landings of live rock on or before February 3, 1994, as documented on trip tickets received by the Florida Department of Environmental Protection before March 15, 1994. For landings other than in Florida, equivalent state permits/endorsements, if required, and landing records may be substituted for the Florida permits/endorsements and trip tickets. An owner will not be issued permits in numbers exceeding the number of vessels for which the owning entity had the requisite reported landings. An owner of a permitted vessel may transfer the vessel permit to another vessel owned by the same person by returning the existing permit with an application for a vessel permit for the replacement vessel.

(B) A Federal permit is required for an individual to take or possess wild live rock for a scientific, educational, or restoration purpose and an individual permit will be issued only for such purpose. Such individual wild live rock permit may authorize the taking and possession of wild live rock in or from areas not otherwise allowed by the regulations in this part.

(v) *Aquacultured live rock.* A Federal permit is required for a person to take or possess aquacultured live rock. Each aquacultured live rock permit will be issued for a specific site, which may not exceed 1 acre (0.4 ha). Aquacultured live rock permits are available only for harvests in the Gulf of Mexico.

(2) *Florida permits.* Appropriate Florida permits and endorsements are required for the following activities, without regard to whether they involve activities in the EEZ or Florida's waters:

(i) Landing in Florida fish or other marine organisms taken with an allowable chemical in a coral area.

(ii) Landing allowable octocoral in Florida.

(iii) Landing live rock in Florida.

(b) *Application.* An application for a Federal permit must be signed and submitted by the applicant on an appropriate form, which may be obtained from the Regional Director.

The application must be submitted to the Regional Director at least 30 days prior to the date on which the applicant desires to have the permit made effective. Information must be provided as follows:

(1) *Basic information.* (i) Name, mailing address including zip code, telephone number, social security number, and date of birth of the applicant.

(ii) Name and address of any affiliated company, institution, or organization.

(iii) Information concerning vessels and harvesting gear/methods requested by the Regional Director.

(iv) Any other information that may be necessary for the issuance or administration of the permit.

(2) *Scientific, educational, or restoration purpose.* An applicant for a prohibited coral permit or a wild live rock permit for a scientific, educational, or restoration purpose must specify the amount and size of prohibited coral or wild live rock to be harvested, by species, its intended use, and proposed locations and periods of fishing.

(3) *Allowable chemical.* An applicant for an allowable chemical permit must specify the type of chemical to be used, species to be harvested and their intended use, and proposed locations and periods of fishing.

(4) *Aquacultured live rock.* An applicant for an aquacultured live rock permit must identify each vessel that will be depositing material on or harvesting aquacultured live rock from the proposed aquacultured live rock site, must specify the port of landing of aquacultured live rock, and must provide a site evaluation report that—

(i) Provides accurate coordinates of the proposed harvesting site so that it can be located using LORAN or Global Positioning System equipment;

(ii) Shows the site on a chart in sufficient detail to determine its size and allow for site inspection;

(iii) Discusses possible hazards to safe navigation or hindrance to vessel traffic, traditional fishing operations, or other public access that may result from aquacultured live rock at the site;

(iv) Describes the naturally occurring bottom habitat at the site; and

(v) Specifies the type and origin of material to be deposited on the site and how it will be distinguishable from the naturally occurring substrate.

(c) *Change in application information.* An individual, the owner of a vessel, or a person with a permit must notify the Regional Director within 30 days after any change in the application information specified in paragraph (b) of this section. The permit is void if any change in the information is not reported within 30 days.

(d) *Fees.* A fee is charged for each permit application submitted under paragraph (b) of this section. The amount of the fee is calculated in accordance with the procedures of the NOAA Finance Handbook for determining the administrative costs of each special product or service. The fee may not exceed such costs and is specified with each application form. The appropriate fee must accompany each application.

(e) *Issuance.* (1) The Regional Director will issue a permit at any time to an applicant if the application is complete. An application is complete when all requested forms, information, and documentation have been received and the applicant has submitted all applicable reports specified at § 638.5.

(2) Upon receipt of an incomplete application, the Regional Director will notify the applicant of the deficiency. If the applicant fails to correct the deficiency within 30 days of the date of the Regional Director's letter of notification, the application will be considered abandoned.

(f) *Duration.* A permit remains valid for the period specified on it unless it is revoked, suspended, or modified pursuant to subpart D of 15 CFR part 904 or the permitted vessel is sold.

(g) *Transfer.* A permit issued pursuant to this section is not transferable or assignable, except as provided under paragraph (a)(1)(iv)(A) of this section for a wild live rock vessel permit. An individual or person who desires to conduct an activity for which a permit is required must apply for a permit in accordance with the provisions of paragraph (b) of this section. The application must be accompanied by a copy of a signed bill of sale or equivalent acquisition papers if the application involves a current permit for aquacultured live rock.

(h) *Display.* (1) An individual permit issued pursuant to this section must be available when the permitted activity is being conducted, including the landing of species taken as a result of that activity.

(2) A vessel permit for wild live rock issued pursuant to this section must be carried on board the vessel and such vessel must be identified as required by § 638.6.

(3) An aquacultured live rock permit issued pursuant to this section, or a copy, must be carried on board a vessel depositing or possessing material on an aquacultured live rock site or harvesting or possessing live rock from an aquacultured live rock site, and such vessel must be identified as provided for in § 638.6.

(4) The operator of a vessel or an individual must present the permit for inspection upon the request of an authorized officer.

(i) *Sanctions and denials.* A permit issued pursuant to this section may be revoked, suspended, or modified, and a permit application may be denied, in accordance with the procedures governing enforcement-related permit sanctions and denials found at subpart D of 15 CFR part 904.

(j) *Alteration.* A permit that is altered, erased, or mutilated is invalid.

(k) *Replacement.* A replacement permit may be issued. An application for a replacement permit will not be considered a new application. A fee, the amount of which is stated with the application form, must accompany each request for a replacement.

§ 638.5 Recordkeeping and reporting.

(a) An individual with a Federal prohibited coral or wild live rock permit for a scientific, educational, or restoration purpose must submit a report of harvest to the Regional Director. Specific reporting requirements will be provided with the permit.

(b) An individual with a Federal allowable octocoral permit must submit a report of harvest to the Science and Research Director. Specific reporting requirements will be provided with the permit.

(c) A person with an aquacultured live rock permit must report to the Regional Director each deposition of material on a site. Such reports must be postmarked not later than 7 days after deposition and must contain the following information:

(1) Permit number of site and date of deposit.

(2) Geological origin of material deposited.

(3) Amount of material deposited.

(4) Source of material deposited, that is, where obtained, if removed from another habitat, or from whom purchased.

(d) The owner of a vessel that takes wild live rock, and a person who takes aquacultured live rock that is landed in Florida, must submit Florida trip tickets as required by Florida statutes and regulations.

(e) A person who takes aquacultured live rock that is landed other than in Florida must submit a report of harvest to the Regional Director. Specific reporting requirements will be provided with the permit.

(f) Additional data will be collected by authorized statistical reporting

agents, as designees of the Science and Research Director, and by authorized officers. An owner or operator of a fishing vessel, an individual or person with a coral permit issued pursuant to § 638.4, and a dealer or processor are required upon request to make prohibited coral, fish or other marine organisms taken with an allowable chemical, allowable octocoral, or live rock available for inspection by the Science and Research Director or an authorized officer.

§ 638.6 Vessel identification.

(a) *Official number.* A vessel with a Federal permit for wild live rock or operating under an aquacultured live rock permit, issued pursuant § 638.4, must display its official number—

(1) On the port and starboard sides of the deckhouse or hull, and on an appropriate weather deck, so as to be clearly visible from an enforcement vessel or aircraft;

(2) In block arabic numerals in contrasting color to the background;

(3) At least 18 inches (45.7 cm) in height for fishing vessels over 65 ft (19.8 m) in length and at least 10 inches (25.4 cm) in height for all other vessels; and

(4) Permanently affixed to or painted on the vessel.

(b) *Duties of operator.* The operator of each fishing vessel must—

(1) Keep the official number clearly legible and in good repair; and

(2) Ensure that no part of the fishing vessel, its rigging, fishing gear, or any other material aboard obstructs the view of the official number from any enforcement vessel or aircraft.

§ 638.7 Prohibitions.

In addition to the general prohibitions specified in § 620.7 of this chapter, it is unlawful for any person to do any of the following:

(a) Without a Federal permit, take or possess in the EEZ—

(1) Prohibited coral,

(2) Fish or other marine organisms with an allowable chemical in a coral area,

(3) Allowable octocoral,

(4) Wild live rock, or

(5) Aquacultured live rock—as specified in § 638.4(a)(1).

(b) Falsify information specified in § 638.4(b) on an application for a permit.

(c) Fail to display or present a permit, as specified in § 638.4(h).

(d) Falsify or fail to submit required reports or trip tickets, as specified in § 638.5(a), (b), (c), (d), and (e).

(e) Fail to make prohibited coral, fish or other marine organisms taken with an allowable chemical, allowable octocoral, or live rock available for inspection, as specified in § 638.5(f).

(f) Falsify or fail to display and maintain vessel identification, as required by § 638.6.

(g) Fail to return immediately to the sea prohibited coral, allowable octocoral, or live rock taken as incidental catch, or, in fisheries in which the entire catch is landed unsorted, sell, trade, or barter, or attempt to sell, trade, or barter prohibited coral, allowable octocoral, or live rock, as specified in § 638.21.

(h) Use or possess a toxic chemical in a coral area in the EEZ, as specified in § 638.22(a).

(i) Use a power-assisted tool in the EEZ to take prohibited coral, allowable octocoral, or live rock, or possess in the EEZ such coral or live rock taken with a power-assisted tool, as specified in § 638.22(b).

(j) Fish for or possess prohibited coral or allowable octocoral in the West and East Flower Garden Banks HAPC or the Florida Middle Grounds HAPC, except as authorized by a permit, as specified in § 638.23(a)(1) and (b)(1).

(k) Use prohibited fishing gear in an HAPC, as specified in § 638.23(a)(2), (b)(2), and (c).

(l) After the fishery for allowable octocoral is closed, harvest or possess allowable octocoral in the EEZ, or purchase, barter, trade, or sell allowable octocoral so harvested or possessed, or attempt any of the foregoing, as specified in § 638.24(b).

(m) Harvest or possess wild live rock in the EEZ off the southern Atlantic states north of 25°58.5′ N. lat., or in the Gulf of Mexico EEZ west of 87°31′06″ W. long. or south of 25°20.4′ N. lat., as specified in §§ 638.25(a) and 638.26(a).

(n) Harvest wild live rock by chipping or possess wild live rock taken by chipping in the EEZ off the southern Atlantic states south of 25°58.5′ N. lat. or in the Gulf of Mexico EEZ from 87°31′06″ W. long. east and south to 28°26′ N. lat., as specified in §§ 638.25(b) and 638.26(b)(1).

(o) After the fishery for wild live rock is closed in the EEZ off the southern Atlantic states, harvest or possess wild live rock in that area, or purchase, barter, trade, or sell wild live rock so harvested or possessed, or attempt any of the foregoing, as specified in § 638.25(c).

(p) Harvest wild live rock other than by hand or by chipping with a nonpower-assisted, hand-held hammer and chisel in the Gulf of Mexico EEZ from 28°26′ N. lat. to 25°20.4′ N. lat. or possess in that area wild live rock taken otherwise, as specified in § 638.(b)(2).

(q) Exceed the daily vessel harvest and possession limit applicable to the harvest or possession of live rock in or from the Gulf of Mexico EEZ, as specified in § 635.26(c).

(r) Fail to comply with the restrictions applicable to aquacultured live rock sites specified in § 638.27(b).

(s) Mechanically dredge or drill, or otherwise disturb, aquacultured live rock or harvest live rock other than by hand, as specified in § 638.27(c).

(t) Falsify or fail to provide information 24 hours prior to harvesting aquacultured live rock, as specified in § 638.27(d).

(u) Harvest live rock from a site for which the person does not have an aquacultured live rock permit, as specified in § 638.27(e).

(v) Make any false statement, oral or written, to an authorized officer concerning the taking, catching, harvesting, landing, purchase, sale, possession, or transfer of allowable octocoral, prohibited coral, or live rock.

(w) Interfere with, obstruct, delay, or prevent by any means an investigation, search, seizure, or disposition of seized property in connection with enforcement of the Magnuson Act.

6. Subpart B of part 638 is revised to read as follows:

Subpart B—Management Measures

638.20 Fishing years.
638.21 Harvest limitations.
638.22 Gear restrictions.
638.23 Habitat areas of particular concern.
638.24 Octocoral quota and closure.
638.25 Wild live rock off the southern Atlantic states.
638.26 Wild live rock in the Gulf of Mexico.
638.27 Aquacultured live rock.
638.28 Specifically authorized activities.

Subpart B—Management Measures

§ 638.20 Fishing years.

The fishing year for live rock begins on January 1 and ends on December 31. The fishing year for prohibited coral and allowable octocoral begins on October 1 and ends on September 30.

§ 638.21 Harvest limitations.

Except as authorized by a permit issued pursuant to § 638.4, prohibited coral, allowable octocoral, and live rock taken as incidental catch must be returned immediately to the sea in the general area of fishing. In fisheries where the entire catch is landed unsorted, such as the scallop and groundfish fisheries, unsorted prohibited coral, allowable octocoral, and live rock are exempt from the requirement for a Federal permit and may be landed; however, no person may sell, trade, or barter or attempt to sell,

trade, or barter such prohibited coral, allowable octocoral, or live rock.

§ 638.22 Gear restrictions.

(a) A toxic chemical may not be used or possessed in a coral area in the EEZ.

(b) A power-assisted tool may not be used in the EEZ to take prohibited coral, allowable octocoral, or live rock, and the possession in the EEZ of such corals or live rock taken with a power-assisted tool is prohibited.

§ 638.23 Habitat areas of particular concern.

The following areas are designated as HAPCs:

(a) *West and East Flower Garden Banks.* The West and East Flower Garden Banks are geographically centered at 27°52′14.21″ N. lat., 93°48′54.79″ W. long. and 27°55′07.44″ N. lat., 93°36′08.49″ W. long., respectively. On each bank, the HAPC extends from its geographical center to the 50-fathom (300-ft) (91.4-m) isobath. The following restrictions apply in the HAPC:

(1) Fishing for or possessing prohibited coral or allowable octocoral is prohibited, except as authorized by a permit issued pursuant to § 634.4; and

(2) Fishing with bottom longlines, traps, pots, dredges, or bottom trawls is prohibited.

(b) *Florida Middle Grounds.* The Florida Middle Grounds is bounded by rhumb lines connecting the following points:

Point	Latitude	Longitude
A	28°42.5′ N.	84°24.8′ W.
B	28°42.5′ N.	84°16.3′ W.
C	28°11.0′ N.	84°00.0′ W.
D	28°11.0′ N.	84°07.0′ W.
E	28°26.6′ N.	84°24.8′ W.
A	28°42.5′ N.	84°24.8′ W.

The following restrictions apply in the HAPC:

(1) Fishing for or possessing prohibited coral or allowable octocoral is prohibited, except as authorized by a permit issued pursuant to § 634.4; and

(2) Fishing with bottom longlines, traps, pots, dredges, or bottom trawls is prohibited.

(c) *Oculina Bank.* The Oculina Bank is located approximately 15 nautical miles east of Fort Pierce, FL, at its nearest point to shore, and is bounded on the north by 27°53′ N. lat., on the south by 27°30′ N. lat., on the east by 79°36′ W. long., and on the west by 80°00′ W. long. In the HAPC, fishing with bottom longlines, traps, pots, dredges, or bottom trawls is prohibited. See § 646.26(d) of this chapter for prohibitions on fishing for snapper-grouper in the Oculina Bank HAPC.

§ 638.24 Octocoral quota and closure.

(a) The quota for allowable octocoral from the EEZ is 50,000 colonies per fishing year.

(b) When the quota specified in paragraph (a) of this section is reached, or is projected to be reached, the Assistant Administrator will file notification to that effect with the Office of the Federal Register. On and after the effective date of such notification, for the remainder of the fishing year, allowable octocoral may not be harvested or possessed in the EEZ and the purchase, barter, trade, or sale, or attempted purchase, barter, trade, or sale, of allowable octocoral in or from the EEZ is prohibited. The latter prohibition does not apply to allowable octocoral that was harvested and landed prior to the effective date of the notification in the **Federal Register**.

§ 638.25 Wild live rock off the southern Atlantic states.

(a) *Closed area.* No person may harvest or possess wild live rock in the EEZ off the southern Atlantic states north of 25°58.5′ N. lat. (extension of the Dade/Broward County, Florida, boundary).

(b) *Gear limitation.* In the EEZ off the southern Atlantic states south of 25°58.5′ N. lat., no person may harvest wild live rock by chipping and no person may possess in that area wild live rock taken by chipping.

(c) *Quota and closure.* (1) The quota for wild live rock from the EEZ off the southern Atlantic states is 485,000 lb (219,992 kg) per fishing year during the fishing years that begin January 1, 1994, and January 1, 1995. Commencing with the fishing year that begins January 1, 1996, the quota is zero.

(2) When the quota specified in paragraph (c)(1) of this section is reached, or is projected to be reached, the Assistant Administrator will file notification to that effect with the Office of the Federal Register. On and after the effective date of such notification, for the remainder of the fishing year, wild live rock may not be harvested or possessed in the EEZ off the southern Atlantic states and the purchase, barter, trade, or sale, or attempted purchase, barter, trade, or sale, of wild live rock in or from the EEZ off the southern Atlantic states is prohibited. The latter prohibition does not apply to wild live rock that was harvested and landed prior to the effective date of the notification in the **Federal Register**.

§ 638.26 Wild live rock in the Gulf of Mexico.

(a) *Closed areas.* No person may harvest or possess wild live rock in the Gulf of Mexico EEZ—

(1) West of 87°31′06″ W. long. (extension of the Alabama/Florida boundary); or

(2) South of 25°20.4′ N. lat. (extension of the Monroe/Collier County, Florida boundary).

(b) *Gear limitations.* (1) In the Gulf of Mexico EEZ from 87°31′06″ W. long. east and south to 28°26′ N. lat. (extension of the Pasco/Hernando County, FL, boundary), no person may harvest wild live rock by chipping and no person may possess in that area wild live rock taken by chipping.

(2) In the Gulf of Mexico EEZ from 28°26′ N. lat. to 25°20.4′ N. lat., wild live rock may be harvested only by hand, without tools, or by chipping with a nonpower-assisted, hand-held hammer and chisel, and no person may possess in that area wild live rock taken otherwise.

(c) *Harvest and possession limits.* Through December 31, 1996, a daily vessel limit of twenty-five 5-gallon (19–L) buckets, or volume equivalent (16.88 ft3 (478.0 L)), applies to the harvest or possession of wild live rock in or from the Gulf of Mexico EEZ from 87°31′06″ W. long. east and south to 25°20.4′ N. lat., regardless of the number or duration of trips. Commencing January 1, 1997, the daily vessel limit is zero.

§ 638.27 Aquacultured live rock.

(a) Aquacultured live rock may be harvested from the Gulf of Mexico EEZ only under a permit issued pursuant to § 638.4. A person harvesting aquacultured live rock is exempt from the prohibition on taking prohibited coral for such prohibited coral as attaches to aquacultured live rock.

(b) The following restrictions apply to individual aquaculture activities:

(1) No aquaculture site may exceed 1 acre (0.4 ha) in size.

(2) Material deposited on the aquaculture site must be geologically or otherwise distinguishable from the naturally occurring substrate or be indelibly marked or tagged; may not be placed over naturally occurring reef outcrops, limestone ledges, coral reefs, or vegetated areas; must be free of contaminants; and must be nontoxic.

(3) A minimum setback of at least 50 ft (15.2 m) must be maintained from natural vegetated or hard bottom habitats.

(c) Mechanically dredging or drilling, or otherwise disturbing, aquacultured live rock is prohibited, and

aquacultured live rock may be harvested only by hand.

(d) Not less than 24 hours prior to harvest of aquacultured live rock, the owner or operator of the harvesting vessel must provide the following information to the NMFS Law Enforcement Office, Southeast Area, St. Petersburg, FL, telephone (813) 570-5344:

(1) Permit number of site to be harvested and date of harvest.

(2) Name and official number of the vessel to be used in harvesting.

(3) Date, port, and facility at which aquacultured live rock will be landed.

(e) Live rock on a site may be harvested only by the person, or his or her employee, contractor, or agent, who has been issued the aquacultured live rock permit for the site.

§ 638.28 Specifically authorized activities.

The Regional Director may authorize, for the acquisition of information and data, activities otherwise prohibited by the regulations in this part.

[FR Doc. 94–23900 Filed 9–22–94; 3:50 pm]

BILLING CODE 3510–22–P

50 CFR Parts 638, 642, and 659

[I.D. 091994A]

South Atlantic Fishery Management Council; Intent to Prepare Supplemental Environmental Impact Statements

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

ACTION: Intent to prepare supplemental environmental impact statements (SEISs); request for comments.

SUMMARY: NMFS announces that the South Atlantic Fishery Management Council (Council) intends to prepare SEISs to assess potential effects on the human environment from management changes for coral, rock shrimp, and king and Spanish mackerel.

The Council intends to determine the scope of issues to be addressed in the SEISs and to identify the significant issues related to the management of these species. The public may participate in this process by submitting written comments.

DATES: Written comments on the scope of the SEISs must be submitted by October 28, 1994.

ADDRESSES: Scoping comments and requests for additional information should be sent to Robert K. Mahood, Executive Director, South Atlantic Fishery Management Council, One Southpark Circle, Suite 306, Charleston, SC 29407–4699 (FAX: 803–769–4520).

FOR FURTHER INFORMATION CONTACT: Carrie Knight, Public Information Officer, 803–571–4366.

SUPPLEMENTARY INFORMATION: An announcement of a public meeting, public hearings, and a public scoping meeting was published in the **Federal Register** on September 8, 1994 (59 FR 46387) to solicit comments on coral-related issues, developing regulations for the rock shrimp fishery, and a scoping meeting on controlled access options for Atlantic group Spanish mackerel and proposed Amendment 8 to the Fishery Management Plan for Coastal Migratory Pelagic Resources of the Gulf of Mexico and South Atlantic. This document serves as an addendum to that announcement.

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

Dated: September 22, 1994.

David S. Crestin,

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

[FR Doc. 94–24010 Filed 9–27–94; 8:45 am]

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Notices

Federal Register
Vol. 59, No. 187
Wednesday, September 28, 1994

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Forms Under Review by Office of Management and Budget

September 23, 1994.

The Department of Agriculture has submitted to OMB for review the following proposal for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35) since the last list was published. This list is grouped into new proposals, revisions, extension, or reinstatements. Each entry contains the following information:

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

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

Revision

• Food and Nutrition Service
Food Stamp Program Application to Accept and Redeem Food Stamps—FSP Regulations Part 278—(Addendum)
FNS–252 and FNS 252A
On occasion
Businesses or other for-profit; Non-profit institutions; Small businesses or organizations; 78,823 responses; 32,546 hours
Preston Mears (703) 305–2419

• Animal and Plant Health Inspection Service
Request for Reimbursable Overtime Services
APHIS Form 192
On occasion
Individuals or households; Businesses or other for-profit; Federal agencies or employees; Non-profit institutions; Small businesses or organizations; 3,000 responses; 750 hours
Donna Ford (301) 436–5752

• Agricultural Marketing Service
Tomatoes Grown in Florida, Marketing Order No. 966—(Addendum)
Recordkeeping; On occasion; Weekly; Monthly; Annually; Daily
Farms; Businesses or other for-profit; Small businesses or organizations; 12,711 responses; 1064 hours
Shoshana Avrishon (202) 720–3610

New Collection—(Expedited Approval Requested)

• Agricultural Marketing Service
Exporter Customer Information Survey
One-time survey
Small businesses or organizations; 3,750 responses; 563 hours
Robert Neenan (202) 690–0334

Larry K. Roberson,
Deputy Departmental Clearance Officer.

[FR Doc. 94–23978 Filed 9–27–94; 8:45 am]
BILLING CODE 3410–01–M

Agricultural Marketing Service

[TMD–94–00–3]

Meeting of the National Organic Standards Board

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Notice.

SUMMARY: In accordance with the Federal Advisory Committee Act, as amended, the Agricultural Marketing Service (AMS) announces a forthcoming meeting of the National Organic Standards Board (NOSB).

DATES AND TIMES: October 11, 1994 through October 14, 1994 from 8 a.m. to 5 p.m., for the NOSB.

PLACE: Red Lion Hotel, 1 Red Lion Drive, Rohnert Park, California 94928 (Sonoma County). Phone (707) 584–5466. All meetings of the NOSB for the week will be held at that address.

FOR FURTHER INFORMATION CONTACT: Dr. Harold S. Ricker, Staff Director, NOSB, Room 4006 South Building, U.S. Department of Agriculture, AMS, Transportation and Marketing Division, P.O. Box 96456, Washington, DC. 20090–6456. Phone (202) 720–2704.

SUPPLEMENTARY INFORMATION: Section 2119 (7 U.S.C. 6518) of the Food, Agriculture, Conservation, and Trade Act of 1990 (FACT Act), as amended (7 U.S.C. Section 6501 et seq.), requires establishment of a NOSB. The purpose of the NOSB is to assist in the development of standards for substances to be used in organic production and to advise the Secretary of Agriculture on any other aspects of the implementation of Title XXI of the FACT Act. The NOSB met for the first time in Washington, DC., in March 1992 and currently has five committees to work on various aspects of the program. The committees are: Crops Standards; Processing, Labelling and Packaging; Livestock Standards; Accreditation; and International Issues. At its last meeting, the NOSB approved a number of recommendations for submission to the Secretary regarding the implementation of the national organic program.

PURPOSE AND AGENDA: The main focus of this meeting is to discuss certain substances that should be considered for recommendation for inclusion on the National List as allowed synthetic substances and certain substances that should be considered for recommendation on the National List as prohibited natural substances in regard to the organic production and processing of organic foods. The main emphasis will be on the review of botanical materials that the Act indicates should be reviewed.

Additional topics to be covered in the full NOSB meeting include mushroom and greenhouse standards, good manufacturing practices for organic processors and handlers, and livestock healthcare issues.

A final agenda will be available on September 12, 1994. Persons requesting copies should contact Ms. Faith Ashton at the above address or phone number.

TYPE OF MEETING: All meetings will be open to the public. Individuals and organizations wishing to provide written comments on these issues or to comment orally on any organic issues should send the request to Dr. Harold S. Ricker at the above address or FAX it to (202) 690–0338 by September 30, 1994, in order to be scheduled. The NOSB has scheduled time for public input on

Tuesday, October 11, 1994, beginning at 1 p.m. and continuing until 5:30 p.m. While people may sign up to speak at the door, advance scheduling assures an opportunity in the time allowed and helps the NOSB plan its activities. Each individual or organization will be allocated 10 minutes for presenting orally the key issues of concern, and should provide copies of written material elaborating on those issues for the committees.

Dated: September 22, 1994.

Lon Hatamiya,

Administrator.

[FR Doc. 94–23923 Filed 9–27–94; 8:45 am]

BILLING CODE 3410–02–P

Soil Conservation Service

Upper French Broad River Watershed, Transylvania County, North Carolina

AGENCY: Soil Conservation Service, USDA.

ACTION: Notice of Finding of No Significant Impact.

SUMMARY: Pursuant to Section 102(2)(c) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Regulations (40 CFR Part 1500); and the Soil Conservation Service Regulations (7 CFR Part 650); the Soil Conservation Service, US Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Upper French Broad River Watershed, Transylvania County, North Carolina.

FOR FURTHER INFORMATION CONTACT: Richard A. Gallo, State Conservationist, Soil Conservation Service, 4405 Bland Road, Suite 205, Raleigh, North Carolina, 27609, telephone (919) 790–2888.

SUPPLEMENTARY INFORMATION: The environmental assessment of this federally assisted action indicates that the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Richard A. Gallo, State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this project.

The project purpose is flood damage reduction. The planned works of improvement include various nonstructural measures including floodproofing, elevations, floodwalls, and acquisition.

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

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

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

Richard A. Gallo,

State Conservationist.

[FR Doc. 94–23926 Filed 9–27–94; 8:45 am]

BILLING CODE 3410–16–M

ARMS CONTROL AND DISARMAMENT AGENCY

Announcement of the Hubert H. Humphrey Fellowship Competition for the 1995–96 School Year

The United States Arms Control and Disarmament Agency will conduct a competition in 1995 for one-year Hubert H. Humphrey Fellowships in support of unclassified doctoral dissertation research in arms control, nonproliferation and disarmament studies. Law candidates for the Juris Doctor or any higher degree are also eligible if they are writing a substantial paper in partial fulfillment of degree requirements. The fellowship stipends for the Ph.D. candidates will be $5,000 plus applicable tuition and fees up to a maximum of $3,400. Stipends and tuition for law candidates will be prorated according to the credits given for the research paper. Fellows must be citizens of the United States and degree candidates at a U.S. college or university. The application deadline for the awards in March 15, 1995. Candidates are asked to submit an application, a five-page thesis abstract with bibliography, three letters of reference, transcripts of all graduate course work, and proof of the acceptance of dissertation proposal. Awards will be for a twelve month period beginning in September 1995 or January 1996. For information and application materials please write: Hubert H. Humphrey Doctoral Fellowship Program, Office of Operations Analysis and Information Management, U.S. Arms Control and Disarmament Agency, 320 21st Street, NW., Washington, DC 20451 or call on (703) 302–7714.

Dated: September 16, 1994.

Alfred Lieberman,

Chief of Operations Analysis and Information Management.

[FR Doc. 94–23977 Filed 9–27–94; 8:45 am]

BILLING CODE 6820–32–M

Announcement of the William C. Foster Fellows Visiting Scholars Program for the 1995–96 School Year

The U.S. Arms Control and Disarmament Agency (ACDA) will conduct a competition for selection of visiting scholars to participate in ACDA's activities during the 1995–96 academic year.

Section 28 of the Arms Control and Disarmament Act (22 U.S.C. 2568) provides that "A program for visiting scholars in the field of arms control, nonproliferation, and disarmament shall be established by the Director in order to obtain the services of scholars from the faculties of recognized institutions of higher learning." The law states that "The purpose of the program will be to give specialists in the physical sciences and other disciplines relevant to the Agency's activities an opportunity for active participation in the arms control, nonproliferation, and disarmament activities of the Agency and to gain for the Agency the perspective and expertise such persons can offer * * * Fellows shall be chosen by a board consisting of the Director, who shall be the chairperson, and all former Directors of the Agency." Scholars are known as William C. Foster Fellows, in honor of the first Director of ACDA, William C. Foster, who served from the inception of ACDA in 1961 until 1969.

ACDA began this program by competitively selecting six visiting scholars for the 1984–85 academic year. The competition has continued each subsequent academic year until the present. One-year assignments will begin at a mutually agreeable time after successful completion of all employment requirements.

Positions are available in the Bureau of Strategic and Eurasian Affairs (SEA), the Bureau of Multilateral Affairs (MA), the Bureau of Intelligence, Verification and Information Support (IVI), and the Bureau of Nonproliferation Policy and Regional Arms Control (NP). A brochure is available describing these positions in detail. Evaluation of applicants for appointments to these positions will focus upon the scholar's potential for providing expertise or performing services needed by ACDA, rather than

on the scholar's previously displayed interest in arms control. While pursuit of the scholar's own line of research may sometimes be possible, support of such activity is not the purpose of the program.

Visiting scholars will be detailed to ACDA by their universities; the universities will be compensated for the scholar's salary and benefits in accordance with the Intergovernmental Personnel Act and within Agency limitations. Visiting scholars will also receive reimbursement for travel to and from the Washington, DC area for their one-year assignment and either a per diem allowance during the one-year assignment or relocation costs.

Visiting scholars must be citizens of the United States, on the faculty of a recognized institution of higher learning, and tenured or on a tenure track or equivalent; they also must have served as a permanent career employee of the institution for at least ninety days before selection for the program. ACDA is an equal opportunity employer. Selections will be made without regard to race, color, religion, sex, national origin, age, or physical handicap that does not interfere with performance of duties. Prior to appointment applicants will be subject to a full-field background security investigation for a Top Secret security clearance, as required by Section 45 of the Arms Control and Disarmament Act. Visiting scholars will also be subject to applicable Federal conflict of interest laws and standards of conduct.

To apply, candidates are asked to submit a letter outlining their interests and qualifications, a curriculum vitae, copies of two publications, and additional supporting material such as letters of reference. The application deadline for assignments for the 1995–1996 academic year is January 31, 1995, subject to extension at ACDA's discretion. ACDA expects to announce tentative selections in the spring of 1995.

To request an information brochure, please write to: Visiting Scholars Program, Office of Operations Analysis and Information Management, Room 5726, U.S. Arms Control and Disarmament Agency, 320 21st Street, NW, Washington, DC 20451 or call on (703) 302–7714.

Dated: September 16, 1994.

Alfred Lieberman,

Chief of Operations Analysis and Information Management.

[FR Doc. 94–23976 Filed 9–27–94; 8:45 am]

BILLING CODE 6820–32–M

DEPARTMENT OF COMMERCE

International Trade Administration, Commerce

Export Trade Certificate of Review

ACTION: Notice of application for an amendment to an Export Trade Certificate of Review, Application No. 89–3A005.

SUMMARY: The Department of Commerce has received an application to amend an Export Trade Certificate of Review. This notice summarizes the amendment and requests comments relevant to whether the amended Certificate should be issued.

FOR FURTHER INFORMATION CONTACT: W. Dawn Busby, Director, Office of Export Trading Company Affairs, International Trade Administration, 202–482–5131. This is not a toll-free number.

SUPPLEMENTARY INFORMATION: Title III of the Export Trading Company Act of 1982 (15 U.S.C. 4001–21) authorizes the Secretary of Commerce to issue Export Trade Certificates of Review. A Certificate of Review protects the holder and the members identified in the Certificate from state and federal government antitrust actions and from private, treble damage antitrust actions for the export conduct specified in the Certificate and carried out in compliance with its terms and conditions. Section 302(b)(1) of the Act and 15 CFR 325.6(a) require the Secretary to publish a notice in the **Federal Register** identifying the applicant and summarizing its proposed export conduct.

Request for Public Comments

Interested parties may submit written comments relevant to determining whether the Certificate should be amended. An original and five (5) copies should be submitted not later than 30 days after the date of this notice to: Office of Export Trading Company Affairs, International Trade Administration, Department of Commerce, Room 1800H, Washington, D.C. 20230. Information submitted by any person is exempt from disclosure under the Freedom of Information Act (5 U.S.C. 552). Comments should refer to this application as "Export Trade Certificate of Review, application number 89–3A005."

Summary of the Application

The original Certificate of Review was issued on May 26, 1989 (54 FR 24928, June 12, 1989). An amendment to the Certificate (89–A0005) was issued on October 20, 1989 (54 FR 43982, October 30, 1989). This application seeks to amend Certificate of Review 89–A0005.)

Applicant: CherreX Corporation ("CherreX"), 2220 University Park Drive, Okemos, Michigan 48864. Contact: C. Richard Johnston, Managing Director, Cherry Marketing Institute, 2220 University Park Drive, Suite 200, Okemos, Michigan 48864, Telephone: (517) 347–0010.

Application No.: 89–3A005.

Date Deemed Submitted: September 16, 1994.

Proposed Amendment: CherreX seeks to amend its Certificate to:

1. Add each of the following companies as a "Member" of the Certificate within the meaning of section 325.2(l) of the Regulations (15 C.F.R. 325.2(l)): Peterson Farms, Inc., Shelby, Michigan; and Seaquist Orchards, Inc., Sister Bay, Wisconsin.

2. Delete each of the following companies as a "Member" of the Certificate: Burnette Foods, Inc.; Buskirk Processing, Inc.; DeRuiter Farms; Smeltzer Orchard Co.; Stanek & Sons, Inc.; Utah Finer Fruits; Ludington Fruit Exchange, Inc.; and Larson-Seaquist Processing, Inc.

3. Add the following product: sweet cherries. Members market sweet cherries in the following forms: fresh, canned, IQF (individually quick frozen and stored in freezer), and other (includes jams, jellies and specialty products.)

Dated: September 22, 1994.

W. Dawn Busby,

Director, Office of Export Trading Company Affairs.

[FR Doc. 94–23897 Filed 9–27–94; 8:45 am]

BILLING CODE 3510–DR–P

National Institute of Standards and Technology

Prospective Grant of Exclusive Patent License

AGENCY: National Institute of Standards and Technology, Commerce.

ACTION: Notice of Prospective Grant of Exclusive Patent License.

SUMMARY: This is a notice in accordance with 35 USC 209(c)(1) and 37 CFR 404.7(a)(1)(i) that the National Institute of Standards and Technology ("NIST"), U.S. Department of Commerce, is contemplating the grant of a field of use exclusive license in the United States to practice the inventions embodied in U.S. Patent 5,221,825, titled, "Sensing of Gas-Metal-Arc Welding Process Characteristics For Welding Process Control" and U.S. Patent Application 08/065,393, titled, "Arc Length And

Droplet Detachment Sensor System For Gas Metal Arc Welding" to Morrow Tech Industries, Inc., having a place of business in Northglenn, Colorado. The patent rights in this invention have been assigned to the United States of America.

FOR FURTHER INFORMATION CONTACT: Bruce E. Mattson, National Institute of Standards and Technology, Technology Development and Small Business Program, Building 221, room B–256, Gaithersburg, MD 20899.

SUPPLEMENTARY INFORMATION: The prospective exclusive license will be royalty bearing and will comply with the terms and conditions of 35 U.S.C. 209 and 37 CFR 404.7 The prospective exclusive license may be granted unless, within sixty days from the date of this published Notice, NIST receives written evidence and argument which establish that the grant of the license would not be consistent with the requirements of 35 U.S.C. 209 and 37 CFR 404.7.

U.S. Patent 5,221,825 and U.S. Patent Application 08/065,393 relate to methods of sensing gas-metal-arc welding process characteristics and correcting flaws indicated by the detected process characteristics.

NIST may enter into a Cooperative Research and Development Agreement ("CRADA") to perform further research on the invention for purposes of commercialization. The CRADA may be conducted by NIST without any additional charge to any party that licenses the patent. NIST may grant the licensee an option to negotiate for royalty-free exclusive licenses to any jointly owned inventions which arise from the CRADA as well as an option to negotiate for exclusive royalty-bearing licenses for NIST employee inventions which arise from the CRADA.

The availability of U.S. Patent 5,221,825 was published in the **Federal Register**, Vol. 59, No. 132 (July 12, 1994). The availability of U.S. Patent Application 08/065,393 was published in the **Federal Register**, Vol. 59, No. 75 (April 19, 1994). A copy of the patent and patent application may be obtained from NIST at the foregoing address.

Dated: September 22, 1994.

Samuel Kramer,

Associate Director.

[FR Doc. 94–24008 Filed 9–27–94; 8:45 am]

BILLING CODE 3510–13–M

Prospective Grant of Exclusive Patent License

AGENCY: National Institute of Standards and Technology, Commerce.

ACTION: Notice of Prospective Grant of Exclusive Patent License.

SUMMARY: This is a notice in accordance with 35 USC 209(c)(1) and 37 CFR 404.7(a)(1)(i) that the National Institute of Standards and Technology ("NIST"), U.S. Department of Commerce, is contemplating the grant of a field of use exclusive license in the United States to practice the invention embodied in U.S. Patent 5,307,680, titled, "Method and Apparatus For Visualization Of Internal Stresses In Solid Non-Transparent Materials By Elastoacoustic Technique" to ND Resources, Inc., having a place of business in Cincinnati, Ohio. The patent rights in this invention have been assigned to the United States of America.

FOR FURTHER INFORMATION CONTACT: Bruce E. Mattson, National Institute of Standards and Technology, Technology Development and Small Business Program, Building 221, Room B–256, Gaithersburg, MD 20899.

SUPPLEMENTARY INFORMATION: The prospective exclusive license will be royalty-bearing and will comply with the terms and conditions of 35 U.S.C. 209 and 37 C.F.R. 404.7 The prospective exclusive license may be granted unless, within sixty days from the date of this published Notice, NIST receives written evidence and argument which establish that the grant of the license would not be consistent with the requirements of 35 U.S.C. 209 and 37 CFR 404.7.

U.S. Patent 5,307,680 relates to a process for the detection and mapping of internal stresses in the interior of bulk materials by scanning acoustic technique.

NIST may enter into a Cooperative Research and Development Agreement ("CRADA") to perform further research on the invention for purposes of commercialization. The CRADA may be conducted by NIST without any additional charge to any party that licenses the patent. NIST may grant the licensee an option to negotiate for royalty-free exclusive licenses to any jointly owned inventions which arise from the CRADA as well as an option to negotiate for exclusive royalty-bearing licenses for NIST employee inventions which arise from the CRADA.

The availability of the invention for licensing was published in the Federal Register, Vol. 58, No. 49 (March 16, 1993). A copy of the patent may be obtained from NIST at the foregoing address.

Dated: September 22, 1994.

Samuel Kramer,

Associate Director.

[FR Doc. 94–24007 Filed 9–27–94; 8:45 am]

BILLING CODE 3510–13–M

DEPARTMENT OF DEFENSE

Public Information Collection Requirement Submitted to OMB for Review

ACTION: Notice.

The Department of Defense has submitted to OMB for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act 44 U.S.C. Chapter 35).

Title: Evaluation of the DoD Student Testing Program.

Type of Request: Expedited processing—approval date requested 30 days after publication in the **Federal Register**.

Number of Respondents: 1,828.

Responses per Respondent: 1.62.

Annual Responses: 2,968.

Average Burden per Response: .27 hours.

Annual Burden Hours: 815.1.

Needs and Uses: Data will be collected from high school students and guidance staff to permit an evaluation of the DoD Student Testing Program (also known as Career Exploration Program) and recommendations for improvements. About 1,000,000 students participate in this program each year. Additionally, expert counselors will review the program and input will be solicited from other involved stakeholders.

Affected Public: Individuals or households; State or local Governments.

Frequency: On occasion.

Respondent's Obligation: Voluntary.

OMB Desk Officer: Mr. Edward C. Springer. Written comments and recommendations on the proposed information collection should be sent to Mr. Springer at the Office of Management and Budget, Desk Officer for DoD, Room 10236, New Executive Office Building, Washington, DC 20503.

DOD Clearance Officer: Mr. William P. Pearce. Written requests for copies of the information collection proposal should be sent to Mr. Pearce, WHS/DIOR, 1215 Jefferson Davis Highway, Suite 1204, Arlington, Virginia 22202–4302.

Dated: September 21, 1994.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 94–23907 Filed 9–27–94; 8:45 am]

BILLING CODE 5000–04–M

Office of the Secretary

Department of Defense Wage Committee; Notice of Closed Meetings

Pursuant to the provisions of section 10 of Public Law 92–463, the Federal Advisory Committee Act, notice is hereby given that a closed meeting of the Department of Defense Wage Committee will be held on October 4, 1994; October 11, 1994; October 18, 1994; and October 25, 1994, at 10:00 a.m. in Room 800, Hoffman Building #1, Alexandria, Virginia.

Under the provisions of section 10(d) of Public Law 92–463, the Department of Defense has determined that the meetings meet the criteria to close the meeting to the public because the matters considered are related to internal rules and practices of the Department of Defense and the detailed wage data considered were obtained from officials of private establishments with a guarantee that the data will be held in confidence.

However, members of the public who may wish to do so are invited to submit material in writing to the chairman concerning matters believed to be deserving the Committee's attention.

Additional information concerning the meetings may be obtained by writing to the Chairman, Department of Defense Wage Committee, 4000 Defense Pentagon, Washington, DC 20301–4000.

Dated: September 21, 1994.

L. M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 94–23906 Filed 9–27–94; 8:45 am]

BILLING CODE 5000–04–M

Department of the Air Force

Air Force Academy Board of Visitors; Meeting

Pursuant to Section 9355, Title 10, United States Code, the Air Force Academy Board of Visitors will meet at the U.S. Air Force Academy, Colorado, 10–12 November 1994. The purpose of the meeting is to consider morale and discipline, the curriculum, instruction, physical equipment, fiscal affairs, academic methods, and other matters relating to the Academy.

A portion of the meeting will be open to the public on the morning of November 11, 1994. Other portions of the meeting will be closed to the public to discuss matters listed in subsections (2), (4), and (6) of section 552b(c), Title 5, United States Code. These closed sessions will include attendance at cadet training programs and discussions with cadets, military staff, and faculty officers involving personal information and opinion, the disclosure of which would result in a clearly unwarranted invasion of personal privacy. Closed sessions will also include executive sessions involving discussions of personal information, including financial information, and information relating solely to internal personnel rules and practices of the Board of Visitors and the Academy. Meeting sessions will be held in various facilities throughout the cadet area.

For further information, contact Ms. Donna Stauss, Policy, Plans, & Programs, HQ USAFA/XPP, 2304 Cadet Drive, USAF Academy, CO 80840–5002, at (719) 472–3933.

Patsy J. Conner,

Air Force Federal Register Liaison Officer.

[FR Doc. 94–23927 Filed 9–27–94; 8:45 am]

BILLING CODE 3910–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. EF94–1011–000, et al.]

Alaska Power Administration, et al.; Electric Rate and Corporate Regulation Filings

September 21, 1994

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

1. Alaska Power Administration

[Docket No. EF94–1011–000]

Take notice that on September 16, 1994, the Deputy Secretary of the Department of Energy, by Rate Order No. APA–12, confirmed and approved on an interim basis effective October 1, 1994, Rate Schedules A–F11, A–N12, and A–W3 applicable to power from and wheeling by Alaska Power Administration's (APA) Eklutna Project. The rate schedules which are being adjusted were previously confirmed and approved by FERC on January 25, 1991, for a period of four years, Docket No. EF91–1011–000.

Current rates in effect are 17 mills per kilowatthour for firm energy; 10 mills per kilowatt-hour for non-firm energy; and .3 mills per kilowatt-hour for wheeling. APA proposes to increase the rate for firm energy to 18.7 mills per kilowatthour, an increase of 10 percent. Rates for non-firm energy and wheeling would remain the same.

The Department requests the approval of the Commission of the adjusted rates for a period not to exceed five years with the understanding that the rates can be adjusted at an earlier date if needed to comply with the cost recovery criteria. The rate schedules are submitted for confirmation and approval of a final basis pursuant to authority vested in the Commission by Amendment No. 3 to Delegation Order No. 0204–108.

Comment date: October 5, 1994, in accordance with Standard Paragraph E at the end of this notice.

2. Public Service Electric and Gas Company

[Docket No. ER94–1294–000]

Take notice that on August 23, 1994, Public Service Electric and Gas Company tendered for filing a Notice of Withdrawal of its proposed Interruptible Transmission Service Tariff in the above-referenced docket.

Comment date: September 30, 1994, in accordance with Standard Paragraph E at the end of this notice.

3. Dartmouth Power Associates Limited Partnership

[Docket No. ER94–1643–000]

Take notice that on September 12, 1994, Dartmouth Power Associates Limited Partnership, tendered for filing, pursuant to Rule 207 of the Commission's Rules of Practice and Procedure, 18 CFR 385.207, proposed changes in its FERC Electric Service Tariff No. 1 for sales to Commonwealth Electric Company, whereby certain discontinued price indices referenced therein would be replaced with currently available indices.

Copies of the filing were served upon Commonwealth Electric Company and the Massachusetts Department of Public Utilities.

Comment date: October 5, 1994, in accordance with Standard Paragraph E at the end of this notice.

4. Boston Edison Company

[Docket No. ER94–1644–000]

Take notice that on September 12, 1994, Boston Edison Company (Edison) tendered for filing for informational purposes the 1993 true-up to actual for the Substation 509 Agreement (FPC Rate No. 101) between Edison and Cambridge Electric Light Company (Cambridge). This filing is made pursuant to the terms of the 1987 Settlement Agreement between Edison, Cambridge and the Town of Belmont, Massachusetts in Docket No. ER86–468–002.

Edison states that it has served the filing on Cambridge, Belmont and the Massachusetts Department of Public Utilities.

Comment date: October 5, 1994, in accordance with Standard Paragraph E at the end of this notice.

5. New York State Electric & Gas Corporation

[Docket No. ER94–1655–000]

Take notice that on September 16, 1994, New York State Electric & Gas Corporation (NYSEG) tendered for filing proposed changes in its FERC Rate Schedules for borderline sales to Pennsylvania Electric Co., Massachusetts Electric Co., Niagara Mohawk Power Corp., Rochester Gas & Electric Co., Central Hudson Gas & Electric Co., Orange & Rockland Utilities, Inc., Consolidated Edison Company of New York, Inc., and Connecticut Light & Power Co., (Rate Schedule FERC Nos. 20, 27, 28, 30, 32, 33, 35 and 105, respectively). NYSEG is filing the information pursuant to Section 35.13 of the Commission's Rules of practices and Procedure, 18 CFR 35.13 (1993). NYSGE is requesting an effective date of August 1, 1994, for the tariff rate changes. Accordingly, NYSEG has also requested a waiver of Commission's notice requirements for good cause shown.

NYSEG has sent a copy of this filing to Central Hudson Gas & Electric Corp.; Consolidated Edison Company of New York, Inc.; Niagara Mohawk Power Corp.; Orange & Rockland Utilities, Inc.; Rochester Gas & Electric Corp.; New York State Public Service Commission; Pennsylvania Electric Co.; Pennsylvania Public Utility Commission; Massachusetts Electric Co.; Massachusetts Dept. of Public Utilities; Connecticut Light & Power Co.; and the Connecticut Dept. of Public Utility Control.

Comment date: October 5, 1994, in accordance with Standard Paragraph E at the end of this notice.

6. Montana-Dakota Utilities Co., a Division of MDU Resources Group, Inc.

[Docket No. ER94–1654–000]

Take notice that on September 14, 1994, Montana-Dakota Utilities Co., a division of MDU Resources Group, Inc. (Montana-Dakota) tendered for filing pursuant to Section 205 of the Federal Power Act and Part 35 of the Commission's regulations, Supplement No. 1 to Joint Transmission Facility Agreement between Montana-Dakota and Mid-Yellowstone Electric Cooperative, Inc. (Mid Yellowstone).

Montana-Dakota asserts that the filing has been served on Mid-Yellowstone and on interested state regulatory commissions.

Comment date: October 5, 1994, in accordance with Standard Paragraph E at the end of this notice.

7. Boston Edison Company

[Docket No. ER94–1656–000]

Take notice that on September 15, 1994, Boston Edison Company (Edison) filed a letter agreement between itself and thirteen Massachusetts municipal electric systems further extending the deadline for the Municipals' submission of objections to Edison's 1992 bills for services rendered under each municipal system's Pilgrim power purchase contract in 1992. On September 2, 1994, Boston Edison filed a letter agreement in Docket No. ER94–1619–000 extending that deadline from September 7, 1994, until September 19, 1994. The new letter agreement extends that deadline from September 19, 1994, until September 27, 1994. The letter agreement makes no other changes to the rates, terms and conditions of the affected Pilgrim contracts.

Edison states that it has served copies of this filing upon each of the affected customers and upon the three other Pilgrim power purchasers: Reading Municipal Light Department, Montaup Electric Company and Commonwealth Electric Company; as well as the Massachusetts Department of Public Utilities.

Comment date: September 30, 1994, in accordance with Standard Paragraph E at the end of this notice.

8. Southern California Edison Company

[Docket No. ER94–1657–000]

Take notice that on September 16, 1994, Southern California Edison Company (Edison) tendered for filing the following power sale agreement:

1994–1999 Power Sale Agreement Between Southern California Edison Company and Sacramento Municipal Utility District

The Agreement provides the terms and conditions whereby Edison shall make available and Sacramento Municipal Utility District shall purchase Contract Capacity ranging from 50 MW to 200 MW, to be made available during the term of the Agreement. During the months when Contract Capacity is not provided, SMUD may request Short-Term Capacity on an as-available basis. Edison is requesting waiver of the Commission's prior notice requirements and an effective date of October 1, 1994.

Copies of this filing were served upon the Public Utilities Commission of the State of California and all interested parties.

Comment date: October 5, 1994, in accordance with Standard Paragraph E at the end of this notice.

9. Maine Public Service Company

[Docket No. ER94–1562–000]

Take notice that on September 1, 1994, Maine Public Service Company (Maine) tendered for filing an amendment to its August 17, 1994, filing in the above-referenced docket.

Comment date: September 30, 1994, in accordance with Standard Paragraph E at the end of this notice.

10. Public Service Company of Colorado

[Docket No. ER94–1658–000]

Take notice that on September 16, 1994, Public Service Company of Colorado, tendered for filing amendments to its FERC Electric Service Rate Schedule, FERC No. 47. Under the proposed amendments Public Service is submitting its annual revisions to Exhibits B and D, which set forth points of delivery and levels of power and energy transmitted by the Western Area Power Administration and Public Service Company of Colorado, respectively. These amendments will have no impact on the rates for service under this agreement.

Public Service requests an effective date of October 1, 1994, for the proposed amendments.

Copies of the filing were served upon the Western Area Power Administration Loveland Area Office, and state jurisdictional regulators which include the Public Utilities Commission of the State of Colorado and the State of Colorado Office of Consumer Counsel.

Comment date: October 5, 1994, in accordance with Standard Paragraph E at the end of this notice.

11. West Penn Power Company

[Docket No. ER94–1659–000]

Take notice that on September 16, 1994, West Penn Power Company, tendered for filing proposed changes in its FERC Electric Tariff, First Revised Volume No. 1. The proposed changes would increase revenues from jurisdictional sales and service by $2,082,000 based on the twelve-month period ending December 31, 1995. The proposed effective date for the increased rates is December 1, 1994.

The changes proposed are for the purpose of recovering increased costs incurred by the Company, to add new connection points and to update language in the existing tariff.

Copies of the filing were served upon the jurisdictional customers and the Pennsylvania Public Utility Commission.

Comment date: October 5, 1994, in accordance with Standard Paragraph E at the end of this notice.

12. Atlantic City Electric Company

[Docket No. ER94–1660–000]

Take notice that on September 16, 1994, Atlantic City Electric Company (ACE) tendered for filing an Agreement for Short-Term Energy Transactions between ACE and New York State Electric & Gas Corporation. ACE requests that the Agreement be accepted to become effective September 19, 1994.

Copies of the filing were served on the New Jersey Board of Regulatory Commissioners and the New York Public Service Commission.

Comment date: October 5, 1994, in accordance with Standard Paragraph E at the end of this notice.

13. Ohio Edison Company

[Docket No. ER94–1661–000]

Take notice that on September 16, 1994, Ohio Edison Company (Ohio Edison) tendered for filing:

(1) A Revised Exhibit A to the Agreement, dated as of June 20, 1968, between Ohio Power Company (Ohio Power) and Ohio Edison (the Buckeye Agreement), and Ohio Power's concurrence to such filing;
(2) A construction agreement dated December 22, 1993, between Ohio Edison and Hancock-Wood Electric Cooperative, Inc. (Hancock-Wood);
(3) An O&M Agreement between Ohio Edison and Hancock-Wood, dated August 30, 1994, and
(4) A request for approval under Section 203 for the sale of distribution facilities.

The filings and request for approval all relate to the construction of new delivery facilities that Ohio Edison will use to deliver power and energy under the Buckeye Agreement. Ohio Edison requests an effective date of September 17, 1994, for the filings.

Comment date: October 5, 1994, in accordance with Standard Paragraph E at the end of this notice.

Standard Paragraphs

E. Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 18 CFR 385.214). All such motions or protests should be filed on or before the comment date. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 94–24018 Filed 9–27–94; 8:45 am]

BILLING CODE 6717–01–P

[Project No. 2347–001 Wisconsin]

Wisconsin Power & Light Company; Notice of Availability of Final Environmental Assessment

September 21, 1994.

In accordance with the National Environmental Policy Act of 1969 and the Federal Energy Regulatory Commission's (Commission) regulations, 18 CFR Part 380, the Office of Hydropower Licensing has reviewed the application for a subsequent license for the existing Janesville Central Hydroelectric Project, located on the Rock River in Rock County, Wisconsin, in the city of Janesville, and has prepared a final environmental assessment (EA) for the project.

On April 25, 1994, staff issued and distributed to all parties a draft EA, and requested that comments on the draft EA be filed with the Commission within 30 days. Comments were filed by the city of Janesville and are addressed in the final EA.

In the final EA, the Commission's staff has analyzed the existing and potential future environmental impacts of the project and has concluded that approval of the project, with appropriate environmental protective or enhancement measures, would not constitute a major federal action that would significantly affect quality of the human environment.

Copies of the final EA are available for review in the Public Reference Branch, Room 3104, of the Commission's offices at 941 North Capitol Street, N.E., Washington, D.C. 20426.

Lois D. Cashell,

Secretary.

[FR Doc. 94–23916 Filed 9–27–94; 8:45 am]

BILLING CODE 6717–01–M

Texas Eastern Transmission Corporation and NorAm Gas Transmission Corporation, et al.; Natural Gas Certificate Filings

September 20, 1994.

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

1. Texas Eastern Transmission Corporation; NorAm Gas Transmission Company

[Docket No. CP94–778–000]

Take notice that on September 14, 1994, Texas Eastern Transmission Corporation (Texas Eastern), 5400 Westheimer Court, Houston, Texas 77056–5310, and NorAm Gas Transmission Company (NGT), 1600 Smith Street, Houston, Texas 77002 (jointly referred to as Applicants), filed in Docket No. CP94–778–000 an abbreviated application pursuant to Section 7(b) of the Natural Gas Act, as amended, and §§ 157.7 and 157.18 of the Federal Energy Regulatory Commission's (Commission) regulations thereunder, for permission and approval to abandon a natural gas exchange service, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicants state that they propose to abandon an exchange service initiated pursuant to an agreement dated November 10, 1975. Applicants indicate that the agreement was subsequently amended on July 12, 1976, and on March 18, 1980. Applicants further indicate that Texas Eastern provides its service under its Rate Schedule X–77, and NGT provides its service under its Rate Schedule XE–46, respectively. Applicants further state that the service was authorized in Texas Eastern Docket No. CP76–215, *et al.* and NGT Docket No. CP76–261, *et al.*, respectively. It is indicated that the exchange is provided by and between Applicants at various points of interconnection in Shelby, Marion, and Harrison Counties, Texas. Applicants aver that the purchase obligations under the purchase contracts associated with such exchange service have been terminated. Applicants state that they have agreed to the termination of the exchange service by letter dated July 15, 1994. It is also indicated that no facilities are proposed to be abandoned.

Comment date: October 11, 1994, in accordance with Standard Paragraph F at the end of this notice.

2. Southern Natural Gas Company

[Docket No. CP94–785–000]

Take notice that on September 16, 1994, Southern Natural Gas Company (Southern), Post Office Box 2563, Birmingham, Alabama, 35202–2563 filed in Docket No. CP94–785–000 a request pursuant to Sections 157.205 and 157.212 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205 and 157.212) for authorization to construct and operate a new point of delivery in Effingham

County, Georgia, under Southern's blanket certificate issued in Docket No. CP82–406–000, pursuant to Section 7(c) of the Natural Gas Act, all as more fully set forth in the request that is on file with the Commission and open to public inspection.

Specifically, Southern proposes to construct and operate certain measurement and other appurtenant facilities at or near Mile Post 95 on its Wrens-Savannah Lines in Effingham County, George in order to provide transportation service to Atlanta Gas Light Company (Atlanta) so that Atlanta may provide natural gas service for peaking purposes to Savannah Electric and Power Company.

Southern estimates the cost of the proposed facilities to be constructed by Southern to be $1,801,209 and it advises that Atlanta has agreed to reimburse Southern for the cost of the construction.

Additionally, Southern states that it will provide service to Atlanta at the new deliver point, the AGL-Plant McIntosh, under Atlanta's existing Service Agreements with Southern pursuant to Southern's Rate Schedules FT and IT. Southern also states that Atlanta does not propose to add any transportation demand to its firm service as a result of the addition of the delivery point. Southern further advises that, because the gas will be delivered primarily in the summer, the installation of the proposed facilities will have no adverse effect on Southern's ability to provide its peak day or annual deliveries.

Comment date: November 4, 1994, in accordance with Standard Paragraph G at the end of this notice.

3. Colorado Interstate Gas Company and MIGC, Inc.

[Docket No. CP94–780–000]

Take notice that on September 15, 1994, Colorado Interstate Gas Company ("CIG"), Post Office Box 1087, Colorado Springs, Colorado 80944, and MIGC, Inc. ("MIGC"), 12200 N. Pecos Street, Denver, Colorado 80234, filed a joint abbreviated application pursuant to Section 7(b) of the Natural Gas Act for an order granting permission and approval to abandon the transportation and exchange of natural gas, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

CIG and MIGC state that they propose to abandon the Gas Transportation and Exchange Agreement ("Agreement") dated May 28, 1981, as amended, constituting CIG's Rate Schedule X–48 of its FERC Gas Tariff, Original Volume No. 2, and MIGC's Rate Schedule TE–1 of its FERC Gas Tariff, First Revised Volume No. 1. These rate schedules provide for the transportation and exchange of natural gas supplies which are remote from one Party's system, but proximate to the other Party's system. CIG and MIGC both have open access certificates and operate under Order No. 636. Therefore, the certificate for the above transportation and exchange service, previously authorized by the Commission (21 FERC ¶ 61,203), is no longer required.

CIG and MIGC further state that they do not propose to abandon any facilities as a result of the authorization requested.

Comment date: October 11, 1994, in accordance with Standard Paragraph F at the end of this notice.

Standard Paragraphs

F. Any person desiring to be heard or to make any protest with reference to said application should on or before the comment date, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate and/or permission and approval for the proposed abandonment are required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for applicant to appear or be represented at the hearing.

G. Any person or the Commission's staff may, within 45 days after issuance of the instant notice by the Commission, file pursuant to Rule 214 of the Commission's Procedural Rules (18 CFR 385.214) a motion to intervene or notice of intervention and pursuant to § 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) a protest to the request. If no protest is filed within the time allowed therefor, the proposed activity shall be deemed to be authorized effective the day after the time allowed for filing a protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request shall be treated as an application for authorization pursuant to Section 7 of the Natural Gas Act.

Lois D. Cashell,

Secretary.

[FR Doc. 94–24016 Filed 9–27–94; 8:45 am]

BILLING CODE 6717–01–P

[Docket No. RP94–402–000]

Algonquin Gas Transmission Co.; Proposed Changes In FERC Gas Tariff

September 22, 1994.

Take notice that on September 19, 1994, Algonquin Gas Transmission Company (Algonquin) tendered for filing as part of its FERC Gas Tariff, Fourth Revised Volume No. 1, the following tariff sheets, with a proposed effective date of November 1, 1994:

Original Sheet No. 98G
Seventeenth Revised Sheet No. 20A

Algonquin states that the purpose of this filing is to provide for the recovery of certain transition costs associated with upstream capacity retained by Algonquin. Specifically, Algonquin seeks to recover Account No. 858 stranded costs billed to Algonquin by Texas Eastern Transmission Corporation in Docket No. RP94–378–000. Algonquin requests that the Commission waive Section 154.22 of the Commission's regulations to the extent that may be necessary to place these tariff sheets into effect as requested.

Algonquin notes that copies of this filing were served upon each affected party and interested state commissions.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with 18 CFR Sections 385.214 and 385.211 of the Commission's Rules and Regulations. All such motions or protests should be

filed on or before September 29, 1994. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room.

Lois D. Cashell,

Secretary.

[FR Doc. 94–23942 Filed 9–27–94; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. TC94–2–000]

Columbia Gas Transmission Corporation; Proposed Changes in FERC Gas Tariff

September 22, 1994.

Take notice that on September 15, 1994 Columbia Gas Transmission Corporation (Columbia) tendered for filing as part of its FERC Gas Tariff, Second Revised Volume No. 1, the following proposed tariff sheets to become effective November 1, 1994.

First Revised Sheet Nos. 657–666

Columbia states that the listed tariff sheets set forth the revised Index of Entitlements and are filed pursuant to 281.204(b)(2) of the Commission's Regulations and § 32.1(f) of the General Terms and Conditions of Columbia's FERC Gas Tariff, Second Revised Volume No. 1.

Columbia states that copies of the filing were served upon the Company's jurisdictional customers and interested State Commissions.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedures (18 CFR 385.211 or 385.214). All such motions or protests should be filed on or before September 29, 1994. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene in accordance with the Commission's rules. Copies of Columbia's filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 94–24017 Filed 9–27–94; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. RP93–187–000, et al.]

Equitrans, Inc.; Informal Settlement Conference

September 22, 1994.

Take notice that an informal conference will be convened in this proceeding on Wednesday, September 28, 1994, at 10:00 a.m., for the purpose of exploring the possible settlement of the above-referenced docket. The conference will be held at the offices of the Federal Energy Regulatory Commission, 810 First Street, NE., Washington, DC 20426.

Any party, as defined by 18 CFR 385.102(c), or any participant, as defined by 18 CFR 385.102(b), is invited to attend. Persons wishing to become a party must move to intervene and receive intervenor status pursuant to the Commission's regulations (18 CFR 385.214).

For additional information, please contact Hollis J. Alpert at (202) 208–0783 or Arnold H. Meltz at (202) 208–2161.

Lois D. Cashell,

Secretary.

[FR Doc. 94–23938 Filed 9–27–94; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. RP94–120–000]

Koch Gateway Pipeline Co.; Informal Settlement Conference

September 22, 1994.

Take notice that Commission Staff will convene an informal settlement conference in this proceeding on October 11, 1994, at 10:00 a.m. The conference will be held in a hearing room at the offices of the Federal Energy Regulatory Commission, 810 First Street, NE., Washington, DC.

Any party, as defined by 18 CFR 385.102(c), or any participant, as defined in 18 CFR 385.102(b), may attend. Persons wishing to become a party must move to intervene and receive intervenor status pursuant to the Commission's regulations, 18 CFR 385.214.

For additional information, contact Donald A Heydt at (202) 208–0740 or Warren C. Wood at (202) 208–2091

Lois D. Cashell,

Secretary.

[FR Doc. 94–23936 Filed 9–27–94; 8:45 am]

BILLING CODE 6717–01–M

[Docket Nos. RP91–47–006, RP91–47–009, TM91–4–16–002, TM91–5–16–001, TM92–2–16–002, TM92–5–16–001, and TM94–4–16–001]

National Fuel Gas Supply Corp.; Notice of Conference

September 22, 1994.

Take notice that a conference has been scheduled for Tuesday, October 4, 1994 at 10:00 a.m., pursuant to the Commission's July 28, 1994 order issued in the above-captioned dockets, addressing National Fuel Gas Supply Corporation's (National Fuel) compliance filing reflecting a revised allocation methodology for the flowthrough of its upstream pipeline supplier fixed take-or-pay charges. The conference will be held in Room 3400–C of the offices of the Federal Energy Regulatory Commission, 825 N. Capitol Street, N.E., Washington, D.C. 20426.

All interested persons are permitted to attend.

Lois D. Cashell,

Secretary.

[FR Doc. 94–23940 Filed 9–27–94; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. RP94–105–000 Phase II]

Ozark Gas Transmission System; Notice of Rescheduled Informal Settlement Conference

September 22, 1994.

Take notice that an informal settlement conference will be convened in the above-captioned proceeding at 10:00 a.m. on October 6, 1994, at the offices of the Federal Energy Regulatory Commission, 810 First Street, NE, Washington, DC, for the purpose of exploring the possible settlement of the above-referenced dockets. The informal settlement conference scheduled for September 26, 1994, has been *cancelled.*

Any party, as defined by 18 CFR 385.102(c), or any participant as defined in 18 CFR 385.102(b), is invited to attend. Persons wishing to become a party must move to intervene and receive intervenor status pursuant to the Commission's regulation (18 CFR 385.214).

For additional information please contact Michael D. Cotleur, (202) 208–

1076, or Russell B. Mamone (202) 208–0744.

Lois D. Cashell,

Secretary.

[FR Doc. 94–23937 Filed 9–27–94; 8:45 am]

BILLING CODE 6717–01–M

[Docket Nos. CP94–292–000; CP94–654–000]

Riverside Gas Storage Co. and Texas Eastern Transmission Corp.; Notice of Site Visit

September 22, 1994.

On September 28, 1994, the Office of Pipeline Regulation staff will conduct a site visit with representatives of Riverside Gas Storage Company for the facilities proposed in the Riverside Gas Storage Field Project. The proposed facilities are near the towns of Carmichaels and Nemacolin in Greene County, Pennsylvania.

On September 29 and 30, 1994, the Office of Pipeline Regulation staff will conduct a site visit with representatives of Texas Eastern Transmission Corporation for the facilities proposed in the Riverside Transportation Project. The proposed facilities are loops or replacement sections of Texas Eastern's mainline in Greene, Fayette, Bedford, and Bucks County, Pennsylvania. The facilities also include a new meter and regulator station in Bucks County, Pennsylvania.

Parties to the proceeding may attend. Those planning to attend must provide their own transportation. For further information, call Steven G. Grape, (202) 208–1046.

Lois D. Cashell,

Secretary.

[FR Doc. 94–23943 Filed 9–26–94; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. RP91–72–008]

Texas Eastern Transmission Corp.; Notice of Proposed Changes in FERC Gas Tariff

September 22, 1994.

Take notice that pursuant to and in compliance of the "Joint Stipulation and Agreement", filed May 3, 1994 in Docket Nos. RP91–72, *et al.*, (Settlement), and the Commission's "Order Approving Uncontested Settlements", issued on August 4, in Koch Gateway Pipeline Company, Docket Nos. RP85–209–000, *et al.* ("Order"), Texas Eastern Transmission Corporation (Texas Eastern) on September 19, 1994, submits as part of its FERC Gas Tariff, Sixth Revised Volume No. 1, the following tariff sheets:

First Revised Sheet No. 136
First Revised Sheet No. 137
First Revised Sheet No. 138
First Revised Sheet Nos. 139–155
First Revised Sheet No. 668
First Revised Sheet Nos. 669–679

Texas Eastern states that in accordance with Article IV, Section 4.2 of the Settlement, such tariff sheets supersede Original Sheet Nos. 136–155 and 668–679 of Texas Eastern's FERC Gas Tariff, Sixth Revised Volume No. 1. As stated in Article IV, Section 4.1, such tariff sheets listed above shall be deemed approved without refund condition. The proposed effective date of the tariff sheets is September 6, 1994, consistent with the Settlement and the Order in this proceeding.

Texas Eastern states that copies of the filing were served on firm customers of Texas Eastern and interested state commissions. Copies were also served on all parties to Docket Nos. RP85–209–000, *et al.*

Any person desiring to protect said filing should file a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, DC 20426, in accordance with Section 385.214 of the Commission's Rules and Regulations. All such protests should be filed on or before September 29, 1994. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room.

Lois D. Cashell,

Secretary.

[FR Doc. 94–23939 Filed 9–27–94; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. MT94–24–000]

Texas Eastern Transmission Corp., Notice of Proposed Changes in FERC Gas Tariff

September 22, 1994.

Take notice that on September 16, 1994 Texas Eastern Transmission Corporation (Texas Eastern) submitted for filing as part of its FERC Gas Tariff, Sixth Revised Volume No. 1, the tariff sheets listed on Appendix A of the filing. Texas Eastern states that these revised tariff sheets are being submitted in response to Commission Order No. 566.[1]

Texas Eastern states that on September 1, 1994, in Docket No. MT94–22–000, it filed sheets in response to Order No. 566. Subsequently, the Commission Staff notified Texas Eastern that there was a technical error on the tariff sheets as filed. The error did not affect the proposed language or the pagination, but was simply a spacing error. In light of such error, Texas Eastern withdrew its September 1, 1994 filing. This filing replaces the withdrawn filing.

Texas Eastern states that these tariff sheets (1) modify Section 2.4 and delete Section 16.3 of the General Terms and Conditions, which relate to information on the availability of capacity, (2) revise Section 3.2 of the General Terms and Conditions, which refers to the information required for a valid request for transportation service, and (3) update Section 16 of the General Terms and Conditions. The proposed effective date of the tariff sheets is October 1, 1994.

Texas Eastern states that copies of the filing were served on firm customers of Texas Eastern and interested state commissions.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, DC 20426, in accordance with Sections 385.214 and 385.211 of the Commission's Rules and Regulations. All such motions or protests should be filed on or before September 29, 1994. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room.

Lois D. Cashell,

Secretary.

[FR Doc. 94–23941 Filed 9–27–94; 8:45 am]

BILLING CODE 6717–01–M

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[1] Standards of Conduct and Reporting Requirements for Transportation and Affiliate Transactions, 59 FR 32885 (June 27, 1994, III FERC Stats. & Regs. Preambles Paragraph 30,997 (June 17, 1994).

ENVIRONMENTAL PROTECTION AGENCY

[FRL–5081–2]

Acid Rain Program: Draft Acid Rain Permits; Public Comment Period

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of Draft Permits and Public Comment Period.

SUMMARY: The U.S. Environmental Protection Agency (EPA) is issuing for comment draft, five-year Acid Rain permits to 16 utility plants in accordance with the Acid Rain Program regulations (40 CFR part 72).

DATES: Comments on each draft permit must be received on or before October 28, 1994 or the date of publication of a similar notice in a local newspaper, whichever is later.

ADDRESSES: Administrative Records. The administrative record for each draft permit, except information protected as confidential, may be viewed during normal operating hours at EPA Region 5, Ralph H. Metcalfe Federal Bldg., 77 West Jackson Blvd., Chicago, IL 60604.

Comments. Send comments, requests for public hearings, and requests to receive notice of future actions concerning a draft permit to EPA Region 5 (A–18J), Air and Radiation Division, Attn: David Kee, Director (address. above).

Submit all comments in duplicate and identify the permit to which the comments apply, the commenter's name, address, and telephone number, and the commenter's interest in the matter and affiliation, if any, to the owners and operators of all units covered by the permit. All timely comments will be considered, except those pertaining to standard provisions under 40 CFR 72.9 or issues not relevant to the permit.

Hearings. To request a public hearing, state the issues proposed to be raised in the hearing. EPA may schedule a hearing if EPA finds that it will contribute to the decision-making process by clarifying significant issues affecting the draft permit.

FOR FURTHER INFORMATION CONTACT: Contact the following persons for more information about the draft permits for plants: in Illinois, Cecilia Mijares, (312) 886–0968; in Indiana, Genevieve Nearmyer, (312) 353–4761; in Minnesota, Allan Batka, (312) 886–7316; and in Ohio, Franklin Echevarria, (312) 886–9653.

SUPPLEMENTARY INFORMATION: EPA proposes to approve a permit for each affected utility plant that specifies sulfur dioxide emission allowances and compliance plans as set forth in the notices of final permits cited below. An allowance is a limited authorization by EPA to emit up to one ton of sulfur dioxide during or after a specified calendar year. As explained in the notice of withdrawal of final permits (published elsewhere in today's **Federal Register**), these final permits were issued as direct final actions and are withdrawn because of the submission of significant, adverse comments objecting to the issuance of the final permits.

The draft permits set forth in this notice are based on and consistent with the Partial Settlement Agreement in *Environmental Defense Fund* v. *Carol M. Browner,* No. 93–1203 (D.C. Cir. 1993), which the Administrator determined to be a reasonable resolution of certain litigation issues concerning the Acid Rain regulations, and which was signed on behalf of the Administrator on May 4, 1994. Further, the draft permit for Petersburg is consistent with other provisions of the Acid Rain regulations (e.g., 40 CFR 72.42) issued on January 11, 1993, that were challenged in the permit proceeding and in a petition for review. The Administrator finds, under section 307(b)(1) of the Clean Air Act, that the draft permits are based on a determination of nationwide scope and effect. In the absence of such a finding, appeals of the permits or appeals encompassing issues raised in the instant proceeding would involve petitions for review before more than one Circuit of the U.S. Courts of Appeals.

The following permits (See 59 FR 39339–39341, August 2, 1994 or 59 FR 39767–39768, August 4, 1994) are issued for public comment:
Collins in Illinois.
Crawford in Illinois.
Fisk in Illinois.
Joliet 9 in Illinois.
Joliet 29 in Illinois.
Powerton in Illinois.
State Line in Illinois.
Waukegan in Illinois.
Will County in Illinois.
Petersburg in Indiana.
Allen S. King in Minnesota.
Black Dog in Minnesota.
High Bridge in Minnesota.
Riverside in Minnesota.
Sherburne County in Minnesota.
Poston in Ohio.

Dated: September 21, 1994.

Brian J. McLean,

Director, Acid Rain Division, Office of Atmospheric Programs, Office of Air and Radiation.

[FR Doc. 94–23979 Filed 9–27–94; 8:45 am]

BILLING CODE 6560–50–P

[FRL–5081–3]

Acid Rain Program: Withdrawal of Direct Final Acid Rain Permits

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of draft permits and permit modification.

SUMMARY: The U.S. Environmental Protection Agency (EPA) is withdrawing direct final Acid Rain permits for 16 utility plants listed in the **Federal Register** at 59 FR 39339 (Aug. 2, 1994) and 59 FR 39767 (Aug. 4, 1994). The permits are withdrawn because of the submission of significant, adverse comments objecting to issuance of these permits. The withdrawn permits are being issued as draft permits for public comment. The notice of draft permits and public comment period (published elsewhere in today's **Federal Register**) provides more detailed information, including a list of the plants affected by this action.

Dated: September 21, 1994.

Brian J. McLean,

Director, Acid Rain Division, Office of Atmospheric Programs, Office of Air and Radiation.

[FR Doc. 94–23980 Filed 9–27–94; 8:45 am]

BILLING CODE 6560–50–P

[OPP–38510; FRL–4910–2]

Alfred Waldner Co.; Notice and Order of Revocation of Registrations and Final Determination Governing Sale and Use of Existing Stocks

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: On October 29, 1990, EPA issued registrations for Insecticidal 2000 Concentrate, EPA Reg. No. 66410-1, and Insecticidal 2000 Ready to Use, EPA Reg. No. 66410-2. The original registrant certified that acute toxicity data submitted in support of these registration applications were obtained using a test substance identical to the Insecticidal 2000 Concentrate and representative of both insecticides. EPA subsequently determined that the tests were conducted on a substance which differed in concentration from the registered insecticides and that the tests were willfully misrepresented to EPA. By this notice, EPA announces and orders the revocation of registrations No. 66410-1 and No. 66410-2. EPA also announces that no sale or use of existing stocks of these insecticides will be permitted.

EFFECTIVE DATE: September 28, 1994.

FOR FURTHER INFORMATION CONTACT: By mail: Richard F. Mountfort, Registration Division, Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Office location and telephone number:

Rm. 713, 1921 Jefferson Davis Hwy., Arlington, VA 22202, 703-305-5446.

SUPPLEMENTARY INFORMATION: On October 29, 1990, EPA issued registrations to Microft Systems International for the insecticides Insecticidal 2000 Concentrate, EPA Reg. No. 62212-1, and Insecticidal 2000 Ready To Use, EPA Reg. No. 62212-2. On September 10, 1992, the registrations were transferred to Alfred Waldner Co. under new registration numbers 66410-1 and 66410-2, respectively.

These registrations were originally issued after a review of acute effects toxicity data submitted with the Insecticidal 2000 Concentrate. Microft Systems certified that the tests were conducted with a test substance identical to Insecticidal 2000 Concentrate. Insecticidal 2000 Concentrate and Insecticidal 2000 Ready To Use each contain two active ingredients: Permethrin and Bioresmethrin. The Ready To Use product is a dilution of the concentrate.

The acute toxicity data submitted with the 2000 Concentrate were conducted by RCC-Research and Consulting Co. AG of Basel, Switzerland. The following five studies were submitted:

Project No.	Study Type	EPA Identification No.
#064383	Oral	MRID 41110401
#064394	Dermal	MRID 41110402
#064372	Inhalation	MRID 41110403
#064416	Eye irritation	MRID 41110404
#064405	Skin irritation	MRID 41110405

EPA's review of these studies indicated that they were adequate to support registration of a concentrate identical to the proposed concentrate and indicated a classification for acute effects in Toxicity Category 3: a caution label and associated precautions (40 CFR 156.10(h)).

On October 24, 1991, the Agency issued a registration to Bio-Environmental Products Corp. for the insecticide BEP Insecticide, EPA Reg. No. 64321-1. This insecticide is a dilution of a concentrate containing the single active ingredient permethrin. The same five acute studies described above were submitted by Bio-Environmental Products Corp. to support that application.

It has subsequently been established that the studies referred to above were sponsored by Jesmond, Ltd. BioEnvironmental Products Corp. is a wholly owned subsidiary of Jesmond, Ltd. The test substance in these studies contained the single active ingredient permethrin. It did not include bioresmethrin and is not identical to the Insecticidal 2000 Concentrate. EPA has concluded that the registrations for Insecticidal 2000 Concentrate and Insecticidal 2000 Ready To Use are not supported by the acute toxicity data that were submitted with the registration applications and that the precautionary labeling cannot be confirmed to be adequate for these insecticides.

This notice is organized into two parts. Part I describes the basis for the revocation of registrations for Waldner's Insecticidal 2000 Concentrate and Insecticidal 2000 Ready To Use. Part II describes the procedures which will be followed in implementing the regulatory actions set forth in this notice, including the treatment of existing stocks.

I. Basis For Revocation

Section 558 of the Administrative Procedure Act (APA) (5 U.S.C. 558) spells out the procedural requirements agencies must follow when terminating a license. Section 558 states:

> Except in cases of willfulness or those in which public health, interest, or safety requires otherwise, the withdrawal, suspension, revocation, or annulment of a license is lawful only if, before the institution of agency proceedings therefore, the licensee has been given—(1) notice by the agency in writing of the facts or conduct which may warrant the action; and (2) opportunity to demonstrate or achieve compliance with all lawful requirements.

Courts have interpreted willfulness to mean "an intentional misdeed or such gross neglect of a known duty as to be the equivalent thereof." *Hutto Stockyard, Inc.* v. *USDA* (903 F.2d 299, 304 (4th Cir. 1990) (quoting *Capitol Packing* v. *United States*, 350 F.2d 67, 78-79 (10th Cir. 1965); *Capital Produce Co.* v. *United States*, 930 F.2d 1077, 1079 (4th Cir. 1991). To establish willfulness, one need only show that an act or failure to act was intentional, as opposed to accidental, and proof of an evil motive is unnecessary. *Emil Lawrence* v. *Commodity Futures Trading Commission*, 759 F.2d 767, 769 (9th Cir. 1985).

In this case, the original registrants submitted data which were developed using a product with one active ingredient when, in fact, their product contained two active ingredients. Registrants certified that the information submitted was accurate. That certification and submission of data which did not represent the registered product was an intentional act, not an accidental one; therefore, it falls squarely within the definition of "willful." Because the registrations were obtained through misrepresentation and a willful violation of the provisions of FIFRA, the registrations were not valid when granted and the procedural requirements for revocations in APA section 558 do not apply.

Although not required in this case, the Agency did provide registrants written notice as well as an opportunity to respond to the allegations against them. Registrants did not respond to that notice. These procedures go beyond what is required by the APA in cases of willful violations of law.

II. Order

This notice announces EPA's decision and order revoking Alfred Waldner's registrations for Insecticidal 2000 Concentrate and Insecticidal 2000 Ready To Use. It is also notification that the Agency will not permit sale, distribution, or use of any existing stocks of either insecticide in the United States.

Dated: September 16, 1994.

Lynn R. Goldman,

Assistant Administrator for Prevention, Pesticides and Toxic Substances.

[FR Doc. 94–23763 Filed 9–27–94; 8:45 am]

BILLING CODE 6560–50–F

[PF–607; FRL–4911–3]

Pesticide Tolerance Petitions

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice announces the filing of pesticide petitions (PP) proposing the establishment of tolerances and/or regulations for residues of certain pesticide chemicals in or on certain agricultural commodities. It also announces two amended petitions.

ADDRESSES: By mail, submit written comments to: Public Response and Program Resources Branch, Field Operations Division (7506C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. In person, bring comments to: Rm. 246, CM #2, 1921 Jefferson Davis Hwy., Arlington, VA 22202.

Information submitted as a comment concerning this notice may be claimed confidential by marking any part or all of that information as "Confidential Business Information" (CBI). Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2. A copy of the comment that does not contain CBI must be submitted for inclusion in the public record. Information not marked confidential may be disclosed publicly by EPA without prior notice. All written comments will be available for public inspection in Rm. 246 at the address given above, from 8 a.m. to 4 p.m., Monday through Friday, excluding legal holidays.

FOR FURTHER INFORMATION CONTACT: By mail: Registration Division (7505C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. In person, contact the PM named in each petition at the following office location/ telephone number:

Product Manager	Office location/telephone number	Address
George LaRocca (PM 13)	Rm. 204, CM #2, 703-305-7690	1921 Jefferson Davis Hwy., Arlington, VA
Rob Forrest (PM 14)	Rm. 219, CM #2, 703-305-6600	Do.
Dennis Edwards (PM 19)	Rm. 207, CM #2, 703-305-6386	Do.
Steve Robbins (PM 21)	Rm. 227, CM #2, 703-305-6900	Do.
Cynthia Giles-Parker (PM 22)	Rm. 229, CM #2, 703-305-5540	Do.
Joanne Miller (PM 23)	Rm. 237, CM #2, 703-305-7830	Do.

SUPPLEMENTARY INFORMATION: EPA has received pesticide petitions as follows that propose establishment and/or amendment of tolerances or regulations for residues of certain pesticide chemicals in or on certain agricultural commodities.

Initial Filings

1. *PP 4F4351.* Ecogen, Inc., 2005 Cabot Blvd. West, Langhorne, PA 19047, proposes to amend 40 CFR 180.1001(c) and (d) by establishing an exemption from the requirement of a tolerance for residues of the insecticide *Candida oleophila* isolate I-182 in or on all raw agricultural commodities. (PM 21)

2. *PP 4F4352.* Agrolinz, Inc., 6825 Quail Hollow, Suite 107, Memphis, TN 38120-1309, proposes to amend 40 CFR 180.462 by establishing a tolerance to permit residues of the herbicide pyridate, O-(6-chloro-3-phenyl-4-pyridazinyl)-S-octyl-carbonothioate, in or on sorghum (grain, forage, fodder, silage, and hay) at 0.03 ppm. (PM 22)

3. *PP 4F4353.* Abott Laboratories Chemical & Agricultural Products Division, 1401 Sheridan Rd., North Chicago, IL 60064, proposes to amend 40 CFR part 180 by establishing an exemption from the requirement of a tolerance for the plant growth regulator N6-Benzyladenine, in or on apples when applied at 30 grams AI/Acre or less. (PM-22)

4. *PP 4F4354.* Merck & Co., Inc., P.O. Box 450, Three Bridges, NJ 0887-0450, proposes to amend 40 CFR part 180 by establishing a tolerance regulation to permit residues of the herbicide abamectin and its 8,9 isomer in or on cucurbits (melons, cucumbers, and squashes). (PM 13)

5. *PP 4F4356.* PMC Specialties Group, 501 Murray Rd., Cincinnati, OH 45217, proposes to amend 40 CFR part 180 by establishing an exemption from the requirement of a tolerance for the insecticide methyl anthranilate in or on all food crops. (PM 14)

6. *PP 4F4357.* Nor-Am Chemical Co., Little Falls Centre One, 2711 Centerville Rd., Wilmington, DE 19880, porposes to amend 40 CFR 180.276 by establishing a regulation to permit residues of the insecticide formetanate hydrochloride (m-[[(dimethylene]amino]phenyl methylcarbamate hydrochloride) in or on alfalfa (fresh) at 10 ppm and alfalfa hay at 20 ppm. (PM 19).

7. *PP 4F4360.* Crop Genetics International, 10150 Old Columbia Rd., Columbia, MD 21045-1704, proposes to amend 40 CFR 180.1027 by establishing an exemption from the requirement of a tolerance for the microbial pest control agent helicoverpa zea (also known as heliothis zea) nuclear polyhedrosis virus in or on all raw agricultural commodities. (PM 18)

8. *PP 4F4367.* E.I. Du Pont de Nemours & Co., Inc., Agricultural Products, Barley Mill Plaza, P.O. Box 80038, Wilmington, DE 19880-0038, proposes to amend 40 CFR part 180 by establishing a regulation to permit residues of the herbicide bensulfuron methyl (methyl 2[[[[[(4,6-dimethoxy pyrimidin-2-yl)amino]-carbonyl] amino]sulfonyl] methyl]benzoate) in or on crayfish at 0.05 ppm. (PM-23)

9. *PP 4F4368.* W.R. Grace & Co., 7379 Route 32, Columbia, MD 21044, proposes to amend 40 CFR 180.1001 by establishing an exemption from the requirement of a tolerance to include use of *Gliocladium virens* GL-21 on terrestrial food crops grown outdoors. (PM 21)

10. *PP 4F4379.* DowElanco, 9330 Zionville Rd., Indianapolis, IN 46268-1054, proposes to amend 40 CFR 180.431 to establish tolerances for residues of clopyralid, 3,6-dichloro-2-pyridinecarboxylic acid, in or on corn, sweet at 1.0 ppm and corn, pop at 1.0 ppm. The proposed method for determining residues is gas chromatography. (PM 21)

11. *PP 4F4415.* Gustafson, Inc., proposes to amend 40 CFR part 180 by establishing a regulation to permit residues of imidacloprid, 1-[(6-chloro-3-pyridinyl)methyl]-N-nitro-2-imidazolidinimine, and its metabolites containing the 6-chlorpyridinyl moiety in or on sorghum at 0.05 ppm. (PM 19)

Amended Filings

12. *PP 3F4169.* Miles, Inc., Agricultural Division, P.O. Box 4913, Kansas City, MO 64120, is revising proposed tolerances for imidacloprid, 1-[(6-chloro-3-pyridinyl)methyl]-N-nitro-2-imidazolidinimine, and its metabolites containing the 6-chloropyridinyl moiety by increasing the proposed tolerance on cottonseed from 3.5 ppm to 6.0 ppm, increasing milk from 0.05 ppm to 0.1 ppm, increasing meat, fat, and meat byproducts of cattle, goats, hogs, horses, and sheep from 0.2 ppm to 0.3 ppm, and increasing meat, fat, and meat byproducts of poultry from 0.02 ppm to 0.5 ppm. The original notice of filing appeared in the **Federal Register** of October 21, 1993 (58 FR 54353). (PM 19)

13. *FAP 3H5655.* Miles, Inc., Agricultural Division, P.O. Box 4913, Kansas City, MO 64120, is revising proposed food/feed tolerances for

imidacloprid, 1-[(6-chloro-3-pyridinyl)methyl]-N-nitro-2-imidazolidinimine, and its metabolites containing the 6-chlorpyridinyl moiety by increasing the proposed tolerance for apples, pomace (wet) from 2.0 ppm to 3.0 ppm, increasing cotton seed meal from 5.5 ppm to 9.0 ppm, and adding potatoes, wastes at 0.9 ppm. The original notice of filing appeared in the **Federal Register** of October 21, 1993 (58 FR 54353). (PM 19)

List of Subjects

Environmental protection, Administrative practice and procedure, Agricultural commodities, Pesticides and pests.

Authority: 7 U.S.C. 136a.

Dated: September 19, 1994.

Stephen L. Johnson,

Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 94–23761; Filed 9–27–94; 8:45 am]

BILLING CODE 6560–50–F

[OPP–180950; FRL–4909–4]

Emergency Exemptions

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has granted specific exemptions for the control of various pests to the 12 States as listed below. Three crisis exemptions were initiated by various States. These exemptions, issued during the month of June 1994, except for the one in May 1994, are subject to application and timing restrictions and reporting requirements designed to protect the environment to the maximum extent possible. EPA has denied seven specific exemption requests from various States. Information on these restrictions is available from the contact persons in EPA listed below.

DATES: See each specific and crisis exemption for its effective date.

FOR FURTHER INFORMATION CONTACT: See each emergency exemption for the name of the contact person. The following information applies to all contact persons: By mail: Registration Division (7505W), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Office location and telephone number: 6th Floor, CS #1, 2800 Jefferson Davis Highway, Arlington, VA, (703–308–8417).

SUPPLEMENTARY INFORMATION: EPA has granted specific exemptions to the:

1. Arizona Department of Agriculture for the use of bifenthrin on melons to control the sweet potato, or silverleaf whitefly; June 6, 1994, to July 10, 1994. A request for this use was initially denied on April 15, 1994. The denial was based on the fact that an exemption issued for this pest problem for another chemical, imidacloprid, was expected to reduce whitefly populations to a level controllable with the registered alternatives. However, at the time of issuance of the imidacloprid exemption, some melons were too far along in their development in order to use imidacloprid once, at or near planting, according to use directions. Therefore, EPA issued this exemption for use of bifenthrin only on those melons that could not be treated under the exemption for imidacloprid. (Andrea Beard)

2. California Environmental Protection Agency, Department of Pesticide Regulation, for the use of myclobutanil on tomatoes to control powdery mildew; June 18, 1994, to June 17, 1995. (Susan Stanton)

3. Delaware Department of Agriculture for the use of clomazone on cucumbers to control weeds and grasses; June 24, 1994, to August 20, 1994. (Margarita Collantes)

4. Maryland Department of Agriculture for the use of clomazone on cucumbers to control weeds and grasses; June 24, 1994, to August 20, 1994. (Margarita Collantes)

5. Minnesota Department of Agriculture for the use of triclopyr on aquatic sites to control purple loopestrife; June 1, 1994, to September 30, 1994. (Libby Pemberton)

6. Nebraska Department of Agriculture for the use of bifenthrin on corn to control mites; June 24, 1994, to September 15, 1994. (Andrea Beard)

7. New Mexico Department of Agriculture for the use of bifenthrin on corn to control mites; June 24, 1994, to September 15, 1994. (Andrea Beard)

8. Oregon Department of Agriculture for the use of bifenthrin on strawberries to control weevils; June 16, 1994, to August 31, 1994. (Andrea Beard)

9. Oregon Department of Agriculture for the use of bifenthrin on raspberries to control weevils; June 7, 1994, to August 15, 1994. (Andrea Beard)

10. Texas Department of Agriculture for the use of bifenthrin on corn to control mites; June 24, 1994, to September 15, 1994. (Andrea Beard)

11. Texas Department of Agriculture for the use of esfenvalerate on sorghum to control sorghum midge; June 28, 1994, to September 30, 1994. Texas had initiated a crisis exemption this use. (Libby Pemberton)

12. Texas Department of Agriculture for the use of imidacloprid on broccoli, cauliflower, and cabbage to control the silverleaf whitefly; June 28, 1994, to June 27, 1995. A notice of receipt published in the **Federal Register** of June 8, 1994 (59 FR 29604); no comments were received. The situation was determined to be urgent and nonroutine. The silverleaf whitefly is a relatively new pest, and adequate control is not being achieved with the registered materials. Significant economic losses were expected. (Andrea Beard)

13. Virginia Department of Agriculture and Consumer Services for the use of clomazone on cucumbers to control weeds and grasses; June 24, 1994, to August 20, 1994. (Margarita Collantes)

14. Washington Department of Agriculture for the use of bifenthrin on raspberries to control weevils; June 7, 1994, to August 10, 1994. Washington had initiated a crisis exemption for this use. (Andrea Beard)

15. Washington Department of Agriculture for the use of bifenthrin on strawberries to control weevils; June 16, 1994, to September 30, 1994. (Andrea Beard)

16. Wisconsin Department of Agriculture, Trade, and Consumer Protection for the use of vinclozolin on snap beans to control white mold; June 24, 1994, to September 15, 1994. (Libby Pemberton)

17. Wisconsin Department of Agriculture for the use of metolachlor on spinach to control weeds and grasses; June 1, 1994, to July 1, 1994. (Margarita Collantes)

Crisis exemptions were initiated by the:

1. Colorado Department of Agriculture on May 28, 1994, for the use of chlorpyrifos on barley to control the Russian wheat aphid. This program has ended. (Andrea Beard)

2. Texas Department of Agriculture on June 1, 1994, for the use of esfenvalerate on grain sorghum to control sorghum midge. This program is expected to last until September 30, 1994. (Libby Pemberton)

3. Washington Department of Agriculture on June 6, 1994, for the use of bifenthrin on raspberries to control weevils. This program has ended. (Andrea Beard)

EPA has denied a specific exemption request from the:

1. Alabama Department of Agriculture and industries for the use of Pirate insecticide on cotton to control beet armyworms. A notice of receipt published in the **Federal Register** of May 25, 1994 (59 FR 27017). This

specific exemption was denied because the proposed use poses an unreasonable risk to nontarget birds and aquatic organisms, including several endangered species. Although some growers may incur significant economic losses, the expected statewide losses do not justify the use of this unregistered pesticide on cotton. (Susan Stanton)

2. California Environmental Protection Agency (CEPA), Department of Pesticide Regulations, for the use of acephate on leaf lettuce to control green peach aphids. This specific exemption was denied because CEPA failed to demonstrate that an emergency condition exists. They claimed that an emergency resulted due to the development of resistance to registered alternatives; however, no data were submitted to document CEPA's claims. (Larry Fried)

3. Colorado Department of Agriculture for the use of permethrin on wheat and barley to control cutworms. This specific exemption was denied because of concerns regarding potential dietary risk from permethrin exposure and inadequate progress toward registration. (Andrea Beard)

4. Georgia Department of Agriculture for the use of permethrin on southern peas to control cowpea curculio. This specific exemption was denied because of concerns regarding potential dietary risk from permethrin exposure and inadequate progress toward registration. (Andrea Beard)

5. Mississippi Department of Agriculture for the use of Pirate insecticide on cotton to control beet armyworms. A notice of receipt published in the **Federal Register** of May 25, 1994 (59 FR 27018). This specific exemption was denied because the proposed use poses a risk of unreasonable adverse effects on nontarget birds and aquatic organisms, including several endangered species. An emergency condition does not exist in Mississippi. (Susan Stanton)

6. Montana Department of Agriculture for the use of permethrin on small grains to control cutworms. This specific exemption was denied because of concerns regarding potential dietary risk from permethrin exposure and inadequate progress toward registration. (Andrea Beard)

7. New Hampshire Department of Agriculture for the use of clomazone on winter squash to control weeds. This specific exemption was denied because it has been 6 years that the use of clomazone on winter squash has been requested under section 18 of FIFRA, and it was expected that clomazone would be registered for use in New Hampshire by this growing season 1994; however, FMC Corporation has not yet submitted an application to add this use to its commercial label. (Margarita Collantes)

Authority: 7 U.S.C. 136.

List of Subjects

Environmental protection, Pesticides and pests, Crisis exemptions.

Dated: September 9,1994.

Daniel M. Barolo,

Director, Office of Pesticide Programs.

[FR Doc. 94–23606 Filed 9–27–94; 8:45 am]

BILLING CODE 6560–50–F

[OPP–30354A; FRL–4909–9]

Ciba-Geigy Corp.; Approval of Pesticide Product Registrations

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice announces Agency approval of applications submitted by Ciba-Geigy Corporation, to conditionally register the pesticide products Dividend Fungicide and Technical CGA-169374, containing a new active ingredient not included in any previously registered products pursuant to the provisions of section 3(c)(7)(C) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended.

FOR FURTHER INFORMATION CONTACT: By mail: Cynthia Giles-Parker, Product Manager (PM) 22, Registration Division (7505C), Office of Pesticide Programs, 401 M St., SW., Washington, DC 20460. Office location and telephone number: Rm. 229, CM #2, Environmental Protection Agency, 1921 Jefferson Davis Hwy, Arlington, VA 22202, (703–305–5540).

SUPPLEMENTARY INFORMATION: EPA issued a notice, published in the **Federal Register** of October 21, 1993 (58 FR 54351), which announced that Ciba-Geigy Corp., P.O. Box 18300, Greensboro, NC 27419–8300, had submitted applications to register the pesticide products Dividend Fungicide and Technical CGA-169374 (EPA File Symbols 100–TUN and 100–TGO) containing the active ingredient difenoconazole [(2S,4R) / (2R,4S)] / [2R,4R/2S,4S)] 1-(2-[4-(4-chlorophenoxy)-2-chlorophenyl]-4-methyl-1,3-dioxolan-2-yl-methyl)-1*H*-1,2,4-triazole at 32 and 92 percent respectively, an active ingredient not included in any previously registered products.

These applications were approved on August 4, 1994, as Dividend Fungicide (EPA Registration Number 100–740) as a seed treatment for control of diseases on wheat and Technical CGA-169374 (EPA Registration Number 100–739) for formulation into end-use fungicide products.

A conditional registration may be granted under section 3(c)(7)(C) of FIFRA for a new active ingredient where certain data are lacking, on condition that such data are received by the end of the conditional registration period and do not meet or exceed the risk criteria set forth in 40 CFR 154.7; that use of the pesticide during the conditional registration period will not cause unreasonable adverse effects on the environment; and that use of the pesticide is in the public interest.

The Agency has considered the available data on the risks associated with the proposed use of difenoconazole and information on social, economic, and environmental benefits to be derived from such use. Specifically, the Agency has considered the nature of the chemical and its pattern of use, application methods and rates, and level and extent of potential exposure. Based on these reviews, the Agency was able to make basic health and safety determinations which show that use of difenoconazole during the period of conditional registration is not expected to cause any unreasonable adverse effect on the environment, and that use of the pesticide is in the public interest.

Adequate chemistry, toxicological, ecological effects, and environmental fate data have been submitted and reviewed to support the conditional registration of difenoconazole for use as a seed treatment fungicide of wheat. The terms of the conditional registration will require Ciba-Geigy to submit Stability of the Technical Grade Active Ingredient (TGAI) to Metal Ions Study [Guideline Number 63–13], Storage Stability of difenoconazole in other Raw Agricultural Commodities [171–4(e)], and additional Wheat Field Residue Trials [171–4(k)].

Consistent with section 3(c)(7)(C), the Agency has determined that these conditional registrations are in the public interest. Use of the pesticides are of significance to the user community, and appropriate labeling, use directions, and other measures have been taken to ensure that use of the pesticides will not result in unreasonable adverse effects to man and the environment.

More detailed information on these conditional registrations is contained in an EPA Pesticide Fact Sheet on difenoconazole.

A copy of the fact sheet, which provides a summary description of the chemical, use patterns and

formulations, science findings, and the Agency's regulatory position and rationale, may be obtained from the National Technical Information Service (NTIS), 5285 Port Royal Road, Springfield, VA 22161.

In accordance with section 3(c)(2) of FIFRA, a copy of the approved label and the list of data references used to support registration are available for public inspection in the office of the Product Manager listed above. The data and other scientific information used to support registration, except for material specifically protected by section 10 of FIFRA, are available for public inspection in the Public Response and Program Resources Branch, Field Operations Division (7506C), Office of Pesticide Programs, Environmental Protection Agency, Rm. 1132, CM #2, Arlington, VA 22202 (703–305–5805). Requests for data must be made in accordance with the provisions of the Freedom of Information Act and must be addressed to the Freedom of Information Office (A–101), 401 M St., SW., Washington, DC 20460. Such requests should: (1) Identify the product name and registration number and (2) specify the data or information desired.

Authority: 7 U.S.C. 136.

List of Subjects

Environmental protection, Pesticides and pests, Production registration.

Dated: September 9, 1994.

Stephen L. Johnson,

Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 94–23607 Filed 9–27–94; 8:45 am]

BILLING CODE 6560–50–F

[OPP–36140B; FRL–4872–5]

Inert Ingredients in Pesticide Products; List of Minimal Risk Inerts

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA is issuing a list of inert ingredients considered to be of minimal risk in pesticide products (List 4A). In addition, EPA is announcing that substances commonly consumed as food will also be considered minimal risk, List 4A, even if they have previously not been used in pesticide products and are therefore not currently on the list. Substances commonly consumed as foods will be considered acceptable for use in all pesticide products, both food and nonfood use, and will not require a specific exemption from tolerance.

EFFECTIVE DATE: September 28, 1994.

ADDRESSES: By mail, submit written comments identified by the document control number [OPP-36140B] to: Public Response and Program Resources Branch, Field Operations Division (7506C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. In person, deliver comments to: Rm. 1132, Crystal Mall Bldg. #2, 1921 Jefferson Davis Highway, Arlington, VA 22202.

Information submitted as a comment concerning this document may be claimed confidential by marking any part of all of that information as "Confidential Business Information" (CBI). Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2. A copy of the comment that does not contain CBI must be submitted for inclusion in the public record. Information not marked confidential will be included in the public docket by EPA without prior notice. The public docket is available for public inspection in Rm. 1132 at the address given above, from 8 a.m. to 4 p.m., Monday through Friday, excluding legal holidays.

FOR FURTHER INFORMATION CONTACT: By mail: Tina Levine, Registration Support Branch, Registration Division (7505W), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Office location and telephone number: 2800 Crystal Drive, North Tower, Arlington, VA 22202, (703)-308-8393.

SUPPLEMENTARY INFORMATION: EPA announced its policy on toxic inert ingredients in pesticide products in the **Federal Register** of April 22, 1987 (52 FR 13305). Through this policy, EPA encourages the use of the least toxic inert ingredients available and requires the development of data necessary to determine the conditions of safe use of products that contain toxic inert ingredients. In developing this policy, EPA categorized inert ingredients into the following four lists according to toxicity:

List 1—Inerts of toxicological concern.

List 2—Potentially toxic inerts, with high priority for testing.

List 3—Inerts of unknown toxicity.

List 4—Inerts of minimal concern.

In the **Federal Register** of November 22, 1989 (58 FR 48314), EPA issued a notice announcing some modifications to the previously published Lists 1 and 2. In that notice, EPA also noted that List 4 was being divided into two parts. The original List 4 became List 4A, representing minimal risk inert ingredients. List 4B was created to represent inert ingredients for which EPA has sufficient information to conclude that their current use patterns in pesticide products will not adversely affect public health and the environment. List 4B will be developed as EPA works through the inerts strategy and reviews the current inerts on Lists 2 and 3.

EPA is issuing List 4A to provide guidance to formulators of active ingredients being proposed for deregulation under section 25(b) of the Federal Insecticide, Fungicide and Rodenticide Act. The substances included on List 4A can be added to such active ingredients without jeopardizing their deregulated status. These minimum risk inert ingredients are recognized as safe for use in pesticide products based upon their known properties.

In reviewing List 4 inert ingredients for the proposed section 25(b) rule, many inerts on the original List 4 were moved from List 4A to List 4B. In particular, acutely toxic inerts were moved to 4B because, although the testing of products for acute toxicity ensures low concern for these inerts in registered products, without such regulatory oversight there may be unacceptable acute risks. In addition, many of the inerts on the original List 4 received little review for environmental fate and ecological effects. Those inerts have been moved to List 4B while EPA further assess their environmental risks. EPA also plans soon to move inert ingredients now on List 3 to Lists 4A and 4B. The Food and Drug Administration has considered these inerts for use as direct food additives and in pharmaceuticals, and they are undergoing additional review by the FDA and the Office of Water before final disposition.

Many of the inerts on List 4A are commonly consumed foods. There may be other foods useful as inert ingredients in pesticide products that are not included in this list because they have not been used in pesticide products up to now. EPA is announcing a policy that, as a general matter, it will consider all commonly consumed foods as List 4A, inerts of minimal concern. Although some commonly consumed foods are currently exempted from the requirement of a tolerance by virtue of their listing in the 40 CFR 180.1001, EPA generally will no longer list common foods in this way. EPA generally considers substances that are commonly consumed as food to fall into the category of "generally recognized as safe" substances. EPA will not require a specific listing for commonly consumed foods in this subpart unless specific information suggests that categorization

of "generally recognized as safe" is inappropriate.

List 4A—Minimum Risk Inerts

Acetic acid
Agar
Alfalfa
Alfalfa meal
Almond hulls
Almond shells
Alpha cellulose
Apple pomace
Attapulgite-type clay
Beef fat
Beeswax
Beet powder
Bentonite
Bone meal
Bran
Bread crumbs
Calcareous shale
Calcite
Calcium carbonate
Canary seed
Cane syrup
Carbon dioxide
Cardboard
Carrageenan
Carrots
Casein
Cheese
Chlorophyll
Cinnamon
Citric acid
Citrus meal
Citrus pectin
Citrus pulp
Clam shells
Cloves
Cocoa
Cocoa shells
Coco shell flour
Cod liver oil
Coffee grounds
Cookies
Cork
Corn
Corn cobs
Corn flour
Corn meal
Corn oil
Cornstarch
Corn syrup
Cotton
Cottonseed meal
Cottonseed oil
Cracked oats
Cracked wheat
Dextrin
Dextrose
Dolomite
Douglas-fir bark, ground
Eggs
Egg shells
Edible fish meal
Edible fish oil
Flour
Fuller's earth
Gelatin
Glue, as depolymerized animal collagen
Glycerin
Granite
Grape pomace
Graphite
Ground oats
Guar gum
Gum arabic
Gum tragacanth
Gypsum
Hearts of corn flour
Hydrogenated vegetable oils
Honey
Invert sugar
Invert syrup
Kaolinite-type clay
Lactose
Lanolin
Lard
Latex
Lecithin
Lime
Limestone
Linseed oil
Malt flavor
Meat meal
Meal scraps
Medicated feed
Mica
Milk
Millet seed
Mineral oil, U.S.P.
Molasses
Montmorillonite-type clay
Nitrogen
Nutria meat
Nylon
Oatmeal
Oats
Olive oil
Onions
Orange pulp
Oyster shells
Paper
Paprika
Paraffin wax
Peanut butter
Peanut oil
Peanuts
Peanut shells
Peat moss
Pecan shell flour
Pectin
Polyethylene film
Polyethylene pellets
Potatoes
Pumice
Raisins
Red cedar chips
Red dog flour
Rice
Rice hulls
Rubber
Rye flour
Safflower oil
Sawdust
Seaweed, edible
Shale
Soapstone
Sodium bicarbonate
Sodium chloride
Sorbitol
Soybean hulls
Soybean meal
Soybean oil
Soy flour
Soy protein
Sucrose
Sugarbeet meal
Sunflower seeds
Tallow
Vanillin
Vermiculite
Vitamin C
Vitamin E
Walnut flour
Walnut shells
Water
Wheat
Wheat germ oil
Whey
Wintergreen oil
Wool
Xanthan gum
Yeast

List of Subjects

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

Authority: 7 U.S.C. 136a.

Dated: June 14, 1994.

Stephen L. Johnson,

Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 94–23890 Filed 9–27–94; 8:45 am]

BILLING CODE 6560–50–F

FEDERAL EMERGENCY MANAGEMENT AGENCY

Adjustment of Disaster Grant Amounts

AGENCY: Federal Emergency Management Agency (FEMA).

ACTION: Notice.

SUMMARY: The Federal Emergency Management Agency (FEMA) gives notice that the maximum amounts for Individual and Family Grants and grants to State and local governments and private nonprofit facilities are adjusted for disasters declared on or after October 1, 1994.

EFFECTIVE DATE: October 1, 1994.

FOR FURTHER INFORMATION CONTACT: Pauline C. Campbell, Response and Recovery Directorate, Federal Emergency Management Agency, Washington, DC 20472, (202) 646–3606.

SUPPLEMENTARY INFORMATION: The Robert T. Stafford Disaster Relief and Emergency Assistance Act, Public Law 93–288, as amended, prescribes that grants made under Section 411, Individual and Family Grant Program, and grants made under Section 422, Simplified Procedure, relating to the Public Assistance program, shall be adjusted annually to reflect changes in the Consumer Price Index for All Urban Consumers published by the Department of Labor.

Notice is hereby given that the maximum amount of any grant made to an individual or family for disaster-related serious needs and necessary

expenses under Section 411 of the Act, with respect to any single disaster, is increased to $12,600.00 for all disasters declared on or after October 1, 1994.

Notice is also hereby given that the amount of any grant made to the State, local government, or to the owner or operator of an eligible private nonprofit facility, under Section 422 of the Act, is increased to $43,600.00 for all disasters declared on or after October 1, 1994.

The increase is based on a rise in the Consumer Price Index for All Urban Consumers of 2.9 percent for the prior 12-month period. The information was published by the Department of Labor during September 1994.

(Catalog of Federal Domestic Assistance No. 83.516, Disaster Assistance)

James L. Witt,

Director.

[FR Doc. 94–24000 Filed 9–27–94; 8:45 am]

BILLING CODE 6718–02–P

FEDERAL RESERVE SYSTEM

Agency Forms Under Review

Background

Notice is hereby given of the final approval of proposed information collection(s) by the Board of Governors of the Federal Reserve System (Board) under OMB delegated authority, as per 5 CFR 1320.9 (OMB Regulations on Controlling Paperwork Burdens on the Public).

FOR FURTHER INFORMATION CONTACT:

Federal Reserve Board Clearance Officer—Mary M. McLaughlin—Division of Research and Statistics, Board of Governors of the Federal Reserve System, Washington, D.C. 20551 (202–452–3829)

OMB Desk Officer—Milo Sunderhauf—Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Room 3208, Washington, D.C. 20503 (202–395–7340)

Final approval under OMB delegated authority of the extension without revision of the following report(s):

1. *Report title:* Weekly and Monthly Money Market Mutual Fund Asset Reports.

Agency form number: FR 2051a, b, c, and d

OMB Docket number: 7100–0012

Frequency: Weekly and Monthly

Reporters: Money market mutual funds

Annual reporting hours: 6,027

Estimated average hours per response: 0.05 (each for FR 2051a and FR 2051d); 0.25 (FR 2051b); 0.15 (FR 2051c)

Number of respondents: 1000 (each for FR 2051a and FR 2051b); 52 (FR 2051c); 8 (FR 2051d).

Small businesses are affected.

General description of report: This information collection is voluntary [12 U.S.C. 353 et seq.] and is given confidential treatment [5 U.S.C. 552(b)(4)].

SUMMARY: These reports provide information on the assets of money market mutual funds which the Federal Reserve System uses in the construction of the monetary aggregates.

Final approval under OMB delegated authority of the extension with revision of the following report(s):

1. *Report title:* Monthly Survey of Selected Deposits and the Annual Supplement to the Monthly Survey of Selected Deposits.

Agency form number: FR 2042 and FR 2042a

OMB Docket number: 7100–0066

Frequency: Monthly and annually

Reporters: Commercial and savings banks

Annual reporting hours: 6,825

Estimated average hours per response: 1.00

Number of respondents: 525

Small businesses are affected.

General description of report: This information collection is voluntary [12 U.S.C. § 248(a)(2)]. The individual respondent data on amounts outstanding and on interest expense for the various deposit categories are given confidential treatment [5 U.S.C. § 552(b)(4)]. Data on interest rates paid on deposits are made available to the public on request.

SUMMARY: The reports collect detailed information on amounts, offering rates, interest expense, and fees on various types of retail deposits from a stratified sample of BIF-insured commercial and savings banks. The revisions are designed in part to make the data collected more accurately reflect deposit pricing. In addition, other changes eliminate items no longer deemed necessary to conducting monetary policy. The Federal Reserve uses data from the FR 2042 and FR 2042a in a number of ways, including construction and interpretation of the monetary aggregates, measuring elasticities in money demand equations, and assessing the changing behavior of banks in pricing deposit accounts.

Board of Governors of the Federal Reserve System, September 22, 1994.

William W. Wiles,

Secretary of the Board.

[FR Doc. 94–23963 Filed 9–27–94; 8:45 am]

BILLING CODE 6210–01–P

Benjamin Franklin Bancorp, M.H.C., et al.; Formations of; Acquisitions by; and Mergers of Bank Holding Companies

The companies listed in this notice have applied for the Board's approval under section 3 of the Bank Holding Company Act (12 U.S.C. 1842) and § 225.14 of the Board's Regulation Y (12 CFR 225.14) to become a bank holding company or to acquire a bank or bank holding company. The factors that are considered in acting on the applications are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Each application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank or to the offices of the Board of Governors. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Unless otherwise noted, comments regarding each of these applications must be received not later than October 21, 1994.

A. Federal Reserve Bank of Boston (Robert M. Brady, Vice President) 600 Atlantic Avenue, Boston, Massachusetts 02106:

1. Benjamin Franklin Bancorp, M.H.C., Franklin, Massachusetts; to become a bank holding company by acquiring 100 percent of the voting shares of Benjamin Franklin Savings Bank, Franklin, Massachusetts.

B. Federal Reserve Bank of Atlanta (Zane R. Kelley, Vice President) 104 Marietta Street, N.W., Atlanta, Georgia 30303:

1. Regions Financial Corporation and Regions Corporation, both of Birmingham, Alabama; to acquire 100 percent of the voting shares of Regions Bank of Louisiana, Baton Rouge, Louisiana. Regions Financial Corporation's second-tier thrift subsidiary, Secor Bank, F.S.B., Birmingham, Alabama, will convert to a state-nonmember bank and change its name to Regions Bank of Louisiana, Baton Rouge, Louisiana,

In connection with this application, Regions Corporation also has applied to become a bank holding company by acquiring 100 percent of the voting

shares of Regions Bank of Louisiana, Baton Rouge, Louisiana.

C. Federal Reserve Bank of Minneapolis (James M. Lyon, Vice President) 250 Marquette Avenue, Minneapolis, Minnesota 55480:

1. Fishback Financial Corporation (formerly Fishback Insurance Agency, Inc.), Brookings, South Dakota; to acquire at least 95 percent of the voting shares of First National Bank of White, White, South Dakota, and 100 percent of the voting shares of Community State Bank (formerly Community State Bank of Stockholm), Stockholm, South Dakota.

2. Village Bancshares, Inc., St. Francis, Minnesota; to become a bank holding company by acquiring 100 percent of Village Bank, St. Francis, Minnesota.

D. Federal Reserve Bank of Dallas (Genie D. Short, Vice President) 2200 North Pearl Street, Dallas, Texas 75201-2272:

1. Yoakum National Bancshares, Inc., Yoakum, Texas, has applied to become a bank holding company by acquiring 100 percent of Yoakum National Bancshares-Delaware, Inc., Wilmington, Delaware, and thereby indirectly acquire Yoakum National Bank, Yoakum, Texas.

In connection with this application, Yoakum National Bancshares-Delaware, Inc., Wilmington, Delaware, to become a bank holding company by acquiring 100 percent of the voting shares of Yoakum National Bank, Yoakum, Texas.

Board of Governors of the Federal Reserve System, September 22, 1994.

Jennifer J. Johnson,

Deputy Secretary of the Board.

[FR Doc. 94-23965 Filed 9-27-94; 8:45 am]

BILLING CODE 6210-01-F

Huxley Bancorp; Notice of Application to Engage de novo in Permissible Nonbanking Activities

The company listed in this notice has filed an application under § 225.23(a)(1) of the Board's Regulation Y (12 CFR 225.23(a)(1)) for the Board's approval under section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.21(a) of Regulation Y (12 CFR 225.21(a)) to commence or to engage *de novo*, either directly or through a subsidiary, in a nonbanking activity that is listed in § 225.25 of Regulation Y as closely related to banking and permissible for bank holding companies. Unless otherwise noted, such activities will be conducted throughout the United States.

The application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

Comments regarding the application must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than October 18, 1994.

A. Federal Reserve Bank of Chicago (James A. Bluemle, Vice President) 230 South LaSalle Street, Chicago, Illinois 60690:

1. Huxley Bancorp, Huxley, Iowa; to engage *de novo* through its subsidiary First State Bank, Huxley, Iowa, in making and servicing loans through the participation in a one year revolving line of credit overline, pursuant to § 225.25(b)(1) of the Board's Regulation Y.

Board of Governors of the Federal Reserve System, September 22, 1994.

Jennifer J. Johnson,

Deputy Secretary of the Board.

[FR Doc. 94-23964 Filed 9-27-94; 8:45 am]

BILLING CODE 6210-01-F

FEDERAL TRADE COMMISSION

Granting of Request for Early Termination of the Waiting Period Under the Premerger Notification Rules

Section 7A of the Clayton Act, 15 U.S.C. 18a, as added by Title II of the Hart-Scott-Rodino Antitrust Improvements Act of 1976, requires persons contemplating certain mergers or acquisitions to give the Federal Trade Commission and the Assistant Attorney General advance notice and to wait designated periods before consummation of such plans. Section 7A(b)(2) of the Act permits the agencies, in individual cases, to terminate this waiting period prior to its expiration and requires that notice of this action be published in the **Federal Register.**

The following transactions were granted early termination of the waiting period provided by law and the premerger notification rules. The grants were made by the Federal Trade Commission and the Assistant Attorney General for the Antitrust Division of the Department of Justice. Neither agency intends to take any action with respect to these proposed acquisitions during the applicable waiting period.

TRANSACTIONS GRANTED EARLY TERMINATION BETWEEN: 090694 AND 091694

Name of acquiring person, name of acquired person, name of acquired entity	PMN No.	Date terminated
Radio Associates, L.P., Gordon Gray Irrevocable Living Trust, Summit Subsidiary Three, Inc	94-1944	09/06/94
Itochu Corporation, Louis N. Goldring, Franklin Equity Leasing Co	94-1991	09/06/94
US Foodservice Inc., Don J. Hindman, Clark Food Service, Inc. & Daniel's Food Service, Inc	94-1995	09/06/94
Beverly Enterprises, Inc., Merck & Co., Inc., Dunnington Drug, Inc	94-2017	09/06/94
Oakwood Homes Corporation, Golden West Homes, Golden West Homes	94-2033	09/06/94
Mariner Health Group, Inc., Ronald E. Hayes, Regency Health Care Centers, Inc	94-2034	09/06/94
Mariner Health Group, Inc., Farrell B. Jones, Regency Health Care Centers, Inc	94-2035	09/06/94
UCB S.A., Ethyl Corporation, Whitby, Inc	94-2039	09/06/94
Joseph Littlejohn & Levy Fund, L.P., Mervyn E. Griffin, Greater Connecticut Broadcasting, Inc	94-2042	09/06/94
Quantum Realty Trust, Quantum Realty Trust, Banyan Mortgage Investors L.P. III	94-2044	09/06/94
Siemens Aktiengesellschaft, Pyramid Technology Corporation, Pyramid Technology Corporation	94-2048	09/06/94
IR Partners, Integrated Resources, Inc., Integrated Resources, Inc	94-2051	09/06/94

TRANSACTIONS GRANTED EARLY TERMINATION BETWEEN: 090694 AND 091694—Continued

Name of acquiring person, name of acquired person, name of acquired entity	PMN No.	Date terminated
Fabri-Centers of America, Inc., Brown Group, Inc., Cloth World, Inc. and the Cloth World division of Brown	94–2058	09/06/94
Equifax Inc., Transamerica Corporation, Osborn Laboratories, Inc	94–2060	09/06/94
Motorola, Inc., International Business Machines Corporation, ARDIS Holding Company, a partnership	94–2062	09/06/94
Whitehall Street Real Estate Limited Partnership V, The Travelers Inc., The Travelers Insurance Company	94–2063	09/06/94
Hubert Perrodo, British Gas plc, BG Gabon, Inc	94–2066	09/06/94
Fiserv, Inc., AT&T Corp., AT&T Global Information & Solutions Company	94–2067	09/06/94
Motorola, Inc., Motorola, Inc., ARDIS Holding Company	94–2068	09/06/94
MEDIQ Incorporated, James R. Leininger, M.D., KCI Therapeutic Services, Inc	94–2046	09/09/94
CSS Industries, Inc., Smith Corona Corporation, Histacount Corporation	94–1988	09/11/94
Johnson & Johnson, Alliance Pharmaceutical Corp., Alliance Pharmaceutical Corp	94–2022	09/12/94
Ingram Industries Inc., MascoTech, Inc., Foster Valve Corporation	94–2023	09/12/94
Stewart Enterprises, Inc., Darryl J. Roberts and Ann K. Roberts, Legacy One, Inc	94–2032	09/12/94
Loral Corporation, Siemens Aktiengesellschaft, Siemens Gammasonics, Inc	94–2054	09/12/94
Thrifty Foods Acquisition Co., Consumer Choice, Inc. Employee Stock Ownership Plan, Consumers Choice, Inc	94–2056	09/12/94
Oklahoma Health System, Inc., SMC Health Services Corporation, Southwest Medical Center of Oklahoma, Inc	94–2011	09/13/94
Lincoln National Corporation, Oscar Jack Gomez, Ezon, Inc	94–2070	09/14/94
Pierre Alain Blum, Ronald L. Wolfgang, Ebel USA, Inc	94–2072	09/14/94
Electro Rent Corporation, Genstar Rental Electronics, Inc., Genstar Rental Electronics, Inc	94–2078	09/14/94
Intrawest Corporation, Victoria Co., Ltd., Stratton Ski Corporation	94–2084	09/14/94
Cemex, S.A. de C.V., Lone Star Industries, Inc., Lone Star Falcon Partnership	94–2086	09/14/94
Beatrice Foods Holdings Corp., Jack E. Elliott, Mrs. Alison's Cookie Company, Incorporated	94–2087	09/14/94
Cemex S.A. de C.V., Concorde Finance and Investments Inc., Lone Star Falcon Partnership	94–2094	09/14/94
American Manufacturing Corporation, Mr. Steven J. Sheftel, Crawford Products, Inc	94–2097	09/14/94
NationsBank Corporation, Express America Holding Corporation, Express America Mortgage Corporation	94–2098	09/14/94
Stichting Administratiekantoor ABN AMRO Holding, CoreStates Financial Corp., Wasco Funding Corp	94–2108	09/14/94
Fluor Corporation, Hanson plc (a British company), Peabody Coal Company & Peabody COALSALES Co	94–2109	09/14/94
Australian National Industries Limited, Palmer Tube Mills Limited, Palmer Tube Mills Limited	94–2111	09/14/94
New York Life Insurance Company, Stephen A. Gregg, The ETHIX Corporation	94–2113	09/14/94
Motorola, Inc., NEXTEL Communications, Inc., NEXTEL Communications, Inc	94–2121	09/14/94
The Williams Companies, Inc., JVD Holdings, Inc., JVD Holdings, Inc	94–2129	09/14/94
Adam Young, Nationwide Mutual Insurance Company, WATE-TV, WBAY-TV and WRIC-TV	94–2133	09/14/94
Mid-America Dairymen, Inc., GEV Corporation, Land-O-Sun Dairies, Inc	94–1700	09/16/94
Mid-America Dairymen, Inc., Dairymen, Incorporated, Dairymen, Incorporated	94–1701	09/16/94
Affiliated Foods Cooperative, Inc., United A.G. Cooperative, Inc., Affiliated Foods Cooperative, Inc	94–2028	09/16/94
Ochsner Clinic, Ochsner/Sisters of Charity Health Plan, Inc., Ochsner/Sisters of Charity Health Plan, Inc	94–2040	09/16/94
Alton Ochsner Medical Foundation, Ochsner/Sisters of Charity Health Plan, Inc., Ochsner/Sisters of Charity Health Plan, Inc	94–2041	09/16/94
Sisters of Charity of the Incarnate Word, Ochsner/Sisters of Charity Health Plan, Inc., Ochsner/Sisters of Charity Health Plan, Inc	94–2043	09/16/94
Century Communications Corp., a New Jersey corporation, George L. Schrenk, Mega Comm, Inc	94–2080	09/16/94
American Ecology Corporation, Quadrex Corporation, Quadrex Recycle Center	94–2110	09/16/94
E.W. Blanch Holdings, Inc., Elton G. and Leslie J. George, Elton George and Company, et al	94–2117	09/16/94
Apache Corporation, Trust FBO Harold Hunter Whiter, III, SW Production Company	94–2123	09/16/94
Donald H. Gales, Griffith Consumers Company Voting Trust, Griffith Consumer Company	94–2127	09/16/94
Noel Group, Inc., The Dun & Bradstreet Corporation, Plan Services, Inc	94–2139	09/16/94

FOR FURTHER INFORMATION CONTACT: Sandra M. Peay or Renee A. Horton, Contact Representatives, Federal Trade Commission, Premerger Notification Office, Bureau of Competition, Room 303, Washington, D.C. 20580, (202) 326–3100.

By Direction of the Commission.

Donald S. Clark,

Secretary.

[FR Doc. 94–23957 Filed 9–27–94; 8:45 am]

BILLING CODE 6750–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Agency for Health Care Policy and Research

Notice of Meetings

In accordance with section 10(a) of the Federal Advisory Committee Act (Title 5, U.S.C., Appendix 2) announcement is made of the following advisory committees scheduled to meet during the month of October 1994:

Name: Health Services Developmental Grants Review Subcommittee.

Date and Time: October 12–13, 1994, 8:00 a.m.

Place: Holiday Inn Crowne Plaza, Conference Room (TBA), Rockville, Maryland 20852.

Open October 12, 8:00 a.m. to 9:00 a.m.

Closed for remainder of meeting.

Purpose: The Subcommittee is charged with the initial review of grant applications proposing experimental, analytical and theoretical research on costs, quality, access, effectiveness, and efficiency of the delivery of health services for the research grant program administered by the Agency for Health Care Policy and Research (AHCPR).

Agenda: The open session of the meeting on October 12 from 8:00 a.m. to 9:00 a.m. will be devoted to a business meeting covering administrative matters and reports. During the closed session, the Subcommittee will be reviewing research and demonstration grant applications relating to the delivery, organization, and financing of

health services. In accordance with the Federal Advisory Committee Act, Title 5, U.S.C., Appendix 2 and Title 5, U.S.C., 552b(c)(6), the Administrator, AHCPR, has made a formal determination that these latter sessions will be closed because the discussions are likely to reveal personal information concerning individuals associated with the applications. This information is exempt from mandatory disclosure.

Anyone wishing to obtain a roster of members, minutes of the meeting, or other relevant information should contact Elizabeth A. Breckinridge, M.S., Scientific Review Administrator, Scientific Review Branch, Agency for Health Care Policy and Research, Suite 602, Executive Office Center, 2101 East Jefferson Street, Rockville, Maryland 20852, Telephone (301) 594–1452.

Name: Health Services Research Review Subcommittee.

Date and Time: October 19–20, 1994, 8:00 a.m.

Place: Ramada Inn Rockville, 1775 Rockville Pike, Conference Room (TBA) Rockville, Maryland 20852.

Open October 19, 8:00 a.m. to 8:45 a.m.

Closed for remainder of meeting.

Purpose: The Subcommittee is charged with the initial review of grant applications proposing analytical and theoretical research on costs, quality, access, and efficiency of the delivery of health services for the research grant program administered by AHCPR.

Agenda: The open session of the meeting on October 19 from 8:00 a.m. to 8:45 a.m. will be devoted to a business meeting covering administrative matters and reports. During the closed sessions, the Subcommittee will be reviewing analytical and theoretical research grant applications relating to the delivery, organization, and financing of health services. In accordance with the Federal Advisory Committee Act, Title 5, U.S.C., Appendix 2 and Title 5, U.S.C., 552b(c)(6), the Administrator, AHCPR, has made a formal determination that these latter sessions will be closed because the discussions are likely to reveal personal information concerning individuals associated with the applications. This information is exempt from mandatory disclosure.

Anyone wishing to obtain a roster of members, minutes of the meeting, or other relevant information should contact Patricia G. Thompson, Ph.D., Scientific Review Administrator, Scientific Review Branch, Agency for Health Care Policy and Research, Suite 602, Executive Office Center, 2101 East Jefferson Street, Rockville, Maryland 20852, Telephone (301) 594–1451.

Name: Health Care Technology Study Section.

Date and Time: October 24–25, 1994, 8:30 a.m.

Place: Ramada Inn Rockville, 1775 Rockville Pike, Conference Room (TBA), Rockville, Maryland 20852.

Open October 24, 8:00 a.m. to 9:00 a.m.

Closed for remainder of meeting.

Purpose: The Study Section is charged with conducting the initial review of health services research grant applications concerned with medical decisionmaking, computers in health care delivery, and the utilization and effects of health care technologies and procedures.

Agenda: The open session on October 24 from 8:30 a.m. to 9:30 a.m. will be devoted to a business meeting covering administrative matters and reports. The closed sessions of the meeting will be devoted to a review of health services research grant applications relating to the delivery, organization, and financing of health services. In accordance with the Federal Advisory Committee Act, Title 5, U.S.C., Appendix 2 and Title 5, U.S.C., 552b(c)(6), the Administrator, AHCPR, has made a formal determination that these latter sessions will be closed because the discussions are likely to reveal personal information concerning individuals associated with the applications. This information is exempt from mandatory disclosure.

Anyone wishing to obtain a roster of members, minutes of the meeting, or other relevant information should contact Karen Rudzinski, Ph.D., Scientific Review Administrator, Scientific Review Branch, Agency for Health Care Policy and Research, Suite 602, Executive Office Center, 2101 East Jefferson Street, Rockville, Maryland 20852, Telephone (301) 594–1437.

Name: Health Services Research Dissemination Study Section.

Date and Time: October 27–28, 1994, 8:00 a.m.

Place: Ramada Inn Rockville, 1775 Rockville Pike, Conference Room (TBA), Rockville, Maryland 20852.

Open October 27, 8:00 a.m. to 8:30 a.m.

Closed for remainder of meeting.

Purpose: The Study Section is charged with the review of and making recommendations on grant applications for Federal support of conferences, workshops, meetings, or projects related to dissemination and utilization of research findings, and AHCPR liaison with health care policy makers, providers, and consumers.

Agenda: The open session of the meeting on October 27 from 8:00 a.m. to 8:30 a.m. will be devoted to general business matters. During the closed portions of the meeting, the Study Section will be reviewing grant applications relating to the dissemination of research on the organization, costs, and efficiency of health care. In accordance with the Federal Advisory Committee Act, Title 5, U.S.C., Appendix 2 and Title 5, U.S.C., 552b(c)(6), the Administrator, AHCPR, has made a formal determination that these latter sessions will be closed because the discussions are likely to reveal personal information concerning individuals associated with the grant applications. This information is exempt from mandatory disclosure.

Anyone wishing to obtain a roster of members, minutes of the meeting, or other relevant information should contact Mrs. Linda Blankenbaker, Scientific Review Administrator, Scientific Review Branch, Agency for Health Care Policy and Research, Suite 602, 2101 East Jefferson Street, Rockville, Maryland 20852, Telephone (301) 594–1438.

Agenda items for all meetings are subject to change as priorities dictate.

Dated: September 20, 1994.

Richard J. Greene,

Acting Administrator.

[FR Doc. 94–23956 Filed 9–27–94; 8:45 am]

BILLING CODE 4160–90–P

Centers for Disease Control and Prevention

Establishment of Disease, Disability, and Injury Prevention and Control Special Emphasis Panel

Pursuant to the Federal Advisory Committee Act, Public Law 92–463, as amended (5 U.S.C. App. 2), the Centers for Disease Control and Prevention (CDC) and the Agency for Toxic Substances and Disease Registry (ATSDR) announce the establishment by the Secretary of Health and Human Services (HHS), on September 18, 1994, of the following Federal advisory committee:

Designation: Disease, Disability, and Injury Prevention and Control Special Emphasis Panel.

Purpose: The Disease, Disability, and Injury Prevention and Control Special Emphasis Panel will provide advice and guidance to the Secretary, the Assistant Secretary for Health, the Director of CDC, and the Administrator of ATSDR, regarding the scientific and technical merit of grant and cooperative agreement assistance applications relating to the causes, prevention, and control of diseases, disabilities, injuries, and impairments of public health significance; exposure to hazardous substances in the environment; health promotion and education; and other related activities that promote health and well being.

Authority for this committee will expire September 18, 1996, unless the Secretary of HHS, with the concurrence of the Committee Management Secretariat, General Services Administration, formally determines that continuance is in the public interest.

Dated: September 22, 1994.

William H. Gimson,

Acting Associate Director for Policy Coordination, Centers for Disease Control and Prevention (CDC).

[FR Doc. 94–23953 Filed 9–27–94; 8:45 am]

BILLING CODE 4163–18–M

Advisory Committee for Energy-Related Epidemiologic Research: 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: Advisory Committee for Energy-Related Epidemiologic Research.

Times and Dates: 9 a.m.–5 p.m., October 13, 1994. 8 a.m.–12 noon, October 14, 1994.

Place: Sheraton Suites Hotel, 801 North St. Asaph Street, Alexandria, Virginia 22314.

Status: Open to the public, limited only by the space available. The meeting room accommodates approximately 50 people.

Purpose: This committee is charged with providing advice and recommendations to the Secretary of Health and Human Services (HHS); the Assistant Secretary for Health; the Director, CDC; and the Administrator, Agency for Toxic Substances and Disease Registry (ATSDR), on the establishment of a research agenda and the conduct of a research program pertaining to energy-related analytic epidemiologic studies. The committee will take into consideration information and proposals provided by the Department of Energy (DOE), the Advisory Committee for Environment Safety and Health which was established by DOE under the guidelines of a Memorandum of Understanding between HHS and DOE, and other agencies and organizations, regarding the director HHS should take in establishing the research plan and in the development of a research plan.

Matters to be discussed: The National Center for Environmental Health (NCEH), the National Institute for Occupational Safety and Health, and ATSDR will make brief presentations on the progress of current studies. Additional agenda items will include: CDC/ATSDR issues, declassification/access issues, public involvement activities, and working group recommendations.

Agenda items are subject to change as priorities dictate.

Contact Person for More Information: Nadine Dickerson, Program Analyst, Radiation Studies Branch, Division of Environmental Hazards and Health Effects, NCEH, CDC, 4770 Buford Highway, NE, (F–35), Atlanta, Georgia 30341–3724, telephone 404/488–7040.

Dated: September 22, 1994.

William H. Gimson,

Acting Associate Director for Policy Coordination, Centers for Disease Control and Prevention (CDC).

[FR Doc. 94–23952 Filed 9–27–94; 8:45 am]

BILLING CODE 4163–18–M

Health Care Financing Administration

Statement of Organization, Functions, and Delegations of Authority; Office of Quality Improvement programs

Part F of the Statement of Organization, Functions, and Delegations of Authority for the Department of Health and Human Services, Health Care Financing Administration (HCFA), (**Federal Register**, Vol. 59, No. 60, pp. 14659–14660, dated Tuesday, March 29, 1994) is amended to reflect changes in the organizational title and structure of the Office of Peer Review (OPR), Health Standards and Quality Bureau, Associate Administrator for Operations and Resource Management. OPR is being reorganized to properly meet the Health Care Quality Improvement Initiative which is part of a new initiative to improve care for Medicare beneficiaries. OPR is being retitled the Office of Quality Improvement Programs.

The specific amendments to Part F are as follows:

• Section F.10.D.7.b. (Organization) is amended to read as follows:

b. Office of Quality Improvement Programs

(1) Division of Program Operations
(2) Division of Program Development
(3) Division of Contract Operations
(4) Division of Quality Measurement and Improvement

• Section F.20.D.7.b. (Functions) Office of Peer Review is amended by deleting the statement and substructure in their entirety and replacing them with the new functional statements. The new functional statements read as follows:

b. Office of Quality Improvement Programs (FLE3)

• Directs the Medicare Health Care Quality Improvement Program (HCQIP).

• Oversees the development and implementation of a variety of performance measurement and quality management/improvement efforts to assess/improve quality of care activities in all health care settings.

• Develops and interprets policies, regulations and legislation to support the HCQIP.

• Develops and implements operational procedures and instructions for the award, management and validation of the HCQIP related contracts.

• Develops and manages a program effectiveness strategy and reporting system.

• Develops, implements, and maintains Informational Resources Management (IRM) activities in support of HCQIP including development and oversight of ADP systems, e.g., technical and management information systems.

• Provides direction to, and coordinates activities with, the HCFA regional offices' HCQIP activities.

• Maintains liaison with other HCFA, HHS and Executive Branch components, Congress, and external professional and medical organizations.

(1) Division of Program Operations (FLE31)

• Manages day-to-day operations of HCQIP systems activities.

• Oversees HCQIP systems support contracts.

• Designs, operates, documents, and maintains system applications used in the administration of the HCQIP.

• Coordinates with HCFA regional offices and other HHS/HCFA components regarding Informational Resources Management (IRM) and systems/operational issues.

• Designs, develops, and monitors HCQIP management reports to support effective and efficient operation of HCQIP systems and tracking of contractor deliverables.

• Provides technical assistance in implementing and maintaining program-related ADP systems.

• Oversees training, evaluating, budgeting, and planning to support HCQIP contractor proposals, as well as establishing procedures regarding systems operations and security.

• Provides internal ADP support, e.g., investigates, develops and implements new office automation technology.

• Manages Data Abstraction Contracts.

• Maintains liaison with other HCFA and HHS components, Congress, and external professional organizations.

(2) Division of Program Development (FLE32)

• Develops, implements, and interprets program policy and guidance pertaining to the implementation of the HCQIP in all health care settings.

• Monitors legislative, regulatory and operational developments related to the HCQIP, and develops/amends related regulations and legislative proposals.

• Coordinates with other HHS/HCFA components and appropriate private/public sector organizations regarding the development of HCQIP program policy, regulations, and legislative proposals.

• Develops program manual issuances and policy guidance.

• Develops and manages program approaches to apply HCQIP strategies to health care provided in all health care settings.

• Develops and implements quality improvement/management feedback/dissemination mechanisms.

• Processes and responds to inquiries from the public, Congress and other entities regarding HCQIP.

(3) Division of Contract Operations (FLE33)

Maintains responsibility for the following activities in support of HCQIP

contracts, accounts and support activities:

- Formulates contract and administrative budgets.
- Maintains fund control systems.
- Develops and manages the procurement planning process.
- Coordinates contract development, evaluation and negotiations.
- Provides program guidance, technical assistance and training to HCFA central and regional office staff and contractor personnel on program evaluation and financial management activities.
- Develops, implements and manages a comprehensive system for assessing contractor performance and for measuring the overall effectiveness of HCQIP.
- Conducts liaison with HCFA central and regional office staff and the contractor community concerning contract and financial management and evaluation issues.

(4) Division of Quality Measurement and Improvement (FLE34)

- Oversees a variety of performance measurement and quality improvement efforts to assess/improve quality of care activities in health care settings.
- Direct and monitor the development of HCQIP projects to improve quality of care for Medicare beneficiaries.
- Analyzes clinical, claims, and demographic data and develops models to measure patterns and outcomes of care.
- Directs and monitors the development, assessment, compilation, preparation, and dissemination of information on the quality and patterns of care.
- Develops data and information dissemination protocols to provide feedback to the public and medical community on the quality of care provided to Medicare beneficiaries.
- Promotes participation of public and private sector individuals and groups in the development of performance measures and quality improvement strategies of mutual benefit and interest.

Dated: September 9, 1994.

Bruce C. Vladeck,

Administrator, Health Care Financing Administration.

[FR Doc. 94–23962 Filed 9–27–94; 8:45 am]

BILLING CODE 4120–01–P

Health Resources and Services Administration

Advisory Council; Notice of Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L, 92–463), announcement is made of the following National Advisory bodies scheduled to meet during the month October 1994:

Name: Council on Graduate Medical Education

Time: October 26, 1994, 1:30 p.m.–5:00 p.m. October 27, 1994, 8:30 a.m.–4:00 p.m.

Place: Quality Hotel, Capitol Hill, 415 New Jersey Avenue, SW., Washington, DC 20024.

Open for entire meeting.

Purpose: Provides advice and recommendations to the Secretary and to the Committees on Labor and Human Resources, and Finance of the Senate and the Committees on Energy and Commerce and Ways and Means of the House of Representatives, with respect to (A) the supply and distribution of physicians in the United States; (B) current and future shortages of physicians in medical and surgical specialties and subspecialties; (C) issues relating to foreign medical graduates; (D) appropriate Federal policies regarding (A), (B), and (C) above; (E) appropriate efforts to be carried out by medical and osteopathic schools, public and private hospitals and accrediting bodies regarding matters in (A), (B), and (C) above; (F) deficiencies in the needs for improvements in, existing data bases concerning supply and distribution of, and training programs for physicians in the United States.

Agenda: There will be a panel discussion on the status of health care reform. The Council will be discussing approval of the interim draft, generalist and specialist supply and requirements and COGME goals; discussions and action on Women in Medicine findings and recommendations; and a status report on managed care impact on the physician workforce and medical education.

Reports and updates will be given on the 1995 work plan; commission structure and function; Council on Graduate Medical Education Primary Care Workforce Workgroup and National Advisory Council on Nurse Education and Practice Primary Care Workforce Workgroup; medical licensure workgroup; minorities in medicine; and underserved areas.

Anyone requiring information regarding the subject Council should contact Marc L. Rivo, M.D., M.P.H.. Executive Secretary, telephone (301) 443–6190; or F. Lawrence Clare, M.D., M.P.H., Deputy Executive Secretary, telephone (301) 443–6326, Council on Graduate Medical Education, Division of Medicine, Bureau of Health Professions, Health Resources and Services Administration, Room 9A–27, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857.

Name: HRSA Aids Advisory Committee

Time: October 26–27, 1994, 8:00 a.m.

Place: Washington Room, Ramada Plaza Hotel, 10 Thomas Circle, NW., Washington, DC 20005.

The meeting is open to the public.

Purpose: The Committee advises the Secretary with respect to health professional education, patient care/health care delivery to HIV-infected individuals, and research relating to transmission, prevention and treatment of HIV infection.

Agenda: The topics to be discussed include the AIDS Clinical Trial Group 076, evaluation of HRSA's AIDS programs, and the Ryan White Comprehensive AIDS Resources and Emergency Act Reauthorization.

Anyone requiring information regarding the subject Committee should contact Pearl Katz, Ph.D., AIDS Program Office, Health Resources and Services Administration, Room 14A–21, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857, Telephone (301) 443–4588.

Agenda Items are subject to change as priorities dictate.

Dated: September 23, 1994.

Jackie E. Baum,

Advisory Committee Management Officer, HRSA.

[FR Doc. 94–23955 Filed 9–27–94; 8:45 am]

BILLING CODE 4160–15–P

National Institutes of Health

National Heart, Lung, and Blood Institute; Notice of a Closed Meeting

Pursuant to Section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following Heart, Lung, and Blood Special Emphasis Panel (SEP) meeting:

Name of SEP: Demonstration and Education Research Grant Applications.

Date: October 26–27, 1994.

Time: 9:00 a.m.

Place: Stouffer Concourse Hotel, Arlington, Virginia.

Contact Person: Louise Corman, Ph.D., 5333 Westbard Avenue, Room 548, Bethesda, Maryland 20892, (301) 594–7452.

Purpose/Agenda: To review and evaluate grant applications.

The meeting will be closed in accordance with the provisions set forth in section 552b(c)(4) and 552b(c)(6), Title 5, U.S.C. 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.

(Catalog of Federal Domestic Assistance Programs 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: September 20, 1994.

Susan K. Feldman,

Committee Management Officer, NIH.

[FR Doc. 94–23970 Filed 9–27–94; 8:45 am]

BILLING CODE 4140–01–M

National Heart, Lung, and Blood Institutes; Notice of Meeting of the Sickle Cell Disease Advisory Committee

Pursuant to Public Law 92–463, notice is hereby given of the meeting of the Sickle Cell Disease Advisory Committee, National Heart, Lung, and Blood Institutes, October 28, 1994. The meeting will be held at the National Institutes of Health, Building 31, Conference room 9, C-Wing, 9000 Rockville, Bethesda, Maryland 20892.

The entire meeting will be open to the public from 9 a.m. to adjournment, to discuss recommendations on the implementation and evaluation of the Sickle Cell Disease Program. Attendance by the public will be limited to space available.

Ms. Terry Long, Chief, Communications and Public Information Branch, National Heart, Lung, and Blood Institutes, Building 31, Room 4A21, Bethesda, Maryland 20892, (301) 496–4236, will provide a summary of the meeting and a roster of the committee members upon request.

Individuals who plan to attend and need special assistance, such as sign language interpretation or other reasonable accommodations, should contact the Executive Secretary in advance of the meeting.

Dr. Clarice D. Reid, Executive Secretary, Sickle Cell Disease Advisory Committee, Division of Blood Diseases and Resources, NHLBI, Federal Building, Room 508, Bethesda, Maryland 20892, (301) 496–6931, will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program No. 93.839, Blood Diseases and Resources Research, National Institutes of Health).

Dated: September 21, 1994.

Susan K. Feldman,

Committee Management Officer, NIH.

[FR Doc. 94–23971 Filed 9–27–94; 8:45 am]

BILLING CODE 4140–01–M

National Institute of Child Health and Human Development; Notice of Meeting of the National Advisory Board on Medical Rehabilitation Research

Pursuant to Public Law 92–463, notice is hereby given of the meeting of the National Advisory Board on Medical Rehabilitation Research, National Institute of Child Health and Human Development, October 31–November 1, 1994, Bethesda Marriott Hotel, 5151 Pooks Hill Road, Bethesda, Maryland 20814.

The meeting will be open to the public from 9 a.m. to 5 p.m. on October 31 and 9 a.m. to adjournment on November 1. Attendance by the public will be limited to space available. The Board will (1) develop methods for insuring dissemination of NCMRR activities to people with disabilities and the research and clinical communities; (2) review the need for clinical research; (3) develop a process for revising the Research Plan; and (4) introduce new members.

Ms. Mary Plummer, Committee Management Specialist, NICHD, 6100 Building, Room 5E03, National Institutes of Health, Bethesda, Maryland 20892, Area Code 301, 496–1485, will provide a summary of the meeting and a roster of Advisory Board members as well as substantive program information. Individuals who plan to attend and need special assistance, such as sign language interpretation or other reasonable accommodations, should contact Ms. Plummer.

Dated: September 21, 1994.

Susan K. Feldman,

Committee Management Officer, NIH.

[FR Doc. 94–23972 Filed 9–27–94; 8:45 am]

BILLING CODE 4140–01–M

Division of Research Grants; Notice of Closed Meetings

Pursuant to Section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following Division of Research Grants Special Emphasis Panels (SEPs) meetings:

Purpose/Agenda: To review Small Business Innovation Research Program grant applications.

Name of SEP: Multidisciplinary Sciences.
Date: October 7, 1994.
Time: 8:00 a.m.
Place: Holiday, Inn, National Airport, VA.
Contact Person: Dr. Harish Chopra, Scientific Review Admin., 5333 Westbard Ave., Room 2A18A, Bethesda, MD 20892, (301) 594–7342.

Name of SEP: Multidisciplinary Sciences.
Date: October 20-21, 1994.
Time: 1:00 p.m.
Place: Ritz-Carlton, Tysons Corner, VA.
Contact Person: Dr. Melvin Ketchel, Scientific Review Admin., 5333 Westbard Ave., Room 2A14, Bethesda, MD 20892. (301) 594-7391.

Name of SEP: Multidisciplinary Sciences.
Date: October 24, 1994.
Time: 8:00 a.m.
Place: Holiday Inn, National Airport, VA.
Contact Person: Dr. Harish Chopra, Scientific Review Admin., 5333 Westbard Ave., Room 2A18A, Bethesda, MD 20892, (301) 594-7342.

Name of SEP: Multidisciplinary Sciences.
Date: October 24-25, 1994.
Time: 9:00 a.m.
Place: Holiday, Inn, Chevy Chase, MD.
Contact Person: Dr. Houston Baker, Scientific Review Admin., 5333 Westbard Ave., Room 2A15A, Bethesda, MD 20892. (301) 594–7374.

Name of SEP: Multidisciplinary Sciences.
Date: November 1–3, 1994.
Time: 8:00 a.m.
Place: Holiday Inn, Bethesda, MD.
Contact Person: Dr. Dharam Dhindsa, Scientific Review Admin., 5333 Westbard Ave., Room 2A15A, Bethesda, MD 20892, (301) 594-7683.

Name of SEP: Multidisciplinary Sciences.
Date: November 7–9, 1994.
Time: 8:00 a.m.
Place: Holiday Inn, Chevy Chase, MD.
Contact Person: Dr. N.A. Vydelingum, Scientific Review Admin., 5333 Westbard Ave., Room 2A07B, Bethesda, MD 20892, (301) 594–7350.

Name of SEP: Multidisciplinary Sciences.
Date: November 14, 1994.
Time: 8:00 a.m.
Place: McLean, VA.
Contact Person: Dr. Eileen Bradley, Scientific Review Admin., 5333 Westbard Ave., Room 2A10, Bethesda, MD 20892, (3010 594–7188.

Name of SEP: Multidisciplinary Sciences.
Date: November 14–15, 1994.
Time: 9:00 a.m.
Place: Holiday Inn, Chevy Chase, MD.
Contact Person: Dr. Houston Baker, Scientific Review Admin., 5333 Westbard Ave., Room 2A15B, Bethesda, MD 20892, (301) 594–7374.

Purpose/Agenda: To review individual grant applications.

Name of SEP: Multidisciplinary Sciences.
Date: October 27, 1994.
Time: 2:00 p.m.
Place: NIH, Westwood Building, Room 2A14, Telephone Conference.
Contact Person: Dr. Melvin Ketchel, Scientific Review Admin., 5333 Westbard Ave., Room 2A14, Bethesda, MD 20892, (301) 594–7391.

Name of SEP: Clinical Sciences.
Date: November 2, 1994.
Time: 2:00 p.m.
Place: NIH, Westwood Building, Room 219B, Telephone Conference.
Contact Person: Dr. Priscilla B. Chen, Scientific Review Admin., 5333 Westbard Ave., Room 219B, Bethesda, MD 20892, (301) 594–7287.

Name of SEP: Clinical Sciences.
Date: November 14, 1994.
Time: 9:30 a.m.
Place: Holiday Inn, Old Town Alexandria, VA.
Contact Person: Dr. Priscilla B. Chen, Scientific Review Admin., 5333 Westbard Ave., Room 219B, Bethesda, MD 20892, (301) 594–7287.

Name of SEP: Multidisciplinary Sciences.

Date: November 20–22, 1994.
Time: 7:30 p.m.
Place: Crowne Plaza, Rockville, MD.
Contact Person: Dr. N. A. Vydelingum, Scientific Review Admin., 5333 Westbard Ave., Room 2A07B, Bethesda, MD 20892, (301) 594–7350.

Name of SEP: Multidisciplinary Sciences.
Date: December 7, 1994.
Time: 8:00 a.m.
Place: Holiday Inn, Bethesda, MD.
Contact Person: Dr. Dharam Dhindsa, Scientific Review Admin., 5333 Westbard Ave., Room 2A15A, Bethesda, MD 20892, (301) 594–7683.

The meetings will be closed in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5, U.S.C. Applications and/or proposals and the discussions could reveal confidential trade secrets or commercial property such as patentable material and personal information concerning individuals associated with the applications and/or proposals, the disclosure of which would constitute a clearly unwarranted invasion of privacy.

This notice is being published less than 15 days prior to the meeting due to the difficulty of coordinating the attendance of members because of conflicting schedules.

(Catalog of Federal Domestic Assistance Program Nos. 93.306, 93.333, 93.337, 93.393–93.396, 93.837–93.844, 93.846–93.878, 93.892, 93.893, National Institutes of Health, HHS)

Dated: September 20, 1994.

Susan K. Feldman,

Committee Management Officer, NIH.

[FR Doc. 94–23969 Filed 9–27–94; 8:45 am]

BILLING CODE 4140–01–M

Division of Research Grants; Notice of Cancellation of Meeting

Notice is hereby given of the cancellation of the meeting of the Biomedical Sciences Study Section, Division of Research Grants, November 14–16, 1994, which was published in the **Federal Register** on August 22, 1994, 59 FR 43129.

Due to scheduling and workload problems this meeting has been canceled.

Dated: September 21, 1994.

Susan K. Feldman,

Committee Management Officer, NIH.

[FR Doc. 94–23973 Filed 9–27–94; 8:45 am]

BILLING CODE 4140–01–M

Division of Research Grants; Notice of Closed Meetings

Pursuant to Section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following Division of Research Grants Special Emphasis Panels (SEPs) meetings:

Purpose/Agenda: To review individual grant applications.
Name of SEP: Microbiological and Immunological Sciences.
Date: October 3, 1994.
Time: 2:00 p.m.
Place: NIH, Westwood Building, Room A19 Telephone Conference.
Contact Person: Dr. Howard Berman, Scientific Review Administrator, 5333 Westbard Ave., Room A19, Bethesda, MD 20892, (301) 594–7234.

Name of SEP: Chemistry and Related Sciences.
Date: October 19, 1994.
Time: 11:00 a.m.
Place: NIH, Westwood Building, Room 435.
Contact Person: Dr. Marcelina Powers, Scientific Review Admin., 5333 Westbard Ave., Room 435, Bethesda, MD 20892, (301) 594–7120.

Name of SEP: Multidisciplinary Sciences.
Date: October 19, 1994.
Time: 12:00 noon.
Place: NIH, Westwood Building, Room 2A04 Telephone Conference.
Contact Person: Dr. Nabeeh Mourad, Scientific Review Admin., 5333 Westbard Ave., Room 2A04, Bethesda, MD 20892, (301) 594–7213.

Name of SEP: Multidisciplinary Sciences.
Date: October 25, 1994.
Time: 8:00 a.m.
Place: Georgetown Holiday Inn, Washington, DC.
Contact Person: Dr. Bill Bunnag, Scientific Review Administrator, 5333 Westbard Ave., Room 2A07A, Bethesda, MD 20892, (301) 594–7360.

Name of SEP: Multidisciplinary Sciences.
Date: October 31-November 1, 1994.
Time: 9:00 a.m.
Place: Holiday Inn, Chevy Chase, MD.
Contact Person: Dr. Houston Baker, Scientific Review Administrator, 5333 Westbard Ave., Room 2A15B, Bethesda, MD 20892, (301) 594–7374.

Name of SEP: Chemistry and Related Sciences.
Date: November 3–4, 1994.
Time: 8:30 a.m.
Place: Albuquerque, NM.
Contact Person: Dr. Paul Strudler, Scientific Review Administrator, 5333 Westbard Ave., Room 328, Bethesda, MD 20892 (301) 594–7152.

Purpose/Agenda: To review Small Business Innovation Research Program grant applications.
Name of SEP: Multidisciplinary Sciences.
Date: October 13, 1994.
Time: 10:00 a.m.
Place: Holiday Inn, Chevy Chase, MD.
Contact Person: Dr. Lee Rosen, Scientific Review Administrator, 5333 Westbard Ave., Room 2A11B, Bethesda, MD 20892, (301) 594–7276.

Name of SEP: Multidisciplinary Sciences.
Date: November 1–3, 1994.
Time: 7:00 p.m.
Place: Georgetown Inn, Washington, DC.
Contact Person: Dr. Richard Panniers, Scientific Review Admin., 5333 Westbard Ave., Room 2A17, Bethesda, MD 20892, (301) 594–7348.

Name of SEP: Multidisciplinary Sciences.
Date: November 6–9, 1994.
Time: 7:00 p.m.
Place: River Inn, Washington, DC.
Contact Person: Dr. Richard Panniers, Scientific Review Admin., 5333 Westbard Ave., Room 2A17, Bethesda, MD 20893, (301) 594–7348.

The 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. Applications and/or proposals and the discussions could reveal confidential trade secrets or commercial property such as patentable material and personal information concerning individuals associated with the applications and/or proposals, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

This notice is being published less than 15 days prior to the meeting due to the difficulty of coordinating the attendance of members because of conflicting schedules.

(Catalog of Federal Domestic Assistance Program Nos. 93.306, 93.333, 93.337, 93.393–93.396, 93.837–93.844, 93.846–93.878, 93.892, 93.893, National Institutes of Health, HHS)

Dated: September 20, 1994.

Susan K. Feldman,

Committee Management Officer, NIH.

[FR Doc. 94–23966 Filed 9–23–94; 11:48 am]

BILLING CODE 4140–01–M

Social Security Administration

Supplemental Security Income Program; Notice of Title XVI Continuing Disability Reviews

AGENCY: Social Security Administration, HHS.

ACTION: Notice of Title XVI Continuing Disability Reviews.

SUMMARY: The Commissioner of Social Security announces that continuing disability reviews of persons receiving payments under title XVI because of disability or blindness will begin October 1, 1994.

FOR FURTHER INFORMATION CONTACT: Anne Fulmer, Social Security Administration, 3–A–10 Operations Building, 6401 Security Boulevard, Baltimore, Maryland 21235, (410) 965–9053.

SUPPLEMENTARY INFORMATION: Section 221(i) of the Social Security Act (the Act) requires that the eligibility of all persons with nonpermanent impairments receiving benefits because of disability must generally be reviewed at least once every three years. Section 221(i) also requires that the eligibility of persons having permanent impairments be reviewed at such times as the Secretary determines to be appropriate.

In the preamble to the final regulations on "Supplemental Security

Income for the Aged, Blind, and Disabled; Determining Disability and Blindness Frequency and Notice of Continuing Eligibility Reviews," published May 7, 1986 (51 FR 16818), we stated on page 16819 that, although section 221(i) of the Act does not mandate periodic eligibility review of persons receiving Supplemental Security Income (SSI) payments under title XVI because of disability or blindness, the final regulations extended the periodic continuing disability review procedures to title XVI blind and disabled recipients. This extension was within the Secretary's regulatory authority under title XVI of the Act, sections 1631(d)(1) and 1633, and was in accord with the legislative history of the 1980 Amendments to the Act which added section 221(i). Report No. 96–408 of the Senate Committee on Finance at page 61 states:

> The committee believes that such [periodic review] procedures should be applied on the same basis to the DI and SSI programs.

We stated in the preamble to the final regulations published on May 7, 1986, that we would review the eligibility of persons receiving payments solely under title XVI because of disability or blindness with the same frequency as we review the eligibility of persons receiving disability benefits under title II. We also stated that this would establish consistency in the operation of the SSI and Social Security disability programs. We announced that when we began the periodic review of these cases would depend on such considerations as the backlog of pending reviews, the projected number of new applications, and the availability of resources needed to ensure careful and accurate reviews. We further stated on page 16820 of the preamble that before we began the periodic reviews of SSI cases, we would notify the public of the beginning date of the review program by publication of a notice in the **Federal Register**.

In accordance with this statement, this notice is to inform the public that the periodic continuing disability reviews of persons receiving SSI payments under title XVI because of disability or blindness will begin October 1, 1994. These reviews will be conducted under regulations codified at 20 C.F.R. 416.989 *et seq.* When we begin a review of a recipient's continuing eligibility to SSI payments, we will notify the recipient of the review pursuant to these regulations.

(Catalog of Federal Domestic Assistance: Program No. 93.807, Supplemental Security Income)

Dated: September 22, 1994.

Shirley S. Chater,

Commissioner of Social Security.

[FR Doc. 94–23968 Filed 9–27–94; 8:45 am]

BILLING CODE 4190–29–P

Substance Abuse and Mental Health Services Administration

Center for Substance Abuse Prevention; Notice of Meeting

Pursuant to Public Law 92–463, notice is hereby given of the meeting of the Substance Abuse Prevention Conference Review Committee of the Center for Substance Abuse Prevention (CSAP) for October 1994.

The Substance Abuse Prevention Conference Review Committee will include discussion of announcements and reports of administrative, legislative, and program developments. The initial review group will also be performing review of applications for Federal assistance; therefore, a portion of this meeting will be closed to the public as determined by the Administrator, SAMHSA, in accordance with 5 U.S.C. 552b(c)(6) and 5 U.S.C. app. 2 10(d).

A summary of the meeting and roster of committee members may be obtained from: Ms. D. Herman, Committee Management Officer, CSAP, Rockwall II Building, Suite 630, 5600 Fishers Lane, Rockville, MD 20857 Telephone: 301–443–4783.

Substantive program information may be obtained from the contact whose name, room number, and telephone number is listed below.

Committee Name: Substance Abuse Prevention Conference Review Committee.

Meeting Date(s): October 17–20, 1994.

Place: Residence Inn—Bethesda, 7335 Wisconsin Avenue, Bethesda, Maryland 20814.

Open: October 17 8:30 a.m.–9:30 a.m.

Closed: Otherwise.

Contact: Ferdinand W. Hui, Ph.D.; Rockwall II, Building, Suite 630; Telephone: (301) 443–9912.

Dated: September 22, 1994.

Peggy W. Cockrill,

Committee Management Officer, Substance Abuse and Mental Health Services Administration.

[FR Doc. 94–23898 Filed 9–27–94; 8:45 am]

BILLING CODE 4162–20–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. R–94–1698; FR–3555; N–05]

Government National Mortgage Association; Multiclass Securities Program; Notice of Proposed Information Collection Requirements to OMB

AGENCY: Government National Mortgage Association, HUD.

ACTION: Notice.

SUMMARY: The proposed information collection requirements described below have been submitted to the Office of Management and Budget (OMB) for expedited review, as required by the Paperwork Reduction Act. The Department is soliciting public comment on the subject proposal.

DATES: Comments due date: October 11, 1994.

ADDRESSEES: Comments should refer to the proposal by name and should be sent to: Joseph F. Lackey, Jr., OMB Desk Officer, Office of Management and Budget, New Executive Office Building, Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: Kay F. Weaver, Reports Management Officer, Department of Housing and Urban Development (HUD), 451 7th Street, SW., Room 4178, Washington, DC 20410, telephone (202) 708–0050. This is not a toll-free number. Copies of the documents submitted to OMB may be obtained from Ms. Weaver.

SUPPLEMENTARY INFORMATION: This Notice informs the public that the Government National Mortgage Association (GNMA) has submitted to OMB an information collection package with respect to a Notice for the GNMA Multiclass Securities Program. GNMA is requesting an expedited review of this information collection by September 30.

The annual burden of the information collections involved in the application process, annual certifications furnished by participants, and the selection process for trustees is estimated as follows: *Reporting burden:* 166 respondents; one response per respondent; 166 total annual responses; 10 hours per response; and a total burden of 1,660 hours; *Recordkeeping burden:* 166 recordkeepers; 1 hour per recordkeeper; 166 hours total of recordkeeping hours.

The information collection approval request to OMB, required by the Paperwork Reduction Act (44 USC Chapter 35), contains the following:

(1) The title of the information collection proposal;

(2) The office of the agency to collect the information;

(3) The description of the need for the information and its proposed use;
(4) The agency form number, if applicable;
(5) What members of the public will be affected by the proposal;
(6) How frequently information submission will be required;
(7) An estimate of the total number of hours needed to prepare the information submission including the number of respondents, frequency of response, and hours of response;
(8) Whether the proposal is new or an extension, reinstatement, or revision of an information collection requirement; and
(9) The names and telephone numbers of an agency official familiar with the proposal and of the OMB Desk Officer for the Department.

Authority: Section 3507 of the Paperwork Reduction Act, 44 USC 3507; Section 7(d) of the Department of Housing and Urban Development Act, 42 USC 3535(d).

Dated: September 22, 1994.

Dwight P. Robinson,

President, Government National Mortgage Association.

Notice of Submission of Proposed Information Collection to OMB

Proposal: Supplemental Notice for GNMA Multiclass Securities Program (FR–3555).
Office: Government National Mortgage Association.

Description of the Need for the Information and its Proposed Use: This information is required in connection with the implementation of the Government National Mortgage Association Multiclass Securities Program Full Participation Stage. The Full Participation Stage will expand the opportunity to participate in the program to a greater number of qualified participants.
Form: None.
Respondents: Business or other for-profit.
Frequency of Submission: Annually
Reporting Burden:

	Number of respondents	X	Frequency of response	=	Hours per response	=	Burden hours
Application Development	166		1		10		1660
Recordkeeping	166		1		1		166

Total Estimated Burden Hours: 1826.
Status: New.
Contact: Jospeh F. Lackey, Jr., OMB (202) 395–7316; Guy S. Wilson, GNMA (202) 401–8970.
Date: September 22, 1994.

Supporting Statement for Information Collection—GNMA Multiclass Securities Program

A. Justification

1. This information collection is required in connection with the implementation of the full participation stage of GNMA's Multiclass Program. GNMA's authority to guarantee Multiclass instruments in contained in section 306(g)(1) of the National Housing Act ("NHA") (12 U.S.C. 1721(g)(1)), which authorizes GNMA to guarantee "securities * * * based on or backed by a trust or pool composed of mortgages * * *." The Multiclass securities will be based on or backed by mortgages since GNMA Mortgage-Backed Securities ("MBS") will serve as the collateral. This position is consistent with the FNMA and FHLMC REMIC programs which are authorized by substantially similar statutory provisions. Further, GNMA's authority to operate a Multiclass program has recently been recognized in section 3004 of the Omnibus Budget Reconciliation Act of 1993 ("OBRA") which amended section 306(g)(3) of the NHA (12 U.S.C. 1721(g)(3)) to provide GNMA with greater flexibility for the Multiclass program regarding fee structure, contracting, industry consultation and program implementation. Congress annually sets GNMA's commitment authority to guarantee MBS pursuant to section 306(g)(2) of the NHA (12 U.S.C. 1721(g)(2)). Since the Multiclass securities will be backed by GNMA MBS, GNMA has already guaranteed the collateral for the Multiclass instruments.

The Multiclass Program had an initial stage and GNMA is now implementing a full participation stage. During the initial stage, GNMA guaranteed Multiclass instruments that were issued by a small number of participants, consisting of sponsors, co-sponsors, trustees, trust counsel and accounting firms, selected by GNMA through the use of Competitive Application Proposals ("CAPS"). At the conclusion of the initial stage, participation in the GNMA-guaranteed Multiclass Program will be expanded. GNMA is requiring information from entities that wish to participate as sponsor, co-sponsor, accountant, trust counsel and minority and women-owned law firms in the full participation stage.

Each participant is required to certify annually that neither the participant nor any employee, partner or officer working on the GNMA Multiclass Securities Program has been convicted of or has been found liable in a civil action for fraud, forgery, bribery, falsification or destruction of records, making false statements or any other indicating a lack of business integrity that seriously and directly affects the present responsibility of the officer, partner or professional, and is not currently suspended or debarred by a state or the Federal government. Each sponsor is required to certify that the sponsor has developed and implemented a plan for minority and women-owned law firm participation and the extent to which the plan was achieved.

To secure trustee services, GNMA is requesting applications from qualified institutions under a CAP. Trustees approved pursuant to the CAP will be authorized to serve with respect to securities issued during the period specified in the CAP.

2. The information provided by the participants will be submitted to GNMA. GNMA requires the information requested in order to assure the financial integrity of the program.

3. It is impractical and would be inefficient to design improved technology to collect this information.

4. There will be no duplication of information.

5. There is no similar information already available which could be used or modified for this purpose.

6. We have attempted to minimize the burden on the participants by requiring the minimum amount of information needed to ensure the integrity of the Multiclass Program.

7. The information will be collected on an annual basis to demonstrate that the participant continues to meet the eligibility requirements.

8. There are no specific circumstances that require the information collection to be conducted in a manner which is inconsistent with guidelines in 5 CFR 1320.6.

9. There has been no outside consultation on this information collection. The Notice will call for public comments after it is published.

10. No assurances of confidentiality are provided.

11. There is no sensitive information requirements in the application process.

12. GNMA does not estimate that there will be any additional cost to the Federal Government. The information will be reviewed in accordance with GNMA's existing review and monitoring procedures. Annual cost to the participants is established to be minimal.

13. We estimate that the information collection will have the following reporting burdens:

Reference hours	Number of respondents	Estimate average response time	Estimate annual burden (Hrs)
Trustee "CAPS"	16	10	160
Sec. II Full Part. Stage	150	10	1500

14. Not applicable.

15. GNMA does not plan to use the collection of this information for any published statistical use.

Excerpts From GNMA Supplemental Notice for Multiclass Securities Program That Contain the Paperwork Provisions:

B. Sponsors

* * * * *

GNMA requires entities wishing to participate in this program as Sponsors to provide GNMA with certain information and meet certain requirements. Currently, a Sponsor must have minimum capital assets of $250 million in shareholders' equity, evidenced by the Sponsor's most recent audited financial statements. GNMA also requires that Sponsors have had at least one REMIC transaction with the Federal National Mortgage Association ("FNMA") or the Federal Home Loan Mortgage Corporation ("FHLMC"). If an entity that wishes to sponsor GNMA guaranteed transactions has not had this experience, GNMA requires an alternative demonstration of experience, as GNMA determines appropriate. A computer bulletin board, gREX, will be used to announce revisions to this policy.

Entities that would like to obtain application forms or obtain further information should contact Chemical New York, Inc., 1325 G St., N.W., Suite 640, Washington, D.C. 20005.

C. Selection of Trustee

* * * * *

To secure trustee services, GNMA has requested applications from qualified institutional trustees under a CAP. In the meantime, the trustees approved for the initial stage will continue to serve as trustees for multiclass securities transactions. Trustee services must include tax administration as well as customary securities administrative and payment functions. Trustees approved pursuant to the CAP will be authorized to serve with respect to securities issued during the period (not more than five years) specified in the request for applications. Once a trustee is assigned to a specific transaction, it will continue to act as trustee for the life of the security, unless removed in accordance with the Trust Agreement. Sponsors will use trustees approved pursuant to the CAP. Trustees will be paid from funds related to the transaction.

D. Trust Counsel and Accounting Firms

Trust counsel selected by the Sponsor will provide customary securities and tax opinions on the transactions, in accordance with GNMA's requirements.

Accounting firms selected by the Sponsor will perform customary procedures with respect to financial information included in the offering documents and as part of the closing process, in accordance with GNMA's requirements. GNMA currently requires entities wishing to participate in GNMA guaranteed transactions to submit certain information to GNMA. Interested parties may obtain the appropriate forms from Chemical New York, Inc. ("Chemical Bank") at the address set out in section II.B. above.

* * * * *

C. Certification

Sponsors are required to provide GNMA with two annual certifications:

1. With respect to Co-sponsors:

a. Certification that the Sponsor has developed and implemented a plan that sets goals for meaningful participation by Co-sponsors, and

b. Certification of the extent to which MWOBs have been participants in the Sponsor's transactions as Co-sponsors.

2. With respect to Co-trust Counsel:

a. Certification from trust counsel used for transactions by the Sponsor that the trust counsel has developed and implemented a plan that sets goals for meaningful participation by MWOLFs, and

b. Certification from such trust counsel of the extent to which MWOLFs have been participants in the transactions for the Sponsor.

* * * * *

VII. Terms and Conditions for Participants

As a condition of participation in the program, each participant must agree to the conditions set out below.

A. Participant Certifications

Each Sponsor, Co-sponsor, all participating trust counsel and accounting firms, and other persons or entities designated by GNMA from time to time in the Multiclass Securities Guide, must certify as of January 1 each year that neither the corporate nor partnership entity, nor any officer, partner or professional presently employed and who will work on the subject matter of this Notice, has been convicted of, or found liable in a civil action for, fraud, forgery, bribery, falsification or destruction of records, making false statements or any other offense indicating a lack of business integrity that seriously and directly affects the present responsibility of the officer, partner or professional, and no entity or individual to which this certification is applicable is currently suspended or debarred by a State or the Federal government. Participants must report any event which would necessitate a change in this certification to GNMA within 60 days of its occurrence.

Material adverse changes in status, including voluntary and non-voluntary terminations, defaults, fines, and agency findings of material non-compliance or non-conformance with agency rules and policies with state and federal agencies and government sponsored enterprises must be reported to GNMA within 60 business days of their occurrence.

[End of Excerpts From GNMA Supplemental Notice on Multiclass Securities Program]

Example of Procedure Involving Information Collection

Request for Competitive Application Proposals To Act as Trustee to the Government National Mortgage Association (GNMA) During the Full Participation Stage of the New GNMA Multiclass Securities Program

To Interested Parties:

Enclosed is Request for Competitive Application Proposals (CAP) GNMA–94–R–01. The purpose of this CAP is to solicit from qualified parties (applicants) detailed and comprehensive applications to serve as trustee for transactions during the full participation stage of the GNMA Multiclass Securities program.

For over two decades, GNMA has operated a single class mortgage-backed securities (MBS) program, under which GNMA guarantees, with the full faith and credit of the United States, the timely payment of principal and interest on securities issued by

private firms approved as GNMA issuers. GNMA has recently initiated a Multiclass Securities program, which began with an initial stage that includes a limited number of participants who assisted in developing the program and in closing transactions to date. GNMA is now moving toward implementation of the full participation stage of the Multiclass Securities program. Henry Cisneros, Security of the Department of Housing and Urban Development, has approved a GNMA Multiclass Securities program, which will be operated to meet the requirements of the Real Estate Mortgage Investment Conduit (GNMA REMIC securities) provisions of the Internal Revenue Code of 1986. In addition, GNMA is considering implementing a Grantor Trust (STRIPs) and possibly other multiclass programs. GNMA's existing single class MBS program also will continue in operation.

Sincerely yours,

Susan M. Taylor,

Contracting Officer, Director, Contracting Division.

Enclosure

I. Background

The Government National Mortgage Association (GNMA) was created in 1968 through amendment of Title III of the National Housing Act (12 U.S.C. Sections 1716 *et seq*). GNMA is a wholly-owned government corporation within the Department of Housing and Urban Development and supports Federal housing initiatives by providing liquidity to the secondary mortgage market and attracting funds from national and international capital markets into the U.S. residential mortgage market. The operations of GNMA are overseen by the Secretary of Housing and Urban Development and by the President of GNMA, both of whom are appointed by the President of the United States and confirmed by the United States Senate.

Through its MBS program, GNMA guarantees the timely payment principal and interest on securities issued by private institutions and backed by pools of Federally insured or guaranteed mortgage loans. The GNMA guarantee is backed by the full faith and credit of the United States. Each year, GNMA guaranteed securities provide the financing for approximately 95% of all loans insured or guaranteed by the Federal Housing Administration (FHA), the Department of Veterans Affairs (VA) or the Farmers Home Administration (FmHA) (Government mortgages).

As of July 1994, more than one trillion dollars in securities have been issued assisting an estimated 15 million families to obtain financing. In excess of $440 billion of GNMA guaranteed securities are outstanding, of which more than $429 billion are based on single family (1–4 unit) residential mortgage loans. The GNMA guarantee lowers the cost of home ownership by attracting the substantial amounts of investor funds necessary to allow low- and moderate-income borrowers to acquire housing with Government mortgages.

GNMA's Current Single Class Program

Prior to the development of single class MBS, investments in residential mortgages were largely illiquid. Beginning in 1970, GNMA pioneered the creation and orderly maintenance of a secondary mortgage market by guaranteeing, with the full faith and credit of the United States, privately issued certificates backed by pools of mortgages provided for the purchase of single family, multifamily, and manufactured housing.

Holders of GNMA MBS receive monthly payments of principal and interest made on the underlying mortgage loans. The amount of interest "passed through" to security holders is reduced by payment of a fee to cover servicing of the mortgages (in the case of single family mortgages, at an annual rate of 44 basis points on the unpaid principal balance of the mortgage) and a fee to GNMA for its guarantee (for single family mortgages, at an annual rate of 6 basis points).

Under the "modified pass-through" approach used by GNMA, the issuer of the MBS is initially responsible for advancing scheduled but delinquent principal and interest payments to security holders. That is, if mortgagors fail to make timely payments of principal and interest, the issuer of the GNMA MBS promises to advance the necessary funds so that scheduled payments can be made to the security holders. If the issuer fails to advance or pass through payments, GNMA pays pursuant to its guarantee.

The MBS guaranteed by GNMA have a single class of ownership interests. Each security bears the same coupon rate of interest, has the same scheduled maturity, and has the same expected weighted average life.

Evidence of ownership of GNMA securities takes two forms: physical securities or book entry securities. Beginning in July of 1990, all GNMA MBS, except for serial notes and construction loan securities, were issued in book entry depository form. More than 90 percent of GNMA securities are currently held in book entry form. The Participants Trust Company (PTC) is the depository that holds GNMA securities in book entry form. The PTC collects and disburses principal and interest (P&I) payments to its participants for all deposited MBS.

II. Operating a GNMA Multiclass Securities Program

The GNMA Multiclass Securities program will be operated in a manner consistent with the traditional GNMA approach of relying upon the private sector to the greatest extent possible, maintaining GNMA in the position of a guarantor rather than an issuer.

The GNMA REMIC program

The MBS making up the corpus of the trust will be assembled by a knowledgeable and financially sound firm (the Sponsor) that also takes the initiative in forming the trust, in developing the structure for the REMIC Securities (i.e., how many tranches with what characteristics), in preparing the description and disclosure for the offering documents and in marketing the securities. The principal responsibility for initiating and carrying out GNMA REMIC Securities transactions will rest not with GNMA but with the sponsor and with the Trustee of the issuing trust, assisted by trust counsel.

A separate trust will be used for each series of securities. A Trustee of proven reliability and competence must ensure that amounts owed to the trust are collected by it, that the correct amounts are distributed in a timely manner to the right persons, and that accurate records and reports are prepared and furnished to security holders, auditors, the Internal Revenue Service (the IRS), GNMA and its agents. Rules and procedures governing the trust and its operation, including detailed rules about the timing and amounts to be distributed to security holders will be spelled out in trust documents drafted by experienced trust counsel based on documents prepared by GNMA and its legal advisor (the "LA"), and incorporated in the GNMA Multiclass Securities program Guide.

The sponsor will guarantee to GNMA that payments on the MBS held by a trust will be sufficient to support all amounts due on the securities under all circumstances (assuming no default on the MBS themselves). The sponsor's guarantee of "structural integrity" will be confirmed by an approved accounting firm and GNMA's financial advisor (the "FA").

The GNMA Strips Program

GNMA anticipates a Grantor Trust (Strip) securities program. For each Strip securities transaction, a grantor trust would be formed to issue the Strip securities. The sponsor would provide the MBS collateral which was combined into a larger GNMA Platinum security (a mega MBS), which in turn is the collateral for the Strip securities. Interest Only (IO), Principal Only (PO) classes (completely stripped) and partially stripped classes (synthetics) would be issued by the grantor trust. The Strip securities would be sold directly to investors or may be used as collateral for REMICs. An investor would combine an IO and PO and swap the recombined IO/OP for an interest in the Platinum security that has the same aggregate principal balance and same interest payment. Various other recombinations may also be allowed as the program progresses.

The GNMA Strip program in general will work the same way as a GNMA REMIC trust. The transfer agent, Chemical Bank and PTC will perform the same functions except that provisions will have to be made for the recombinations and exchanges. An accounting firm must provide a comfort letter and trust counsel must opine on the validity of the securities and that the transaction will not be subject to double taxation because it qualifies as a grantor trust under the Tax Code.

Other GNMA Multiclass Securities Programs

From time to time, GNMA may introduce additional multiclass products for which the Trustee would provide similar services.

Fees and Expenses

GNMA will have no liability for payment of any fees or expenses, such as those of the FA, trust counsel and accounting firms. These will be payable by the sponsor.

Trustee's fees will be payable as provided in Section IV, below.

III. Scope of Services To Be Provided By Trustee

Trustee functions are critical to the successful operation of the GNMA Multiclass Securities program. Therefore, the selected trust firms will provide general Trustee services in accordance with the GNMA Multiclass Securities guide and other operative documents. This guide may be obtained by calling (800) 2341–REX. These guidelines and documents are subject to amendment and modification. The equivalent documents for the Grantor Trust (Strips) program are not available at this time. The general Trustee functions include, but are not limited to:

A. For each Multiclass Securities transaction to which a Trustee is retained by a Sponsor, that Trustee shall provide all services and documents customarily provided by Trustees in similar transactions and necessary or helpful to establish the trust and issue the Multiclass Securities, including:

1. Execute the documents under which the trust shall receive GNMA MBS from the sponsor in exchange for Multiclass Securities and under which the trust shall operate for its term, and fulfill all appropriate responsibilities thereunder. Enclosed as exhibits are the Operational Guidelines (Exhibit I), the current form of Trust Agreement (Exhibit II), the Trust Provisions (Exhibit III), and the Tax Administration Guidelines (Exhibit IV). These exhibits are for information purposes and are subject to change.

2. Verify ownership of the MBS backing the multiclass securities and ensure that all of the MBS meet the requirements of the relevant Multiclass Securities program.

3. Administer physical securities as necessary.

B. For each multiclass securities transaction the Trustee shall provide all necessary ongoing Trustee services to the trust for the life of the trust, including:

1. Calculate distributions of principal and interest to multiclass security holders; ensure that amounts owed to the trust are collected by it, that the correct amounts are paid out timely by the trust to the proper security holders, and that accurate records and reports are prepared and furnished to security holders, auditors, and IRS, GNMA and its agents.

2. Properly maintain, report on and, if necessary, access the variance account, which is a separate holding account used to maintain overages/shortages of funds in the Multiclass Securities program. Variance issues arise when cash received from MBS issuers differs from cash payable to Multiclass Security holders, usually because of missing or incorrect information on the factor tape used to calculate multiclass payment factors (the R–7 tape). To the extent that cash actually received from the issuers is greater than the multiclass distribution amount, that amount will be held in the variance account for payment in the following month and a "prepayment interest shortfall" (the Multiclass Security rate less the reinvestment rate) difference will likely be created. The variance account must be established by the Trustee. Losses caused by the prepayment interest shortfall will be paid by GNMA as part of its guarantee obligation.

To illustrate the variance process, assume the Trustee receives MBS payments of $100 more than is required to be distributed on the Multiclass Securities for that month. This $100 must be deposited in the variance account by the Trustee until the next month before it is distributed to the investor. Meanwhile, the $100 is earning interest at the reinvestment rate while the Trust owes the investors the multiclass coupon rate, creating negative arbitrage. The Trustee must calculate the prepayment interest shortfall and notify GNMA, which will make the funds available to the Trustee, and/or PTC, prior to payment to the investors.

Subsequent to the monthly distributions to the investors, PTC will reconcile the MBS payments received from issuers with distributions made to the trust. This may result in PTC distributing additional cash to the trust or the trust being required to refund overpayments to PTC. Should insufficient funds be available to pay such "refunds" from the trust's accounts, then the Trustee will be required to advance such refund until the next distribution date when the Trustee will be reimbursed from funds available in the accounts or from GNMA.

The Trustee will establish all accounts needed for each Trust. These currently include the Depository Account at PTC, the Certificated Securities Account for payment of non-book entry distributions, if applicable, and the Variance Account. The variance process will consider all three accounts and therefore, all three accounts will be included in the monthly reconciliation and reporting process. Reporting for the variance process will involve determining any shortfalls prior to the distribution date and notifying GNMA and its agent thereof, as well as subsequent detail reconciliations of payment differences in accordance with procedures and forms prescribed by GNMA.

Differences between MBS payments received and amounts distributable to multiclass security holders (MBS factor errors) may also arise because of errors in the computation of tranche factors by the Trustee. In that case, the Trustee is responsible for funding the difference.

3. Indemnify and hold harmless GNMA (including each official, officer and agent of GNMA) from and against any and all losses, claims, demands, liabilities, or expenses (including, without limitation, all attorneys' fees and related charges and expenses) resulting, directly or indirectly, from any Trustee default or other failure to perform under their agreements with or for the benefit of GNMA. Without limiting the foregoing, GNMA's right to indemnification shall include the right to reimbursement of any and all amounts paid by GNMA to any holder of any certificate, security, or pass-through interest as a result of any failure of the Trustee to properly calculate the amount of any required distribution to any such holder or to cause the proper distributions to be made to any such holder, together with interest thereon at a rate equal to the yield on three month treasury securities.

4. All initial and ongoing tax administration with respect to the trusts and, in the case of REMIC transactions, the REMICs. The Trustee may subcontract its tax administration duties, but, if it does so, (i) it must retain the subcontractor for the duration of the Trustee's engagement (unless the subcontractor fails to perform its duties in a satisfactory manner), (ii) the Trustee will retain liability for the proper performance of all tax administration duties and (iii) GNMA must approve the successor tax administrator.

Various of the documents in the GNMA multiclass securities program Guide set forth duties of a "Tax Administrator" with respect to each Series of securities. The Trustee will be responsible for all of the duties assigned to the Tax Administrator in the GNMA Multiclass Program Guide, as that Guide may be in effect from time to time. Those duties include, but are not limited to the following:

a. *Startup.* Computing the yields, amounts of original issue discount ("OID") and other information required to be set forth in the OID legends on the securities. The Tax Administrator shall confirm that information with the results of the sponsor, which independently is responsible for producing the same information. The Tax Administrator shall be responsible for supplying such information to trust counsel, which will be responsible for the preparation of the text of the legends.

b. *Ongoing Accounting.* Preparing the federal, state, and local tax returns of the trust and any related REMICs (including the computation of all necessary underlying information), computing the information concerning OID, market discount, premium, interest, and other reportable items on the securities, and forwarding that information to (or otherwise making that information available to) security holders and the IRS. Income tax accounting and reporting shall be done in accordance with the law, tax administration guidelines for accounting set forth in the GNMA Multiclass program Guide or other instructions distributed by GNMA (as those may be in effect from time to time), and accepted industry practice, in that order of priority. The Tax Administrator shall consult with GNMA on any significant tax accounting issues that arise.

c. *Controversy.* The Tax Administrator shall represent the trust and any related REMIC in any inquiry or assessment of liability by the IRS or state or local tax authorities. The Tax Administrator shall keep GNMA and the LA informed of the initiation of any inquiry or assessment of liability and of any significant related development.

5. Rebate—Transfer in a timely manner to GNMA any amounts from PTC as a result of investment earnings on funds received by PTC on the MBS from the date these funds are received to the date the funds are distributed on the Multiclass Securities. These amounts are commonly called the PTC rebate and are distributed quarterly by PTC at this time.

6. If another approved Trustee is no longer permitted by GNMA to act as a Trustee or fails to perform in the Multiclass Securities Program, all other Trustees must be willing to assume the ongoing administration of any

Trust formerly held by a Trustee which is no longer approved to participate in the program.

7. *Cross Default Provision*—GNMA shall have the right to terminate a Trustee's approved status for cause. If a Trustee fails to properly administer a trust, which results in a finding of cause by GNMA, all trusts administered by the Trustee may be transferred to another GNMA approved Trustee.

C. For the strip securities, the Trustee will perform all of the services outlined in paragraphs A and B above, as necessary. The Trustee must also provide all services necessary for recombining the IO/PO securities into Platinum securities and must accurately track all securities through the recombination process.

IV. Trustee Fee

During the initial stage of the Multiclass Securities program, the Trustee fee was paid as a "strip" out of monthly interest collections, based on the aggregate remaining principal balance of the Multiclass Securities outstanding at the beginning of the month. However, this method created a general awkwardness of having security classes bearing interest at, for instance, 7.99%, which is not favorably received in the market place.

In the full participation stage, the Trustee's fee will be paid initially through the creation of an interest bearing REMIC Class which would only be transferrable to a successor Trustee.

This so-called "T Class" would be structured to receive a pro rata share of principal of the underlying MBS and interest at the certificate rate of the underlying MBS. The Class would be designated as a class of securities in the offering circular and the underlying documents; however it would not be tradeable and would not carry any voting rights or other substantive rights associated with the other regular interests in the REMIC trusts. The principal amount of the T Class would be negotiated between sponsors and Trustees with no involvement by GNMA.

To pay a Trustee in the GNMA Strip program it is expected that IO and PO classes will be delivered and immobilized at the Trustee to replicate the REMIC fee structure.

These fee arrangements may be changed at any time only at the option of GNMA. Such a change would only occur with extensive consultation with GNMA Trustees and Sponsors.

V. Period of Performance

The selections to be made under this CAP will be for an initial period of two years and will provide for three one-year extension periods at GNMA's option. Trustees will have an ongoing obligation to administer for the life of all trusts received during that time period.

VI. Evaluation Factors

The criteria for evaluation will be based on overall responsiveness to the CAP with respect to three broad categories—technical abilities, experience and knowledge, and personnel qualifications (as described below). Proposals shall not exceed 50 pages of 8½" by 11" paper in total length (excluding resumes of proposed team members and financial statements). The Proposal shall not merely offer to perform work in accordance with the statement of work, but shall outline the actual work proposed as specifically as is practical. No monetary cost information is to be included in the Proposal. Those firms selected will negotiate their fees with the Sponsor. Sponsors will select their own Trustees without regard to a rotation.

A. Technical Abilities (40%)

1. The extent to which the proposal shows an understanding of the services described in Section III and an ability to provide these required services. (10 points)

2. The degree to which knowledge of the systems and procedures necessary to perform this award are demonstrated. (10 points)

3. The extent to which the proposal includes a complete description and justification of the proposed approach and methodology. (10 points)

4. The extent to which adequacy of financial resources is demonstrated. Explain your firm's financial strength and staying power, taking into consideration the length of the obligations to be incurred hereunder. No firm will be regarded as being responsive to this CAP, despite its technical qualifications, if it does not demonstrate that its performance and assurances are backed by meaningful capital. In order to demonstrate this qualification, please provide copies of audited financial statements for the prior two years as well as evidence of your firm's credit rating or other institutional evaluations. (10 points)

B. Experience and Knowledge (35%)

1. The extent to which your firm has experience and knowledge in providing services of a similar nature, specifically including (a) GNMA's current MBS program; (b) Multiclass Securities programs of the Department of Veterans Affairs, Fannie Mae, Freddie Mac, the Resolution Trust Corporation, and other large issuers (including private issuers); (c) past experience as Trustee in mortgage-backed pass-through and Multiclass Securities transactions. Provide a brief description of significant Multiclass Securities (REMICs and Strips) transactions for which you currently serve as Trustee, and demonstrate your firm's ability to accomplish tasks within adequate time frames. (10 points)

2. The extent to which your firm demonstrates its philosophy of crisis management. (10 points)

3. The extent to which your firm is experienced and knowledgeable in providing comprehensive tax administration functions. If your firm contracts out this responsibility, then you must provide complete information regarding the subcontractor, discussing the experience and knowledge of the firm and provide assurance that the subcontractor relationship will be established and maintained throughout the course of Trustee's engagement. (5 points)

4. The extent to which your firm demonstrates experience and knowledge in providing bond administration duties. If your firm contracts out this responsibility, then you must provide complete information regarding the subcontractor, discussing the experience and knowledge of the firm, and provide assurance that the subcontractor relationship will be established and maintained throughout the course of Trustee's engagement. (5 points)

5. The extent to which the firm is experienced and knowledgeable in providing general Trustee functions as they relate to Strips. (5 points)

C. Personnel Qualifications and Staffing (25%)

1. The extent to which your firm identifies the personnel that would be assigned to this project, and includes resumes detailing their skills, qualifications, years of experience in similar projects, formal education and training, and ability to perform all aspects of the work described in the statement of work. Include professional references for all personnel and explain the organization of the team or teams, including the individual who will be the lead contact with GNMA, as well as which persons would be assigned lead responsibility for which tasks. (15 points)

2. The extent to which adequacy of the proposed management plan is demonstrated to assure compliance with all requirements of this solicitation. (10 points)

In addition to responding to the above criteria, in order to be considered responsive to this CAP your firm must certify its willingness to provide the indemnification referred to in Section III above and indicate this by signing below.

Further, you are required to certify for your firm that neither the corporate nor partnership entity, nor any officer, partner or professional presently employed and who will work on the GNMA Multiclass Securities Program has been convicted of, or found liable in a civil action for, fraud forgery, bribery, falsification or destruction of records, making false statements or any other offense indicating a lack of business integrity that seriously and directly affects the present responsibility of the officer, partner or professional, and is not currently suspended or debarred by state or the Federal government.

I hereby certify and agree to the above indemnification and certifications.

By _____

Title _____

VII. Organizational Conflicts of Interest

The applicant must warrant that to the best of its knowledge and belief and except as otherwise disclosed, it does not have any organizational conflict of interest, which is defined as a situation in which the nature of the work herein and the organization's financial, contractual or other interests are such that unfair competitive advantage would result or objectivity in performing the work may be impaired. If after award it discovers an organizational conflict of interest with respect to this work, an immediate and full disclosure will be made in writing to the contracting officer, which shall include a description of the action which will be taken to eliminate or neutralize the conflict.

VIII. Submission Procedures

Each applicant must submit an original and seven copies of its application, which shall consist of the technical and management submittal for the proposed work. The material must be submitted and arrive at GNMA at the address and room below no later than September 23, 1994. Washington, D.C. time.

Government National Mortgage Association, Department of Housing and Urban Development, Attn: Susan M. Taylor, 451 7th Street SW., Suite 6151, Washington, D.C. 20410–9000, Telephone: 202/401–8787.

To prevent opening by unauthorized individuals, your application must be clearly identified on the envelop or wrapper as follows:

Application Submitted in Response to CAP GNMA 94–R–1

DUE DATE September 23, 1994

Potential offerors should be aware that the HUD building is a secure building. All visitors will be required to walk through a metal detector, have all belongings screened by an x-ray system, show valid picture identification, and sign the visitor's log. Guards will telephone the visitors HUD contact to announce their arrival and receive verification to permit the visitor into the building prior to allowing entry. These procedures will require extra time. Offerors must therefore ensure that any commercial delivery service or company employee has appropriate identification, and should allow extra time for any hand carried deliveries. Delays experienced at the guard desk or refusal of admission DO NOT constitute excusable delays. Any applications that arrive at Suite 6151 after the date and time specified will be rejected and will be returned to the applicant.

No Applications Will Be Accepted by FAX

All questions pertaining to this CAP should be sent to the FAX number (202) 401–8857 no later than September 23, 1994. No questions will be accepted after that time. All questions and responses will be mailed or faxed to all parties who requested a copy of the CAP and will be made available to all other parties.

GNMA reserves the right to make an award either on the basis of proposals as originally submitted or, following discussions with the offerors in the competitive range, on the basis of the respective best and final offers.

[FR Doc. 94–23985 Filed 9–27–94; 8:45 am]

BILLING CODE 4210–01–M

Office of the Assistant Secretary for Housing-Federal Housing Commissioner

[Docket No. 94–3818; FR–3784–N–01]

Notice of Debenture Recall

AGENCY: Office of the Assistant Secretary for Housing-Federal Housing Commissioner, HUD.

ACTION: Notice.

SUMMARY: This Notice announces a debenture recall of certain Federal Housing Administration debentures, in accordance with authority provided in the National Housing Act.

FOR FURTHER INFORMATION CONTACT:

Richard Keyser, Room B133, Department of Housing and Urban Development, 451 Seventh Street SW., Washington, DC. 204510, telephone (202) 755–7510. This is not a toll-free number.

SUPPLEMENTARY INFORMATION: Pursuant to section 207(j) of the National Housing Act, 12 U.S.C. 1713(j), and in accordance with HUD regulations at 24 CFR 207.259(e)(3), the Federal Housing Commissioner, with approval of the Secretary of the Treasury, announces the call of all Federal Housing Administration debentures with coupon rates of 7.5 percent or higher, except for those debentures subject to "debenture lock agreements," that have been registered on the books of the Federal Reserve Bank of Philadelphia, and are, therefore, "outstanding" as of September 30, 1994. The date of the call is January 1, 1995. To insure timely payment, debentures should be presented to the Federal Reserve Bank of Philadelphia by December 1, 1994.

The debenture will be redeemed at par plus accrued interest. Interest will cease to accrue on the debentures as of the call date. Final interest on any called debentures will be paid with the principal at redemption.

During the period from the dates of this notice to the call date, debentures that are subject to the call may not be used by the mortgagee for a special redemption purchase in payment of a mortgage insurance premium.

No transfer or denominational exchanges of debentures covered by the foregoing call will be made on the books maintained by the Treasury Department on or after October 1, 1994. This does not affect the right of the holder of a debenture to sell or assign the debenture on or after this date. Payment of final principal and interest due on January 1, 1995, will be made to the registered holder or assignee.

Instructions for the presentation and surrender of debentures for redemption will be provided to holders by the Department.

Dated: September 20, 1994.

Jeanne K. Engel,

General Deputy Assistant Secretary for Housing-Federal Housing Commissioner.

[FR Doc. 94–23986 Filed 9–27–94; 8:45 am]

BILLING CODE 4210–27–M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[CO–920–94–4120–03; COC 56520]

Colorado; Notice of Invitation for Coal Exploration License Application, Mountain Coal Company

Pursuant to the Mineral Leasing Act of February 25, 1920, as amended, and to Title 43, Code of Federal Regulations, Subpart 3410, members of the public are hereby invited to participate with Mountain Coal Company in a program for the exploration of unleased coal deposits owned by the United States of America in the following described lands located in Gunnison County, Colorado:

T. 13 S., R. 90 W., 6th P.M.
Sec. 10, SE¼SE¼;
Sec. 11, lots 9 to 12, inclusive and SW¼SW¼;
Sec. 14, lots 3 to 6, and 11 to 14, inclusive;
Sec. 15, lots 1 to 4, inclusive.

The area described contains approximately 642.75 acres.

The application for coal exploration license is available for public inspection during normal business hours under serial number COC 56520 at the Bureau of Land Management (BLM), Colorado State Office, 2850 Youngfield Street, Lakewood, Colorado 80215, and at the Montrose District Office, 2465 South Townsend Avenue, Montrose, Colorado 81401.

Written Notice of Intent to Participate should be addressed to the attention of the following persons and must be received by them within 30 days after publication of the Notice of Invitation in the **Federal Register**.

James E. Edwards, Jr., Management Team, Resource Services, Colorado State Office, Bureau of Land Management, 2850 Youngfield Street, Lakewood, Colorado 80215

and

Mark W. Scanlon, Sr. Geologist, Mountain Coal Company, P.O. Box 591, Somerset, Colorado 81434

Any party electing to participate in this program must share all costs on a pro rata basis with the applicant and with any other party or parties who elect to participate.

Dated: September 19, 1994.

James E. Edwards, Jr.,

Management Team Resource Services.

[FR Doc. 94–23934 Filed 9–27–94; 8:45 am]

BILLING CODE 4310–JB–M

[AZ 054–04–4350–01; AZA 28488]

Arizona: Realty Action; Classification of Public Lands for Lease or Conveyance for Recreation and Public Purposes in Bullhead City, Mohave County, AZ

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of Realty Action.

SUMMARY: The following public land in Bullhead City, Mohave County, Arizona, has been examined and found suitable for classification for lease or conveyance to the Bullhead City Fire Department under the provisions of the Recreation and Public Purposes Act, as amended (43 U.S.C. 869, et seq.). The land will be used for a fire station and ambulance substation.

Gila and Salt River Meridian, Arizona

T. 20 N., R. 21 W.,
Sec. 20, N½N½NW¼NW¼SW¼ (within).

The area described contains 2.33 acres, more or less.

The lands are not needed for Federal purposes. Lease or conveyance is consistent with the current Bureau land use planning and would be in the public interest.

The lease or conveyance, when issued, will be subject to the following terms, conditions, and reservations:

1. Provisions of the Recreation and Public Purposes Act and to all applicable regulations of the Secretary of the Interior.

2. A right-of-way for ditches and canals constructed by the authority of the United States.

3. All minerals shall be reserved to the United States, together with the right to prospect for, mine, and remove the minerals.

4. Right-of-way to Citizens Utilities Rural Company for a water storage tank (AZA 18636).

5. Right-of-way to Mohave County Board of Supervisors for a road (Silver Creek Wash Road) (AZA 20912).

6. Right-of-way to City of Bullhead City for a road (Bullhead Parkway) (AZA 24554).

DATES: On or before November 14, 1994, interested persons may submit comments regarding the proposed lease or conveyance or classification of the lands to the Area Manager, Bureau of Land Management, 3189 Sweetwater Avenue, Lake Havasu City, Arizona 86406. Any adverse comment will be reviewed by the District Manager. In the absence of any adverse comments, the classification will become effective 60 days from the date of publication of this notice in the **Federal Register**. Upon publication of this notice in the **Federal Register**, the lands will be segregated from all other forms of appropriation under the public land laws, including the general mining laws, except for lease or conveyance under the Recreation and Public Purposes Act and leasing under the mineral leasing laws.

FOR FURTHER INFORMATION CONTACT: Karen Montgomery, Realty Specialist, Bureau of Land Management, Havasu Resource Area, 3189 Sweetwater Avenue, Lake Havasu City, Arizona 86406, (602) 855–8017.

CLASSIFICATION COMMENTS: Interested parties may submit comments involving the suitability of the land for a fire station. Comments on the classification are restricted to whether the land is physically suited for the proposal, whether the use will maximize the future use or uses of the land, whether the use is consistent with local planning and zoning, or if the use is consistent with State and Federal programs.

APPLICATION COMMENTS: Interested parties may submit comments regarding the specific use proposed in the application and plan of development, whether the BLM followed proper administrative procedures in reaching the decision, or any other factor not directed related to the suitability of the land for a fire station.

Dated: September 19, 1994.

Maureen A. Merrell,

Acting District Manager.

[FR Doc. 94–23933 Filed 9–27–94; 8:45 am]

BILLING CODE 4310–32–P

[AZ–055–04–4210–03; AZA 25991]

Arizona; La Paz County, Notice of Realty Action Lease/Conveyance, Yuma District, AZ

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of Realty Action Recreation and Public Purposes Act Classification in La Paz County, Arizona.

SUMMARY: The following public lands in the town of Quartzsite, Arizona, have been examined and found suitable for classification for lease or conveyance for recreational or public purposes under the provisions of the Recreation and Public Purposes Act, as amended (43 U.S.C. 869 et seq.):

Gila and Salt River Meridian, Arizona

T. 3N., R. 19 W.,
Sec. 28, N½NW¼NW¼NW¼;

T. 4 N., R. 19 W.,
Sec. 19, E½, NW¼, E½SW¼, NW¼SW¼, N½SW¼SW¼;
Sec. 17, all;
Sec. 20, all;
Sec. 21, W½NE¼, N½NW¼, N½SW¼NW¼, NE¼SE¼NW¼, S½S½SW¼ excluding 23.969 acres under recreation and public purposes classification and lease AZA–22501;
Sec. 22, NE¼, E½SE¼, E½E½NW¼SE¼, SW¼SE¼;
Sec. 23, N½, N½S½, S½NE¼SW¼SW¼, NW¼SW¼SW¼, SE¼SW¼SW¼, N½SE¼SW¼, SW¼SE¼SW¼, N½S½SE¼, N½SW¼SW¼SE¼, SE¼SW¼SW¼SE¼, SE¼SE¼SW¼SE¼, E½SW¼SE¼SE¼, W½SE¼SE¼SE¼;
Sec. 26, S½NE¼NE¼NE¼NE¼, NW¼NE¼NE¼NE¼, S½NE¼NE¼NE¼, E½NW¼NE¼NE¼, S½NW¼NW¼NE¼NE¼, SW¼NW¼NE¼NE¼, S½NE¼NE¼, NE¼NE¼NW¼NE¼, S½NE¼NW¼NE¼, NE¼NW¼NW¼NE¼, S½NW¼NW¼NE¼, S½NW¼NE¼, S½NE¼, S½NE¼NE¼NW¼, NW¼NE¼NW¼, S½NE¼NW¼, SE¼NW¼;
Sec. 28, NW¼SE¼;
Sec. 29, NW¼NE¼, N½NW¼, S½SW¼.

The areas described aggregate 3,463.531 acres, more or less.

SUPPLEMENTARY INFORMATION: This action is a motion by the Bureau of Land Management to make lands available to support community expansion. These lands were identified in the Yuma District Resource Management Plan, as amended, as having potential for disposal. Lease or conveyance of the lands for recreational or public purposes would be in the public interest.

Lease or conveyance of the lands will be subject to the following terms, conditions, and reservations:

1. Provisions of the Recreation and Public Purposes Act and all applicable regulations of the Secretary of the Interior.

2. Rights-of-way for ditches and canals constructed by the authority of the United States.

3. All valid existing rights documented on the official public land records at the time of lease/patent issuance.

4. All minerals shall be reserved to the United States, together with the right to prospect for, mine, and remove the minerals.

5. Any other reservations that the authorized officer determines appropriate to ensure public access and proper management of Federal lands and interests therein.

Upon publication of this notice in the Federal Register, the lands will be segregated from all forms of appropriation under the public land laws, including the general mining laws,

except for lease or conveyance under the Recreation and Public Purposes Act and leasing under the mineral leasing laws, and the mineral material disposal laws.

DATES: On or before November 14, 1994, interested persons may submit comments regarding the proposed lease/conveyance or classification of the lands to the District Manager, Yuma District Office, 3150 Winsor Avenue, Yuma, Arizona 85365, (602) 726–6300. Any adverse comments will be reviewed by the State Director. In the absence of any adverse comments, the classification will become effective 60 days from the date of publication of this notice.

Upon the effective date of classification, the lands will be open to the filing of an application under the Recreation and Public Purposes Act by any interested, qualified applicant. If, after 18 months following the effective date of classification, an application has not been filed, the segregative effect of the classification shall automatically expire and the lands classified shall return to their former status without further action by the authorized officer.

FOR FURTHER INFORMATION CONTACT: Detailed information concerning this action is available for review at the office of the Bureau of Land Management, Yuma District Office, 3150 Winsor Avenue, Yuma, Arizona 85365.

Dated: September 19, 1994.

Judith I. Reed,

District Manager.

[FR Doc. 94–23935 Filed 9–27–94; 8:45 am]

BILLING CODE 4310–32–M

Fish and Wildlife Service

Notice of Availability of a Draft Recovery Plan for the Mobile River Basin Aquatic Ecosystem for Review and Comment

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of document availability and public comment period.

SUMMARY: The U.S. Fish and Wildlife Service (Service) announces the availability for public review of a draft recovery plan for the Mobile River Basin aquatic ecosystem, an area in Alabama with portions extending into east Mississippi and northwest Georgia. This plan specifically addresses the recovery objectives, criteria, and tasks for 1 fish (goldline darter, *Percina aurolineata*), 11 mussels (Alabama moccasinshell, *Medionidus acuitissiumus;* orange-nacre mucket, *Lampsilis perovalis;* fine-line pocketbook, *Lampsilis altilis;* southern acornshell, *Epioblasma othcaloogensis;* uplan combshell, *Epioblasma metastriata;* Coosa moccasinshell, *Medionidus parvulus;* ovate clubshell, *Pleurobema perovatum;* southern clubshell, *Pleurobema decisum*; dark pigtoe, *Pleurobema furvum;* southern pigtoe, *Pleurobema georgianum;* triangular kidneyshell, *Ptychobrachus greenii*), and 1 aquatic snail *(Tulotoma magnifica).* Additionally, it complements recovery plans previously developed for another 17 listed aquatic species within the Mobile River Basin. The Service solicits review and comment from the public on this draft plan.

DATES: Comments on the draft recovery plan must be received on or before December 1, 1994, to receive consideration by the Service.

ADDRESSES: Persons wishing to review the draft recovery plan may obtain a copy by contacting the Jackson Field Office, U.S. Fish and Wildlife Service, 6578 Dogwood View Parkway, Suite A, Jackson, Mississippi 39213. Written comments and materials regarding the plan should be addressed to the Field Supervisor at the above address. Comments and materials received are available on request for public inspection, by appointment, during normal business hours at the above address.

FOR FURTHER INFORMATION CONTACT: Paul Hartfield at the above address (601/965–4900, ext. 25).

SUPPLEMENTARY INFORMATION:

Background

Restoring endangered or threatened animals and plants to the point where they are again secure, self-sustaining members of their ecosystems is a primary goal of the U.S. Fish and Wildlife Service's endangered species program. To help guide the recovery effort, the Service is working to prepare recovery plans for most of the listed species native to the United States. Recovery plans describe actions considered necessary for conservation of the species, establish criteria for the recovery levels for downlisting or delisting them, and estimate time and cost for implementing the recovery measures needed.

The Endangered Species Act of 1973 (Act), as amended (16 U.S.C. 1531 *et seq.*) requires the development of recovery plans for listed species unless such a plan would not promote the conservation of a particular species. Section 4(f) of the Act, as amended in 1988, requires that a public notice and an opportunity for public review and comment be provided during recovery plan development. The Service will consider all information presented during a public comment period prior to approval of each new or revised recovery plan. The Service and other Federal agencies will also take these comments into account in the course of implementing approved recovery plans.

The species considered in this draft recovery plan are the goldline darter *(Percina aurolineata),* Alabama moccasinshell *(Medionidus acutissimus),* orange-nacre mucket *(Lampsilis perovalis),* fine-lined pocketbook *(Lampsilis altilis),* southern acornshell *(Epioblasma othcaloogensis),* upland combshell *(Epioblasma metastriata),* Coosa moccasinshell *(Medionidus parvulus),* ovate clubshell *(Pleurobema perovatum),* southern clubshell *(Pleurobema decisum),* dark pigtoe *(Pleurobema furvum),* southern pigtoe *(Pleurobema georgianum),* triangular kidneyshell *(Ptychobranchus greeni),* and the tulotoma snail *(Tulotoma magnifica).* The goldline darter was listed as threatened in 1992 due to a suspected decline in historic range, population fragmentation and isolation, and existing threats to extant populations due to water quality degradation. In 1993, eight of the 11 mussels were listed as endangered, and three as threatened due to habitat loss and fragmentation resulting from impoundment and their vulnerability to existing sources of habitat and water quality degradation. The tulotoma snail was listed as endangered in 1991 due to the loss of more than 90 percent of its historic habitat, and the isolation and vulnerability of surviving populations.

The recovery objective of the draft plan is to protect the Basin's native aquatic fauna and flora by achieving ecosystem stabilization. Specific recovery objectives include reclassification and eventual delisting of the tulotoma snail; delisting of the goldline darter; and preventing the extinction of the eight endangered mussels and the continued decline of the three threatened mussels. Actions needed for ecosystem stabilization will require protection of habitat integrity and water quality by full and appropriate implementation of Federal and State regulatory authorities; development and implementation of Best Management Practices and Water Quality Plans for construction, agriculture, urban, and suburban activities that affect aquatic ecosystems; development and implementation of Drainage Management Plans that address problems specific to drainages occupied by listed species; development, funding, and implementation of programs that

educate and directly involve the general public in ecosystem recovery; and basic research on life history, ecology, anatomy, taxonomy, contaminant sensitivities, and propagation technology of listed and candidate species.

This Plan is being submitted for technical/agency review. After consideration of comments received during the review period, it will be submitted for final approval.

Public Comments Solicited

The Service solicits written comments on the recovery plan described. All comments received by the date specified above will be considered prior to approval of the plan.

Authority

The authority for this action is Section 4(f) of the Endangered Species Act, 16 U.S.C. 1533(f).

Dated: September 21, 1994.

Robert Bowker,

Field Supervisor.

[FR Doc. 94–23902 Filed 9–27–94; 8:45 am]

BILLING CODE 4310–55–M

Notice of Receipt of Applications for Permit

The following applicants have applied for a permit to conduct certain activities with endangered species. This notice is provided pursuant to Section 10(c) of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531, *et seq.*):

Applicant: World Center for Exotic Birds, Las Vegas, NV, PRT–794818.

The applicant requests a permit to purchase in interstate commerce a pair of wild caught Andean Condors (*Vultur gryphus*) from the Buffalo Zoological Gardens, Buffalo, New York, to enhance the survival of the species through propagation.

Applicant: Panamerican Marketing, Inc., San Antonio, TX, PRT–794810.

The applicant requests a permit to export a pair of South American tapirs (*Tapirus terrestris*) to the museum park "La Venta", Villahermosa, Tabasco, Mexico for the enhancement of the survival of species through propagation and education.

Applicant: Rex B. Shafer, Richfield, MN, PRT–794627.

The applicant requests a permit to import a sport-hunted trophy of one male bontebok (*Damaliscus dorcas dorcas*) culled from the captive herd maintained by Mr. M.G. Weinand, Longwood, Republic of South Africa, for the purpose of enhancement of the survival of the species.

Written data or comments should be submitted to the Director, U.S. Fish and Wildlife Service, Office of Management Authority, 4401 North Fairfax Drive, Room 420(c), Arlington, Virginia 22203 and must be received by the Director within 30 days of the date of this publication.

Documents and other information submitted with these applications are available for review, *subject to the requirements of the Privacy Act and Freedom of Information Act,* by any party who submits a written request for a copy of such documents to the following office within 30 days of the date of publication of this notice: U.S. Fish and Wildlife Service, Office of Management Authority, 4401 North Fairfax Drive, Room 420(c), Arlington, Virginia 22203. Phone: (703/358–2104); FAX: (703/358–2281).

Dated: September 23, 1994.

Caroline Anderson,

Acting Chief, Branch of Permits, Office of Management Authority.

[FR Doc. 94–23961 Filed 9–27–94; 8:45 am]

BILLING CODE 4310–55–P

Minerals Management Service

Meetings of the Federal Gas Valuation Negotiated Rulemaking Committee

AGENCY: Minerals Management Service, Interior.

ACTION: Notice of meetings.

SUMMARY: The Secretary of the Department of the Interior (Department) has established a Federal Gas Valuation Negotiated Rulemaking Committee (Committee) to develop specific recommendations with respect to Federal gas valuation pursuant to its responsibilities imposed by the Federal Oil and Gas Royalty Management Act of 1982, 30 U.S.C. 1701 *et seq.* (FOGRMA). The Department has determined that the establishment of this Committee is in the public interest and will assist the Agency in performing its duties under FOGRMA.

DATES: The Committee will have meetings as shown below:

Monday, October 24, 1994, 10:00 a.m.–5:00 p.m.

Tuesday, October 25, 1994, 8:00 a.m.–5:00 p.m.

Wednesday, October 26, 1994, 8:00 a.m.–12:00 p.m.

ADDRESSES: The meetings will be held in the auditorium of building 85 on the Denver Federal Center, West Sixth Avenue and Kipling Street, Lakewood, Colorado.

Written statements may be submitted to Ms. Deborah Gibbs Tschudy, Chief, Valuation and Standards Division, Minerals Management Service, Royalty Management Program, P.O. Box 25165, MS–3150, Denver, CO 80225–0165.

FOR FURTHER INFORMATION CONTACT: Ms. Deborah Gibbs Tschudy, Chief, Valuation and Standards Division, Minerals Management Service, Royalty Management Program, P.O. Box 25165, MS–3150, Denver, Colorado, 80225–0165, telephone number (303) 275–7200, fax number (303) 275–7227.

SUPPLEMENTARY INFORMATION: The location and dates of future meetings will be published in the **Federal Register.**

The meeting will be open to the public without advanced registration. Public attendance may be limited to the space available. Members of the public may make statements during the meeting, to the extent time permits, and file written statements with the Committee for its consideration.

Written statements should be submitted to the address listed above. Minutes of Committee meetings will be available for public inspection and copying 10 days following each meeting at the same address. In addition, the materials received to date during the input sessions are available for inspection and copying at the same address.

Dated: September 22, 1994.

James W. Shaw,

Associate Director for Royalty Management.

[FR Doc. 94–23946 Filed 9–27–94; 8:45 am]

BILLING CODE 4310–MR–P

INTERSTATE COMMERCE COMMISSION

[Docket No. AB–55 (Sub-No. 494X)]

CSX Transportation, Inc.—Discontinuance of Trackage Rights Exemption—Vanderburgh, Warrick, Gibson, and Pike Counties, IN

CSX Transportation, Inc. (CSXT), has filed a notice of exemption under 49 CFR Part 1152 Subpart F—*Exempt Abandonments and Discontinuances of Trackage Rights* to discontinue its trackage rights over approximately 26.9 miles of rail line owned by Indiana Southern Railroad, Inc. (ISRR) (1) Extending from milepost 163.9, at Straight Line Junction near Evansville, to milepost 140.2, at Gray Junction, and (2) extending from milepost 0.0, at Gray Junction, to milepost 3.2, at Oakland City Junction, in Vanderburgh, Warrick, Gibson and Pike Counties, IN.[1] CSXT

[1] Under 49 CFR 1152.50(d)(2), the railroad must file a verified notice with the Commission at least

Continued

indicates that ISRR will continue to provide rail service over the line.

CSXT has certified with respect to the trackage rights involved here that: (1) No local traffic has moved over the line for at least 2 years; (2) any overhead traffic on the line has been rerouted over other lines; (3) no formal complaint filed by a user of rail service on the line (or by a state or local government entity acting on behalf of such user) regarding cessation of service over the line either is pending with the Commission or with any U.S. District Court or has been decided in favor of the complainant within the 2-year period; and (4) the requirements at 49 CFR 1105.12 (newspaper publication) and 49 CFR 1152.50(d)(1) (notice to governmental agencies) have been met.[2]

As a condition to use of this exemption, any employee adversely affected by the discontinuance shall be protected under *Oregon Short Line R. Co.—Abandonment—Goshen*, 360 I.C.C. 91 (1979). To address whether this condition adequately protects affected employees, a petition for partial revocation under 49 U.S.C. 10505(d) must be filed.

Provided no formal expression of intent to file an offer of financial assistance (OFA) has been received, this exemption will be effective on October 28, 1994, unless stayed pending reconsideration. Petitions to stay must be filed by October 11, 1994. Petitions to reopen must be filed by October 18, 1994, with: Office of the Secretary, Case Control Branch, Interstate Commerce Commission, Washington, DC 20423.[3]

A copy of any petition filed with the Commission should be sent to applicant's representative: Charles M. Rosenberger, 500 Water Street, J150, Jacksonville, FL 32202.

If the notice of exemption contains false or misleading information, the exemption is void ab initio.

Decided: September 20, 1994.

By the Commission, David M. Konschnik, Director, Office of Proceedings.

Vernon A. Williams,

Acting Secretary.

[FR Doc. 94–24028 Filed 9–27–94; 8:45 am]

BILLING CODE 7035–01–P

50 days before the abandonment or discontinuance is to be consummated. The applicant, in its verified notice tendered for filing August 24, 1994, indicated a proposed consummation date of October 17, 1994. Because the original filing fee was not received with that filing, a new filing date of September 8, 1994, was entered when a replacement check was received. Now the earliest possible consummation date is October 28, 1994. Applicant's representative has confirmed that the correct consummation date is on or after October 28, 1994.

[2] No environmental or historical documentation is required here under 49 CFR 1105.6(b)(3).

[3] Because this is only a discontinuance proceeding and ISRR will continue to provide service over the line, the routine provisions for trail use/rail banking or public use conditions provided for in abandonment proceedings are not appropriate here.

[Docket No. AB–55 (Sub-No. 492X)]

CSX Transportation Inc.—Abandonment Exemption—In Atlanta, Fulton County, GA

CSX Transportation, Inc. (CSXT) has filed a notice of exemption under 49 CFR Part 1152 Subpart F—*Exempt Abandonments* to abandon a portion of its line of railroad between milepost ANB–862.9 near Bankhead Avenue and milepost ANB–863.4 at the end of the track, a distance of approximately 0.5 miles, in Atlanta, Fulton County, GA.

CSXT has certified that: (1) No local traffic has moved over the line for at least 2 years; (2) there is no overhead traffic on the line; (3) no formal complaint filed by a user of rail service on the line (or by a state or local government entity acting on behalf of such user) regarding cessation of service over the line either is pending with the Commission or with any U.S. District Court or has been decided in favor of the complainant within the 2-year period; and (4) the requirements at 49 CFR 1105.7 (environmental report), 49 CFR 1105.8 (historic report), 49 CFR 1105.11 (transmittal letter), 49 CFR 1105.12 (newspaper publication), and 49 CFR 1152.50(d)(1) (notice to government agencies) have been met.

As a condition to use of this exemption, any employee adversely affected by the abandonment shall be protected under *Oregon Short Line R. Co.—Abandonment—Goshen*, 360 I.C.C. 91 (1979). To address whether this condition adequately protects affected employees, a petition for partial revocation under 49 U.S.C. 10505(d) must be filed.

Provided no formal expression of intent to file an offer of financial assistance (OFA) has been received, this exemption will be effective on October 28, 1994, unless stayed pending reconsideration. Petitions to stay that do not involve environmental issues,[1] formal expressions of intent to file an OFA under 49 CFR 1152.27(c)(2),[2] and trail use/rail banking requests under 49 CFR 1152.29[3] must be filed by October 7, 1994. Petitions to reopen or requests for public use conditions under 49 CFR 1152.28 must be filed by October 18, 1994, with: Office of the Secretary, Case Control Branch, Interstate Commerce Commission, Washington DC 20423.

A copy of any petition filed with the Commission should be sent to applicant's representative: Charles M. Rosenberger, CSX Transportation, Inc., J150, 500 Water Street, Jacksonville, FL 32202.

If the notice of exemption contains false or misleading information, the use of the exemption is void *ab initio*.

CSXT has filed an environmental report which addresses the abandonment's effects, if any, on the environment and historic resources. The Section of Environmental Analysis (SEA) will issue an environmental assessment (EA) by October 3, 1994. Interested persons may obtain a copy of the EA by writing to SEA (Room 3219, Interstate Commerce Commission, Washington, DC 20423) or by calling Elaine Kaiser, Chief of SEA, at (202) 927–6248. Comments on environmental and historic preservation matters must be filed within 15 days after the EA becomes available to the public.

Environmental, historic preservation, public use, or trail use/rail banking conditions will be imposed, where appropriate, in a subsequent decision.

Decided: September 22, 1994.

By the Commission, David M. Konschnik, Director, Office of Proceedings.

Vernon A. Williams,

Acting Secretary.

[FR Doc. 94–24027 Filed 9–27–94; 8:45 am]

BILLING CODE 7035–01–P

[1] A stay will be issued routinely by the Commission in those proceedings where an informed decision on environmental issues (whether raised by a party or by the Commission's Section of Environmental Analysis in its independent investigation) cannot be made prior to the effective date of the notice of exemption. See *Exemption of Out-of-Service Rail Lines*, 5 I.C.C.2d 377 (1989). Any entity seeking a stay on environmental concerns is encouraged to file its request as soon as possible in order to permit this Commission to review and act on the request before the effective date of this exemption.

[2] See *Exempt. of Rail Abandonment—Offers of Finan. Assist.*, 4 I.C.C.2d 164 (1987).

[3] The Commission will accept a late-filed trail use request as long as it retains jurisdiction to do so.

DEPARTMENT OF JUSTICE

Information Collections Under Review

The Office of Management and Budget (OMB) has been sent the following collection(s) of information proposals for review under the provisions of the Paperwork Reduction Act (44 USC Chapter 35) and the Paperwork Reduction Reauthorization Act since the last list was published. Entries are grouped into submission categories, with each entry containing the following information:

(1) The title of the form/collection;
(2) The agency form number, if any, and the applicable component of the Department sponsoring the collection;
(3) How often the form must be filled out or the information is collected;
(4) Who will be asked or required to respond, as well as a brief abstract;
(5) An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond;
(6) An estimate of the total public burden (in hours)
(7) An indication as to whether Section 3504(h) of Public Law 96–511 applies.

Comments and/or suggestions regarding the item(s) contained in this notice, especially regarding the estimated public burden and associated response time, should be directed to the OMB reviewer, Mr. Jeff Hill on (202) 395–7340 and to the Department of Justice's Clearance Officer, Mr. Robert B. Briggs, on (202) 514–4319. If you anticipate commenting on a form/collection, but find that time to prepare such comments will prevent you from prompt submission, you should notify the OMB reviewer and the DOJ Clearance Officer of your intent as soon as possible.

Written comments regarding the burden estimate or any other aspect of the collection may be submitted to Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, DC 20503, and to Mr. Robert B. Briggs, Department of Justice Clearance Officer, Systems Policy Staff/Information Resources Management/Justice Management Division, Suite 850, WCTR, Washington, DC 20530.

Extension of the expiration date of a currently approved collection without any change in the substance or in the method of collection.

(1) Notice To Student or Exchange Visitor.

(2) I–515, Immigration and Naturalization Service.

(3) On Occasion.

(4) Individuals or households. The Form I–515 is used to notify students or exchange visitors admitted to the United States as nonimmigrants that they have been admitted without required forms and that they have 30 days to present the required forms and themselves to the appropriate office for correct processing.

(5) 3,000 respondents @ .083 hours per response.

(6) 249 annual burden hours.

(7) Not applicable under Section 3504(h).

Public comment on this item is encouraged.

Dated: September 22, 1994.

Robert B. Briggs,

Department Clearance Officer, United States Department of Justice.

[FR Doc. 94–23903 Filed 9–27–94; 8:45 am]

BILLING CODE 4410–10–M

Information Collections Under Review

The Office of Management and Budget (OMB) has been sent the following collection(s) of information proposals for review under the provisions of the Paperwork Reduction Act (44 USC Chapter 35) and the Paperwork Reduction Reauthorization Act since the last list was published. Entries are grouped into submission categories, with each entry containing the following information:

(1) The title of the form/collection;
(2) The agency form number, if any, and the applicable component of the Department sponsoring the collection;
(3) How often the form must be filled out or the information is collected;
(4) Who will be asked or required to respond, as well as a brief abstract;
(5) An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond;
(6) An estimate of the total public burden (in hours) associated with the collection; and,
(7) An indication as to whether Section 3504(h) of Public Law 96–511 applies.

Comments and/or suggestions regarding the item(s) contained in this notice, especially regarding the estimated public burden and associated response time, should be directed to the OMB reviewer, Mr. Jeff Hill on (202) 395–7340 and to the Department of Justice's Clearance Officer, Mr. Robert B. Briggs, on (202) 514–4319. If you anticipate commenting on a form/collection, but find that time to prepare such comments will prevent you from prompt submission, you should notify the OMB reviewer and the DOJ Clearance Officer of your intent as soon as possible.

Written comments regarding the burden estimate or any other aspect of the collection may be submitted to Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, DC 20503, and to Mr. Robert B. Briggs, Department of Justice Clearance Officer, Systems Policy Staff/Information Resources Management/Justice Management Division, Suite 850, WCTR, Washington, DC 20530.

Extension of the expiration date of a currently approved collection without any change in the substance or in the method of collection.

(1) Application For Voluntary Departure Under The Family Unity Program.

(2) I–817, Immigration and Naturalization Service.

(3) On occasion.

(4) Individuals or households. The Family Unity Program provides benefits for the spouse and unmarried children under 18 years of age who are not eligible for the same status of the alien they are related to; they are eligible for voluntary departure and employment authorization.

(5) 30,000 respondents @ 2.583 hours per response.

(6) 77,490 annual burden hours.

(7) Not applicable under section 3504(h).

Public comment on this item is encouraged.

Dated: September 22, 1994.

Robert B. Briggs,

Department Clearance Officer, United States Department of Justice.

[FR Doc. 94–23904 Filed 9–27–94; 8:45 am]

BILLING CODE 4410–10–M

Drug Enforcement Administration

Manufacturer of Controlled Substances; Notice of Application

Pursuant to Section 1301.43(a) of Title 21 of the Code of Federal Regulations (CFR), this is notice that on September 6, 1994, Nycomed Production Inc., formerly Sanofi Winthrop L.P., DBA Sterling Organics, 33 Riverside Avenue, Rensselaer, New York 12144, made application to the Drug Enforcement Administration (DEA) for registration as a bulk manufacturer of the Schedule II controlled substance Meperidine (9230).

Any other such applicant and any person who is presently registered with DEA to manufacture such substances may file comments or objections to the issuance of the above application and may also file a written request for a hearing thereon in accordance with 21 CFR 1301.54 and in the form prescribed by 21 CFR 1316.47.

Any such comments, objections, or requests for a hearing may be addressed to the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration, United States Department of Justice, Washington, DC 20537, Attention: DEA Federal Register Representative (CCR), and must be filed no later than October 28, 1994.

Dated: September 21, 1994.

Gene R. Haislip,

Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration.

[FR Doc. 94–23974 Filed 9–27–94; 8:45 am]

BILLING CODE 4410–09–M

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

National Endowment for the Arts; Notice of Meeting

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), as amended, notice is hereby given that a meeting of the Challenge and Advancement Advisory Panel (Interdisciplinary Section) to the National Council on the Arts will beheld on October 6, 1994 form 10:00 a.m. to 5:30 p.m. in Room 730, at the Nancy Hanks Center, 1100 Pennsylvania Avenue, NW., Washington, DC 20506.

Portions of this meeting will be open to the public from 10:00 a.m. to 10:30 a.m., for introductions and from 5:00 p.m. to 5:30 p.m. on, 1994 for a policy discussion.

The remaining portion of this meeting from 10:30 a.m. to 5:00 p.m. is for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National foundation on the Arts and the Humanities Act of 1965, as amended, including information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman of February 8, 1994, this session will be closed to the public pursuant to subsection (c)(4), (6) and (9)(B) of section 552b of Title 5, United States Code.

Any person may observe meetings, or portions thereof, of advisory panels which are open to the public, and may be permitted to participate in the panel's discussions at the discretion of the panel chairman and with the approval of the full-time Federal employee in attendance.

If you need special accommodations due to a disability, please contact the Office of Special Constituencies, National Endowment for the Arts, 1100 Pennsylvania Avenue, NW., Washington, DC 20506, 202/682–5532, TYY 202/682–5496, at least seven (7) days prior to the meeting.

Further information with reference to this meeting can be obtained form Ms. Yvonee Sabine, Committee Management Officer, National Endowment for the Arts, Washington, DC 20506, or call 202/682–5439.

Dated: September 22, 1994.

Yvonne M. Sabine,

Director, Office of Panel Operations, National Endowment for the Arts.

[FR Doc. 94–23914 Filed 9–27–94; 8:45 am]

BILLING CODE 7537–01–M

National Endowment for the Arts; Notice of Meeting

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), as amended, notice is hereby given that a meeting of the Challenge and Advancement Advisory Panel (Advancement Phase II Grant Section) to the National Council on the Arts will be held on October 12–13, 1994. The panel will meet from 10 a.m. to 5:30 p.m. on October 12, 1994 and from 9 a.m. to 3 p.m. on October 13, 1994. This meeting will be held in room 716, at the Nancy Hanks Center, 1100 Pennsylvania Avenue, NW., Washington, DC 20506.

A portion of this meeting will be open to the public from 2 p.m. to 3 p.m. on October 13, 1994 for a policy discussion.

The remaining portions of this meeting from 10 a.m. to 5:30 p.m. on October 12, 1994 and from 9 a.m. to 2 p.m. are for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman of February 8, 1994, these sessions will be closed to the public pursuant to subsection (c)(4), (6) and (9)(B) of section 552b of Title 5, United States Code.

Any person may observe meetings, or portions thereof, of advisory panels which are open to the public, and may be permitted to participate in the panel's discussions at the discretion of the panel chairman and with the approval of the full-time Federal employee in attendance.

If you need accommodations due to a disability, please contact the Office of Special Constituencies, National Endowment for the Arts, 1100 Pennsylvania Avenue, NW., Washington, DC 20506, 202/682–5532, TYY 202/682–5496, at least seven (7) days prior to the meeting.

Further information with reference to this meeting can be obtained from Ms. Yvonne Sabine, Committee Management Officer, National Endowment for the Arts, Washington, DC 20506, or call 202/682–5439.

Dated: September 22, 1994.

Yvonne M. Sabine,

Director, Office of Panel Operations, National Endowment for the Arts.

[FR Doc. 94–23915 Filed 9–27–94; 8:45 am]

BILLING CODE 7537–01–M

Literature Advisory Panel; Notice of Meeting

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (Public Law 92–463), as amended, notice is hereby given that meeting of the Literature Advisory Panel (Creative Writers Fellowships: Poetry Section) to the National Council on the Arts will be held on October 5–7, 1994 from 9:00 a.m. to 5:30 p.m. on October 5, 1994, from 9:00 a.m. to 6:30 p.m. on October 6, 1994, and from 9:00 a.m. to 5:00 p.m. on October 7, 1994. This meeting will be held in Room M–07, at the Nancy Hanks Center, 1100 Pennsylvania Avenue, NW., Washington, DC 20506.

A portion of this meeting will be open to the public from 3:00 p.m. to 5:00 p.m. on October 7, 1994 for a policy discussion.

The remaining portions of this meeting from 9:00 a.m. to 5:30 p.m. on October 5, 1994, from 9:00 a.m. to 6:30 p.m., on October 6, 1994, and from 9:00 a.m. to 3:00 p.m. on October 7, 1994 are for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman of February 8, 1994, these sessions will be closed to the public pursuant to subsection (c)(4), (6) and (9)(B) of section 552b of Title 5, United States Code.

Any person may observe meetings, or portions thereof, of advisory panels which are open to the public, and may be permitted to participate in the panel's discussions at the discretion of the panel chairman and with the approval of the full-time Federal employee in attendance.

If you need special accommodations due to a disability, please contact the Office of Special Constituencies, National Endowment for the Arts, 1100 Pennsylvania Avenue, NW., Washington, DC 20506, 202/682–5532, TYY 202/682–5496, at least seven (7) days prior to the meeting.

Further information with reference to this meeting can be obtained from Ms. Yvonne Sabine, Committee Management

Officer, National Endowment for the Arts, Washington, DC 20506, or call 202/682–5439.

Dated: September 22, 1994.

Yvonne M. Sabine,

Director, Office of Panel Operations, National Endowment for the Arts.

[FR Doc. 94–23913 Filed 9–27–94; 8:45 am]

BILLING CODE 7537–01–M

NUCLEAR REGULATORY COMMISSION

Advisory Committee on Nuclear Waste Working Group Meeting on Groundwater Dating; Meeting

The ACNW Working Group on Groundwater Dating will hold a meeting on October 21, 1994, at the Hotel San Remo, 115 E. Tropicana Avenue, Las Vegas, Nevada.

The entire meeting will be open to public attendance.

The agenda for the subject meeting shall be as follows:

Friday, October 21, 1994–8:30 a.m. until the conclusion of business

The purpose of this Working Group meeting on groundwater dating is to examine current methods for dating natural groundwater, including their underlying assumptions, reliabilities, limitations and time scales for application. The Working Group will also assess new or emerging methods that may be applicable to the Yucca Mountain site; and review current results of dating methods used at Yucca Mountain to discern patterns and rates of groundwater flow. In addition, the Working Group will compare those results for consistency, and review the implications of these results to groundwater travel time requirements. The Working Group will bring together experts dealing with different aspects of groundwater dating including those working on aspects of groundwater issues at Yucca Mountain.

Oral statements may be presented by members of the public with the concurrence of the ACNW Working Group Chairman; written statements will be accepted and made available to the Working Group. Electronic recordings will be permitted only during those portions of the meeting that are open to the public, and questions may be asked only by members of the Working Group, its consultants, and staff. Persons desiring to make oral statements should notify the ACNW staff member named below five days prior to the meeting, if possible, so that appropriate arrangements can be made.

During the initial portion of the meeting, the ACNW Working Group, along with any of its consultants who may be present, may exchange preliminary views regarding matters to be considered during the balance of the meeting.

The ACNW Working Group will then hear presentations by and hold discussions with representatives of the NRC staff and their consultants, national laboratories, State officials, and other interested parties, as appropriate.

Further information regarding the agenda for this meeting, 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 therefor can be obtained by a prepaid telephone call to the cognizant ACNW staff member, Ms. Lynn Deering (telephone 301/415–6887) between 8:15 a.m. and 6:00 p.m. (EST). Persons planning to attend this meeting are urged to contact the above named individual five days before the scheduled meeting to be advised of any changes in schedule, etc., that may have occurred.

Dated: September 20, 1994.

R.K. Major,

Chief, Nuclear Waste Branch.

[FR Doc. 94–23947 Filed 9–27–94; 8:45 am]

BILLING CODE 7590–01–M

Public Workshop To Exchange Information and Lessons Learned in Site Characterization for Decommissioning of Radioactively Contaminated Sites

AGENCY: Nuclear Regulatory Commission.

ACTION: Notice of public workshop.

SUMMARY: This notice is to inform the public of a workshop to exchange information and review lessons learned in the characterization of radioactively contaminated decommissioning sites. The workshop will discuss the NRC draft guidance on site characterization for decommissioning and address generic issues related to NRC's decommissioning sites, such as characterization of sites and associated environmental media, types and extent of contamination, and environmental impacts.

DATES AND LOCATION: The workshop will be held on November 29–30, 1994. The first day sessions of the workshop will begin at 8:30 a.m. and continue until 5:30 p.m. The sessions will be held in the main auditorium located at the NRC Headquarters Building, Two White Flint North (TWFN), 11545 Rockville Pike, Rockville, MD 20852–2738, telephone (301) 415–5811. It should be noted that parking at the TWFN building is very limited. The second day sessions will begin at 8:30 a.m. and continue until 5 p.m. These sessions will be held at the Holiday Inn Crowne Plaza, 1750 Rockville Pike, Rockville, MD 20852 (1 mile north of TWFN). For a reservation at the Holiday Inn Crowne Plaza, call the toll free number 1–800–638–5963. Rooms have been reserved at a special group rate (Group GLB) at the Holiday Inn Crowne Plaza and will be held until November 8, 1994.

Background

In 1990 the NRC developed the Site Decommissioning Management Plan (SDMP) to identify and resolve issues associated with the timely remediation of radiologically contaminated sites. In April 1992 the NRC developed an "Action Plan" (57 FR 13389) to ensure timely remediation of SDMP sites. In the action plan, NRC staff identified inadequate site characterization as one of the technical issues that has delayed the timely approval and implementation of site-specific decommissioning actions.

The main objectives of the site characterization for decommissioning include:

- To quantify the physical and chemical characteristics of radiological contamination and to assess the extent of contaminant distribution including the rate(s) of migration.
- To quantify environmental parameters that significantly affect potential human exposure from existing and potential future radiological contamination under unrestricted use conditions.
- To support evaluation of alternative decommissioning actions and detailed planning of a preferred approach for decommissioning, decontamination, and waste management.

The NRC's Office of Nuclear Material Safety and Safeguards (NMSS) has coordinated two public workshops to exchange information and discuss issues identified in the Action Plan. The first workshop was convened on November 19, 1992, and dealt with the overall SDMP and the SDMP Action Plan implementation. The second SDMP workshop was held on June 1, 1994, on the issue of final radiological surveys at SDMP sites. A large number of attendees of the June 1 workshop requested NRC to conduct a similar workshop on site characterization. NRC is now planning to conduct a workshop to exchange information and discuss issues associated with site characterization for decommissioning.

CONDUCT OF THE WORKSHOP: The workshop will be held for two days on November 29–30, 1994. The purpose of the workshop is to discuss site characterization of the SDMP sites, to promote direct interaction among NRC staff, licensees and contractors, federal agencies, states, other interested parties, and members of the public, and to exchange information on site characterization for decommissioning.

The first day of the workshop will comprise plenary sessions that include presentations by speakers from NRC management responsible for

establishing decommissioning policy and those responsible for implementation of the SDMP. NRC speakers will also include technical staff responsible for developing the NRC draft guidance on "Site Characterization for Decommissioning" and those frequently conducting the technical reviews of SDMP site characterization. The workshop will also include key speakers from other federal agencies (e.g., the U.S. Environmental Protection Agency, the U.S. Department of Energy, and the U.S. Department of the Army), NRC licensees, and the Agreement States. The first day's session will address the following topics:

1. NRC's policy on site characterization for decommissioning,
2. The coordinated Federal Manual on Radiological Surveys,
3. EPA, DOE, the U.S. Army and Agreement States views on site characterization,
4. NRC licensees views and experience with site characterization, and
5. NRC guidance and staff experience with SDMP site characterization.

Copies of the NRC's draft guidance "Branch Technical Position On Site Characterization For Decommissioning" will be available at the workshop or may be requested in advance by contacting Boby Eid at (301) 415–5811.

The second day of the workshop will consist of breakout discussion groups. Each attendee should select, in advance, two discussion groups to attend (one from category A and another from category B of the groups listed below). There will be four concurrent discussion groups in two series (A & B) to discuss the following issues:

Group A1 The role of historical site data collection, review, and analysis in optimizing site characterization efforts,

Group A2 Background characterization, sampling, and sample averaging of contaminated media,

Group A3 Groundwater/surface water and associated media characterization,

Group A4 The use of models and codes in site characterization and demonstration of compliance with regulatory guidelines,

Group B1 Prioritization of site characterization activities,

Group B2 Approaches to selection of radiological techniques and methods in site characterization,

Group B3 Significance of direct interaction between licensees, contractors, and the regulators, and

Group B4 The Coordinated Federal Manual on Environmental Radiological Surveys.

After the breakout discussion sessions, all attendees will meet in a final general session where discussion group leaders will summarize any conclusions or observations reached by the discussion groups. All attendees are encouraged to participate in the discussions after each presentation and in the breakout discussion sessions.

REGISTRATION AND FURTHER INFORMATION: Persons interested in attending the workshop should register in advance. For registration and further information, contact Boby Eid at (301) 415–5811 or Mary Hood at (301) 415–6644, from the Low-level Waste and Decommissioning Projects Branch, Division of Waste Management, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555.

Dated at Rockville, MD, this 21st day of September, 1994.

For the U.S. Nuclear Regulatory Commission.

John H. Austin,

Chief, Low-Level Waste and Decommissioning Projects Branch, Division of Waste Management, Office of Nuclear Material Safety and Safeguards.

[FR Doc. 94–23951 Filed 9–27–94; 8:45 am]

BILLING CODE 7590–01–M

Biweekly Notice; Applications and Amendments to Facility Operating Licenses Involving No Significant Hazards Considerations

I. Background

Pursuant to Public Law 97–415, the U.S. Nuclear Regulatory Commission (the Commission or NRC staff) is publishing this regular biweekly notice. Public Law 97–415 revised section 189 of the Atomic Energy Act of 1954, as amended (the Act), to require the Commission to publish notice of any amendments issued, or proposed to be issued, under a new provision of section 189 of the Act. This provision grants the Commission the authority to issue and make immediately effective any amendment to an operating license upon a determination by the Commission that such amendment involves no significant hazards consideration, notwithstanding the pendency before the Commission of a request for a hearing from any person.

This biweekly notice includes all notices of amendments issued, or proposed to be issued from September 2, 1994, through September 16, 1994. The last biweekly notice was published on September 14, 1994 (59 FR 47163).

Notice of Consideration of Issuance of Amendments to Facility Operating Licenses, Proposed No Significant Hazards Consideration Determination, and Opportunity for a Hearing

The Commission has made a proposed determination that the following amendment requests involve no significant hazards consideration. Under the Commission's regulations in 10 CFR 50.92, this means that operation of the facility in accordance with the proposed amendment would not (1) involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety. The basis for this proposed determination for each amendment request is shown below.

The Commission is seeking public comments on this proposed determination. Any comments received within 30 days after the date of publication of this notice will be considered in making any final determination.

Normally, the Commission will not issue the amendment until the expiration of the 30-day notice period. However, should circumstances change during the notice period such that failure to act in a timely way would result, for example, in derating or shutdown of the facility, the Commission may issue the license amendment before the expiration of the 30-day notice period, provided that its final determination is that the amendment involves no significant hazards consideration. The final determination will consider all public and State comments received before action is taken. Should the Commission take this action, it will publish in the **Federal Register** a notice of issuance and provide for opportunity for a hearing after issuance. The Commission expects that the need to take this action will occur very infrequently.

Written comments may be submitted by mail to the Rules Review and Directives Branch, Division of Freedom of Information and Publications Services, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555, and should cite the publication date and page number of this **Federal Register** notice. Written comments may also be delivered to Room 6D22, Two White Flint North, 11545 Rockville Pike, Rockville, Maryland from 7:30 a.m. to 4:15 p.m. Federal workdays. Copies of written comments received may be examined at

the NRC Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC 20555. The filing of requests for a hearing and petitions for leave to intervene is discussed below.

By October 28, 1994, the licensee may file a request for a hearing with respect to issuance of the amendment to the subject facility operating license and any person whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written request for a hearing and a petition for leave to intervene. Requests for a hearing and a petition for leave to intervene shall be filed in accordance with the Commission's "Rules of Practice for Domestic Licensing Proceedings" in 10 CFR Part 2. Interested persons should consult a current copy of 10 CFR 2.714 which is available at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC 20555 and at the local public document room for the particular facility involved. If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission or an Atomic Safety and Licensing Board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition; and the Secretary or the designated Atomic Safety and Licensing Board will issue a notice of a hearing or an appropriate order.

As required by 10 CFR 2.714, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding, and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why internvetion should be permitted with particular reference to the following factors: (1) The Nature of the petitioner's right under the Act to be made a party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. The petition should also identify the specific aspect(s) of the subject matter of the proceeding as to which petitioner wishes to intervene. Any person who has filed a petition for leave to intervene or who has been admitted as a party may amend the petition without requesting leave of the Board up to 15 days prior to the first prehearing conference scheduled in the proceeding, but such an amended petition must satisfy the specificity requirements described above.

Not later than 15 days prior to the first prehearing conference scheduled in the proceeding, a petitioner shall file a supplement to the petition to intervene which must include a list of the contentions which are sought to be litigated in the matter. Each contention must consist of a specific statement of the issue of law or fact to be raised or controverted. In addition, the petitioner shall provide a brief explanation of the bases of the contention and a concise statement of the alleged facts or expert opinion which support the contention and on which the petitioner intends to rely in proving the contention at the hearing. The petitioner must also provide references to those specific sources and documents of which the petitioner is aware and on which the petitioner intends to rely to establish those facts or expert opinion. Petitioner must provide sufficient information to show that a genuine dispute exists with the applicant on a material issue of law or fact. Contentions shall be limited to matters within the scope of the amendment under consideration. The contention must be one which, if proven, would entitle the petitioner to relief. A petitioner who fails to file such a supplement which satisfies these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing, including the opportunity to present evidence and cross-examine witnesses.

If a hearing is requested, the Commission will make a final determination on the issue of no significant hazards consideration. The final determination will serve to decide when the hearing is held.

If the final determination is that the amendment request involves no significant hazards consideration, the Commission may issue the amendment and make it immediately effective, notwithstanding the request for a hearing. Any hearing held would take place after issuance of the amendment.

If the final determination is that the amendment request involves a significant hazards consideration, any hearing held would take place before the issuance of any amendment.

A request for a hearing or a petition for leave to intervene must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: Docketing and Services Branch, or may be delivered to the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC 20555, by the above date. Where petitions are filed during the last 10 days of the notice period, it is requested that the petitioner promptly so inform the Commission by a toll-free telephone call to Western Union at 1–(800) 248–5100 (in Missouri 1–(800) 342–6700). The Western Union operator should be given Datagram Identification Number N1023 and the following message addressed to (*Project Director*): petitioner's name and telephone number, date petition was mailed, plant name, and publication date and page number of this **Federal Register** notice. A copy of the petition should also be sent to the Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555, and to the attorney for the licensee.

Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or requests for a hearing will not be entertained absent a determination by the Commission, the presiding officer or the Atomic Safety and Licensing Board that the petition and/or request should be granted based upon a balancing of factors specified in 10 CFR 2.714(a)(1)(i)–(v) and 2.714(d).

For further details with respect to this action, see the application for amendment which is available for public inspection at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC 20555, and at the local public document room for the particular facility involved.

Carolina Power & Light Company, et al., Docket No. 50–400, Shearon Harris Nuclear Power Plant, Unit 1, Wake and Chatham Counties, North Carolina

Date of amendment request: August 25, 1994.

Description of amendment request: The proposed amendment would revise Technical Specification Table 2.2–1, Reactor Trip System Instrumentation Trip Setpoints, and Table 3.3–4, Engineered Safety Actuation System Instrumentation Trip Setpoints, to reflect a revised steam generator [water] level process measurement accuracy. The steam generator level trip setpoints are not affected by the proposed amendment.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. The proposed amendment does not involve a significant increase in the probability or consequences of an accident previously evaluated.

The Technical Specification Tables 2.2–1 and 3.3–4 which document Total Allowable, Z, and S values are being revised to reflect additional Process Measurement Error uncertainties based upon enhanced knowledge of steam generator performance provided by the Nuclear Steam Supply System (NSSS) vendor. There will be no physical changes to plant equipment, logic, or control as a result of the proposed amendment. The safety-related trip setpoints are not being changed. Therefore, there would be no increase in the probability or consequences of an accident previously evaluated.

2. The proposed amendment does not create the possibility of a new or different kind of accident from any accident previously evaluated.

The propose amendment does not introduce any new equipment, logic, or control functions. The steam generator water level protective setpoints are not being changed. No new common mode failure mechanism is being introduced. Therefore, the proposed changes do not create the possibility of a new or different kind of accident from any accident previously evaluated.

3. The proposed amendment does not involve a significant reduction in the margin of safety.

The proposed amendment revises Technical Specification Tables 2.2–1 and 3.3–4 to more accurately reflect PMA uncertainties based upon enhanced knowledge of the steam generator performance provided by the NSSS vendor. The margin of safety as defined in the Technical Specifications is not reduced by the proposed changes to the Tables. Calculations demonstrate that this requirement is still satisfied with the new values based upon the enhanced understanding of PMA terms. Therefore, the proposed changes do not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Local Public Document Room location: Cameron Village Regional Library, 1930 Clark Avenue, Raleigh, North Carolina 27605.

Attorney for licensee: R. E. Jones, General Counsel, Carolina Power & Light Company, Post Office Box 1551, Raleigh, North Carolina 27602.

NRC Project Director: David B. Matthews.

Duke Power Company, Docket Nos. 50–369 and 50–370, McGuire Nuclear Station, Units 1 and 2, Mecklenburg County, North Carolina

Date of amendment request: August 25, 1994.

Description of amendment request: The requested amendments allow the testing interval for auxiliary feedwater (AFW) system pumps to be increased from monthly to quarterly on a staggered test basis. The proposed amendments are consistent with NRC staff recommendations and guidance contained in NUREG–1366, "Improvements to Technical Specifications Surveillance Requirements" and Generic Letter 93–05, "Line-Item Technical Specifications Improvements to Reduce Surveillance Requirements for Testing During Power Operation."

In addition, the requested amendments incorporate a note from Surveillance Requirement 3.7.5.2 of NUREG–1431, "Revised Standard Technical Specifications, Westinghouse Plants" into the existing McGuire Technical Specifications governing AFW system pump testing. This note clarifies that the turbine-driven AFW pump cannot be tested until the required pressure exists in the secondary side of the steam generator.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

As required by 10 CFR 50.91, this analysis is provided concerning whether the requested amendments involve significant hazards considerations, as defined by 10 CFR 50.92. Standards for determination that an amendment request involves no significant hazards considerations are if operation of the facility in accordance with the requested amendment would not: 1) Involve a significant increase in the probability or consequences of an accident previously evaluated; or 2) Create the possibility of a new or different kind of accident from any accident previously evaluated; or 3) Involve a significant reduction in a margin of safety.

The requested amendments decrease from monthly to quarterly the frequency at which the motor-driven and turbine-driven AFW pumps must be demonstrated operable as specified in TS... 4.7.1.2 (McGuire). They also incorporate a note of clarification from the new Westinghouse STS [Standard Technical Specifications] into the existing... McGuire specification concerning when the pump head or discharge pressure versus flow verification for the turbine-driven pump is required to be performed.

In 48 FR 14870, the Commission has set forth examples of amendments that are considered not likely to involve significant hazards considerations. Example vii describes a change to make a license conform to changes in regulations, where the license change results in very minor changes to facility operations clearly in keeping with the regulations. The requested amendments are similar to example vii in that they result in minor changes to plant surveillance requirements and are consistent with the existing NRC position and guidance contained in NUREG–1366 and Generic Letter 93–05, as well as NUREG–1431. While the issuance of NUREG–1366 and Generic Letter 93–05, as well as NUREG–1341 does not constitute a change in existing regulations, it nevertheless establishes the NRC staff's position concerning the acceptability of decreasing the surveillance frequency of AFW pumps from monthly to quarterly and concerning the acceptability of adopting all or part of the new STS. The requested amendments are consistent with the position of NUREG–1366 and with the guidance of Generic Letter 93–05, as well as with NUREG–1431.

Criterion 1

The requested amendment will not involve a significant increase in the probability or consequences of an accident previously evaluated. Decreasing the frequency of AFW pump testing as specified in TS from monthly to quarterly will have no impact upon the probability of any accident, since the AFW pumps are not accident initiating equipment.

Also, since... McGuire's AFW pump performance histories support making the proposed change, system response following an accident will not be adversely affected. Therefore, the requested amendments will not result in increased accident consequences. ***Incorporating the new STS note will only serve to clarify when the turbine-driven pump is required to be tested and will not have any impact upon either the probability or consequences of any accident. The pump will still be tested as before and its acceptance criteria will be unaffected.

Criterion 2

The requested amendments will not create the possibility of a new or different kind of accident from any accident previously evaluated. As stated above, the AFW pumps are not accident initiating equipment. No new failure modes can be created from an accident standpoint. The plant will not be operated in different manner. ***Incorporating the clarifying note from the new STS will not result in any new accident sequences, since plant operation will be unaffected.

Criterion 3

The requested amendments will not involve a significant reduction in a margin of safety. Plant safety margins will be unaffected by the proposed changes. The AFW pumps will still be capable of fulfilling their required safety function, since plant operating experience supports the proposed change. The availability of the AFW pumps will be increased as a result of the proposed amendments because they will not have to be made unavailable for testing as frequently. Finally, the proposed amendments are

consistent with the NRC position and guidance set forth in NUREG–1366 and Generic Letter 93–05. ***Incorporating the note from the new STS will not impact any safety margins.

Based upon the preceding analyses, Duke Power Company concludes that the requested amendments do not involve a significant hazards consideration.

The proposed technical specification amendment has been reviewed against the criteria of 10 CFR 51.22 for environmental considerations. The proposed amendment does not involve a significant hazards consideration, nor increase the types and amounts of effluents that may be released offsite, nor increase individual or cumulative occupational radiation exposures. Therefore, the proposed amendment meets the criteria given in 10 CFR 51.22(c)(9) for a categorical exclusion from the requirement for an Environmental Impact Statement.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Local Public Document Room location: Atkins Library, University of North Carolina, Charolotte (UNCC Station), North Carolina 28223.

Attorney for licensee: Mr. Albert Carr, Duke Power Company, 422 South Church Street, Charlotte, North Carolina 28242.

NRC Project Director: Herbert N. Berkow.

Illinois Power Company and Soyland Power Cooperative, Inc., Docket No. 50–461, Clinton Power Station, Unit No. 1, DeWitt County, Illinois

Date of amendment request: June 13, 1994.

Description of amendment request: The proposed amendment would modify Clinton Power Station Technical Specification 3/4.6.1.8, "Containment Building Ventilation and Purge Systems," which includes a requirement to perform a leak rate measurement at least once per 92 days on each 36-inch supply and exhaust containment ventilation isolation valve with a resilient seal. The proposed modification would require a leak test at least once per 18 months provided the valves remain closed during that period.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration which is presented below:

(1) The proposed change does not involve a change in plant design. Failure of or leakage through a containment barrier cannot itself create an accident; therefore, this change would not increase the probability of any accident previously evaluated. Failure of or leakage through a containment barrier can, however, increase the consequences of those accidents previously evaluated. The proposed change merely revises the frequency at which the local leak rate test is performed on the containment building HVAC 36-inch supply and exhaust penetrations. The containment isolation valves for these penetrations are normally only opened during refueling outages. The stroke testing for the isolation valves has been changed to a cold shutdown frequency and, as a result, there is no mechanism present to degrade the seals and cause increased leakage through the penetration. Based on past penetration leak rate measurements, it has been determined that leak rate testing on an 18-month frequency is sufficient to identify seal degradation if the valves are not opened. However, should the valves be opened during the 18-month interval, the proposed change would require that a leak rate test be performed within 92 days. This will ensure that the leak rate for the given penetration has not exceeded the specified limit as a result of stroking the valve. Penetration leakage will continue to be measured at sufficient intervals to identify seal degradation in the 36-inch containment isolation valves. In addition, the same leakage limits will be imposed. Therefore, the proposed change will not result in a significant increase in the probability or the consequences of any accident previously evaluated.

(2) This request does not result in any change to the plant design nor does it involve a change in current plant operation. The proposed change will not change the design basis for the valves being leak tested. The valves will continue to be verified to meet the required leak rate and the safety function of the subject valves remains unchanged. Furthermore, any potential leakage through the containment building HVAC 36-inch supply exhaust and supply penetrations cannot create an accident. As a result, the proposed change cannot create the possibility of a new or different kind of accident from any accident previously evaluated.

(3) The only margin of safety that could potentially be impacted by the proposed change to the surveillance requirement frequency is the margin concerning the offsite dose consequences of postulated accidents (which is directly related to the containment leak rate). As discussed above, this request does not result in a significant increase in the consequences of any accident previously evaluated. It has been demonstrated that the penetration leakage does not change appreciably when the valves are not stroked. Therefore, since the valves are normally only opened during refueling outages, leakage through the penetrations is not expected to change during the proposed 18-month interval between leak rate tests. Should the valves be opened during the 18-month interval, a local leak rate test will be performed within 92 days. The proposed leak rate test frequency will provide sufficient indication of seal degradation to allow the opportunity for repair before gross leakage failures develop. In addition, the proposed change involves no change to the currently established leak rate test acceptance criteria. As a result, the proposed changes do not result in a significant reduction in the margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Local Public Document Room location: Vespasian Warner Public Library, 120 West Johnson Street, Clinton, Illinois 61727.

Attorney for licensee: Leah Manning Stetzner, Vice President, General Counsel, and Corporate Secretary, 500 South 27th St., Decatur, IL 62525.

NRC Project Director: John N. Hannon.

Illinois Power Company and Soyland Power Cooperative, Inc., Docket No. 50–461, Clinton Power Station, Unit No. 1, DeWitt County, Illinois

Date of amendment request: August 12, 1994.

Description of amendment request: The proposed amendment would modify Clinton Power Station Technical Specification 3/4.6.2.2, "Drywell Bypass Leakage," to allow drywell by pass leakage rate tests (DBLRTs) to be performed at intervals as long as ten years based on the demonstrated performance of the drywell structure. DBLRTs are currently required to be performed once every 18 months.

Basis of proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration which is presented below:

(1) The proposed change does not involve a change to the plant design or operation. As a result, the proposed change does not affect any of the parameters or conditions that contribute to initiation of any accidents previously evaluated. Thus, the proposed change cannot increase the probability of any accident previously evaluated.

The proposed change potentially affects the leak tight integrity of the drywell, a structure used to mitigate the consequences of a loss of coolant accident (LOCA). The function of the drywell is to channel the steam released from the LOCA through the suppression pool, limiting the amount of steam released to the primary containment atmosphere. This limits the containment pressurization due to the LOCA. The leakage of the drywell is limited to ensure that the primary containment does not exceed its design limits of 185 °F and 15 psig. Because the proposed change does not alter the plant design, only the frequency of measuring the

drywell leakage, the proposed change does not directly result in an increase in the drywell leakage. However, decreasing the test frequency can increase the probability that a large increase in drywell bypass leakage could go undetected for an extended period of time. There are several potential sources of steam bypass leakage paths. These include potential cracks in drywell concrete structure, the drywell vacuum breakers, and various penetrations through the drywell structure. Based on the results of the structural integrity test conducted as part of the preoperational test program, additional cracking of the drywell is not expected during the remaining life of the plant. Ventilation and piping penetrations (including the drywell vacuum breaker penetrations) are designed to ASME Code Class 2 and Seismic Category 1 requirements. These penetrations are designed with two isolation valves in series with one valve in the drywell and another either outside primary containment or in the wetwell. High energy lines that extend into the wetwell, such as the main steam lines and feedwater lines, are encapsulated by guard pipes to direct energy to the drywell in case of a piping rupture. Electrical penetrations are sealed with a high strength/density material that will prevent leakage as well as provide radiation shielding. Operational experience has shown that the leak tightness of the drywell has maintained well below the allowable leakage limits. In fact, the calculated drywell bypass leakage area is of such a small magnitude that containment design pressure could not be exceeded even if containment spray and heat sinks were not available. The technical specification limit of 10% of the maximum allowable leakage path area provides margin for degradation. Drywell performance data to date suggest that drywell degradation, even during a ten-year interval between tests, will not exceed this margin.

Further, an analysis was conducted to determine the potential risk to the public from unacceptable drywell bypass leakage going undetected as a result of the proposed change. Based on this analysis, under several different accident scenarios, the risk of radioactivity release from containment was found to be negligible, about 10^{-9} per year.

Based on the above, Illinois Power has concluded that the proposed change will not result in a significant increase in the consequences of any accident previously evaluated.

(2) The proposed change does not involve a change to the plant design or operation. As a result, the proposed change does not affect any of the parameters or conditions that could contribute to initiation of any accidents. Thus, the proposed change cannot create the possibility of an accident not previously evaluated.

(3) The proposed change only affects the frequency of measuring the drywell leakage and does not change the bypass leakage limit for the drywell. However, the proposed change can increase the probability that a large increase in drywell bypass leakage could go undetected for an extended period of time. Operational experience has shown that the leak tightness of the drywell has been maintained well below the allowable leakage limits. In fact, the calculated drywell bypass leakage area is of such a small magnitude that containment design pressure could not be exceeded even if containment spray and heat sinks were not available. Further, an analysis was conducted to determine the potential risk to the public from the proposed change. Based on this analysis, under several different accident scenarios, the risk of radioactivity release from containment was found to be negligible, about 10^{-9} per year. As a result, Illinois Power has concluded that the proposed change will not result in a significant reduction in the margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Local Public Document Room location: Vespasian Warner Public Library, 120 West Johnson Street, Clinton, Illinois 61727.

Attorney for licensee: Leah Manning Stetzner, Vice President, General Counsel, and Corporate Secretary, 500 South 27th St., Decatur, IL 62525.

NRC Project Director: John N. Hannon.

Illinois Power Company and Soyland Power Cooperative, Inc., Docket No. 50–461, Clinton Power Station, Unit No. 1, DeWitt County, Illinois

Date of amendment request: August 12, 1994.

Description of amendment request: The proposed amendment would modify Clinton Power Station Technical Specifications 3/4.3.1, "Reactor Protection System Instrumentation," 3/4.3.2, "Containment and Reactor Vessel Isolation Control System," 3/4.3.3, "Emergency Core Cooling System Actuation Instrumentation," 3/4.3.4.2, "End-of-Cycle Recirculation Pump Trip System Instrumentation," 3/4.3.5, "Reactor Core Isolation Cooling System Actuation Instrumentation," 3/4.4.2.1, "Safety/Relief Valves," and 3/4.4.2.2, "Safety/Relief Valves Low-Low Set Function." These technical specifications contain requirements to perform manual testing of the associated solid-state logic at least once every four fuel cycles. This testing is in addition to the automatic testing performed by the self-test system. Due to the negative impact on plant safety caused by the need to remove systems from service to prevent unwanted actuations and the increased potential for unintended equipment actuation during manual testing, Illinois Power is proposing that the requirement to perform manual testing of the solid-state logic independently from the self-test system be eliminated.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration which is presented below:

(1) The proposed change does not involve a change to the plant design. The proposed change involves only testing of the solid-state Nuclear Systems Protection System (NSPS) utilizing the self-test system (STS). As identified in Supplement No. 2 to the Clinton Power Station (CPS) Safety Evaluation Report (SSER 2), use of the STS to perform certain surveillance testing required by the plant Technical Specifications is acceptable. However, as noted in SSER 6, portions of the NSPS logic must also be manually tested during each refueling outage independently from the STS such that all NSPS trip/actuation functions are tested independently of the STS at least once every four fuel cycles. The change proposed in this request consists of the elimination of this manual testing of the NSPS logic independently from the STS.

As identified in SSER 6, the purpose of the currently required manual tests is to provide a means to verify operability of the NSPS functional circuits independent of the STS, and thereby (1) detect any failures undetected by the STS and take corrective action to restore proper operation of the NSPS and STS and (2) assuming that no additional failures beyond those identified by the STS are detected during independent logic testing, confirm the validity of the STS test results. The ability of the STS to detect functional failures of the NSPS logic as designed was verified as part of General Electric's independent design verification. In addition, this capability was also verified by testing as part of the preoperational test program as described in Section 14.2.12.1.62 of the CPS Updated Safety Analysis Report (USAR) and during testing performed during the first four refueling outages in accordance with the current Technical Specification testing requirements. Thus, Illinois Power (IP) has concluded that all functional failures undetectable by the STS have been identified and the aforementioned objectives have been satisfied.

Since the proposed change does not alter the plant design or operation, it cannot increase the probability of any accident previously evaluated. This proposed change does involve the NSPS logic which is utilized to actuate systems needed to mitigate the consequences of accidents previously evaluated, however, the proposed change merely eliminates the currently required manual testing independently from the STS once every four fuel cycles. Since the proposed change does not alter the NSPS logic, does not impact operation of the STS, and continues to require adequate testing of the NSPS logic on a frequency sufficient to maintain the operability of the associated NSPS logic, the proposed change cannot impact the reliability of the associated actuation instrumentation and therefore

cannot increase the consequences of any accident previously evaluated.

(2) Adequate testing of the NSPS logic will continue to be required. The proposed change continues to allow us of the STS in performing surveillance tests as documented by the NRC in SSER 2. However, additional manual tests independently from the STS will no longer be required. Since the proposed change does not add additional testing configurations or operating modes nor does it alter the plant design, it will not introduce any new failure modes. Thus, this proposed change cannot create the possibility of a new or different kind of accident from any accident previously evaluated.

(3) Performance of the currently required manual testing of the NSPS logic independently from the STS system involves actuation logic for the reactor protection system, emergency core cooling systems (ECCS), reactor core isolation cooling system, automatic depressurization system, nuclear steam supply shutoff system, and the residual heat removal (RHR) system, including the shutdown cooling mode of operation. Performance of these tests requires these systems to be disabled to prevent unwanted system actuations.Thus, these systems are rendered inoperable during this testing. This also results in extensive temporary reconfiguration of systems and actuation instrumentation, including logic card removal, installation of signal simulators, disconnecting load drivers, etc. The removal of these safety systems from service to perform this testing results in reduced availability of RPS, ECCS, and RHR shutdown cooling systems during the plant outage. In addition to the intentional disabling of equipment to perform this testing, this testing has in the past led to safety system unavailability due to equipment damage caused by bending pin connectors and burning circuit cards out due to electrical shorting. Further, CPS has experienced unintentional equipment actuations resulting in unnecessary challenges to safety systems and the need to file licensee event reports with the NRC. IP has concluded that elimination of this currently required manual testing of the NSPS will have a positive impact on overall plant safety.

The only margin of safety that could be negatively impacted by this proposed change is the potential for a functional failure in the NSPS logic going undetected. The manual tests proposed for deletion are only required to be performed at least once every four fuel cycles. In addition, the ability of the STS to detect functional failures of the NSPS logic as designed was verified as part of General Electric's independent design verification. Further, this capability was also verified as part of the preoperational test program as described in Section 14.2.12.1.62 of the CPS Updated Safety Analysis Report (USAR) and subsequently during testing performing during the first four refueling outages. These manual tests did not identify any functional failures of the NSPS logic which would be expected to be detected by the STS per its design. All other functional failures undetectable by the STS have been identified as Untested Islands (UTIs). Thus, the original objectives of this testing have been satisfied.

The proposed change will continue to require testing at refueling outage intervals. As identified in USAR Section 7.2.1.1.4.8 and SSER 6, circuits which are not capable of being tested by the STS are identified as UTIs. General Electric and IP have identified, via analysis and manual testing, all UTIs in the functional NSPS logic and have established procedures for testing these UTIs. Periodic verification of the operability of these UTIs will continue to be performed at the frequencies recommended by the manufacturer as accepted by the NRC in SSER 6. These frequencies were established by the manufacturer based on mean time between failure analyses for the components in the associated circuits and may be as long as six years. Based on the above, the functional operability of the NSPS logic is adequately assured.

From the above, IP has concluded that the proposed change will result in a net increase in the overall margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Local Public Document Room location: Vespasian Warner Public Library, 120 West Johnson Street, Clinton, Illinois 61727.

Attorney for licensee: Leah Manning Stetzner, Vice President, General Counsel, and Corporate Secretary, 500 South 27th St., Decatur, IL 62525.

NRC Project Director: John N. Hannon.

Indiana Michigan Power Company, Docket Nos. 50–315 and 50–316, Donald D. Cook Nuclear Plant, Unit Nos. 1 and 2, Berrien County, Michigan

Date of amendment requests: April 6, 1994.

Description of amendment requests: The proposed amendments would remove the license condition reference to Table 1 of the Fire Protection Safety Evaluation Report (SER) for Cook Nuclear Plant, approved on June 4, 1979, and issued under a cover letter dated July 31, 1979. Table 1 of the 1979 First Protection SER is a schedule for completion of 23 modifications which have since been completed. Three of the modifications (Nos. 7C, 9, & 20) have been changed since the 1979 Fire Protection SER.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

Criterion 1

This update of the fire protection modifications contained in Table 1 of the July 31, 1979, fire protection SER does not involve a significant increase in the probability or consequences of an accident previously analyzed as follows:

Item 7C—The use of an air compressor rather than the cascade recharging stations does not adversely impact the ability to supply breathing air for the fire brigade and is acceptable under BTP APCSB 9.5–1.

Item 9—the use of unrated metal hatches has been accepted by the NRC in a SER date June 17, 1988.

Item 20—The new fire pumps have already been accepted by the NRC in the SER dated March 31, 1993, Amendment Nos. 171 and 154. The retirement of the old screenhouse diesel driven fire pumps is based on the availability of another supply of "backup" fire suppression water.

Criterion 2

This update of the fire protection modifications contained in Table 1 of the July 31, 1979, fire protection SER does not create the possibility of a new or different kind of accident from any accident previously evaulated as follows:

Item 7C—The use of the an air compressor rather than the cascade recharging stations does not adversely impact the ability to supply breathing air for the fire brigade and is acceptable under BTP APCSB 9.5–1.

Item 9—The use of unrated metal hatches has been accepted by the NRC in a SER dated June 17, 1988.

Item 20—The new fire pumps have already been accepted by the NRC in the SER dated March 31, 1993, Amendment Nos. 171 and 154. The retirement of the old screenhouse diesel driven fire pumps is based on the availability of another supply of "backup" fire suppression water.

Criterion 3

This update of the fire protection modifications contained in Table 1 of the July 31, 1979, fire protection SER does not involve a significant reduction in a margin of safety as follows:

Item 7C—The use of an air compressor rather than the cascade recharging stations does not adversely impact the ability to supply breathing air for the fire brigade and is acceptable under BTP APCSB 9.5–1. Filled spare breathing air bottles are on-site and the local municipal department will provide assistance as needed.

Item 9—The use of unrated metal hatches has been accepted by the NRC in a SER dated June 17, 1988.

Item 20—The new fire pumps have already been accepted by the NRC in the SER dated March 31, 1993, Amendment Nos. 171 and 154. The retirement of the old screenhouse diesel driven fire pumps is based on the availability of another supply of "backup" fire suppression water.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the

amendment requests involve no significant hazards consideration.

Local Public Document Room location: Maud Preston Palenske Memorial Library, 500 Market Street, St. Joseph, Michigan 49085.

Attorney for licensee: Gerald Charnoff, Esq., Shaw, Pittman, Potts and Trowbridge, 2300 N Street, NW, Washington, DC 20037.

NRC Project Director: Ledyard B. Marsh

Indiana Michigan Power Company, Docket Nos. 50–315 and 50–316, Donald C. Cook Nuclear Plant, Unit Nos. 1 and 2, Berrien County, Michigan

Date of amendment request: July 19, 1994

Description of amendment request: The proposed amendments would revise the technical specifications by removing the specific scheduling requirements for Types A, B, and C tests and replacing these requirements with a requirement to perform Types A, B, and C testing in accordance with Appendix J to 10 CFR 50.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

Criterion 1

This amendment request does not involve a significant increase in the probability or consequences of an accident previously evaluated because the proposed changes to the T/Ss do not affect the assumptions, parameters, or results of any UFSAR accident analysis. The proposed changes do not modify the response of the containment during a design basis accident. The proposed amendment does not add or modify any existing equipment. The proposed Types A, B, and C testing schedules will be consistent with Appendix J to 10 CFR 50. Based on these considerations, it is concluded that the changes do not involve a significant increase in the probability or consequences of an accident previously evaluated.

Criterion 2

The proposed changes do not involve physical changes to the plant or changes in plant operating configuration. The proposed changes only remove the restrictive schedular requirements for conducting Type A testing from the T/Ss and substitute the schedule specified in Appendix J to 10 CFR 50. For Types B and C testing, the schedular requirements are removed from T/Ss because they are already specified in Appendix J to 10 CFR 50. Thus, it is concluded that the proposed changes do not create the possibility of a new or different kind of accident from any accident previously evaluated.

Criterion 3

The margin for safety presently provided is not reduced by the proposed change in the schedular requirements for Type A tests. Types B and C schedular requirements are not changed by removing them from T/Ss. Although the changes allow more flexibility in scheduling Type A tests, the proposed amendment continues to ensure reactor containment system reliability by periodic testing in full compliance with 10 CFR 50, Appendix J. Based on these considerations, it is concluded that the changes do not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Local Public Document Room location: Maud Preston Palenske Memorial Library, 500 Market Street, St. Joseph, Michigan 49085.

Attorney for licensee: Gerald Charnoff, Esq., Shaw, Pittman, Potts and Trowbridge, 2300 N Street, NW, Washington, DC 20037.

NRC Project Director: Ledyard B. Marsh.

Indiana Michigan Power Company, Docket Nos. 50–315 and 50–316, Donald C. Cook Nuclear Plant, Unit Nos. 1 and 2, Berrien County, Michigan

Date of amendment request: July 26, 1994.

Description of amendment request: The proposed amendments would modify the technical specifications such that the requirement to measure the moderator temperature coefficient near the end of the cycle will become conditional. The test will not be performed if specified core performance benchmark criteria are met for the operating cycle, and the revised predicted moderator temperature coefficient is less negative than the moderator temperature coefficient surveillance limit presented in the Core Operation Limits Report.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

Criterion 1

Does the EOL MTC measurement conditional exemption involve a significant increase in the probability or consequences of an accident previously evaluated?

No. The conditional exemption of the most negative MTC measurement does not change the most negative MTC surveillance and LCO limits in the T/Ss. Since these MTC values are unchanged, and since the basis for the derivation of these values from the safety analysis MDC is unchanged, the constant MDC assumed for the FSAR safety analyses will also remain unchanged. Therefore, no change in the modeling (i.e., probabilities) of the accident analysis conditions or response is necessary in order to implement the change to the conditional exemption methodology. In addition, since the constant MDC assumed in the safety analyses is not changed by the conditional exemption of the most negative MTC surveillance measurement, the consequences of an accident previously evaluated in the FSAR are not increased. The dose predictions presented in the FSAR for a SGTR remain valid such that more severe consequences will not occur. Additionally, since mass and energy releases for LOCA and steamline break are not increased as a result of the unchanged MDC, the dose predications for these events presented in the FSAR also remain bounding.

Criterion 2

Does the EOL MTC measurement conditional exemption create the possibility of a new or different kind of accident from any accident previously evaluated?

No. Since the EOL MTC is not changed by the conditional exemption methodology of Reference 1, the possibility of an accident which is different than any already evaluated in the FSAR has not been created. No new or different failure modes have been defined for any system or component nor has any new limiting single failure been identified. Conservative assumptions for MDC have already been modeled in the FSAR analyses. These assumptions will remain valid since the conditional exemption methodology documented in Reference 1 does not change the safety analysis MDC nor the T/S values of the MTC.

Criterion 3

Does the EOL MTC measurement conditional exemption involve a significant reduction in a margin of safety?

No. The evaluation of the conditional exemption methodology documented in Reference 1 has taken into account the applicable Cook Nuclear Plant Units 1 and 2 T/Ss and has bounded the conditions under which the specifications permit operation. The applicable T/Ss are surveillance 4.1.1.4, and reference "e" is added to the list of references in Specification 6.9.1.11.2. An additional specification 6.9.1.12 is added to define the requirements for the "Most Negative Moderator Temperature Coefficient Limit Report," which is described in Appendices A, C, and D of Reference 1. The COLR has also been modified as described in Appendix B of Reference 1. The analyses which support these T/Ss have been evaluated. The results, as presented in the FSAR, remain bounding since the MDC assumed in the safety analyses and the LCO and surveillance requirement MTCs in the T/Ss remain unchanged. Therefore, the margin of safety, as defined in the bases to these T/Ss, is not reduced.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three

standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Local Public Document Room location: Maud Preston Palenske Memorial Library, 500 Market Street, St. Joseph, Michigan 49085.

Attorney for licensee: Gerald Charnoff, Esq., Shaw, Pittman, Potts and Trowbridge, 2300 N Street, NW, Washington, DC 20037.

NRC Project Director: Ledyard B. Marsh.

Niagara Mohawk Power Corporation, Docket No. 50–220, Nine Mile Point Nuclear Station Unit No. 1, Oswego County, New York

Date of amendment request: August 26, 1994

Description of amendment request: The proposed amendment to Technical Specification 4.3.3.c(1) would allow a one-time extension of the 10 year service period for the Primary Containment Integrated Leakage Rate (Type A) Test. Specifically, the proposed one-time only change would extend the 10-year service interval requirement for performance of the Type A test to correspond with the end of the current inservice inspection interval (ISI). The interval extension would avoid the necessity of performing an additional Type A test only 22 months after the previous test. This would result in an extension of the second interval from 10 years to approximately 14 years and 46 months between the second and third test.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

The operation of Nine Mile Point Unit 1, in accordance with the proposed amendment, will not involve a significant increase in the probability or consequences of an accident previously evaluated.

The proposed extension of the Type A test 10-year service interval does not increase the chances for a previously analyzed accident to occur. Containment integrity is required for the mitigation of accident consequences. Furthermore, containment leakage is not the precursor to any analyzed event. Extension of the Type A test surveillance interval will not affect the containment's ability to maintain leakage below that assumed in the safety analysis. The previous Type A test was completed successfully and no plant modifications have been made or are planned (other than those that require Type B or C testing) since the last test which could directly affect the test results. Type B and C testing of individual penetrations has been satisfactory and will continue to be performed in accordance with the Technical Specifications. There have been no pressure or temperature excursions in the containment which could have adversely affected containment integrity. Hence, the ability of containment to maintain leakage within the Type A test limits be maintained.

Therefore, the proposed change will not involve a significant increase in the probability or consequences of an accident previously evaluated.

The operation of Nine Mile Point Unit 1, in accordance with the proposed amendment, will not create the possibility of a new or different kind of accident from any accident previously evaluated.

The proposed one-time extension of the Type A test 10-year service interval will not affect the test methodology or acceptance criteria nor does it alter the physical containment structure or boundary in any way. There will be no addition or removal of plant hardware. No new plant operating modes are being introduced. Results of the previous Type A tests are well below allowable limits, and there have been no plant modifications (other than those that require Type B or C testing) since the last test nor are any planned, that could directly impact the previous Type A test results.

Therefore, the proposed change will not create the possibility of a new or different accident from any previously evaluated.

The operation of Nine Mile Point Unit 1, in accordance with the proposed amendment, will not involve a significant reduction in a margin of safety.

Safety margins are established through the Nine Mile Point Unit 1 safety analyses as reflected in the Technical Specification Limiting Conditions for Operation. Containment leak rates assumed in the safety analyses are not increased by the proposed change to the Type A test 10-year service interval. The acceptance criteria which must be met to verify that leak rates remain within assumed values will not be changed.

Although the test frequency will be relaxed for the one-time extension, no plant modifications have been made or are planned which would invalidate the last Type A leak test results which confirm acceptable containment integrity. Furthermore, Type B and C testing of individual penetrations has been satisfactory and will continue to be performed in accordance with the Technical Specifications to assure that containment integrity is maintained.

Therefore, the proposed change will not involve a significant reduction in a margin of a safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Local Public Document Room location: Reference and Documents Department, Penfield Library, State University of New York, Oswego, NY 13126.

Attorney for licensee: Mark J. Wetterhahn, Esquire, Winston & Strawn, 1400 L Street, NW., Washington, DC 20005–3502.

NRC Project Director: Michael J. Case.

Niagara Mohawk Power Corporation, Docket No. 50–410, Nine Mile Point Nuclear Station, Unit 2, Oswego County, New York

Date of amendment request: August 26, 1994.

Description of amendment request: The proposed change would revise Technical Specification (TS) Section 3/4.6.1.3, "Primary Containment Air Locks." Specifically, TS 3/4.6.1.3 would be revised to allow continued plant operation if an interlock becomes inoperable as long as an operable door is locked shut and periodically checked as being locked shut.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

The operation of Nine Mile Point Unit 2, in accordance with the proposed amendment, will not involve a significant increase in the probability or consequences of an accident previously evaluated.

The primary containment and containment air locks are not initiators or precursors to an accident. Primary containment integrity ensures that the release of radioactive materials from the containment will be restricted to those leakage paths and associated leak rates assumed in the accident analyses. Therefore, the proposed changes to the air lock ACTION statements cannot affect the probability of a previously evaluated accident.

The purpose of a primary containment air lock interlock is to allow only one door to be opened at a time in each penetration. This provision ensures that a gross breach of primary containment does not exist when primary containment is required to be operable. Closure of a single door in each air lock is sufficient to provide a leak tight barrier following postulated events. If an air lock interlock is inoperable, the proposed ACTION requires that an operable door be locked shut and periodically verified locked and shut. This assures that at least one air lock door is closed, which provides the function of the interlock, thereby assuring containment integrity is maintained. Therefore, the proposed change will not significantly increase the consequences of an accident previously evaluated.

The operation of Nine Mile Point Unit 2, in accordance with the proposed amendment, will not create the possibility of a new or different kind of accident from any accident previously evaluated.

The proposed changes to the primary containment air lock specification will allow

contained plant operation with an inoperable interlock as long as an operable door is locked closed and periodically verified to be locked closed. The changes do not introduce any new accident precursors and do not involve any alterations to plant configurations which could initiate a new or different kind of accident. The change provides an alternate means of ensuring that only one primary containment air lock door is opened at a time in each penetration. Therefore, the proposed changes will not create the possibility of a new or different kind of accident from any previously evaluated.

The operation of Nine Mile Point Unit 2, in accordance with the proposed amendment, will not involve a significant reduction in a margin of safety.

The proposed changes to the primary containment air lock ACTION statements will not affect the ability of the containment to respond to an accident and limit releases to within 10 CFR Part 100 and GDC [General Design Criterion] 19 guidelines. The changes do not affect the design or performance characteristics of the containment or containment air locks but simply provide an alternative means of ensuring that only one air lock door is opened at a time. Therefore, the proposed changes do not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Local Public Document Room location: Reference and Documents Department, Penfield Library, State University of New York, Oswego, New York 13126.

Attorney for licensee: Mark J. Wetterhahn, Esquire, Winston & Strawn, 1400 L Street, NW., Washington, DC 20005–3502.

NRC Project Director: Michael J. Case.

Niagara Mohawk Power Corporation, Docket Nos. 50–220 and 50–410, Nine Mile Point Nuclear Station, Unit Nos. 1 and 2, Oswego County, New York

Date of amendments request: June 9, 1994.

Description of amendments request: The proposed change would revise Section 3.4, "Response Force Capabilities," of the Nine Mile Point Nuclear Station Physical Security Plan with regard to the number of armed Security Force Members comprising the Response Force for each shift.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

The operation of Nine Mile Point Units 1 and 2 in accordance with the proposed amendment will not involve a significant increase in the probability or consequences of an accident previously evaluated.

The proposed amendment to the Physical Security Plan involves a change in the armed response force size for Units 1 and 2. Nuclear Security's ability to meet the response requirements of 10 CFR [subsection] 73.55(h) will not be significantly affected as was determined utilizing NUREG–0907 while taking into consideration several Security Program enhancements implemented since 1986 when response force size was last reviewed.

The change does not affect the design, function, operation, maintenance or testing of structures, systems and components at Unit 1 or Unit 2. It does not affect safety analysis or any Technical Specification that preserves a safety analysis assumption. Therefore, the proposed amendment will neither increase the probability nor the consequences of an accident previously evaluated.

The operation of Nine Mile Point Units 1 and 2 in accordance with the proposed amendment will not create the possibility of a new or different kind of accident from any accident previously evaluated.

The proposed amendment to the Physical Security Plan involves a change in the size of the response force for Units 1 and 2. Design, function, operation, maintenance and testing of structures, systems and components at Units 1 and 2 are not affected. Also, as demonstrated using NUREG–0907, Nuclear Security will continue to meet the requirements of 10 CFR [subsection] 73.55(h). Therefore, the proposed amendment will not create the possibility of a new or different kind of accident from any accident previously evaluated.

The operation of Nine Mile Point Units 1 and 2 in accordance with the proposed amendment will not involve a significant reduction in a margin of safety.

The proposed amendment to the Physical Security Plan involves a change in the size of the armed response force for Units 1 and 2. The proposed change has no impact on the physical design of the plants nor on the function or operation of their structures, systems and components. The proposed amendment does not impact and therefore does not reduce the margin of safety as defined in the basis for any Unit 1 or Unit 2 Technical Specification.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendments request involves no significant hazards consideration.

Local Public Document Room location: Reference and Documents Department, Penfield Library, State University of New York, Oswego, New York 13126.

Attorney for licensee: Mark J. Wetterhahn, Esquire, Winston & Strawn, 1400 L Street, NW., Washington, DC 20005–3502.

NRC Project Director: Michael J. Case.

Northeast Nuclear Energy Company, et al., Docket No. 50–336, Millstone Nuclear Power Station, Unit No. 2, New London County, Connecticut

Date of amendment request: September 1, 1994.

Description of amendment request: The proposed amendment would revise Technical Specifications concerning the Reactor Coolant System Volume (RCS).

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration (SHC), which is presented below:

* * * The proposed change does not involve an SHC because the change would not:

1. Involve a significant increase in the probability or consequences of an accident previously evaluated.

The proposed change to Section 5.4.2 of the Millstone Unit No. 2 Technical Specifications revises the total RCS water and steam volume to reflect the installation of new steam generators. Section 5.0 of the Millstone Unit No. 2 Technical Specifications delineates design features for Millstone Unit No. 2. The proposed change does not modify a limiting condition for operation, action statement, or surveillance requirement. Additionally, the proposed change does not revise the manner in which the plant is operated. It simply revises the value delineated for the total RCS water and steam volume.

The steam generator replacement modifications were addressed in a plant design change request performed in accordance with the requirements of 10 CFR 50.59. NNECO concluded that the replacement of the steam generators did not involve an unreviewed safety question. This proposed change is a result of those modifications.

Based on the above, the proposed change to Section 5.4.2 of the Millstone Unit No. 2 Technical Specifications does not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. Create the possibility of a new or different kind of accident from any previously analyzed.

The proposed change to Section 5.4.2 of the Millstone Unit No. 2 Technical Specifications simply revises the total RCS water and steam volume to reflect the installation of new steam generators. It does not modify the manner in which any plant equipment or systems are operated. Thus, the proposed change to Section 5.4.2 of the Millstone Unit No. 2 Technical Specifications does not create the possibility of a new or different kind of accident from any previously analyzed.

3. Involve a significant reduction in the margin of safety.

The proposed change to Section 5.4.2 of the Millstone Unit No. 2 Technical

Specifications revises the total RCS water and steam volume to reflect the installation of new steam generators. This proposal simply reflects the slight change in volume due to the replacement of the steam generators. The steam generator replacement modifications were addressed in a plant design change request performed in accordance with the requirements of 10 CFR 50.59. NNECO concluded that the replacement of the steam generators did not involve an unreviewed safety question.

Based on the above, the proposed change to Section 5.4.2 of the Millstone Unit No. 2 Technical Specifications does not involve a significant reduction in the margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Local Public Document Room location: Learning Resource Center, Three Rivers Community-Technical College, Thames Valley Campus, 574 New London Turnpike, Norwich, CT 06360.

Attorney for licensee: Ms. L.M. Cuoco, Senior Nuclear Counsel, Northeast Utilities Service Company, Post Office Box 270, Hartford, CT 06141–0270.

NRC Project Director: John F. Stolz

Pennsylvania Power and Light Company, Docket Nos. 50–387 and 50–388 Susquehanna Steam Electric Station, Unit 1, Luzerne County, Pennsylvania

Date of amendment request: August 22, 1994.

Description of amendment request: The proposed amendment would change Technical Specifications 3/4.1.3: to extend the scram discharge volume (SDV) vent or drain valve restoration time from the current time period of 24 hours to 7 days; to permit the SDV vent and drain valves operability check to be performed at shutdown conditions instead of at least once per 18 months; and to delete the SDV float switch response surveillance.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

I. This proposal does not involve a significant increase in the probability or consequences of an accident previously evaluated.

The proposed change to Technical Specification 3.1.3.1.d, which extends the restoration time for one inoperable vent and/or drain valve from 24 hours to 7 days, does not significantly increase the probability or consequences of an accident previously evaluated. A 7 day restoration time, as identified in NUREG 1433, is reasonable given the level of redundancy in the lines and the low probability of a scram occurring while the valve is inoperable and the line is not isolated. If the inoperable valve fails open, the redundant valve in the line allows for leakage from the CRD [control rod driveline] to be drained out and also allows for the line to be isolated if necessary. If the valve fails closed, the line becomes isolated. However, float switches and pressure sensors will notify operators of water buildup in the instrument volume. A review of the surveillance data indicates the vent and drain valves rarely fail the initial operability test and require rework. The low failure rate combined with the redundancy of the valves makes for a highly reliable system. Therefore, the proposed change does not significantly increase the probability or consequences of an accident previously evaluated.

Changing Surveillance Requirement 4.1.3.1.4.a from requiring demonstration of the SDV vent and drain valve operability during a scram at less than or equal to 50% rod density to a requirement to perform the testing at shutdown conditions does not significantly increase the probability or consequences of an accident previously evaluated. The purpose of the 50% rod density requirement is to provide a test environment having typical reactor coolant pressure and temperature conditions. However, the closure time of the vent and/or drain valves is not affected by pressure and any variations due to temperature are relatively insignificant. Therefore, testing from shutdown conditions ensures the safety functions of the vent and drain valves are met. Also, the proposed change does not affect system design or operation. Therefore, the proposed change does not significantly increase the probability or consequences of an accident previously evaluated.

The deletion of Surveillance Requirement 4.1.3.1.4.b, requiring proper float switch response by verifying float switch actuation after a scram, does not significantly increase the probability or consequences of an accident previously evaluated. Design changes eliminated the high differential pressure experienced by the float switches after a scram and provide redundant level measuring instrumentation. Differential pressure gauges were added in addition to the float switches to provide the RPS [reactor system protection] logic with a diverse and redundant means of measuring SDIV [SDV] level. The changes have resulted in no crushed ball floats at SSES after a scram. The proposed change will have a negligible effect [on] the reliability of the system and therefore, does not significantly increase the probability or consequences of an accident previously evaluated.

II. This proposal does not create the possibility of a new or different kind of accident from any accident previously evaluated.

The proposed change to Technical Specification 3.1.3.1.d, which extends the restoration time for one inoperable vent and/or one inoperable drain valve from 24 hours to 7 days, does not create the possibility of a new or different kind of accident from any accident previously evaluated. Extending the restoration time to 7 days does not change the design purpose or operation of the SDV valves. Therefore, the change is bounded by the existing accident analysis.

Changing Surveillance Requirement 4.1.3.1.4.a from requiring demonstration of the SDV vent and drain valve operability during a scram at less than or equal to 50% rod density to a requirement to perform the testing at shutdown conditions does not create the possibility of a new or different kind of accident from any accident previously evaluated. Performing the surveillance from shutdown conditions, as recommended in NUREG 1366, ensures that the operability of the SDV is maintained. No new failure modes are introduced by the change and the change is bounded by the existing accident analysis.

The deletion of Surveillance Requirement 4.1.3.1.4.b, requiring proper float switch response by verifying float switch actuation after a scram, does not create the possibility of a new or different kind of accident from any accident previously evaluated. The role of the ball floats to sense increases in SDV water level is not affected by the change. In the unlikely event that crushing of the ball float were to occur, redundant level measuring devices would maintain system function and the existing 92 day surveillance activity would identify a ball float failure.

III. This change does not involve a significant reduction in a margin of safety.

The proposed change to Technical Specification 3.1.3.1.d, which extends the restoration time for one inoperable vent and/or one inoperable drain valve from 24 hours to 7 days, does not involve a significant reduction in a margin of safety. A 7 day completion time, as identified in NUREG 1433, is reasonable given the level of redundancy in the lines and the low probability of a scram occurring while the valve is inoperable and the line is not isolated. Also, a separate Technical Specification (3.1.3.1.e) addresses the potential for two inoperable vent or drain valves in the same line.

Changing Surveillance Requirement 4.1.3.1.4.a from requiring demonstration of the SDV vent and drain valve operability during a scram at less than or equal to 50% rod density to a requirement to perform the testing at shutdown conditions does not involve a significant reduction in a margin of safety. The change maintains the intent of S.R. 4.1.3.1.4.a by performing equivalent testing at the same frequency. The change increases the margin of safety by eliminating potential future scrams taken to meet S.R. 4.1.3.1.4.a., thus reducing the potential for safety challenges.

The deletion of Surveillance Requirement 4.1.3.1.4.b, requiring proper float switch response by verifying float switch actuation after a scram does not involve a significant reduction in a margin of safety. Design changes have enhanced the SDV design and provide a redundant and diverse means of monitoring SDV level. Also, a 92-day surveillance (S.R. 4.3.1.1) ensures the operability of the float switch.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Local Public Document Room location: Osterhout Free Library, Reference Department, 71 South Franklin Street, Wilkes-Barre, Pennsylvania 18701.

Attorney for licensee: Jay Silberg, Esquire, Shaw, Pittman, Potts and Trowbridge, 2300 N Street NW., Washington, DC 20037.

NRC Project Director: Mohan Thadani (Acting).

Southern California Edison Company, et al., Docket Nos. 50–361 and 50–362, San Onofre Nuclear Generating Station, Unit Nos. 2 and 3, San Diego County, California

Date of amendment requests: December 30, 1993, June 3, 1994, and August 25, 1994.

Description of amendment requests: The licensee proposes to replace the current Technical Specifications (TS) with a set of TS based on the CE Owners Group Improved Standard Technical Specifications issued by the NRC staff as NUREG–1432 in September 1992. The adoption of Owners Group-approved TS is part of an industry-wide initiative to standardize and improve TS. San Onofre, Units 2 and 3, is the lead plant for adoption of the CE Owners Group standardized TS.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. Does the change involve a significant increase in the probability or consequences of an accident previously evaluated?

The proposed change relocates requirements and surveillances for structures, systems, components or variables which did not meet the criteria for inclusion in Technical Specifications. The affected structures, systems, components or variables are not assumed to be initiators of analyzed events and are not assumed to mitigate accident or transient events. The requirements and surveillances for these affected structures, systems, components or variables will be relocated from the Technical Specifications to the Licensee Controlled Specifications or the UFSAR [updated final safety analysis report]. These operability requirements and surveillances will continue to be maintained pursuant to 10 CFR 50.59. In addition, the affected structures, systems, components or variables are addressed in existing surveillance procedures which are controlled by 10 CFR 50.59. The reformatting and rewording process involves no technical changes to plant design or operations. Therefore, this change does not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. Does the change create the possibility of a new or different kind of accident from any accident previously evaluated?

The proposed change does not necessitate a physical alteration of the plant (no new or different type of equipment will be installed) or changes in parameters governing normal plant operation. The proposed change will not impose any different requirements and adequate control of information will be maintained. Thus, this change does not create the possibility of a new or different kind of accident from any accident previously evaluated.

3. Does this change involve a significant reduction in a margin of safety?

The proposed change will not reduce a margin of safety because it has no impact on any safety analyses assumptions. In addition, the affected structure, system, component or variable requirements and surveillances are the same as the existing Technical Specifications. Since any future changes to these requirements in the Licensee Controlled Specifications or UFSAR in the surveillance procedures will be evaluated per the requirements of 10 CFR 50.59, no significant reduction in a margin of safety will be allowed. Therefore, this change does not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment requests involve no significant hazards consideration.

Local Public Document Room location: Main Library, University of California, P. O. Box 19557, Irvine, California 92713.

Attorney for licensee: T. E. Oubre, Esquire, Southern California Edison Company, P. O. Box 800, Rosemead, California 91770.

NRC Project Director: Theodore R. Quay.

Southern Nuclear Operating Company, Inc., Docket Nos. 50–348 and 50–364, Joseph M. Farley Nuclear Plant, Units 1 and 2, Houston County, Alabama

Date of amendments request: August 17, 1994.

Description of amendments request: The proposed amendment would modify Surveillance Requirement 4.3.1.2, Reactor Trip System Instrumentation, and Surveillance Requirement 4.3.2.1, Engineered Safety Feature Actuation System Instrumentation, to eliminate the periodic pressure sensor response time testing requirements. The Surveillance Requirements would indicate that the total channel response time will be periodically "verified" instead of "tested".

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. The proposed license amendment does not involve a significant increase in the probability or consequences of an accident previously evaluated.

This change to the Technical Specifications does not result in a condition where the design, material, and construction standards that were applicable prior to the change are altered. The same RTS and ESFAS instrumentation is being used; the time response allocations/modeling assumptions in the FSAR Chapter 15 analyses are still the same; only the method of verifying time response is changed. Periodic calibration of these pressure and differential pressure instruments will detect significant degradation in the sensor response characteristic and assure equipment operability. Flushing of selected sensing lines during each refueling outage as recommended by NUREG/CR5851, "Long Term Performance and Aging Characteristics of Nuclear Plant Pressure Transmitters," will mitigate sensing line response time degradation due to blockage that noise analysis testing techniques would have previously detected. The proposed change will not modify any system interface and could not increase the likelihood of an accident since these events are independent of this change. The proposed activity will not change, degrade or prevent actions or alter any assumptions previously made in evaluating the radiological consequences of an accident described in the FSAR. Therefore, the proposed amendment does not result in any increase in the probability or consequences of an accident previously evaluated.

2. The proposed license amendment does not create the possibility of a new or different kind of accident from any accident previously evaluated.

This change does not alter the performance of the pressure and differential pressure transmitters and switches used in the plant protection systems. All sensors will still have response time verified by test before placing the sensors in operational service and after any maintenance that could affect response time. Changing the method of periodically verifying instrument response for certain sensors from time response testing to calibration will not create any new accident initiators or scenarios. Implementation of the proposed amendment does not create the possibility of a new or different kind of accident from any accident previously evaluated.

3. The proposed license amendment does not involve a significant reduction in margin of safety.

This change does not affect the total system response time assumed in the safety analysis. The periodic system response time verification method for selected pressure and differential pressure sensors is modified to allow use of actual test data or engineering data. The method of verification combined with sensing line preventative maintenance provides assurance that the total system response is within the time limit defined in the safety analysis, since calibration tests will detect any degradation which might significantly affect pressure sensor response time and periodic sensing line flushing will minimize the potential for long-term buildup of contaminants which may impact sensing line response. Based on the above, it is concluded that the proposed license amendment request does not result in a reduction in margin with respect to plant safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Local Public Document Room location: Houston-Love Memorial Library, 212 W. Burdeshaw Street, Post Office Box 1369, Dothan, Alabama 36302.

Attorney for licensee: James H. Miller, III, Esq., Balch and Bingham, Post Office Box 306, 1710 Sixth Avenue North, Birmingham, Alabama 35201.

NRC Project Director: David B. Matthews.

Tennessee Valley Authority, Docket Nos. 50–259, 50–260 and 50–296, Browns Ferry Nuclear Plant, Units 1, 2 and 3, Limestone County, Alabama

Date of amendment request: March 30, 1994 (TS 318).

Description of amendment request: The proposed amendment consists of six parts, which the licensee has designated "A" through "F" in the analysis of no significant hazards considerations presented below. The six parts are:

A. Mechanical pressure and differential pressure indicating switches in the Reactor Protection System (RPS) and Emergency Core Cooling System (ECCS) are being replaced with an Analog Transmitter/Trip System (ATTS) for the Browns Ferry Nuclear Plant (BFN) Unit 3.

B. The BFN Units 1 and 3 reactor vessel water level safety limit is being revised to reflect the analytical limit provided by General Electric and the Level 1 Low Reactor Vessel Water Level setpoint is being revised to provide a more conservative limit.

C. For BFN Unit 2, RPS and ECCS instrument identifiers are being added or corrected to enhance useability of the Technical Specifications. These changes do not reflect a change in equipment, operation of the associated system, or the safety function of that system.

D. For BFN Unit 2, Reactor High Water Level, Reactor Core Isolation Cooling (RCIC) and High Pressure Coolant Injection (HPCI) Turbine Steam Line High Flow, and Drywell Pressure instrumentation calibration frequencies and functional test descriptions are being revised to reflect current calculations and test methods. These changes do not reflect a change in equipment, operation of the associated system, or the safety function of that system.

E. For BFN Units 1, 2, and 3, the differential pressure instrumentation, which actuates the pressure suppression chamber-reactor building vacuum breakers, calibration frequency is being revised. In addition, tables that specify the minimum number of instrument channels per trip system, function, trip level setting, actions required, remarks, functional test, and instrument check are being added.

F. Corrects the capitalization of terms used on the affected BFN Units 1, 2, and 3 TS pages in order to conform with the current TS Definitions section. This part also corrects spelling and capitalization of other words on the same pages.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. The proposed amendment does not involve a significant increase in the probability or consequences of an accident previously evaluated.

Part A: The Unit 3 modification, which involves the installation of an Analog Transmitter/Trip System (ATTS), replaces older devices with devices of more modern design that perform the same function.

The initiation of control rod insertion to mitigate a design basis accident is contained in Chapter 14 of the BFN Final Safety Analysis Report (FSAR). There is no change in design bases, protective function (initiation of control rod insertion), redundancy, setpoints, or logic associated with the installation of the ATTS. The consequences of a failure of this equipment are no different than that of the original equipment. Since there is no change in any protective functions, nor the creation of any new operational conditions, the proposed amendment does not involve a significant increase in the probability or consequences of any accident previously evaluated.

Part B: The revision to the Units 1 and 3 reactor vessel water level safety limit and the Level 1 low reactor vessel water level setpoint do not reflect any change in plant equipment. The safety limit is being changed to reflect the actual analytical safety limit calculated by General Electric.

The Level 1 low reactor vessel water level trip initiates the Core Spray and Low Pressure Coolant Injection Systems and isolates the Main Steam lines. These actions are taken to mitigate the consequences of a Loss of Coolant Accident. The change in the setpoint affects the timing of the operation of equipment necessary to mitigate the consequences of an accident. A setpoint calculation has been generated which ensures these safety functions are initiated in accordance with the design basis accident analysis presented in Chapter 14 of the Browns Ferry FSAR. Therefore, the proposed amendment does not involve a significant increase in the probability or consequences of any accident previously evaluated.

Part C: The addition or correction of Unit 2 instrument identifiers is administrative in nature and does not reflect any modification to plant equipment. These administrative changes do not reflect any change to any precursor for the design basis events or operational transients analyzed in the Browns Ferry FSAR. There is also no change to any protective function or mitigating action for the design basis events or operational transients analyzed in the Browns Ferry FSAR. Therefore, the probability or consequences of an accident previously evaluated is not significantly increased.

Part D: The change in Unit 2 reactor high water level and Reactor Core Isolation Cooling (RCIC) instrumentation functional test descriptions reflects the equipment currently installed and the functional tests currently being performed.

The changes in calibration frequencies are being made to reflect current setpoint calculations. There are no modifications to plant equipment or changes in instrument setpoints associated with these changes. The calibration frequencies specified by the current setpoint calculations ensure that the associated safety functions are initiated in accordance with the design basis accident analysis presented in Chapter 14 of the Browns Ferry Final Safety Analysis Report (FSAR). Therefore, the probability or consequences of an accident previously evaluated is not significantly increased.

Part E: The changes in Units 1, 2, and 3 calibration frequency for the differential pressure instrumentation, which actuates the pressure suppression chamber-reactor building vacuum breakers, is being made to reflect current setpoint calculations. The specified minimum number of instrument channels per trip system, function, trip level setting, actions required, remarks, functional test, and instrument check reflect current operational requirements. There are no modifications to plant equipment or changes in instrument setpoints associated with these changes. The calibration frequencies specified by the current setpoint calculations ensure that the associated safety functions are initiated in accordance with the design basis accident analysis presented in Chapter 14 of the Browns Ferry Final Safety Analysis Report (FSAR). Therefore, the probability or consequences of an accident previously evaluated is not significantly increased.

Part F: The proposed correction of the capitalization of terms in order to conform with the current TS Definitions section is administrative in nature and does not reflect any modification to plant equipment. The correction of spelling and capitalization of other words on the same pages is also administrative in nature and does not reflect any modification to plant equipment. These administrative changes do not reflect any change to any precursor for the design basis events or operational transients analyzed in the Browns Ferry FSAR. There is also no change to any protective function or mitigating action for the design basis events or operational transients analyzed in the Browns Ferry FSAR. Therefore, the probability or consequences of an accident previously evaluated is not significantly increased.

2. The proposed amendment does not create the possibility of a new or different kind of accident from any accident previously evaluated.

Part A: The installation of the ATTS replaces older devices with devices of more modern design that perform the same function. No new control functions are added. No credible equipment failure modes or single failure are introduced which could result in the inability of redundant safety components or systems to perform their safety functions in accordance with the design basis accident analysis presented in Chapter 14 of the Browns Ferry FSAR. Therefore, the proposed amendment does not create the possibility of a new or different kind of accident from any accident previously evaluated.

Part B: The revision to the Units 1 and 3 reactor vessel water level safety limit and the Level 1 low reactor vessel water level setpoint do not reflect any change in plant equipment. The safety limit is being changed to reflect the actual analytical safety limit calculated by General Electric.

The change in the Level 1 low reactor vessel water level setpoint affects the timing of the operation of equipment necessary to mitigate the consequences of an accident. No new failure modes or system interactions are introduced. The same protection functions will still occur at the Level 1 low reactor water level setpoint. Therefore, the proposed amendment does not create the possibility of a new or different kind of accident from any accident previously evaluated.

Part C: The addition or correction of Unit 2 instrument identifiers is administrative in nature and does not reflect any modification to plant equipment. The correction of instrument identifiers does not require new system alignments, modifications, or changes in operating procedures. Therefore, no new external threats, system interactions, release pathways, equipment failure modes, or types of operator errors are created. Therefore, the proposed amendment does not create the possibility of a new or different kind of accident from any accident previously evaluated.

Part D: The change in Unit 2 reactor high water level and RCIC instrumentation functional test descriptions reflects the equipment currently installed and the functional tests currently being performed. The changes in calibration frequencies are being made to reflect current setpoint calculations. There are no modifications to plant equipment or changes in instrument setpoints associated with these changes. No new failure modes or system interactions are introduced. The same protection functions will still occur at the same setpoints. Therefore, the proposed amendment does not create the possibility of a new or different kind of accident from any accident previously evaluated.

Part E: The changes in Units 1, 2, and 3 calibration frequency for the differential pressure instrumentation, which actuates the pressure suppression chamber-reactor building vacuum breakers, is being made to reflect current setpoint calculations. The specified minimum number of instrument channels per trip system, function, trip level setting, actions required, remarks, functional test, and instrument check reflect current operational requirements. There are no modifications to plant equipment or changes in instrument setpoints associated with these changes. No new failure modes or system interactions are introduced. The same protection functions will still occur at the same setpoints. Therefore, the proposed amendment does not create the possibility of a new or different kind of accident from any accident previously evaluated.

Part F: The proposed correction of the capitalization of terms in order to conform with the current TS Definitions section is administrative in nature and does not reflect any modification to plant equipment. The correction of spelling and capitalization of other words on the same pages is also administrative in nature and does not reflect any modification to plant equipment. The correction of spelling and capitalization does not require new system alignments, modifications, or changes in operating procedures. Therefore, no new external threats, system interactions, release pathways, equipment failure modes, or types of operator errors are created. Therefore, the proposed amendment does not create the possibility of a new or different kind of accident from any accident previously evaluated.

3. The proposed amendment does not involve a significant reduction in a margin of safety.

Part A: The installation of the ATTS replaces older devices with devices of more modern design that perform the same function. The replacement equipment will improve reliability, accuracy and response times. There are no changes in the systems' design basis, protective function, or logic arrangement. Instrument setpoints and calibration frequencies are supported by Unit 3 specific calculations. Therefore, the proposed amendment does not involve a significant reduction in the margin of safety.

Part B: The revision to the Units 1 and 3 reactor vessel water level safety limit and the Level 1 low reactor vessel water level setpoint do not reflect any change in plant equipment. The safety limit is being changed to reflect the actual analytical safety limit calculated by General Electric.

The change in the Level 1 low reactor vessel water level setpoint is supported by a Unit 3 specific setpoint calculation that has been performed in accordance with the methodology endorsed by Regulatory Guide 1.105, Instrument Setpoints for Safety Related Systems. Therefore, the proposed amendment does not involve a significant reduction in the margin of safety.

Part C: The addition or correction of Unit 2 instrument identifiers is administrative in nature and does not reflect any modification to plant equipment. Therefore, the proposed amendment does not involve a significant reduction in the margin of safety.

Part D: The change in Unit 2 reactor high water level and RCIC instrumentation functional test descriptions reflects the equipment currently installed and the functional tests currently being performed. The changes in calibration frequencies are being made to reflect Unit 2 specific setpoint calculations. These calculations have been performed in accordance with the methodology endorsed by Regulatory Guide 1.105. There are no modifications to plant equipment or changes in instrument setpoints associated with these changes. Therefore, the proposed amendment does not involve a significant reduction in the margin of safety.

Part E: The changes in Units 1, 2, and 3 calibration frequency for the differential pressure instrumentation, which actuates the pressure suppression chamber-reactor building vacuum breakers, is being made to reflect current setpoint calculations. The specified minimum number of instrument channels per trip system, function, trip level setting, actions required, remarks, functional test, and instrument check reflect current operational requirements. The setpoint calculations have been performed in accordance with the methodology endorsed by Regulatory Guide 1.105. There are no modifications to plant equipment or changes in instrument setpoints associated with these changes. Therefore, the proposed amendment does not involve a significant reduction in the margin of safety.

Part F: The proposed correction of the capitalization of terms in order to conform with the current TS Definitions section is administrative in nature and does not reflect any modification to plant equipment. The correction of spelling and capitalization of other words on the same pages is also administrative in nature and does not reflect any modification to plant equipment. Therefore, the proposed amendment does not involve a significant reduction in the margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Local Public Document Room location: Athens Public Library, South Street, Athens, Alabama 35611.

Attorney for licensee: General Counsel, Tennessee Valley Authority, 400 West Summit Hill Drive, ET 11H, Knoxville, Tennessee 37902.

NRC Project Director: Frederick J. Hebdon.

Tennessee Valley Authority, Docket Nos. 50–259, 50–260 and 50–296, Browns Ferry Nuclear Plant, Units 1, 2 and 3, Limestone County, Alabama

Date of amendment request: March 31, 1994 (TS 339).

Description of amendment request: The proposed amendment consists of five parts, which the licensee has designated "A" through "E" in the discussion of no significant hazards considerations, below. These five parts are:

A. For the Browns Ferry Nuclear Plant (BFN) Units 1 and 3, improve operating flexibility by expanding the allowable operating domain. This expansion is accomplished by revising the equations for the flow-biased Average Power Range Monitor (APRM) flux scram trip setting and the APRM rod block trip setting.

B. Revises the Rod Block Monitor (RBM) limiting conditions for operation (LCOs) to require two RBM channels to be operable if the plant is operating with low thermal margins.

C. Miscellaneous editorial changes to the BFN Units 1, 2, and 3 technical specifications (TS).

D. Revises the BFN Units 1, 2, and 3 TS to delete the specific value for the rated loop recirculation flow rate.

E. Revises the BFN Units 1, 2, and 3 TS to relocate the specific equations for the APRM rod block and RBM upscale setpoint equations from the TS to the Core Operating Limits Report (COLR).

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. The proposed amendment does not involve a significant increase in the probability or consequences of an accident previously evaluated.

Part A: The proposed change will permit expansion of the current allowable power/flow operating region to allow operation in the extended load line limit (ELLL) region. Operation of BFN Units 1 and 3 in the ELLL region will not increase the probability of any accident previously evaluated since the Average Power Range Monitor (APRM) system and flow-biased scram setpoint are not identified as initiators of any design basis accidents or transients. Additionally, no credit is taken for the APRM flow biased scram in any accident or transient analyses. Therefore, the proposed change can not significantly increase the probability of an accident previously evaluated.

TVA's analysis of operation in the ELLL region verified that the consequences of previously evaluated accidents are within the acceptance criteria of the licensing basis. Therefore, the proposed change does not involve an increase in the consequences of an accident previously evaluated.

Part B: The proposed change does not increase challenges or create any new challenges to safety-related systems or equipment, or other equipment whose failure could cause an accident. The proposed change does not change the function of the rod block monitor (RBM) subsystem. The RBM subsystem will continue to block control rod withdrawal to ensure that fuel safety limits are protected. The revised RBM limiting conditions for operation and surveillance requirements provide increased assurance that the RBM will function to ensure that fuel safety limits are protected. Therefore, the proposed change does not involve an increase in the probability of an accident previously evaluated.

The revised RBM operability and surveillance requirements provide increased assurance that the RBM will block control rod withdrawal to ensure that fuel safety limits are protected. Accordingly, operation of BFN Units 1 and 3 with the revised RBM upscale setpoint does not involve an increase in the consequences of an accident previously evaluated.

Part C: The miscellaneous editorial changes do not affect any plant operations, equipment, or any safety-related activity. These changes increase the probability that the specifications will be correctly interpreted by adding clarifying information and/or correcting errors. Therefore, these editorial changes do not involve an increase in the probability or consequences of an accident previously evaluated.

Part D: The proposed change will delete the specific value for the rated loop recirculation flow rate found in the limiting safety system settings. This flow rate is in the TS to provide additional information, and is not a TS requirement. The proposed change does not change the limiting safety system settings or alter the method for calculating the settings. The proposed change does not affect or change operation of the plant, plant equipment, or any safety-related equipment. The proposed change does not change the APRM rod block or trip settings, the method or frequency of calibration of the APRM flow biased network, or any other operational features of the APRM system. The proposed change will only delete an incorrect flow rate from the TS. Therefore, the proposed change does not involve an increase in the probability or consequences of an accident previously evaluated.

Part E: The proposed change will remove specific equations for the APRM rod block and RBM upscale trip setpoints from the TS and relocate them to the Core Operating Limits Report (COLR). Removing these equations from the TS does not affect or change the APRM and RBM subsystems or the functions of these systems. The proposed change does not affect or change operation of the plant, plant equipment, or any safety-related equipment. Accordingly, the proposed change does not involve an increase in the probability of an accident previously evaluated.

Removing the specific rod block equations from the TS does not change the requirements to comply with the limits of these equations during plant operations, since the TS will reference the COLR as the source of the equations. The actions to be taken in the event of noncompliance with the COLR-specified equations will also remain unchanged. Both the APRM rod block and RBM subsystems will continue to block control rod withdrawal to prevent reactor power from increasing to excess levels and to ensure that applicable limits of the plant safety analysis are met. Additionally, in accordance with the requirements of TS 6.9.1.7, these equations will continue to be developed using NRC-approved methodologies and will continue to ensure that applicable safety limits are protected. Therefore, the proposed change does not involve an increase in the consequences of an accident previously evaluated.

2. The proposed amendment does not create the possibility of a new or different kind of accident from any accident previously evaluated.

Part A: Operation of BFN Unit 1 and 3 in the ELLL region does not create any new failure mode or sequence of events that can lead to an accident of a different type than any previously evaluated. Operation in the ELLL region does not increase challenges or create any new challenges to safety-related systems or equipment, or other equipment whose failure could cause an accident. Changing the equation for the flow-biased APRM scram trip setpoint does not change the function of the APRM subsystem. The APRM scram trip setpoint will continue to initiate a scram to ensure that the fuel safety limit is not exceeded. Therefore, the proposed change does not create the possibility of a new or different kind of accident from any accident previously evaluated.

Part B: The proposed change to the RBM operability and surveillance requirements does not create any new failure mode or sequence of events that can lead to an accident of a different type than any previously evaluated. The proposed change does not increase challenges or create any new challenges to safety-related systems or equipment, or other equipment whose failure could cause an accident. The proposed change does not change the function of the RBM subsystem. The RBM subsystem will continue to block control rod withdrawal to ensure that fuel safety limits are protected. Therefore, the proposed change does not create the possibility of a new or different kind of accident from any accident previously evaluated.

Part C: The miscellaneous editorial changes do not affect any plant operations, equipment, or any safety-related activity. These changes increase the probability that the specifications will be correctly interpreted by adding clarifying information and/or correcting errors. Therefore, these editorial changes do not create the possibility of a new or different kind of accident from any accident previously evaluated.

Part D: The proposed change will delete the specific value for the rated loop recirculation flow rate found in a factor used to calculate limiting safety system settings for the APRM rod block and trip settings. The

proposed change does not change the limiting safety system settings or alter the method for calculating the settings. The proposed change does not affect or change operation of the plant. The proposed change does not change the APRM rod block or trip settings, the method or frequency of calibration of the APRM flow biased network, or any other operational features of the APRM system. The proposed change will only delete an incorrect flow rate that is required to be calculated and maintained outside of the TS.

Since there will be no change in plant operations, the proposed change does not create the possibility of a new or different kind of accident from any accident previously evaluated.

Part E: Removal of the APRM rod block and RBM upscale setpoint equations does not change or affect any safety-related plant equipment or its functions; or any equipment, systems, or setpoints designed to prevent or mitigate accidents. Removing these rod block equations does not create any new challenges to safety-related systems or equipment, or other equipment whose failure could cause an accident; and does not change the function and manner of operation of the APRM or RBM subsystems. The APRM and RBM subsystems will continue to block control rod withdrawal to prevent reactor power from increasing to excess levels and to ensure that fuel safety limits are protected. Therefore, the proposed change does not create the possibility of a new or different kind of accident from any accident previously evaluated.

3. The proposed amendment does not involve a significant reduction in a margin of safety.

Part A: Operation of BFN Units 1 and 3 in the ELLL region does not affect the ability of the plant safety-related trips or equipment to perform their intended functions. Operation in the ELLL region will not cause any significant increase in offsite radiation doses resulting from any analyzed event. Although this change increases the APRM flow-biased scram equation, no credit is taken for this equation in the accident analyses. These analyses assume that transient events initiated from less than rated conditions are terminated by the fixed 120% flux scram or other safety-grade scram signals. These signals are not affected by the proposed change. Additionally, as noted above, TVA's analysis of operation in the ELLL region determined that the consequences of previously evaluated accidents remain within the acceptance criteria of the licensing basis. Therefore, this change does not involve a reduction in a margin of safety.

Part B: The proposed change does not change the function of the RBM system. The RBM system will continue to block control rod withdrawal to ensure that fuel safety limits are protected. The proposed change does not affect plant operation, design, or any safety-related activity or equipment. The proposed change does not affect or change any margin of safety. The proposed change will actually increase the margin of safety by providing more conservative operability and surveillance requirements for the RBM subsystem. Therefore, the proposed change does not involve a reduction in a margin of safety.

Part C: The miscellaneous editorial changes do not affect plant operation, design, or any safety-related activity or equipment. These changes increase the probability that the specifications will be correctly interpreted by adding clarifying information and/or correcting errors. Therefore, these changes do not involve a reduction in a margin of safety.

Part D: The proposed change will delete the specific value for the rated loop recirculation flow rate found in the limiting safety system settings. The proposed change does not change the limiting safety system settings or alter the method for calculating the settings. The proposed change does not affect or change any margin of safety. The proposed change does not alter the APRM rod block or trip settings, nor does it change the combinations of power and flow conditions which could produce the APRM flow biased rod block and scram trips. Furthermore, the value for rated loop recirculation flow rate will continue to be contained in plant procedures which are controlled by the 10 CFR 50.59 process. Therefore, the proposed change does not involve a reduction in a margin of safety.

Part E: The proposed change to remove the APRM rod block and RBM upscale setpoint equations does not change the equations or alter the method for calculating the equations. The proposed change does not change or affect any safety-related plant equipment or its functions; or any equipment, systems, or setpoints designed to prevent or mitigate accidents. Removing these rod block equations does not create any new challenges to safety-related systems or equipment, or other equipment whose failure could cause an accident; and does not change the function and manner of operation of the APRM or RBM subsystems. The requirements of TS 6.9.1.7 will continue to ensure that these equations are developed using NRC-approved methodology, and are consistent with applicable limits of the plant safety analysis. Therefore, the proposed change does not involve a reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Local Public Document Room location: Athens Public Library, South Street, Athens, Alabama 35611.

Attorney for licensee: General Counsel, Tennessee Valley Authority, 400 West Summit Hill Drive, ET 11H, Knoxville, Tennessee 37902.

NRC Project Director: Frederick J. Hebdon.

TU Electric Company, Docket Nos. 50–445 and 50–446, Comanche Peak Steam Electric Station, Units 1 and 2, Somervell County, Texas

Date of amendment request: August 9, 1994.

Brief description of amendments: The proposed amendments would revise the technical specifications by eliminating the high negative neutron flux rate trip function.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. The proposed change does not involve a significant increase in the probability or consequences of an accident previously evaluated.

The deletion of the High Negative Neutron Flux Rate trip does not adversely affect the probability of any accident. In fact, the deletion of this reactor trip is expected to reduce the probability of inadvertent reactor trips during surveillance testing.

The only previously evaluated accidents whose consequences could be potentially affected by this change are the dropped rod events. Presently the High Negative Neutron Flux Rate trip function responds to these events by initiating a reactor trip. Analyses of these events, using currently licensed analysis methodologies have demonstrated that this trip function is not necessary. Although the scenarios for the various rod drop events without this trip function differ from the existing event scenarios, the unit will either be safely shutdown or return to an acceptable reactor power level, and as before, DNB does not occur. Therefore, the proposed changes would not have a significant effect on the consequences of an accident previously evaluated.

2. The proposed changes do not create the possibility of a new or different kind of accident from any accident previously evaluated.

The proposed changes remove a feature from the Reactor Trip System that is a potential source of inadvertent or unnecessary reactor trips. While the changes delete an accident mitigation feature, they do not add new hardware to the units and do not change plant operations; consequently, no new failure modes are introduced. Therefore, the removal of this trip function cannot create the possibility of an [sic] new or different kind of accident from any accident previously evaluated.

3. The proposed changes do not involve a significant reduction in a margin of safety.

Because the changes only delete an unnecessary reactor trip and do not actually alter the plant, the proposed changes do not affect the failure values for any system or component. Accident analyses have shown that all relevant, existing event acceptance criteria have been satisfied without taking credit for the deleted reactor trip; therefore, the event acceptance criteria are not being

revised. Because neither the failure values nor the acceptance criteria are affected, the proposed changes have no affect on the margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Local Public Document Room location: University of Texas at Arlington Library, Government Publications/Maps, 702 College, P.O. Box 19497, Arlington, Texas 76019.

Attorney for licensee: George L. Edgar, Esq., Newman and Holtzinger, 1615 L Street, N.W., Suite 1000, Washington, D.C. 20036.

NRC Project Director: William D. Beckner.

TU Electric Company, Docket Nos. 50–445 and 50–446, Comanche Peak Steam Electric Station, Units 1 and 2, Somervell County, Texas

Date of amendment request: August 12, 1994.

Brief description of amendments: The proposed amendments would revise the Administrative Controls section of the technical specifications to reflect changes to the licensee's organization, change the submittal due date for the Monthly Operating Report, and delete provisions that will be relocated to other controlled documents.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. The proposed changes do not involve a significant increase in the probability or consequences of an accident previously evaluated.

The proposed changes are administrative in nature and reflect new organizational position titles, reassigned managerial responsibilities, a change in the required submittal due date of the Monthly Operating Report, and the relocation of selected Technical Specification Administrative Controls to licensee controlled documents. The proposed organizational changes include manager position title updates as follows: "Group Vice President, Nuclear Engineering and Operations" changed to "Group Vice President, Nuclear Production"; "Vice President, Nuclear Operation" changed to "Vice President of Nuclear Operations"; and "Shift Supervisor" changed to "Shift Manager". Manager responsibilities remain unchanged except the annual management directive concerning the Shift Supervisor's control room command function which is reassigned to the Group Vice President, Nuclear Production. Additionally, responsibilities of the Vice President, Nuclear Operations and Plant Manager are proposed for reassignment to either the Vice President of Nuclear Operations or the Plant Manager. In all cases, responsibilities will continue to be assigned to appropriately qualified individuals.

The proposed change in the submittal due date of the Monthly Operating Report is to provide additional time to facilitate data compilation and report preparation, review and approval for two operating units. This change does not alter any data or information already reported.

The proposed administrative control relocations include details of minimum shift operations crew staffing, method of onsite and offsite review and audit, selected reportable event actions, review of security and emergency plans and associated implementing procedures, requirements for record retention, and program elements for radiation protection, process control and radiological environmental monitoring. These administrative controls are addressed by other regulatory requirements and are relocated to other licensee documents (i.e., Final Safety Analysis Report, Emergency Plan, Security Plan, Offsite Dose Calculation Manual) which have adequate change control to ensure that intended plant design/safety functions will be maintained. No design basis accidents are affected by these proposed administrative changes as they do not impact nor affect accident analysis assumptions. Therefore, accident analyses assumptions are preserved and there is no change in the probability or consequences of any previously evaluated accident.

2. The proposed changes do not create the possibility of a new or different kind of accident from any accident previously evaluated.

The proposed changes to update organizational position titles and reassign responsibilities will not delete any responsibility/function already designated in the Technical Specifications. All given management activities will continue to be performed by qualified individuals. The proposed change in the submittal due date of the Monthly Operating Report does not alter any data or information already reported. The administrative control relocations retain adequate regulatory basis to ensure that intended plant design/safety functions will be maintained. These changes are administrative in nature and do not affect the design or operation of any system, structure, or component in the plant. Accordingly, no new failure modes have been defined for any plant system or component important to safety, nor have any new initiating events been identified as a result of the proposed changes. Therefore, the proposed changes do not create the possibility of a new or different kind of accident from any accident previously evaluated.

3. The proposed changes do not involve a significant reduction in a margin of safety.

The proposed changes involve the Administrative Controls Section of the CPSES Units 1 and 2 Technical Specifications and provide for updating organizational position titles, reassigning managerial responsibilities/functions, changing the required submittal due date for the Monthly Operating Report, and relocating administrative controls to other controlled licensee documents. These changes are administrative in nature and do not directly affect any protective boundaries nor impact the safety limits for the protective boundaries. The relocated requirements retain adequate regulatory basis for continued proper administrative review and plant configuration control to ensure that actions prescribed in plant operating procedures are maintained so as not to impact the plant's margin of safety. Therefore, there is no significant reduction in the margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Local Public Document Room location: University of Texas at Arlington Library, Government Publications/Maps, 702 College, P.O. Box 19497, Arlington, Texas 76019.

Attorney for licensee: George L. Edgar, Esq., Newman and Holtzinger, 1615 L Street, N.W., Suite 1000, Washington, D.C. 20036.

NRC Project Director: William D. Beckner.

Union Electric Company, Docket No. 50–483, Callaway Plant, Unit 1, Callaway County, Missouri

Date of amendment request: August 4, 1994.

Description of amendment request: This proposed amendment would reflect changes in the boron dilution accident analysis to address Boron Dilution Mitigation System (BDMS) time delays, the BDMS actuation setpoint uncertainty, and concerns regarding the applicability of the assumed inverse count rate ratio (ICRR) curve. The Technical Specifications include:

a. Changing Bases page 2–8, note** of Table 3.3–1, and note 12 of Table 4.3–1 to reflect "flux multiplication" rather than "flux doubling;"

b. Revising note 9 of Table 4.3–1 to reflect the revised setpoint;

c. Revising Bases page 3/4 4–1 to reflect new analysis assumptions.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

(1) Involve a significant increase in the probability or consequences of an accident previously evaluated.

The actuation setpoint decrease and administrative controls to isolate dilution sources if no reactor coolant loop is in operation during Modes 3–5 reflect the new analysis assumptions. The initiating events are presented in FSAR Section 15.4.6. The proposed changes affect only the time required for BDMS to mitigate the event and do not affect the probability of any event initiators.

Overall protection system performance will remain within the bounds of the accident analyses documented in FSAR Chapter 15, WCAP–10961–P, and WCAP–11883 since no hardware changes are proposed.

The BDMS will continue to function in a manner consistent with the above analysis assumptions and the plant design basis. As such, there will be no degradation in the performance of nor an increase in the number of challenges to equipment assumed to function during an accident situation.

These Technical Specification revisions do not involve any hardware changes nor do they affect the probability of any event initiators. There will be no change to normal plant operating parameters or accident mitigation capabilities. Therefore, there will be no increase in the probability of any accident occurring due to the revised analysis.

The results of this new analysis indicate that there is sufficient time for BDMS action to prevent a loss of plant shutdown margin. Since plant shutdown margin is not lost, the minimum DNBR remains well above the safety analysis limit values, no overpressurization occurs and, therefore, there are no fuel failures. The Technical Specification limits on shutdown margin in Modes 3–5 will be met. The conclusions of NRC Generic Letter 85–05 and NSAC–183 remain valid (i.e., that gradual boron dilution events are self-limiting due to inherent reactivity feedback mechanisms). Given the above, there will be no increase in the consequences of any accident.

(2) Create the possibility of a new or different kind of accident from any previously evaluated.

As discussed above, there are no hardware changes associated with these Technical Specification revisions nor are there any changes in the method by which any safety-related plant system performs its safety function. The normal manner of plant operation is unaffected.

No new accident scenarios, transient precursors, failure mechanisms, or limiting single failures are introduced as a result of these changes. There will be no adverse effect or challenges imposed on any safety-related system as a result of these changes. Therefore, the possibility of a new or different type of accident is not created.

(3) Involve a significant reduction in a margin of safety.

The results of the new analysis show that there is sufficient time for BDMS action to prevent a loss of plant shutdown margin. Since plant shutdown margin is not lost, the minimum DNBR remains well above the safety analysis limit values. The Technical Specification limits on shutdown margin in Modes 3–5 will be met. There will be no effect on the manner in which safety limits or limiting safety system settings are determined nor will there be any effect on those plant systems necessary to assure the accomplishment of protection functions. There will be no impact on DNBR limits, F_Q, F-delta-H, LOCA PCT, peak local power density, or any other margin of safety.

Based upon the preceding information, it has been determined that the proposed changes to the Technical Specifications do not involve a significant increase in the probability or consequences of an accident previously evaluated, create the possibility of a new or different kind of accident from any accident previously evaluated, or involve a significant reduction in a margin of safety. Therefore, it is concluded that the proposed changes meet the requirements of 10CFR50.92(c) and does not involve a significant hazards consideration.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Local Public Document Room location: Callaway County Public Library, 710 Court Street, Fulton, Missouri 65251.

Attorney for licensee: Gerald Charnoff, Esq., Shaw, Pittman, Potts & Trowbridge, 2300 N Street, N.W., Washington, DC 20037.

NRC Project Director: John N. Hannon.

Union Electric Company, Docket No. 50–483, Callaway Plant, Unit 1, Callaway County, Missouri

Date of amendment request: August 4, 1994.

Description of amendment request: The proposed amendment would replace Technical Specification (TS) 3/4.6.2.2, Spray Additive System, with a new TS 3/4.6.2.2 entitled Recirculation Fluid pH control (RFPC) System. The associated TS Surveillance Requirements and the Bases would be revised. In addition, the Bases for the Refueling Water Storage Tank (RWST) System will be revised.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

(1) Involve a significant increase in the probability or consequences of an accident previously evaluated.

Overall protection system performance will remain within the bounds of the accident analyses documented in FSAR Chapter 15, WCAP–10961–P, and WCAP–11883.

The accidents evaluated in the FSAR that could be affected by this proposed change are those involving the pressurization of the containment and associated flooding of the containment and recirculation of this fluid within the ECCS or the Containment Spray System (i.e., large break LOCA, main steam line break inside containment, and feedwater line break inside containment). The TSP–C will dissolve in the containment sump fluid resulting from these accidents raising the pH of the fluid, which would initially be greater than or equal to 4.0 but less than 7.0 during the injection phase of containment spray operation. The equilibrium spray pH during the recirculation phase resulting from this change will be greater than or equal to 7.1. The pH range for the spray will be bounded by the range of 4.0 to 11.0 in the current FSAR Section 3.11(B) for the postulated spray solution environment. Since the resulting pH level will be closer to neutral using the TSP–C instead of NaOH, post–LOCA corrosion of containment components will not be increased. The results of the current, post–LOCA hydrogen generation calculation will remain bounding. There will not be an adverse radiation dose effect on any safety-related equipment. Thus, the potential for failures of the ECCS or safety-related equipment following a LOCA will not be increased as a result of the proposed change. The radiological consequences of changing from NaOH to TSP–C were reanalyzed using the current NRC methodology presented in Revision 2 of the Standard Review Plan (NUREG–0800) Section 6.5.2. This reanalysis indicates that the proposed change would result in reduced control room doses. Offsite doses would remain less than those currently reported in FSAR Table 15.6–8. The offsite and control room doses will continue to meet the requirements of 10 CFR 100, 10 CFR 50 Appendix A GDC 19, SRP 15.6.5.II, and SRP 6.4.II. The dose reanalysis, combined with knowledge gained from recent studies on the behavior of iodine in the post–LOCA environment, demonstrates that the deletion of the Spray Additive System and replacement with a sump pH control system using TSP–C will not increase the reported radiological consequences of a postulated LOCA. The proposed new pH control system will provide satisfactory retention of iodine in the sump water, as well as provide adequate pH control to minimize the potential of chloride-induced stress corrosion cracking of austenitic stainless steel components.

The Containment Spray System will continue to function in a manner consistent with the plant design basis. There will be no degradation in the performance of nor an increase in the number of challenges to equipment assumed to function during an accident situation.

These Technical Specification revisions do not affect the probability of any event initiators. There will be no change to normal plant operating parameters, ESF actuation setpoints, or accident mitigation capabilities. Therefore, these changes will not involve a significant increase in the probability or consequences of an accident previously evaluated.

(2) Create the possibility of a new or different kind of accident from any previously evaluated.

The new Recirculation Fluid pH Control System is a passive system, i.e., no operator or automatic action is required to actuate the system. There are no active components being added whose failure could prevent the new system from functioning. The only new components being added are the TSP–C storage baskets. Seismic requirements have been included in the design to ensure the structural integrity of the baskets will be maintained during a seismic event.

No new accident scenarios, transient precursors, failure mechanisms, or limiting single failures are introduced as a result of these changes. There will be no adverse effect or challenges imposed on any safety-related system as a result of these changes. The use of dry sodium phosphates is allowed for adjustment of the post–LOCA sump solution pH as discussed in SRP 6.1.1. Trisodium phosphate has a dissolution rate of 0.7 lbm/ft²-min in water at 160°F (given in WCAP–12477, based on trisodium phosphate in the form of a solid block with no agitation of the solution). The quantity of trisodium phosphate chosen will provide a minimum equilibrium sump pH of 7.1 following dissolution and mixing. No new equipment performance burdens are imposed' however, there is the potential for an unlikely, but possible, event in which an initially concentrated solution of TSP–C occupies the stagnant volume of an inoperable sump. This situation would not last for long since, as the recirculated sump fluid is cooled in the RHR heat exchangers, sufficient buoyancy-driven circulation within containment will result to displace the stagnant solution and eventually yield a uniform, equilibrium solution. Therefore, the possibility of a new or different type of accident is not created.

(3) Involve a significant reduction in a margin of safety.

The radiological analysis performed for this proposed change, as discussed above, shows that there would be no impact on the doses reported in FSAR Table 15.6–8.

There will be no change to the DNBR Correlation Limit, the design DNBR limits, or the safety analysis DNBR limits discussed in Bases Section 2.1.1.

There will be no effect on the manner in which safety limits or limiting safety system settings are determined nor will there be any effect on those plant systems necessary to assure the accomplishment of protection functions. There will be no impact on DNBR limits, F_Q, F–delta–H, LOCA PCT, peak local power density, or any other margin of safety.

Based upon the preceding information, it has been determined that the proposed changes to the Technical Specifications do not involve a significant increase in the probability or consequences of an accident previously evaluated, create the possibility of a new or different kind of accident from any accident previously evaluated, or involve a significant reduction in a margin of safety. Therefore, it is concluded that the proposed changes meet the requirements of 10 CFR 50.92(c) and do not involve a significant hazards consideration.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Local Public Document Room location: Callaway County Public Library, 710 Court Street, Fulton, Missouri 65251.

Attorney for licensee: Gerald Charnoff, Esq., Shaw, Pittman, Potts & Trowbridge, 2300 N Street, N.W., Washington, DC 20037.

NRC Project Director: John N. Hannon.

Washington Public Power Supply System, Docket No. 50–397, Nuclear Project No. 2, Benton County, Washington

Date of amendment request: January 6, 1994.

Description of amendment request: The proposed amendment would revise the Technical Specifications (TS) to (1) modify a table notation which would allow reactor protection channels to be placed in an inoperable status for a defined period of time to allow conduct of surveillance testing without requiring entry into the associated limiting condition for operation (LCO) action requirements, and (2) delete the channel check requirements for the "Reactor Steam Dome—High" TS surveillance.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration. The NRC staff has reviewed the licensee's analysis against the standards of 10 CFR 50.92(c). The NRC staff's review is presented below:

Regarding the proposed modifications to the Instrumentation Section table notations:

1. *Does the proposed change involve a significant increase in the probability or consequences of an accident previously evaluated?*

The proposed revised notations to the TS Instrumentation Section tables clarify the current intent of the table notations by allowing the conduct of surveillance testing without declaring the affected channels inoperable for a limited period of time. In addition, the proposed changes make the wording of the table notations consistent with the Improved Technical Specifications (ITS). The proposed changes do not affect the time that the current notations allow a channel to be placed in an inoperable status, and thus do not affect the probability of an accident previously evaluated. In addition, the proposed changes do not affect the current requirement that redundant instrumentation be operable to accomplish the required function for the channel placed in an inoperable status. Thus, the proposed changes do not affect the consequences of an accident previously evaluated.

2. *Does the amendment create the possibility of a new or different kind of accident from any accident previously evaluated?*

The proposed changes do not affect the operation or availability of equipment from the current TS, and therefore do not create the possibility of a new or different kind of accident from any accident previously evaluated.

3. *Does the amendment involve a significant reduction in a margin of safety?*

The margin of safety affected by the proposed changes is the time that instrumentation required for plant protection is unavailable to perform its required function(s). The proposed changes do not affect the time that the instrumentation is allowed to be in an inoperable status during surveillance testing, and thus does not affect the availability of required instrumentation. In addition, the proposed changes do not affect the current requirement that redundant instrumentation remains operable, ensuring the required safety function remains operable during surveillance testing. Thus, the margin of safety is not affected by the proposed changes.

Regarding the proposed removal of the channel check requirement for the "Reactor Vessel Steam Dome Pressure—High" instrumentation:

1. *Does the proposed change involve a significant increase in the probability or consequences of an accident previously evaluated?*

The proposed removal of this channel check requirement would not affect the availability of the trip function associated with the "Reactor Vessel Steam Dome Pressure—High" instrument, since the status of the channels is monitored by existing annunciators. This ensures the instruments remain capable of performing their intended function.

2. *Does the amendment create the possibility of a new or different kind of accident from any accident previously evaluated?*

The proposed change does not involve a physical modification to the facility or its equipment, nor does it result in a change in the reliability of the equipment. The proposed change does not, therefore, create the possibility of a new or different kind of accident from any accident previously evaluated.

3. *Does the amendment involve a significant reduction in a margin of safety?*

The margin of safety associated with not performing channel checks on the "Reactor Vessel Steam Dome Pressure—High" instrument is defined by the plant response to accidents that depend on this instrument, which in turn is dependent on the likelihood of availability of the trip function associated with this instrument. The proposed change does not affect the availability of this instrument, since the operators have continuous indication of the instrument's availability. Thus, the amendment does not affect the margin of safety.

Based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Local Public Document Room location: Richland Public Library, 955 Northgate Street, Richland, Washington 99352.

Attorney for licensee: M. H. Philips, Jr., Esq., Winston & Strawn, 1400 L Street, NW., Washington, DC 20005–3502.

NRC Project Director: Theodore R. Quay.

Wisconsin Public Service Corporation, Docket No. 50–305, Kewaunee Nuclear Power Plant, Kewaunee County, Wisconsin

Date of amendment request: April 11, 1994.

Description of amendment request: The proposed amendment would revise Kewaunee Nuclear Power Plant (KNPP) Technical Specification (TS) 3.1.f, "Minimum Conditions for Criticality," in preparation for the licensee's extension of the fuel cycle from 12 to 18 months. The proposed amendment would revise TS 3.1.f to specify that the moderator temperature coefficient (MTC) shall be no greater than 5.0 pcm/°F when at or below 60% rated thermal power and shall be zero or negative when above 60% rated thermal power. The proposed amendment also incorporates required actions to be implemented if the MTC specification is not met.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration which is presented below:

Significant Hazards Determination for Proposed Changes to TS 3.1.f

This change is being proposed in accordance with the provisions of 10 CFR 50.92 to show that no significant hazards exist. The proposed change will not:

(1) Involve a significant increase in the probability or consequences of an accident previously evaluated.

Moderator temperature coefficient (MTC) is a physical characteristic of the reactor core which affects the reactor's response to transients. The MTC is not an accident initiator, therefore changing the allowed MTC to 5.0 pcm/°F at or below 60% power, does not increase the probability of an accident previously evaluated.

To verify that an increased MTC would not increase the consequences of a previously evaluated accident, Wisconsin Public Service Corporation (WPSC) reanalyzed the bounding MTC-related events found in Kewaunee's Updated Safety Analysis Report (USAR). Those events are:

1. Uncontrolled Rod Withdrawal at Intermediate Power (USAR Section 14.1.2)
2. Rod Ejection at Hot Zero Power, Beginning of Cycle (USAR Section 14.2.6)
3. Loss of External Electrical Load, Beginning of Cycle (USAR Section 14.1.9)
4. Uncontrolled Boron Dilution (USAR Section 14.1.4)
5. Loss of Reactor Coolant Flow, Locked Rotor (USAR Section 14.1.8)
6. Loss of Reactor Coolant Flow, Both Pumps Trip (USAR Section 14.1.8)

Events numbered 1, 3, 4, 5, and 6 above were reanalyzed to verify that the departure from nuclear boiling ratio (DNBR) would not fall below the acceptance criterion of 1.300. In all five cases, an assumed MTC value of 5.0 pcm/°F at or below 60% power increased the calculated DNBR value from the current USAR analyses. Therefore the existing analyses associated with DNBR remain bounding.

Event number 2 above was reanalyzed to ensure Kewaunee's peak clad temperature (PCT) would not exceed the required acceptance criterion of 2700°F. When this accident was reanalyzed using the positive MTC value of 5.0 pcm/°F, the calculated PCT exceeded 2700°F. Therefore it was necessary to decrease the allowable hot channel factor (FQ) from 9.0 to 8.2. This change in allowable FQ reduces a bounding value for future Kewaunee core designs and does not have an adverse effect on plant safety limits or settings. This FQ limit reduction for the accident of Rod Ejection at Hot Zero Power, Beginning of Cycle, will be incorporated into the WPSC Reload Safety Methodology and Kewaunee's USAR. The results of the analysis using a FQ of 8.2 and a MTC value of 5.0 pcm/°F indicate a lower PCT than the previously bounding case.

In addition, WPSC reviewed the effects of this change on Kewaunee's anticipated transient without scram (ATWS) analysis. This review demonstrated that the ATWS analysis was found to include assumptions bounding Kewaunee's proposed MTC limits.

The reanalyses of the six most limiting MTC-related transients and review of the ATWS event demonstrate that this proposed change does not involve an increase in the potential consequences of any accidents previously evaluated.

(2) Create the possibility of a new or different kind of accident from any accident previously evaluated.

The MTC is a physical characteristic of the reactor core and is not an accident initiator. A changed MTC changes the reactor's response to the postulated transients in chapter 14 of Kewaunee's USAR. Therefore an MTC of 5.0 pcm/°F at or below 60% rated thermal power does not create the possibility of a new or different type of accident from any accident previously evaluated.

(3) Involve a significant reduction in the margin of safety.

The six most limiting MTC-related transients in chapter 14 of the KNPP USAR were reanalyzed. Five of the six were reanalyzed to verify the DNBR would not go below the DNBR acceptance criterion of 1.300. The results of these five DNBR-related analyses demonstrate that the reanalyzed DNBR value is greater than the DNBR from the currently bounding safety analyses. The sixth transient was reanalyzed to verify the PCT limit of 2700°F would not be exceeded. Reanalysis of this sixth accident, Rod Ejection at Hot Zero Power and Beginning of Cycle, indicated a need to lower the allowable hot channel factor (FQ). Reanalysis incorporating this more restrictive FQ value resulted in a calculated PCT value of 2504°F, which is less than the previous PCT value of 2585°F. The new FQ limit will be incorporated into the next USAR revision, which will be submitted in accordance with 10 CFR 50.71.

In addition, WPSC reviewed the effects of this change on Kewaunee's anticipated transient without scram (ATWS) analysis. This review demonstrated that the ATWS analysis was found to include assumptions bounding Kewaunee's proposed MTC limits.

The reanalyses of the six most bounding transients and review of the ATWS event demonstrate that restricting the MTC value to 5.0 pcm/°F at or below 60% power does not reduce the margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Local Public Document Room location: University of Wisconsin Library Learning Center, 2420 Nicolet Drive, Green Bay, Wisconsin 54301.

Attorney for licensee: Bradley D. Jackson, Esq., Foley and Lardner, P. O. Box 1497, Madison, Wisconsin 53701–1497.

NRC Project Director: John N. Hannon.

Wisconsin Public Service Corporation, Docket No. 50–305, Kewaunee Nuclear Power Plant, Kewaunee County, Wisconsin

Date of amendment request: May 20, 1994.

Description of amendment request: The proposed amendment would revise Kewaunee Nuclear Power Plant (KNPP) Technical Specification (TS) 3.4,

"Steam and Power Conversion System," by modifying and clarifying the operability requirements for the main steam safety valves (MSSVs), auxiliary feedwater system (AFW), and the condensate storage tank system. The proposed amendment would eliminate inconsistencies within Technical Specification Section 3.4 and would provide the basis for operation of the AFW system below 15% reactor power.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration which is presented below:

Significant Hazards Determination for Proposed Changes to Technical Specification (TS) 3.4.a "Main Steam Safety Valves"

The proposed changes were reviewed in accordance with the provisions of 10 CFR 50.92 to show no significant hazards exist. The proposed changes will not:

(1) Involve a significant increase in the probability or consequences of an accident previously evaluated.

Currently, TS 3.4.a.1.A.2 requires five MSSV's to be operable prior to heating the reactor > 350°F. The proposed change requires a minimum of two MSSVs per steam generator to be operable prior to heating the reactor coolant system > 350 °F, and five MSSVs per steam generator to be operable prior to reactor criticality. If these conditions cannot be met within 48 hours, within 1 hour action shall be initiated to achieve hot standby within 6 hours, achieve hot shutdown within the following 6 hours, and achieve and maintain the reactor coolant system temperature < 350°F within an additional 12 hours.

The MSSVs are relied upon to function in each of the following USAR analyzed accidents: Reactor Coolant Pump Locked Rotor, Loss of External Electrical Load, Loss of Normal Feedwater, Uncontrolled Rod Cluster Control Assembly Withdrawal at Power, Uncontrolled Rod Cluster Control Assembly Withdrawal From a Subcritical Condition, Steam Generator Tube Rupture, and Anticipated Transients without Scram.

The initial conditions in the analysis of a Loss of External Electrical Load Accident, Loss of Normal Feedwater Accident, Uncontrolled Rod Withdrawal at Power Accident, Uncontrolled Rod Cluster Control Assembly Withdrawal from a Subcritical Condition Accident and an Anticipated Transients without Scram Accident assume critical conditions. Because this proposed TS requires all MSSVs to be operable prior to reactor criticality, there will be no adverse effect on the health and safety of the public.

Two operable MSSVs are capable of relieving the maximum steam generated during a Reactor Coolant Pump Locked Rotor Accident or a Steam Generator Tube Rupture from a subcritical condition. The maximum required steam relief rate resulting from a Steam Generator Tube Rupture is 270,000 lbm/hr, well below the relief capacity of 1,532,076 lbm/hr of two MSSVs on a single steam generator. Also, this condition results in no increase in the radiological dose to the public. Two MSSVs on one steam generator are capable of relieving the steam generated corresponding to approximately 20% reactor power. This relief capacity is well above the maximum steam generation rate resulting from a Reactor Coolant Pump Locked Rotor Accident from a subcritical condition.

In all cases, the relieving capacity of the MSSVs exceeds the maximum steam generation rate, and reactor criticality is not permitted unless all MSSVs are operable. Therefore, there is no adverse effect on the health and safety of the public and no significant increase [in the probability or] consequences of an accident previously evaluated.

(2) Create the possibility of a new or different kind of accident from any accident previously evaluated.

The proposed change does not alter the plant configuration, operating setpoints, or overall plant performance. Therefore, it does not create the possibility of a new or different kind of accident.

(3) Involve a significant reduction in the margin of safety.

The USAR safety analysis assumes five MSSVs per steam generator are operable. However, as shown above, this change results in no steam generator overpressure event or increase in the radiological dose. Therefore, this change will not involve a reduction in the margin of safety.

Significant Hazards Determination for Proposed Changes to Technical Specification (TS) 3.4.b "Auxiliary Feedwater System"

The proposed changes were reviewed in accordance with the provisions of 10 CFR 50.92 to show no significant hazards exist. The proposed changes will not:

(1) Involve a significant increase in the probability or consequences of an accident previously evaluated.

Current TS 3.4.a.1.A.1 and TS 3.4.b governing auxiliary feedwater flow to the steam generators are being combined and titled, "Auxiliary Feedwater System." This change is consistent with the format of "Westinghouse Standard Technical Specifications," NUREG–1431. In addition to the formatting changes, a number of technical changes are being proposed. These are:

—The correction of an inconsistency between current TS 3.4.a.1.A.1 and current TS 3.4.6.2.A.

—The addition of a seven (7) day Limiting Condition for Operation (LCO) for one steam supply to the turbine driven auxiliary feedwater pump.

—An addition to allow the AFW control switches located in the control room to be placed in the "pull out" position and valves AFW–2A and AFW–2B to be in a throttled position when below 15% reactor power without declaring the corresponding AFW train inoperable.

An inconsistency currently exists between current TS 3.4.a.1.A.1 and current TS 3.4.b.2.A. TS 3.4.a.1.A.1 requires the system piping and valves directly associated with providing auxiliary feedwater flow to the steam generators to be operable, with a corresponding 48 hour limiting condition for operation (LCO) action statement if this requirement is not met. TS 3.4.b.2.A allows one auxiliary feedwater pump to be inoperable for 72 hours. This arrangement can cause a conflict regarding which TS is applicable depending on which component in the auxiliary feedwater flowpath to the steam generators is inoperable. By moving all TS action statements to TS 3.4.b, the inconsistency between TS 3.4.a.1.A.1 and TS 3.4.b.2.A will be eliminated. The requirement to maintain the operability of the system piping and valves directly associated with providing auxiliary feedwater flow to the steam generators remains, but is being modified to prevent removing both AFW supply headers from service for 48 hours.

Proposed TS 3.4.b.2.A is being added to allow one steam supply to the turbine driven auxiliary feedwater pump to be inoperable for seven days. This addition is consistent with "Westinghouse Standard Technical Specifications," NUREG–1431. The seven day completion time is reasonable based on the redundant steam supplies to the pump, the availability of the redundant motor-driven AFW pumps, and the low probability of an event occurring that requires the inoperable steam supply to the turbine driven AFW pump. For these reasons, this change will have no adverse affect on the health and safety of the public.

Proposed TS 3.4.b.5 permits the AFW Pump control switches located in the control room to be placed in the "pull out" position and valves AFW–2A and AFW–2B to be in a throttled position when below 15% reactor power without declaring the corresponding AFW train inoperable. This change is proposed to resolve concerns regarding the cycling of the AFW pumps and the throttling of valves AFW–2A and AFW–2B during plant startups and shutdowns. Analysis shows that control room operators have a minimum of ten minutes to initiate auxiliary feedwater flow after a design basis accident with no steam generator dryout or core damage.

All accidents which rely on AFW flow for mitigation were reanalyzed to support this change. These analyses were completed assuming an initial power of 100%. However, a 15% reactor power restriction has been implemented on placing the AFW pump control switches located in the control room in the "pull out" position and throttling valves AFW–2A and AFW–2B. This restriction in effect limits use of TS 3.4.b.5 to plant start-ups, shutdowns and other low power operating conditions.

This change alters the assumptions of the safety analysis for the Small-Break Loss of Coolant Accident, the Steam Generator Tube Rupture and the Loss of Normal Feedwater due to their dependence on the AFW system to start and supply AFW for heat removal. To support this change, the Westinghouse Electric Corporation performed an analysis of the Small-Break Loss-of-Coolant Accident using the NOTRUMP code assuming ten minutes for operator action to initiate auxiliary feedwater. This analysis resulted in a Peak Cladding Temperature (PCT) of 1053°F from an initial power level of 100%. All other acceptance criteria of 10 CFR 50.46 were [also] met. This large margin to the

2200°F PCT limit supports ten minutes for operator action to initiate auxiliary feedwater.

Furthermore, WPSC has analyzed the Loss of Normal Feedwater and the Steam Generator Tube Rupture Accident assuming delays in the initiation of auxiliary feedwater. The Loss of Normal Feedwater Accident with a ten minute delay in the initiation of Auxiliary Feedwater does not result in any adverse condition in the core. It does not result in water relief from the pressurizer safety valves, nor does it result in uncovering the tube sheets of the steam generators. Also, at all times the Departure from Nucleate Boiling Ratio (DNBR) remained greater than 1.30. The Steam Generator Tube Rupture Accident with no auxiliary feedwater flow was also analyzed. The results of this analysis indicate that neither steam generator empties of liquid and at least 20°F of reactor coolant system subcooling is maintained throughout the transient. Also, there is no increase in the radiological dose to the public.

Ten minutes is an acceptable time for operator action because four independent alarms in the control room would initiate operator action to place the AFW pump control switches to the "auto" position and initiate AFW flow to the steam generators when necessary. These include two steam generator lo level alarms (one per steam generator), and two steam generator lo-lo level alarms (one per steam generator). Provisions also exist to add additional low level alarms on the plant process computer. In addition to these alarms, control room operators have twelve other indications of insufficient, or no, AFW flow to the steam generators. These indications include three auxiliary feedwater pump low discharge pressure alarms (one per AFW pump), two auxiliary feedwater flow meters (one per steam generator), two AFW pump motor amp meters (one per motor-driven AFW pump), two "ESF in Pullout" alarms (one per Engineered Safety Features train) and three pump running lights (one per AFW pump). The ten minutes for operator action was discussed in a telephone conversation between WPSC and Mr. R. Laufer (NRR). Ten minutes for operator action is further supported by Branch Technical Position EISCB 18. Scenarios have been completed on the KNPP simulator to support ten minutes for operator initiation of AFW flow. In all cases, operators manually initiated AFW flow within the allowed ten minutes.

For these reasons, this change will have no adverse affect on the health and safety of the public or significantly increase the probability or consequences of an accident previously evaluated in the USAR.

(2) Create the possibility of a new or different kind of accident from any accident previously evaluated.

The proposed change does not alter the plant configuration, operating setpoints, or overall plant performance. Therefore, it does not create the possibility of a new or different kind of accident.

(3) Involve a significant reduction in the margin of safety.

This change alters the assumptions of the safety analysis for the Small-Break Loss of Coolant Accident, the Steam Generator Tube Rupture and the Loss of Normal Feedwater due to their dependence on the AFW system to start and supply AFW flow for heat removal. To support this change the Westinghouse Electric Corporation has performed an analysis of the Small-Break Loss-of-Coolant Accident using the NOTRUMP code assuming ten minutes for operator action to initiate auxiliary feedwater. This analysis resulted in a Peak Cladding Temperature (PCT) of 1053°F from an initial power level of 100%. All other acceptance criteria of 10 CFR 50.46 were [also] met. This large margin to the 2200°F PCT limit supports ten minutes for operator action to initiate auxiliary feedwater.

Furthermore, WPSC has analyzed the Loss of Normal Feedwater and the Steam Generator Tube Rupture Accident assuming delays in the initiation of auxiliary feedwater. The Loss of Normal Feedwater Accident with a ten minute delay in the initiation of Auxiliary Feedwater does not result in any adverse condition in the core. It does not result in water relief from the pressurizer safety valves, nor does it result in uncovering the tube sheets of the steam generators. Also, at all times the Departure from Nucleate Boiling Ratio (DNBR) remained greater than 1.30. The Steam Generator Tube Rupture Accident with no Auxiliary Feedwater flow was also analyzed. The results of this analysis indicate that neither steam generator empties of liquid and at least 20°F of reactor coolant system subcooling is maintained throughout the transient. Also, there is no increase in the radiological dose to the public.

For these reasons, these changes will not adversely effect the health and safety of the public or involve a significant reduction in the margin of safety.

Significant Hazards Determination for Proposed Administrative Changes to Section TS 3.4 "Steam and Power Conversion System"

The proposed change was reviewed in accordance with the provisions of 10 CFR 50.92 to show no significant hazards exist. The proposed changes will not:

(1) Involve a significant increase in the probability or consequences of an accident previously evaluated, or

(2) Create the possibility of a new or different kind of accident from any accident previously evaluated, or

(3) Involve a significant reduction in the margin of safety.

The proposed changes are administrative in nature and do not alter the intent or interpretation of the TS. Therefore, no significant hazards exist.

Additionally, the proposed change is similar to example C.2.e(i) in 51 FR 7751. Example C.2.e.(i) states that changes which are purely administrative in nature; i.e., to achieve consistency throughout the Technical Specifications, correct an error, or a change in nomenclature, are not likely to involve a significant hazard.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Local Public Document Room location: University of Wisconsin Library Learning Center, 2420 Nicolet Drive, Green Bay, Wisconsin 54301.

Attorney for licensee: Bradley D. Jackson, Esq., Foley and Lardner, P. O. Box 1497, Madison, Wisconsin 53701–1497.

NRC Project Director: John N. Hannon.

Previously Published Notices of Consideration of Issuance of Amendments To Facility Operating Licenses, Proposed No Significant Hazards Consideration Determination, and Opportunity for a Hearing

The following notices were previously published as separate individual notices. The notice content was the same as above. They were published as individual notices either because time did not allow the Commission to wait for this biweekly notice or because the action involved exigent circumstances. They are repeated here because the biweekly notice lists all amendments issued or proposed to be issued involving no significant hazards consideration.

For details, see the individual notice in the **Federal Register** on the day and page cited. This notice does not extend the notice period of the original notice.

Arizona Public Service Company, et al., Docket Nos. STN 50–528, STN 50–529, and STN 50–530, Palo Verde Nuclear Generating Station, Unit Nos. 1, 2, and 3, Maricopa County, Arizona

Date of application for amendment: August 18, 1994.

Brief description of amendment request: The proposed amendment would add the analytical method supplement entitled "Calculative Methods for the CE Large Break LOCA Evaluation Model for the Analysis of CE and W Designed NSSS," CENPD–132, Supplement 3–P-A, dated June 1985, to the list of analytical methods in TS Section 6.9.1.10 used to determine the PVNGS core operating limits. Additionally, further administrative changes are proposed to the list of analytical methods.

Date of individual notice in **Federal Register:** September 6, 1994 (59 FR 46069).

Expiration date of individual notice: October 6, 1994.

Local Public Document Room location: Phoenix Public Library, 12 East McDowell Road, Phoenix, Arizona 85004.

Pacific Gas and Electric Company, Docket Nos. 50–275 and 50–323, Diablo Canyon Nuclear Power Plant, Unit Nos. 1 and 2, San Luis Obispo County, California

Date of application for amendment: August 29, 1994.

Brief description of amendment request: The proposed amendment would revise the combined Technical Specifications (TS) for the Diablo Canyon Power Plant (DCPP) Unit Nos. 1 and 2 to specify an alternate method of determing water and sediment content for new diesel fuel oil as specified in TS 3/4.8.1.1, "A.C. Sources - Operating."

Date of individual notice in **Federal Register**: September 8, 1994 (59 FR 46453).

Expiration date of individual notice: October 7, 1994.

Local Public Document Room location: California Polytechnical State University, Robert E. Kennedy Library, Government Documents and Maps Department, San Luis Obispo, California 93407.

Notice of Issuance of Amendments To Facility Operating Licenses

During the period since publication of the last biweekly notice, the Commission has issued the following amendments. The Commission has determined for each of these amendments that the application complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment.

Notice of Consideration of Issuance of Amendment to Facility Operating License, Proposed No Significant Hazards Consideration Determination, and Opportunity for A Hearing in connection with these actions was published in the **Federal Register** as indicated.

Unless otherwise indicated, the Commission has determined that these amendments satisfy the criteria for categorical exclusion in accordance with 10 CFR 51.22. Therefore, pursuant to 10 CFR 51.22(b), no environmental impact statement or environmental assessment need be prepared for these amendments. If the Commission has prepared an environmental assessment under the special circumstances provision in 10 CFR 51.12(b) and has made a determination based on that assessment, it is so indicated.

For further details with respect to the action see (1) the applications for amendment, (2) the amendment, and (3) the Commission's related letter, Safety Evaluation and/or Environmental Assessment as indicated. All of these items are available for public inspection at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC 20555, and at the local public document rooms for the particular facilities involved.

Arizona Public Service Company, et al., Docket Nos. STN 50–528, STN 50–529, and STN 50–530, Palo Verde Nuclear Generating Station, Units 1, 2, and 3, Maricopa County, Arizona

Date of application for amendments: January 4, 1994.

Brief description of amendments: The amendments would implement recommended changes from Generic Letter (GL) 93–05, "Line-Item Technical Specification Improvements to Reduce Surveillance Requirements for Testing During Power Operation." Specifically, the amendments implement changes to Technical Specifications corresponding to the following GL 93–05 line numbers: 4.1.2, 5.8, 5.14, 6.1, 7.5, 8.1, 9.1, and 12. Proposed changes to line number 14 were reviewed and deemed unnecessary because the changes are already in the Technical Specifications.

Date of issuance: September 2, 1994.

Effective date: September 2, 1994.

Amendment Nos.: 79, 66, and 51.

Facility Operating License Nos. NPF–41, NPF–51, and NPF–74: The amendments revised the Technical Specifications.

Date of initial notice in **Federal Register**: July 22, 1994 (59 FR 37513). The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated September 2, 1994.

No significant hazards consideration comments received: No.

Local Public Document Room location: Phoenix Public Library, 12 East McDowell Road, Phoenix, Arizona 85004.

Arizona Public Service Company, et al., Docket Nos. STN 50–528, STN 50–529 and STN 50–530, Palo Verde Nuclear Generating Station, Unit Nos. 1, 2 and 3, Maricopa County, Arizona

Date of application for amendments: October 27, 1993.

Brief description of amendments: The amendments would revise TS 6.9.1.8 to change the frequency for submitting the Radioactive Effluent Release Report from semiannual to annual, as allowed by the revised Title 10, Code of Federal Regulation, section 50.36a requirements. In addition, the references to this report would be changed from semiannual to annual to ensure consistency throughout the TS.

Date of issuance: September 12, 1994.

Effective date: September 12, 1994.

Amendment No.: 80, 67, 52.

Facility Operating License Nos. NPF–41, NPF–51, and NPF–74: Amendment revised the Technical Specifications.

Date of initial notice in **Federal Register**: January 19, 1994 (59 FR 2861). The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated September 12, 1994.

No significant hazards consideration comments received: No.

Local Public Document Room location: Phoenix Public Library, 12 East McDowell Road, Phoenix, Arizona 85004.

Baltimore Gas and Electric Company, Docket Nos. 50–317 and 50–318, Calvert Cliffs Nuclear Power Plant, Unit Nos. 1 and 2, Calvert County, Maryland

Date of application for amendments: June 8, 1994.

Brief description of amendments: The amendments revise the Calvert Cliffs Nuclear Power Plant, Unit Nos. 1 and 2, Technical Specification 4.8.1.1.1.b to extend the alternate 69 kV offsite power circuit surveillance frequency to accommodate the 24-month fuel cycles currently in use at Calvert Cliffs. As requested in Generic Letter 91–04, "Changes In Technical Specification Surveillance Intervals To Accommodate a 24-month Fuel Cycle," the licensee provided an evaluation in support of the change which concludes the effect on safety is small and does not invalidate any assumption in the plant licensing basis.

Date of issuance: September 6, 1994.

Effective date: As of the date of issuance to be implemented within 30 days.

Amendment Nos.: 195 and 172.

Facility Operating License Nos. DPR–53 and DPR–69: Amendments revised the Technical Specifications.

Date of initial notice in **Federal Register**: July 20, 1994 (59 FR 37063). The Commission's related evaluation of these amendments is contained in a Safety Evaluation dated September 6, 1994.

No significant hazards consideration comments received: No.

Local Public Document Room location: Calvert County Library, Prince Frederick, Maryland 20678.

Baltimore Gas and Electric Company, Docket Nos. 50–317 and 50–318, Calvert Cliffs Nuclear Power Plant, Unit Nos. 1 and 2, Calvert County, Maryland

Date of application for amendments: June 8, 1994.

Brief description of amendments: The amendments revise the Calvert Cliffs Nuclear Power Plant, Units 1 and 2, Technical Specification 4.6.2.2.b to extend the Containment Air Cooling System surveillance frequency to accommodate the 24-month fuel cycle currently in use at Calvert Cliffs.

Date of issuance: September 6, 1994.

Effective date: As of the date of issuance to be implemented within 30 days.

Amendment Nos.: 196 and 173.

Facility Operating License Nos. DPR–53 and DPR–69: Amendments revised the Technical Specifications.

Date of initial notice in Federal Register: July 20, 1994 (59 FR 37063). The Commission's related evaluation of these amendments is contained in a Safety Evaluation dated September 6, 1994.

No significant hazards consideration comments received: No.

Local Public Document Room location: Calvert County Library, Prince Frederick, Maryland 20678.

Carolina Power & Light Company, Docket No. 50–261, H. B. Robinson Steam Electric Plant, Unit No. 2, Darlington County, South Carolina

Date of application for amendment: October 14, 1993.

Brief description of amendment: The amendment revises TS 4.2.2 to remove the schedule for withdrawal of reactor vessel material surveillance specimens.

Date of issuance: September 6, 1994.

Effective date: September 6, 1994.

Amendment No. 150.

Facility Operating License No. DPR–23. Amendment revises the Technical Specifications.

Date of initial notice in Federal Register: November 10, 1993 (58 FR 59745). The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated September 6, 1994.

No significant hazards consideration comments received: No.

Local Public Document Room location: Hartsville Memorial Library, 147 West College Avenue, Hartsville, South Carolina 29550.

Carolina Power & Light Company, Docket No. 50–261, H. B. Robinson Steam Electric Plant, Unit No. 2, Darlington County, South Carolina

Date of application for amendment: March 3, 1993, as supplemented on October 22, 1993, and August 12, 1994.

Brief description of amendment: The amendment will (1) add ANF–88–133(P)(A), "Qualification of Advanced Nuclear Fuels' PWR Design Methodology for Rod Burnups of 62 Gwd/MTU," to the approved methodologies list of Section 6.9.3.3.b, (2) clarify the wording in Sections 3.10.2.1 and 3.10.2.2.2 by describing more precisely how measurement uncertainty and engineering factors are considered, (3) correct the licensee's typographical error in Section 3.10.2.2, and (4) correct a reference to Section 6.9.3.3.b on page 3.10–16a of the TS basis.

Date of issuance: September 16, 1994.

Effective date: September 16, 1994.

Amendment No. 151.

Facility Operating License No. DPR–23. Amendment revises the Technical Specifications.

Date of initial notice in Federal Register: April 14, 1993 (58 FR 19472). The letter dated October 22, 1993, and August 12, 1994, provided clarifying information that did not affect the published notice.

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated September 16, 1994.

No significant hazards consideration comments received: No.

Local Public Document Room location: Hartsville Memorial Library, 147 West College Avenue, Hartsville, South Carolina 29550.

Commonwealth Edison Company, Docket Nos. 50–295 and 50–304, Zion Nuclear Power Station, Units 1 and 2, Lake County, Illinois

Date of application for amendments: January 19, 1994.

Brief description of amendments: The amendments increase the minimum reactor coolant system temperature required for criticality from 500 degrees Fahrenheit to 530 degrees Fahrenheit and delete other requirements and bases discussions that no longer apply to the facility.

Date of issuance: September 8, 1994.

Effective date: September 8, 1994.

Amendment Nos.: 156 and 144.

Facility Operating License Nos. DPR–39 and DPR–48. The amendments revised the Technical Specifications.

Date of initial notice in Federal Register: July 20, 1994 (59 FR 37065). The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated September 8, 1994.

No significant hazards consideration comments received: No.

Local Public Document Room location: Waukegan Public Library, 128 N. County Street, Waukegan, Illinois 60085.

Commonwealth Edison Company, Docket Nos. 50–295 and 50–304, Zion Nuclear Power Station, Units 1 and 2, Lake County, Illinois

Date of application for amendments: The original submittal was incorrectly dated March 31, 1993. The Federal Register notice reflected the correct date of March 31, 1994. The licensee's submittal dated April 15, 1994, superseded the first submittal in its entirety. The submittal was further supplemented on July 26, 1994.

Brief description of amendments: The amendments change the Engineered Safeguards Features Actuation System (ESFAS) Technical Specifications (TS) sections to provide allowed outage times for Automatic Actuation Channel surveillance testing and restoration time for an inoperable ESFAS Automatic Actuation Channel.

Date of issuance: September 8, 1994.

Effective date: September 8, 1994.

Amendment Nos.: 157 and 145.

Facility Operating License Nos. DPR–39 and DPR–48. The amendments revised the Technical Specifications.

Date of initial notice in Federal Register: May 12, 1994 (59 FR 24748) The April 15 and July 26, 1994, submittals did not change the initial proposed no significant hazards consideration determination.

The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated September 8, 1994.

No significant hazards consideration comments received: No.

Local Public Document Room location: Waukegan Public Library, 128 N. County Street, Waukegan, Illinois 60085.

Duke Power Company, et al., Docket Nos. 50–413 and 50–414, Catawba Nuclear Station, Units 1 and 2, York County, South Carolina

Date of application for amendments: July 13, 1994.

Brief description of amendments: The amendments revise Technical Specification 4.6.2 by changing the testing interval for the air or smoke flow test through each containment spray header from 5 to 10 years, and remove an obsolete footnote.

Date of issuance: September 6, 1994.

Effective date: To be implemented within 30 days from the date of issuance.

Amendment Nos.: 147 and 129.

Facility Operating License Nos. NPF–35 and NPF–52: Amendments revised the Technical Specifications.

Date of initial notice in Federal Register: August 3, 1994 (59 FR 39583)

The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated September 6, 1994.

No significant hazards consideration comments received: No.

Local Public Document Room location: York County Library, 138 East Black Street, Rock Hill, South Carolina 29730.

Duke Power Company, Docket Nos. 50–369 and 50–370, McGuire Nuclear Station, Units 1 and 2, Mecklenburg County, North Carolina

Date of application for amendments: July 13, 1994.

Brief description of amendments: The amendments revise Technical Specification 4.6.2 by changing the testing interval for the air or smoke flow test through each containment spray header from 5 to 10 years.

Date of issuance: September 6, 1994.

Effective date: To be implemented within 30 days from the date of issuance.

Amendment Nos.: 123 and 117.

Facility Operating License Nos. NPF–9 and NPF–17: Amendments revised the Technical Specifications.

Date of initial notice in **Federal Register:** August 3, 1994 (59 FR 39583) The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated September 6, 1994.

No significant hazards consideration comments received: No.

Local Public Document Room location: Atkins Library, University of North Carolina, Charlotte (UNCC Station), North Carolina 28223.

Duquesne Light Company, et al., Docket Nos. 50–334 and 50–412, Beaver Valley Power Station, Unit Nos. 1 and 2, Shippingport, Pennsylvania

Date of application for amendments: June 9, 1994.

Brief description of amendments: These amendments revise the Appendix A TSs relating to new fuel oil for emergency diesel generators. The amendments replace the qualitative examination of new fuel oil for water/sediment and particulate contamination with a quantitative examination for these properties.

Date of issuance: September 8, 1994.

Effective date: As of date of issuance to be implemented within 60 days of issuance.

Amendment Nos.: 182 and 63.

Facility Operating License Nos. DPR–66 and NPF–73: Amendments revised the Technical Specifications.

Date of initial notice in **Federal Register:** July 6, 1994 (59 FR 34662) The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated September 8, 1994.

No significant hazards consideration comments received: No.

Local Public Document Room location: B. F. Jones Memorial Library, 663 Franklin Avenue, Aliquippa, Pennsylvania 15001.

Houston Lighting & Power Company, City Public Service Board of San Antonio, Central Power and Light Company, City of Austin, Texas, Docket Nos. 50–498 and 50–499, South Texas Project, Units 1 and 2, Matagorda County, Texas

Date of amendment request: April 14, 1994.

Brief description of amendments: The amendments revise Technical Specification 5.3.1, "Fuel Assemblies," to permit fuel assembly reconstitution to restore the usefulness of fuel assemblies containing damaged or leaking fuel rods.

Date of issuance: September 2, 1994.

Effective date: September 2, 1994.

Amendment Nos.: Unit 1—Amendment No. 65; Unit 2—Amendment No. 54.

Facility Operating License Nos. NPF–76 and NPF–80. The amendments revised the Technical Specifications.

Date of initial notice in **Federal Register:** June 8, 1994 (59 FR 29628) The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated September 2, 1994.

No significant hazards consideration comments received: No.

Local Public Document Room location: Wharton County Junior College, J. M. Hodges Learning Center, 911 Boling Highway, Wharton, Texas 77488.

Illinois Power Company and Soyland Power Cooperative, Inc., Docket No. 50–461, Clinton Power Station, Unit No. 1, DeWitt County, Illinois

Date of application for amendment: April 18, 1994.

Brief description of amendment: License Amendment No. 81, issued on July 15, 1993, changed the numbering of Surveillance Requirement 4.1.3.2, "Control Rod Maximum Scram Insertion Times," but failed to renumber multiple references made to this surveillance. This amendment renumbers those references previously overlooked.

Date of issuance: September 2, 1994.

Effective date: Date of issuance.

Amendment No.: 92.

Facility Operating License No. NPF–62. The amendment revised the Technical Specifications.

Date of initial notice in **Federal Register:** May 12, 1994 (59 FR 24749) The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated September 2, 1994.

No significant hazards consideration comments received: No.

Local Public Document Room location: The Vespasian Warner Public Library, 120 West Johnson Street, Clinton, Illinois 61727.

Illinois Power Company and Soyland Power Cooperative, Inc., Docket No. 50–461, Clinton Power Station, Unit No. 1, DeWitt County, Illinois

Date of application for amendment: August 5, 1994.

Brief description of amendment: The amendment modifies the Clinton Power Station Technical Specification Table 4.8.1.1.2–1, "Diesel Generator Test Schedule," to exclude three valid failures of the Division 1 diesel generator from contributing towards an accelerated test schedule.

Date of issuance: September 2, 1994.

Effective date: September 2, 1994.

Amendment No.: 93.

Facility Operating License No. NPF–62. The amendment revised the Technical Specifications.

Public comments requested as to proposed no significant hazards consideration: Yes (59 FR 42080 dated August 16, 1994). The notice provided an opportunity to submit comments on the Commission's proposed no significant hazards consideration determination. No comments have been received. The notice published August 16, 1994, also provided for an opportunity to request a hearing by September 15, 1994, but indicated that if the Commission makes a final no significant hazards consideration determination any such hearing would take place after issuance of the amendment.

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated September 2, 1994.

Local Public Document Room location: The Vespasian Warner Public Library, 120 West Johnson Street, Clinton, Illinois 61727.

Indiana Michigan Power Company, Docket Nos. 50–315 and 50–316, Donald C. Cook Nuclear Plant, Unit Nos. 1 and 2, Berrien County, Michigan

Date of application for amendments: November 11, 1992, as supplemented December 17, 1993, and March 29, 1994.

Brief description of amendments: The amendments revise the Technical Specifications to increase the main steam safety valve setpoint tolerance for both units to plus or minus 3 percent and revise the emergency core cooling system section for Unit 2 to reflect a thermal power limitation resulting from the small break loss-of-coolant accident

analysis when a safety injection cross-tie is closed.

Date of issuance: September 9, 1994.

Effective date: September 9, 1994.

Amendment Nos.: 182 and 167.

Facility Operating License Nos. DPR–58 and DPR–74. Amendments revised the Technical Specifications.

Date of initial notice in **Federal Register:** March 3, 1993 (58 FR 12262). The December 17, 1993, letter corrected errors in the Small Break Loss of Coolant Accident analysis, and the March 29, 1994, letter modified the requested amendment to include the requirement to reset the MSSV setpoints to plus 1 percent whenever they are found outside that range. These letters were responding to NRC staff concerns, and provided clarifying information which did not change the staff's initial proposed no significant hazards consideration determination.

The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated September 9, 1994.

No significant hazards consideration comments received: No.

Local Public Document Room location: Maud Preston Palenske Memorial Library, 500 Market Street, St. Joseph, Michigan 49085.

Niagara Mohawk Power Corporation, Docket No. 50–220, Nine Mile Point Nuclear Station Unit No. 1, Oswego County, New York

Date of application for amendment: January 6, 1994.

Brief description of amendment: The amendment revises Technical Specification (TS) Tables 3.2.7, 3.6.2a, 4.6.2a, 3.6.2b, and 4.6.2b to delete the automatic reactor scram and main steam line isolation functions of the Main Steam Line Radiation Monitor. Conforming changes are also being made to the Bases for these TSs and to the Bases for TS 2.1.2. The changes are consistent with the NRC's Improved Standard Technical Specifications (NUREG–1433) and with NRC-approved Boiling Water Reactor Owners Group Licensing Topical Report NEDO–31400A, dated July 9, 1987 (safety evaluation dated May 15, 1991).

Date of issuance: September 9, 1994.

Effective date: As of the date of issuance to be implemented within 30 days.

Amendment No.: 149.

Facility Operating License No. DPR–63: Amendment revises the Technical Specifications.

Date of initial notice in **Federal Register:** February 16, 1994 (59 FR 7692). The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated September 9, 1994.

No significant hazards consideration comments received: No.

Local Public Document Room location: Reference and Documents Department, Penfield Library, State University of New York, Oswego, New York 13126.

Northeast Nuclear Energy Company, et al., Docket No. 50–423, Millstone Nuclear Power Station, Unit No. 3, New London County, Connecticut

Date of application for amendment: May 27, 1994.

Brief description of amendment: The amendment temporarily allows the Operations Manager to not have a senior reactor operator license for Millstone 3, providing other conditions are met.

Date of issuance: September 1, 1994.

Effective date: As of the date of issuance to be implemented within 30 days.

Amendment No.: 94.

Facility Operating License No. NPF–49. Amendment revised the Technical Specifications.

Date of initial notice in **Federal Register:** July 6, 1994 (59 FR 34667).

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated September 4, 1994.

No significant hazards consideration comments received: No.

Local Public Document Room location: Learning Resources Center, Three Community-Technical College, Thames Valley Campus, 574 New London Turnpike, Norwich, Connecticut 06360.

Northern States Power Company, Docket No. 50–263, Monticello Nuclear Generating Plant, Wright County, Minnesota

Date of application for amendment: August 10, 1993.

Brief description of amendment: The amendment involves several changes to the radiological effluents portion of the Technical Specifications. One of the changes provides clarification of sampling and analysis requirements prior to venting or purging of the containment. A second portion of the change updates liquid effluent sampling and analysis requirements to reflect improvements in sample technology. The remaining changes are editorial in nature.

Date of issuance: September 7, 1994.

Effective date: September 7, 1994.

Amendment No.: 90.

Facility Operating License No. DPR–22. Amendment revised the Technical Specifications.

Date of initial notice in **Federal Register:** October 27, 1993 (58 FR 57855).

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated September 7, 1994.

No significant hazards consideration comments received: No.

Local Public Document Room location: Minneapolis Public Library, Technology and Science Department, 300 Nicollet Mall, Minneapolis, Minnesota 55401.

Northern States Power Company, Docket No. 50–263, Monticello Nuclear Generating Plant, Wright County, Minnesota

Date of application for amendment: March 28, 1994.

Brief description of amendment: The proposed amendment would change the reactor vessel level setpoint for initiation of secondary containment isolation and standby gas treatment system from the "low" setpoint to the "low-low" setpoint.

Date of issuance: September 9, 1994.

Effective date: September 9, 1994.

Amendment No.: 91.

Facility Operating License No. DPR–22. Amendment revised the Technical Specifications.

Date of initial notice in **Federal Register:** May 12, 1994 (59 FR 24750).

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated September 9, 1994.

No significant hazards consideration comments received: No.

Local Public Document Room location: Minneapolis Public Library, Technology and Science Department, 300 Nicollet Mall, Minneapolis, Minnesota 55401.

Northern States Power Company, Docket No. 50–263, Monticello Nuclear Generating Plant, Wright County, Minnesota

Dates of application for amendment: January 3, 1994 and August 29, 1994.

Brief description of amendment: The proposed amendment would revise the requirements of Technical Specification (TS) 4.6.E.1.a, which currently specifies that a minimum of seven safety/relief valves shall be bench checked or replaced with a bench checked valve each refueling outage. The proposed amendment would change this specification to require the valves to be tested in accordance with the Section XI inservice testing requirements of the ASME Boiler and Pressure Vessel Code. The proposed change is consistent with the Improved Standard Technical Specifications, NUREG–1433.

Date of issuance: September 15, 1994.
Effective date: September 15, 1994.
Amendment No.: 92.
Facility Operating License No. DPR–22. Amendment revised the Technical Specifications.
Date of initial notice in **Federal Register:** March 2, 1994 (59 FR 10011).
The August 29, 1994, letter submitted by the licensee provided historical test data related to the components involved in the TS amendment and did not affect the staff's initial no significant hazards determination. The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated September 15, 1994.
No significant hazards consideration comments received: No.
Local Public Document Room location: Minneapolis Public Library, Technology and Science Department, 300 Nicollet Mall, Minneapolis, Minnesota 55401.

Northern States Power Company, Docket No. 50–282 and 50–306, Prairie Island Nuclear Generating Plant, Unit No. 1, Goodhue County, Minnesota

Date of application for amendments: January 29, 1993, as revised June 15, 1994.
Brief description of amendments: The amendments reflect changes to core exit thermocouple action statements.
Date of issuance: September 7, 1994.
Effective date: September 7, 1994.
Amendment Nos.: 112 and 105.
Facility Operating License Nos. DPR–42 and DPR–60. Amendments revised the Technical Specifications.
Date of initial notice in **Federal Register:** August 3, 1994 (59 FR 39594). The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated September 7, 1994.
No significant hazards consideration comments received: No.
Local Public Document Room location: Minneapolis Public Library, Technology and Science Department, 300 Nicollet Mall, Minneapolis, Minnesota 55401.

Pacific Gas and Electric Company, Docket Nos. 50–275 and 50–323, Diablo Canyon Nuclear Power Plant, Unit Nos. 1 and 2, San Luis Obispo County, California

Date of application for amendments: May 7, 1993 (Reference LAR 93–01).
Brief description of amendments: The amendments revise the combined Technical Specifications (TS) for the Diablo Canyon Power Plant Unit Nos. 1 and 2 to modify TS 3/4.3.3.5, "Remote Shutdown Instrumentation," to add remote shutdown control functions, to increase the Allowed Outage Time (AOT) for an inoperable remote shutdown Function (instrumentation and control) from 7 days to 30 days, to add an Action Statement that clarifies that separate entry is permitted for each function listed in Table 3.3–9, and to revise the associated TS Bases.
Date of issuance: September 2, 1994.
Effective date: September 2, 1994.
Amendment Nos.: 94 and 93.
Facility Operating License Nos. NPF–10 and NPF–15: The amendments revised the Technical Specifications.
Date of initial notice in **Federal Register:** July 21, 1993 (58 FR 39057).
The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated September 2, 1994.
No significant hazards consideration comments received: No.
Local Public Document Room Location: California Polytechnic State University, Robert E. Kennedy Library, Government Documents and Maps Department, San Luis Obispo, California 93407.

Philadelphia Electric Company, Docket No. 50–352, Limerick Generating Station, Units 1 and 2, Montgomery County, Pennsylvania

Date of application for amendments: April 27, 1994.
Brief description of amendments: These amendments delete TS Surveillance Requirement 4.4.1.1.1, which requires that the reactor recirculation pump discharge valve be demonstrated operable by performing a full-stroke test of the valve prior to reactor thermal power exceeding 25 percent of rated reactor thermal power.
Date of issuance: September 7, 1994.
Effective date: September 7, 1994.
Amendment Nos. 76 and 37.
Facility Operating License Nos. NPF–39 and NPF–85. These amendments revised the Technical Specifications.
Date of initial notice in **Federal Register:** June 8, 1994 (59 FR 29628). The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated September 7, 1994.
No significant hazards consideration comments received: No.
Local Public Document Room location: Pottstown Public Library, 500 High Street, Pottstown, Pennsylvania 19464.

Philadelphia Electric Company, Docket Nos. 50–352 and 50–353, Limerick Generating Station, Units 1 and 2, Montgomery County, Pennsylvania

Date of application for amendments: June 30, 1994.
Brief description of amendments: The amendments relocate selected recirculation and control rod block instrumentation setpoints from Technical Specifications (TS) Table 3.3.6–2, and Section 3/4.4.1 to the Core Operating Limits Report (COLR), thereby revising TS Section 6.9.1.9 to document relocation of these items into the COLR.
Date of issuance: September 8, 1994.
Effective date: September 8, 1994.
Amendment Nos. 77 and 38.
Facility Operating License Nos. NPF–39 and NPF–85. The amendments revised the Technical Specifications.
Date of initial notice in **Federal Register:** September 2, 1994 (59 FR 39595). The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated September 8, 1994.
No significant hazards consideration comments received: No.
Local Public Document Room location: Pottstown Public Library, 500 High Street, Pottstown, Pennsylvania 19464.

Philadelphia Electric Company, Docket Nos. 50–352 and 50–353, Limerick Generating Station, Units 1 and 2, Montgomery County, Pennsylvania

Date of application for amendments: March 28, 1994.
Brief description of amendments: These amendments increase the surveillance interval for the functional test of the Reactor Protection System electrical power monitoring channels from every 6 months to each time the plant is in cold shutdown for a period of 24 hours, unless the test was performed in the previous six months.
Date of issuance: September 8, 1994.
Effective date: September 8, 1994
Amendment Nos. 78 and 39.
Facility Operating License Nos. NPF–39 and NPF–85. The amendments revised the Technical Specifications.
Date of initial notice in **Federal Register:** May 25, 1994 (59 FR 27062). The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated September 8, 1994.
No significant hazards consideration comments received: No.
Local Public Document Room location: Pottstown Public Library, 500 High Street, Pottstown, Pennsylvania 19464.

Philadelphia Electric Company, Docket Nos. 50–352 and 50–353, Limerick Generating Station, Units 1 and 2, Montgomery County, Pennsylvania

Date of application for amendments: May 13, 1994, as supplemented by letter dated July 20, 1994.
Brief description of amendments: These amendments revise TS

Surveillance Requirement 4.8.1.1.2e.8, which requires diesel generator be retested within 5 minutes after completing a 24–hour endurance run, to incorporate requirements containeed in NUREG–1433.

Date of issuance: September 12, 1994.

Effective date: September 12, 1994.

Amendment Nos. 79 and 40.

Facility Operating License Nos. NPF–39 AND NPF–85. The amendments revised the Technical Specifications.

Date of initial notice in **Federal Register:** June 22, 1994 (59 FR 32234). The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated September 12, 1994.

No significant hazards consideration comments received; No.

Local Public Document Room location: Pottstown Public Library, 500 High Street, Pottstown, Pennsylvania 19464.

Philadelphia Electric Company, Public Service Electric and Gas Company Demarva Power and Light Company, and Atlantic City Electric Company, Docket Nos. 50–277 and 50–278, Peach Bottom Atomic Power Station, Unit Nos. 2 and 3, York County, Pennsylvania.

Date of application for amendments: May 10, 1994, and supplemented by letters dated August 19, 1994 and September 13, 1994; these supplements provided clarifying information that did not change the initial proposed no significant hazards consideration determination.

Brief description of amendments: These amendments revise the minimum low pressure cooling availability requirements in accordance with the staff's recommendations in NUREG–1433, "Standard Technical Specifications General Electric Plants, BWR/4."

Date of issuance: September 16, 1994.

Effective date: September 16, 1994.

Amendments Nos.: 195 and 199.

Facility Operating License Nos. DPR–44 and DPR–56: Amendments revised the Technical Specifications.

Date of initial notice in **Federal Register:** July 20, 1994 (59 FR 37079).The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated September 16, 1994.

No significant hazards consideration comments received: No.

Local Public Document Room location: Government Publications Section, State Library of Pennsylvania, (REGIONAL DEPOSITORY) Education Building, Walnut Street and Commonwealth Avenue, Box 1601, Harrisburg, Pennsylvania 17105.

Public Service Electric & Gas Company, Docket Nos. 50–272 and 50–311, Salem Nuclear Generating Station, Unit Nos. 1 and 2, Salem County, New Jersey

Date of application for amendments: June 17, 1994 and supplement dated July 13, 1994.

Brief description of amendments: The amendments changed the requirements to perform the Channel Functional Test of the Power Operated Relief Valve (PORV) position indication from quarterly to every 18 months and to exempt the PORV Block Valve position indication from performance of the Channel Functional Test if the PORV Block Valve is shut as required to isolate a PORV that cannot be manually cycled.

Date of issuance: September 8, 1994.

Effective date: As of date of issuance and shall be implemented within 60 days of the date of issuance.

Amendment Nos. 155 and 136.

Facility Operating License Nos. DPR–70 and DPR–75. The amendments revised the Technical Specifications.

Date of initial notice in **Federal Register:** August 3, 1994 (59 FR 39596). The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated September 8, 1994.

No significant hazards consideration comments received: No.

Local Public Document Room location: Salem Free Public Library, 112 West Broadway, Salem, New Jersey 08079.

Public Service Electric & Gas Company, Docket Nos. 50–272 and 50–311, Salem Nuclear Generating Station, Unit Nos. 1 and 2, Salem County, New Jersey

Date of application for amendments: April 12, 1994 as supplemented by letter dated July 15, 1994.

Brief description of amendments: The amendments eliminate the required loss of offsite power plus an engineered safety feature actuation signal test following the 24-hour endurance test, revise the 5-minute emergency diesel generator (EDG) hot restart test by separating it from the 24-hour endurance test and add a new surveillance requirement of a simple hot restart test following a 2-hour loaded run of the EDG.

Date of issuance: September 8, 1994.

Effective date: Unit 1, effective as of its date of issuance and shall be implemented within 90 days of the date of issuance and; Unit 2, effective as of its date of issuance and shall be implemented before restart from the eighth refueling outage currently scheduled to begin on October 15, 1994.

Amendment Nos. 156 and 137.

Facility Operating License Nos. DPR–70 and DPR–75. The amendments revised the Technical Specifications.

Date of initial notice in **Federal Register:** May 25, 1994 (59 FR 27066). The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated September 8, 1994.

No significant hazards consideration comments received: No.

Local Public Document Room location: Salem Free Public Library, 112 West Broadway, Salem, New Jersey 08079.

Public Service Electric & Gas Company, Docket Nos. 50–272 and 50–311, Salem Nuclear Generating Station, Unit Nos. 1 and 2, Salem County, New Jersey

Date of application for amendments: May 25, 1994.

Brief description of amendments: These amendments would modify the table associated with 3/4 3.3.1, Radiation Monitoring Instrumentation; 3/4 3.3.3.8, Radioactive Liquid Effluent Monitoring Instrumentation; and 3/4 3.3.9, Radioactive Gaseous Effluent Monitoring Instrumentation by relocating the specific radiation monitor numbers from the table to a cross reference in the Bases.

Date of issuance: September 8, 1994.

Effective date: September 8, 1994.

Amendment Nos. 157 and 138.

Facility Operating License Nos. DPR–70 and DPR–75. These amendments revised the Technical Specifications.

Date of initial notice in **Federal Register:** July 6, 1994 (59 FR 34668).

The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated September 8, 1994.

No significant hazards consideration comments received: No.

Local Public Document Room location: Salem Free Public Library, 112 West Broadway, Salem, New Jersey 08079.

South Carolina Electric & Gas Company, South Carolina Public Service Authority, Docket No. 50–395, Virgil C. Summer Nuclear Station, Unit No. 1, Fairfield County, South Carolina

Date of application for amendment: February 25, 1994.

Brief description of amendment: The amendment changes the Technical Specifications to permit the submittal of the Radioactive Effluent Release Report on an annual rather than a semiannual basis; allow changes to the Offsite Dose Calculation Manual to be submitted in the Radioactive Effluent Release Report rather than in the monthly operating report; remove the title of Executive Vice President Operations from the TS;

remove the list of audit frequencies from the TS and place them under Quality Systems management; change the title of Associate Manager, Health Physics to Radiation Protection Manager; remove references to specific letters; remove TS 6.4 on training; and correct various typographical errors and include items omitted in previous amendments.

Date of issuance: September 6, 1994.

Effective date: September 6, 1994.

Amendment No.: 117.

Facility Operating License No. NPF–12. Amendment revises the Technical Specifications.

Date of initial notice in **Federal Register:** May 12, 1994 (59 FR 24752).

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated September 6, 1994.

No significant hazards consideration comments received: No

Local Public Document Room location: Fairfield County Library, Garden and Washington Streets, Winnsboro, South Carolina 29180.

Southern Nuclear Operating Company, Inc., Docket Nos. 50–348 and 50–364, Joseph M. Farley Nuclear Plant, Units 1 and 2, Houston County, Alabama

Date of amendments request: February 16, 1994, as revised August 4, 1994.

Brief Description of amendments: The amendments change the fuel description in the TS to allow fuel reconstitution, to permit the use of ZIRLO™ clad fuel, and to remove unnecessary detailed descriptions of fuel and control rod assemblies.

Date of issuance: September 8, 1994.

Effective date: September 8, 1994.

Amendment Nos.: 110 and 101.

Facility Operating License Nos. NPF–2 and NPF–8. Amendments revise the Technical Specifications.

Date of initial notice in **Federal Register:** March 16, 1994 (59 FR 12366).

The August 4, 1994, submittal reformatted Section 5.6.1 and restored and relocated to Section 5.6.1 the maximum enrichment limits deleted in the February 16, 1994 amendment request, but did not change the no significant hazards consideration as published in the **Federal Register.**

The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated September 8, 1994.

No significant hazards consideration comments received: No

Local Public Document Room location: Houston-Love Memorial Library, 212 W. Burdeshaw Street, Post Office Box 1369, Dothan, Alabama 36302.

Tennessee Valley Authority, Docket Nos. 50–327 and 50–328, Sequoyah Nuclear Plant, Units 1 and 2, Hamilton County, Tennessee.

Date of application for amendments: September 28, 1993 (TS 93–10).

Brief description of amendments: The amendments clarify the operability requirements for the fire suppression system flow path and incorporate additional guidance into an action statement requirement for spray and/or sprinkler systems inside containment.

Date of issuance: September 13, 1994.

Effective date: September 13, 1994.

Amendment Nos.: 186 and 178.

Facility Operating License Nos. DPR–77 and DPR–79: Amendments revise the technical specifications.

Date of initial notice in **Federal Register:** November 10, 1993 (58 FR 59757). The Commission's related evaluation of the amendments are contained in a Safety Evaluation dated September 13, 1994.

No significant hazards consideration comments received: None.

Local Public Document Room location: Chattanooga-Hamilton County Library, 1101 Broad Street, Chattanooga, Tennessee 37402.

Union Electric Company, Docket No. 50–483, Callaway Plant, Unit 1, Callaway County, Missouri

Date of application for amendment: January 27, 1993, clarified on April 20, 1994.

Brief description of amendment: The amendment revises the Technical Specification 6.3.1.2 to allow either the Health Physics Superintendent or the Health Physics, Operations Supervisor to be designated as Radiation Protection Manager (RPM).

Date of issuance: September 6, 1994.

Effective date: September 6, 1994.

Amendment No.: 92.

Facility Operating License No. NPF–30. Amendment revised the Technical Specification 6.3.1.2.

Date of initial notice in **Federal Register:** April 14, 1993 (58 FR 19490).

The clarifying information did not change the initial proposed no significant hazards consideration.

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated September 6, 1994.

No significant hazards consideration comments received: No.

Local Public Document Room location: Callaway County Public Library, 710 Court Street, Fulton, Missouri 65251.

Virginia Electric and Power Company, et al., Docket Nos. 50–338 and 50–339, North Anna Power Station, Units No. 1 and No. 2, Louisa County, Virginia

Date of application for amendments: March 30, 1994.

Brief description of amendments: The amendments revise the NA–1&2 TS High Head Safety Injection (HHSI) surveillance requirements by removing explicit numerical values and replacing them with broader non-numerical requirements.

Date of issuance: September 6, 1994.

Effective date: September 6, 1994.

Amendment Nos.: 188 and 169.

Facility Operating License Nos. NPF–4 and NPF–7. Amendments revised the Technical Specifications.

Date of initial notice in **Federal Register:** April 28, 1994 (59 FR 22017)

The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated September 6, 1994.

No significant hazards consideration comments received: No.

Local Public Document Room location: The Alderman Library, Special Collections Department, University of Virginia, Charlottesville, Virginia 22903–2498.

Notice of Issuance of Amendments to Facility Operating Licenses and Final Determination of No Significant Hazards Consideration and Opportunity for a Hearing (Exigent Public Announcement or Emergency Circumstances)

During the period since publication of the last biweekly notice, the Commission has issued the following amendments. The Commission has determined for each of these amendments that the application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment.

Because of exigent or emergency circumstances associated with the date the amendment was needed, there was not time for the Commission to publish, for public comment before issuance, its usual 30-day Notice of Consideration of Issuance of Amendment, Proposed No Significant Hazards Consideration Determination, and Opportunity for a Hearing.

For exigent circumstances, the Commission has either issued a **Federal**

Register notice providing opportunity for public comment or has used local media to provide notice to the public in the area surrounding a licensee's facility of the licensee's application and of the Commission's proposed determination of no significant hazards consideration. The Commission has provided a reasonable opportunity for the public to comment, using its best efforts to make available to the public means of communication for the public to respond quickly, and in the case of telephone comments, the comments have been recorded or transcribed as appropriate and the licensee has been informed of the public comments.

In circumstances where failure to act in a timely way would have resulted, for example, in derating or shutdown of a nuclear power plant or in prevention of either resumption of operation or of increase in power output up to the plant's licensed power level, the Commission may not have had an opportunity to provide for public comment on its no significant hazards consideration determination. In such case, the license amendment has been issued without opportunity for comment. If there has been some time for public comment but less than 30 days, the Commission may provide an opportunity for public comment. If comments have been requested, it is so stated. In either event, the State has been consulted by telephone whenever possible.

Under its regulations, the Commission may issue and make an amendment immediately effective, notwithstanding the pendency before it of a request for a hearing from any person, in advance of the holding and completion of any required hearing, where it has determined that no significant hazards consideration is involved.

The Commission has applied the standards of 10 CFR 50.92 and has made a final determination that the amendment involves no significant hazards consideration. The basis for this determination is contained in the documents related to this action. Accordingly, the amendments have been issued and made effective as indicated.

Unless otherwise indicated, the Commission has determined that these amendments satisfy the criteria for categorical exclusion in accordance with 10 CFR 51.22. Therefore, pursuant to 10 CFR 51.22(b), no environmental impact statement or environmental assessment need be prepared for these amendments. If the Commission has prepared an environmental assessment under the special circumstances provision in 10 CFR 51.12(b) and has made a determination based on that assessment, it is so indicated.

For further details with respect to the action see (1) the application for amendment, (2) the amendment to Facility Operating License, and (3) the Commission's related letter, Safety Evaluation and/or Environmental Assessment, as indicated. All of these items are available for public inspection at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC 20555, and at the local public document room for the particular facility involved.

The Commission is also offering an opportunity for a hearing with respect to the issuance of the amendment. By October 28, 1994, the licensee may file a request for a hearing with respect to issuance of the amendment to the subject facility operating license and any person whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written request for a hearing and a petition for leave to intervene. Requests for a hearing and a petition for leave to intervene shall be filed in accordance with the Commission's "Rules of Practice for Domestic Licensing Proceedings" in 10 CFR Part 2. Interested persons should consult a current copy of 10 CFR 2.714 which is available at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC 20555 and at the local public document room for the particular facility involved. If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission or an Atomic Safety and Licensing Board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition; and the Secretary or the designated Atomic Safety and Licensing Board will issue a notice of a hearing or an appropriate order.

As required by 10 CFR 2.714, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding, and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following factors: (1) The nature of the petitioner's right under the Act to be made a party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. The petition should also identify the specific aspect(s) of the subject matter of the proceeding as to which petitioner wishes to intervene. Any person who has filed a petition for leave to intervene or who has been admitted as a party may amend the petition without requesting leave of the Board up to 15 days prior to the first prehearing conference scheduled in the proceeding, but such an amended petition must satisfy the specificity requirements described above.

Not later than 15 days prior to the first prehearing conference scheduled in the proceeding, a petitioner shall file a supplement to the petition to intervene which must include a list of the contentions which are sought to be litigated in the matter. Each contention must consist of a specific statement of the issue of law or fact to be raised or controverted. In addition, the petitioner shall provide a brief explanation of the bases of the contention and a concise statement of the alleged facts or expert opinion which support the contention and on which the petitioner intends to rely in proving the contention at the hearing. The petitioner must also provide references to those specific sources and documents of which the petitioner is aware and on which the petitioner intends to rely to establish those facts or expert opinion. Petitioner must provide sufficient information to show that a genuine dispute exists with the applicant on a material issue of law or fact. Contentions shall be limited to matters within the scope of the amendment under consideration. The contention must be one which, if proven, would entitle the petitioner to relief. A petitioner who fails to file such a supplement which satisfies these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing, including the opportunity to present evidence and cross-examine witnesses. Since the Commission has made a final determination that the amendment involves no significant hazards consideration, if a hearing is requested, it will not stay the effectiveness of the amendment. Any hearing held would take place while the amendment is in effect.

A request for a hearing or a petition for leave to intervene must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: Docketing and Services Branch, or may be delivered to the Commission's Public

Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC 20555, by the above date. Where petitions are filed during the last 10 days of the notice period, it is requested that the petitioner promptly so inform the Commission by a toll-free telephone call to Western Union at 1–(800) 248–5100 (in Missouri 1–(800) 342–6700). The Western Union operator should be given Datagram Identification Number N1023 and the following message addressed to (*Project Director*): petitioner's name and telephone number, date petition was mailed, plant name, and publication date and page number of this **Federal Register** notice. A copy of the petition should also be sent to the Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555, and to the attorney for the licensee.

Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or requests for a hearing will not be entertained absent a determination by the Commission, the presiding officer or the Atomic Safety and Licensing Board that the petition and/or request should be granted based upon a balancing of the factors specified in 10 CFR 2.714(a)(1)(i)–(v) and 2.714(d).

Entergy Operations Inc., Docket No. 50–382, Waterford Steam Electric Station, Unit 3, St. Charles Parish, Louisiana

Date of amendment request: September 9, 1994, as supplemented by letters dated September 9 and September 16, 1994.

Description of amendment request: The amendment revises the Technical Specifications (TS) by adding a footnote to Surveillance Requirement 4.8.1.1.2.d to allow operation of the emergency train AB bus with alternative operability testing in lieu of integrated testing required to confirm operability for loss of offsite power or in conjunction with safety injection. The footnote will remain in effect until shutdown following refuel 7.

Date of issuance: September 16, 1994.

Effective date: As of the date of issuance.

Amendment No.: 98.

Facility Operating License No. NPF–38. Amendment revised the Technical Specifications.

Public comments requested as to proposed no significant hazards consideration: No.

The Commission's related evaluation of the amendment, finding of emergency circumstances, and final determination of no significant hazards consideration are contained in a Safety Evaluation dated September 16, 1994.

Local Public Document Room location: University of New Orleans Library, Louisiana Collection, Lakefront, New Orleans, Louisiana 70122.

Attorney for licensee: N.S. Reynolds, Esq., Winston & Strawn 1400 L Street NW., Washington, DC 20005–3502.

NRC Project Director: William D. Beckner.

Indiana Michigan Power Company, Docket No. 50–316, Donald C. Cook, Nuclear Plant, Unit No. 2, Berrien County, Michigan

Date of application for amendment: August 18, 1994.

Brief description of amendment: The amendment revises the Technical Specifications to extend the 18-month battery charger and battery service test from their present required date of September 7, 1994, until just prior to core reload in the upcoming Unit 2 refueling outage.

Date of issuance: September 6, 1994.

Effective date: September 6, 1994.

Amendment No.: 166.

Facility Operating License No. DPR–74. Amendment revises the Technical Specifications.

Public comments requested as to proposed no significant hazards consideration: No.

The Commission's related evaluation of the amendment, finding of emergency circumstances, and final determination of no significant hazards consideration are contained in a Safety Evaluation dated September 6, 1994.

Attorney for licensee: Gerald Charnoff, Esq., Shaw, Pittman, Potts and Trowbridge, 2300 N Street, NW., Washington, DC 20037.

Local Public Document Room location: Maud Preston Palenske Memorial Library, 500 Market Street, St. Joseph, Michigan 49085.

Niagara Mohawk Power Corporation, Docket No. 50–410, Nine Mile Point Nuclear Station, Unit 2, Oswego County, New York

Date of application for amendment: September 2, 1994.

Brief description of amendment: The amendment revises Technical Specifications (TSs) 4.7.1.1.1.d.4, 4.7.1.1.1.d.5, 4.7.1.2.1.d.4, and 4.7.1.2.1.d.5 to delete the requirement that the surveillance requirements for demonstrating service water system pump performance and for verifying the integrity of the deicing heaters be performed during shutdown. The amendment only deletes the requirement for performing these surveillances during shutdown; the revised TSs continue to require that these surveillances be performed at least once per 18 months. The revised TSs permit these surveillances to be performed during any operational condition.

Date of issuance: Sepetember 13, 1994.

Effective date: As of the date of issuance to be implemented within 30 days.

Amendment No.: 57.

Facility Operating License No. NPF–69: Amendment revises the Technical Specifications.

Public comments requested as to proposed no significant hazards consideration: No.

The Commission's related evaluation of the amendment, finding of emergency circumstances, and final determination of no significant hazards consideration are contained in a Safety Evaluation dated September 13, 1994.

Local Public Document Room location: Reference and Documents Department, Penfield Library, State University of New York, Oswego, New York 13126.

Dated at Rockville, Maryland, this 21st day of September 1994.

For the Nuclear Regulatory Commission.

Steven A. Varga,

Director, Division of Reactor Projects—I/II, Office of Nuclear Reactor Regulation.

[FR Doc. 94–23819 Filed 9–27–94; 8:45 am]

BILLING CODE 7590–01–P

[Docket Nos. 50–206, 50–361, and 50–362]

Southern California Edison Company, et al.; San Onofre Units 1, 2, and 3; Receipt of Petition for Director's Decision Under 10 CFR 2.206

Notice is hereby given that by letter of August 10, 1994, Ted Dougherty requested that the U.S. Nuclear Regulatory Commission (Commission) shut down and dismantle the San Onofre Nuclear Generating Station. As basis for the request, the Petitioner encloses (1) His recent letter to the Governor of California wherein he expresses his concerns regarding the vulnerability of the San Onofre Nuclear Generating Station to earthquakes due to the existence of nearby fault lines and (2) a recent Los Angeles Times article concerning the threat of vehicle bombs and the Commission's recent rule requiring nuclear generating plants to install anti-terrorist barriers within 18 months.

The request is being treated pursuant to 10 CFR 2.206 of the Commission's regulations. As provided by § 2.206, appropriate action will be taken on this request within a reasonable time.

A copy of the Petition is available for inspection in the Commission's Public

Document Room at 2120 L Street, NW., Washington, D.C. 20555–0001 and local public document room at the California Polytechnic State University, Robert E. Kennedy Library, Government Documents and Maps Department, San Luis Obispo, California 93407.

Dated at Rockville, Maryland this 22nd day of September 1994.

For the Nuclear Regulatory Commission.

William Russell,

Director, Office of Nuclear Reactor Regulation.

[FR Doc. 94–23948 Filed 9–27–94; 8:45 am]

BILLING CODE 7590–01–M

[Docket No. 50–213]

Connecticut Yankee Atomic Power Company; Consideration of Issuance of Amendment to Facility Operating License and Opportunity for a Hearing

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an amendment to Facility Operating License No. DPR–61, issued to Connecticut Yankee Atomic Power Company (the licensee), for operation of the Haddam Neck Plant located in Middlesex County, Connecticut.

The proposed amendment would revise various technical specification sections and the associated Bases sections to reflect the changes to the shutdown margin requirement for Modes 4 and 5 and the boron dilution setpoint to assure that the required margin for operator action in a boron dilution accident is met.

Before issuance of the proposed license amendment, the Commission will have made findings required by the Atomic Energy Act of 1954, as amended (the Act) and the Commission's regulations.

By Oct. 27, 1994, the licensee may file a request for a hearing with respect to issuance of the amendment to the subject facility operating license and any person whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written request for a hearing and a petition for leave to intervene. Requests for a hearing and a petition for leave to intervene shall be filed in accordance with the Commission's "Rules of Practice for Domestic Licensing Proceedings" in 10 CFR Part 2. Interested persons should consult a current copy of 10 CFR 2.714 which is available at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC 20555 and at the local public document room located at the Russell Library, 123 Broad Street, Middletown, CT 06457. If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission or an Atomic Safety and Licensing Board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition; and the Secretary or the designated Atomic Safety and Licensing Board will issue a notice of hearing or an appropriate order.

As required by 10 CFR 2.714, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding, and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following factors: (1) The nature of the petitioner's right under the Act to be made a party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. The petition should also identify the specific aspect(s) of the subject matter of the proceeding as to which petitioner wishes to intervene. Any person who has filed a petition for leave to intervene or who has been admitted as a party may amend the petition without requesting leave of the Board up to 15 days prior to the first prehearing conference scheduled in the proceeding, but such an amended petition must satisfy the specificity requirements described above.

Not later than 15 days prior to the first prehearing conference scheduled in the proceeding, a petitioner shall file a supplement to the petition to intervene which must include a list of the contentions which are sought to be litigated in the matter. Each contention must consist of a specific statement of the issue of law or fact to be raised or controverted. In addition, the petitioner shall provide a brief explanation of the bases of the contention and a concise statement of the alleged facts or expert opinion which support the contention and on which the petitioner intends to rely in proving the contention at the hearing. The petitioner must also provide references to those specific sources and documents of which the petitioner is aware and on which the petitioner intends to rely to establish those facts or expert opinion. Petitioner must provide sufficient information to show that a genuine dispute exists with the applicant on a material issue of law or fact. Contentions shall be limited to matters within the scope of the amendment under consideration. The contention must be one which, if proven, would entitle the petitioner to relief. A petitioner who fails to file such a supplement which satisfies these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing, including the opportunity to present evidence and cross-examine witnesses.

A request for a hearing or a petition for leave to intervene must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: Docketing and Services Branch, or may be delivered to the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC 20555, by the above date. Where petitions are filed during the last 10 days of the notice period, it is requested that the petitioner promptly so inform the Commission by a toll-free telephone call to Western Union at 1–(800) 248–5100 (in Missouri 1–(800) 342–6700). The Western Union operator should be given Datagram Identification Number N1023 and the following message addressed to John F. Stolz: petitioner's name and telephone number; date petition was mailed; plant name; and publication date and page number of this **Federal Register** notice. A copy of the petition should also be sent to the Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555, and to Ms. L.M. Cuoco, Senior Nuclear Counsel, Northeast Utilities Service Company, Post Office Box 270, Hartford, CT 06141–0270, attorney for the licensee.

Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or requests for hearing will not be entertained absent a determination by the Commission, the presiding officer or the presiding Atomic Safety and Licensing Board that the petition and/or request should be granted based upon a balancing of the factors specified in 10 CFR 2.714(a)(1)(i)–(v) and 2.714(d).

If a request for a hearing is received, the Commission's staff may issue the amendment after it completes its technical review and prior to the completion of any required hearing if it publishes a further notice for public comment of its proposed finding of no significant hazards consideration in

accordance with 10 CFR 50.91 and 50.92.

For further details with respect to this action, see the application for amendment dated September 7, 1994, which is available for public inspection at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC 20555, and at the local public document room located at the Russell Library, 123 Broad Street, Middletown, CT 06457.

Dated at Rockville, Maryland, this 21st day of September 1994.

For the Nuclear Regulatory Commission.

Alexander W. Dromerick,

Acting Director, Project Directorate I–4, Division of Reactor Projects—I/II, Office of Nuclear Reactor Regulation.

[FR Doc. 94–23950 Filed 9–27–94; 8:45 am]

BILLING CODE 7590–01–M

[Docket No. 50–285]

In the Matter of Omaha Public Power District (Fort Calhoun Station, Unit 1); Exemption

I

The Omaha Public Power District (OPPD/the licensee) is the holder of Facility Operating License No. DPR–40, which authorizes operation of the Fort Calhoun Station, Unit 1 (the facility), at steady state reactor core power levels not in excess of 1500 megawatts thermal. This facility is a pressurized water reactor located in Washington County, Nebraska. The license provides, among other things, that Fort Calhoun Station, Unit 1 is subject to all rules, regulations, and Orders of the Commission now or hereafter in effect.

II

The proposed action would exempt the licensee from the filing time requirements of 10 CFR 50.36a(a)(2) regarding the submission of the report of annual radioactive liquid and gaseous effluents released to unrestricted areas during the previous calendar year. By letter dated May 25, 1994, the licensee requested an exemption from 10 CFR 50.36a(a)(2) to allow the licensee to change the date specified in the technical specifications for submitting this report from March 1 to before May 1, starting in 1995. These reports are required by 10 CFR 50.36a(a)(2) to be submitted at intervals no greater than 12 months. Because of the change, the interval between the 1994 and the 1995 reports will be greater than 12 months.

III

The Commission has reviewed the licensee's rationale for a one-time exemption from 10 CFR 50.36a(a)(2) in order to allow for the submittal date in the technical specifications (TS) to be changed to May 1.

Based on its review, the Commission finds the licensee has shown good cause for the requested exemption from 10 CFR 50.36a(a)(2). The proposed exemption is needed to allow the licensee to take advantage of the new date that the report would be due, under the guidance of a draft generic letter regarding the new 10 CFR part 20. The previous TS 5.9.4.a was based on the old requirement that the report be submitted within 60 days after January 1 of each year (March 1). Approval of the new TS will require this one time exemption to change the date of submission from March 1 to any date prior to May 1. This exemption will not affect the information required to be submitted for the time period the report covers (the previous calendar year's data); only the date the report is to be submitted would be changed. The special circumstances required by 10 CFR 50.12(a)(2)(ii) are present since the application of the submittal time requirement of 10 CFR 50.36a(a)(2) to the Annual Radioactive Effluent Release Report is not required to achieve the underlying purpose of the rule. Therefore, the request to extend the time requirement for submission of the annual report is acceptable.

IV

Accordingly, the Commission has determined that, pursuant to 10 CFR 50.12, the exemption is authorized by law, will not present an undue risk to the public health and safety, and is consistent with the common defense and security; and that special circumstances are present as set forth above. Therefore, the Commission hereby grants an exemption from the time requirements of 10 CFR 50.36a(a)(2).

Pursuant to 10 CFR 51.32, the Commission has determined that the issuance of the Exemption will have no significant impact on the environment (59 FR 39579).

This Exemption is effective upon issuance.

Dated at Rockville, Maryland this 22nd day of September 1994.

For the Nuclear Regulatory Commission.

Jack W. Roe,

Director, Division of Reactor Projects III/IV, Office of Nuclear Reactor Regulation.

[FR Doc. 94–23949 Filed 9–27–94; 8:45 am]

BILLING CODE 7590–01–M

OFFICE OF PERSONNEL MANAGEMENT

Notice of Request for Reclearance of Form OPM 1530

AGENCY: Office of Personnel Management.

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1980 (title 44, U.S. Code, chapter 35), this notice announces a request for reclearance of an information collection. OPM Form 1530, Report of Medical Examination of Person Electing Survivor Benefit (CSRS), is used to collect sufficient information from the required medical examination regarding an annuitant's health. This information is then used to determine whether the insurable interest survivor benefits election can be allowed.

Approximately 500 OPM 1530 forms are completed annually. It takes approximately 90 minutes to complete this form. The total annual burden is 750 hours.

For copies of this proposal, contact C. Ronald Trueworthy on (703) 908–8550.

DATES: Comments on this proposal should be received on or before October 28, 1994.

ADDRESSES: Send or deliver comments to—

Lorraine E. Dettman, Chief, Retirement and Insurance Group, Operations Support Division, U.S. Office of Personnel Management, 1900 E Street, NW, Room 3349, Washington, DC 20415

and

Joseph Lackey, OPM Desk Officer, Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building NW., Room 10235, Washington, DC 20503.

FOR INFORMATION REGARDING ADMINISTRATIVE COORDINATION—CONTACT: Mary Beth Smith-Toomey, Chief, Forms Analysis & Design, (202) 606–0623.

U.S. Office of Personnel Management.

Lorraine A. Green,

Deputy Director.

[FR Doc. 94–23816 Filed 9–27–94; 8:45 am]

BILLING CODE 6325–01–M

PRESIDENT'S COMMISSION ON WHITE HOUSE FELLOWSHIPS

Mid-Year Meeting of Commissioners

AGENCY: President's Commission on White House Fellowships.

ACTION: Notice of Mid-Year Meeting of the President's Commission on White House Fellowships. Closed to the Public.

SUMMARY: Notice is hereby given that the mid-year meeting of the President's Commission on White House Fellowships will be held at the White House Conference Center, Washington, DC, on October 3, 1994, beginning at 8:30 a.m.

The mid-year meeting is convened for one day to review the progress of members of the current class of White House Fellows.

It has been determined by the Director of the Office of Personnel Management that because of the confidential nature of the meeting, where the progress of members of the current class of White House Fellows is discussed, which, if revealed to the public would constitute a clear invasion of the individual's personal privacy, the content of this meeting falls within the provisions of Section 552b(c) of Title 5 of the United States Code. Accordingly, this meeting is closed to the public.

DATES: The date of the mid-year meeting of the President's Commission on White House Fellowships, which is closed to the public, is October 3, 1994.

FOR FURTHER INFORMATION CONTACT: Janet Kelliher, Administrative Officer, President's Commission on White House Fellowships, 712 Jackson Place, NW., Washington, DC 20503, (202) 395–4522.

Dated: September 21, 1994.

Brooke L. Shearer,

Director, President's Commission on White House Fellowships.

[FR Doc. 94–24026 Filed 9–23–94; 3:57 pm]

BILLING CODE 6325–01–M

SECURITIES AND EXCHANGE COMMISSION

Self-Regulatory Organizations; Applications for Unlisted Trading Privileges; Notice and Opportunity for Hearing; Chicago Stock Exchange, Incorporated

September 22, 1994.

The above named national securities exchange has filed applications with the Securities and Exchange Commission ("Commission") pursuant to Section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 123f–1 thereunder for unlisted trading privileges in the following securities:

CALI Realty Corporation
Common Stock, $.01 Par Value (File No. 7–12959)
Cardinal Health, Inc.
Common Stock, No Par Value (File No. 7–12960)
Citizens, Inc.
Class A Common Stock, No Par Value (File No. 7–12961)
John Hancock Bank & Thrift Opportunity Fund
Common Stock, No Par Value (File No. 7–12962)
Kelly Oil & Gas Partners
Common Stock, No Par Value (File No. 7–12963)
Senior High Income Portfolio
Common Stock, $.10 Par Value (File No. 7–12964)
Sports & Recreation, Inc.
Common Stock, $.01 Par Value (File No. 7–12965)
Viacom
Warrants C Common Stock, No Par Value (File No. 7–12966)
Viacom
Warrants E Common Stock, No Par Value (File No. 7–12967)
Weeks Corporation
Common Stock, $.01 Par Value (File No. 7–12968)
Newbridge Networks Corporation
Common Stock, No Par Value (File No. 7–12969)

These securities are listed and registered on one or more other national securities exchanges and are reported in the consolidated transaction reporting system.

Interested persons are invited to submit on or before October 14, 1994, written data, views and arguments concerning the above-referenced application. Persons desiring to make written comments should file three copies thereof with the Secretary of the Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549. Following this opportunity for hearing, the Commission will approve the application if it finds, based upon all the information available to it, that the extensions of unlisted trading privileges pursuant to such application is consistent with the maintenance of fair and orderly markets and the protection of investors.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Jonathan G. Katz,

Secretary.

[FR Doc. 94–23993 Filed 9–27–94; 8:45 am]

BILLING CODE 8010–01–M

[Rel. No. IC–20568; File No. 812–8170]

The Equitable Life Assurance Society of the United States

September 22, 1994.

AGENCY: Securities and Exchange Commission (the "Commission" or the "SEC").

ACTION: Notice of application for Exemption under the Investment Company Act of 1940 (the "1940 Act").

APPLICANT: The Equitable Life Assurance Society of the United States ("Equitable").

RELEVANT 1940 ACT SECTIONS: Order requested under Section 6(c) for exemptions from Section 9(a).

SUMMARY OF APPLICATION: Applicant seeks an order exempting itself and its affiliates, in their respective capacities as investment advisers, principal underwriters and depositors, from the disqualification provisions of Section 9(a) with respect to Equitable's separate accounts organized as unit investment trusts ("UITs") that derive assets from the sale of variable annuity contracts. The exemptions, subject to certain conditions, would apply to Equitable's (and its affiliates') officers, directors and employees who do not participate directly in the management or administration of the separate accounts or their underlying management investment companies, or in the sale of their variable annuity contracts.

FILING DATE: The application was filed on December 18, 1992, and amended on November 5, 1993 and August 30, 1994.

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 the Secretary of the SEC and serving Applicant with a copy of the request, personally or by mail. Hearing requests may be received by the Commission by 5:30 p.m. on October 17, 1994 and should be accompanied by proof of service on Applicant in the form of an affidavit or, for lawyers, a certificate of service. Hearing requests should state the nature of the writer's interest, the reason for the request and issues contested. Persons may request notification of a hearing by writing to the Secretary of the SEC.

ADDRESSES: Secretary, Securities and Exchange Commission, 450 Fifth Street, NW. Washington, DC 20549. Applicant: The Equitable Life Assurance Society of the United States, 787 Seventh Avenue, New York, N.Y. 10019, Attn: Naomi Friedland-Wechsler, Vice President and Senior Counsel.

FOR FURTHER INFORMATION CONTACT: Wendy Finck Friedlander, Senior Attorney, at (202) 942–0670, 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 Commission's Public Reference Branch.

Applicant's Representations

1. Equitable is a New York Stock life insurance company that is authorized to sell life insurance and annuities in all fifty states, the District of Columbia, Puerto Rico and the Virgin Islands. Equitable is a wholly-owned subsidiary of The Equitable Companies Incorporated, ("Holding Company"), a publicly-traded holding company. AXA, a French insurance holding company, is the largest stockholder of the Holding Company. Equitable is registered under the Securities Exchange Act of 1934 (the "1934 Act") as a broker-dealer and under the Investment Advisers Act of 1940 as an investment adviser. Equitable is the depositor of two separate accounts that fund variable annuity contracts (the "Separate Accounts").

2. The Separate Accounts are organized as UITs and are registered under the Securities Act of 1933 and the 1940 Act. The Separate Accounts fund benefits under certain group and individual variable annuity contracts. The assets of the Separate Accounts are invested exclusively in shares of the Hudson River Trust, a registered open-end investment company.

3. Equico Securities, Inc. ("Equico"), an indirect wholly-owned subsidiary of Equitable, is the principal underwriter of the Separate Accounts. Equico is also registered as a broker-dealer and as an investment adviser.

4. Alliance Capital Management L.P., an indirectly majority-owned subsidiary of Equitable, provides administrative and advisory services to the Hudson River Trust.

Applicant's Legal Analysis

1. Section 9(a) automatically disqualifies a company from serving as an adviser, depositor or principal underwriter to a registered investment company if the company or an affiliate has an employee, officer or director who has been convicted of a securities-related offense or enjoined by a court from serving in a securities-related position. The purpose of Section 9(a) is to prevent persons of questionable character from occupying positions of influence over registered investment companies.

2. Rules 6e–2 and 6e–3(T) provide certain exemptions from the automatic disqualification provisions of Section 9(a). Paragraphs (b)(4) and (b)(15) of Rules 6e–2 and 6e–3(T) restrict the applicability of Section 9(a) to persons who participate directly in the management or administration of the separate account and the underlying fund, or in the sale of the variable life contracts funded by the separate account.

3. There is no rule affording similar relief with respect to insurance company separate accounts funding variable annuity contracts, such as the Separate Accounts.

4. Equitable has approximately 5,200 non-officer employees and 8,000 insurance agents who are registered representatives, in addition to its officers and directors. Section 9(a) applies to Equitable, as depositor and principal underwriter of the Separate Accounts, and to its affiliates, as investment advisers and principal underwriters of registered investment companies.

5. Section 9(a) would automatically disqualify Equitable and its affiliates from serving as depositor, principal underwriter or investment adviser if any one of their employees became disqualified under Section 9(a), even if the employee worked in one of Equitable's businesses not regulated under the 1940 Act and did not participate in the management or administration of the Separate Accounts or the Hudson River Trust, or in the sale of variable annuity contracts.

6. Equitable seeks an order limiting the automatic disqualification provisions of Section 9(a) with respect to the Separate Accounts to the same basis available to separate accounts funding variable life insurance contracts by Rules 6e–2 and 6e–3(T). Equitable asserts that the intended focus of Section 9(a) is on the operation of investment companies and not on ancillary businesses unrelated to investment company operations and management. Equitable states that its requested relief is consistent with the purpose of Section 9(a).

7. Equitable contends that the Commission already has recognized the appropriateness of limiting the disqualification provisions of Section 9(a) with respect to variable annuity operations by granting applications permitting "mixed funding." [1] As a result, underlying management investment companies that will be used to fund both variable annuity contracts and variable life insurance contracts have been required to file applications under Section 6(c). The Commission has granted numerous such exemptive orders under delegated authority.[2]

8. Presently, whenever an officer, director or employee of Equitable is subject to the automatic disqualification provisions of Section 9(a), Equitable must apply for a Commission order pursuant to Section 9(c) of the 1940 Act to exempt the person and Equitable from the disqualification provisions of Section 9(a).

The circumstances under which the Commission has limited the disqualification provisions of Section 9(a) pursuant to Section 9(c) have become standardized.[3] These conditions include a requirement that, in cases where the disqualification arises solely because an applicant employs a person who is disqualified under Section 9(a)(1) or (2), the disqualified employee will not be involved in investment company or investment advisory activities. The requirement to submit such applications places an undue burden on both Equitable and the Commission without any public benefit if the individual does not participate in the operations or management of a registered investment company or in the sale of variable insurance contracts.

9. Equitable currently maintains monitoring procedures to identify any insurance agent subject to a statutory disqualification. Similar monitoring procedures will remain in effect for officers, directors, and employees of Equitable who do not function as insurance agents or registered representatives. These procedures include:

a. Insurance agents of Equitable are required to complete the disciplinary questions on Form U–4 (Uniform Application for Securities Industry Registration or Transfer) before entering into a contract with Equitable; and

[1] The use of a common underlying investment management company to fund both variable life insurance contracts and variable annuity contracts is known as "mixed funding." In order to qualify for exemptions from the requirements of Section 9(a), Rule 6e–2(b)(15) prohibits mixed funding and Rule 6e–3(T)(b)(15) permits mixed funding only if several conditions are met. The conditions are that the underlying management investment company's board of directors, a majority of whom are not interested persons of the company, will monitor for the existence of any material irreconcilable conflict between the interests of variable annuity contractholders and variable life scheduled or flexible contractholders investing in such company. The life insurer must agree to report any potential or existing conflicts to the directors. If a conflict arises, the life insurer must, at its own cost, remedy such conflict up to and including establishing a new registered management investment company and segregating the assets underlying the variable annuity contracts and the variable life scheduled or flexible contracts.

[2] *E.g., The Quest for value Accumulation Trust, et al.*, Investment Company Act Release Nos. 19670 (Sept. 1, 1993) (Notice) and 19749 (Sept. 29, 1993) (Order); *Maxim Series Fund, Inc., et al.*, Investment Company Act Release Nos. 19616 (Aug. 6, 1993) (Notice) and 19676 (Sept. 2, 1993) (Order); *New York Life MFA Series Fund, Inc.*, Investment Company Act Release Nos. 19010 (Oct. 8, 1992) (Notice) and 19069 (Oct. 30, 1993) (Order).

[3] Delegation of Authority to Director of Division of Investment Management, Investment Company Act Release No. 18055 (Mar. 20, 1991).

b. If the response to any question on page 3 of Form U–4 is affirmative, a copy of the response is sent to Equitable's compliance department. Equitable then determines whether the insurance agent is subject to statutory disqualification under Section 15(b) of the 1934 Act or Section 9(a) of the 1940 Act and whether to proceed with the hiring process.

Conditions for Relief

Equitable agrees that if the requested exemptions are granted, Equitable will maintain its current monitoring procedures to identify officers, directors and employees subject to disqualification. Equitable will maintain a list of its officers, directors and employees who participate directly in the management or administration of any variable annuity separate account of Equitable and any registered investment company underlying Equitable's variable annuity separate accounts. Equitable also will maintain a list of its agents who, as registered representatives of Equico, offer and sell variable annuity contracts. These lists will be available to the staff of the Commission. The individuals named on the lists will remain subject to the automatic disqualification provisions of Section 9(a).

Conclusion

Applicant submits that, for all of the reasons stated herein, the requested exemptions from Section 9(a) of the 1940 Act meet the standards set out in Section 6(c) of the 1940 Act. Applicant asserts that the exemptions requested are necessary and appropriate in the public interest and consistent with the protection of investors and the policies and provisions of the 1940 Act.

By the Commission.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 94–23991 Filed 9–27–94; 8:45 am]

BILLING CODE 8010–01–M

[Rel. No. IC–20567; No. 812–9082]

Jefferson-Pilot Life Insurance Company, et al.

September 21, 1994.

AGENCY: Securities and Exchange Commission ("Commission").

ACTION: Notice of Application for an Order under the Investment Company Act of 1940 ("1940 Act").

APPLICANTS: Jefferson-Pilot Life Insurance Company ("Jefferson Pilot") and Jefferson-Pilot Separate Account A ("Separate Account") (collectively, "Applicants").

RELEVANT 1940 ACT SECTION: Order requested under Section 26(b) of the 1940 Act.

SUMMARY OF APPLICATION: Applicants seek an order authorizing the substitution of shares of the Variable Insurance Products Fund's ("VIP Fund") Money Market Portfolio ("VIP Money Market Portfolio") for shares of the Jefferson-Pilot Money Market Fund, Inc. ("J–P Money Market Fund"). The VIP Money Market Portfolio, together with other VIP Fund portfolios and certain other registered mutual funds, will serve as the eligible funding vehicles for certain individual variable annuity contracts and other forms of variable annuity contracts that may in the future be offered by Jefferson Pilot through the Separate Account.

FILING DATE: The application was filed on June 30, 1994.

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 Commission's Secretary and serving Applicants with a copy of the request, personally or by mail. Hearing requests should be received by the Commission by 5:30 p.m. on October 17, 1994, and should be accompanied by proof of service on Applicants in the form of an affidavit or, for lawyers, a certificate of service. Hearing requests should state the nature of the 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 Commission.

ADDRESSES: Secretary, Securities and Exchange Commission, 450 5th Street, N.W., Washington, D.C. 20549. Applicants, c/o J. Gregory Poole, Esq., Jefferson-Pilot Life Insurance Company, 100 North Greene Street, Greensboro, North Carolina 27401.

FOR FURTHER INFORMATION CONTACT: Yvonne M. Hunold, Senior Counsel, at (202) 942–0670, Office of Insurance Products (Division of Investment Management).

SUPPLEMENTARY INFORMATION: The following is a summary of the application; the complete application is available for a fee from the Commission's Public Reference Branch.

Applicants' Representations

1. Jefferson-Pilot, a stock life insurance company, is a wholly-owned subsidiary of Jefferson-Pilot Corporation, a publicly held corporation.[1] Jefferson-Pilot is licensed to sell insurance and annuities in 44 states, the District of Columbia, the Virgin Islands, and Puerto Rico.

2. The Separate Account is a separate account organized by Jefferson-Pilot and registered under the 1940 Act as a unit investment trust for the purpose of funding certain individual variable annuity contracts ("Contracts"). The Separate Account consists of nine sub-accounts ("Subaccounts"), each investing in shares of a corresponding fund or series of funds available under the Contracts, including shares of the J–P Money Market Fund.

3. The J–P Money Market Fund is an open-end diversified management investment company registered under the 1940 Act. Share of the J–P Money Market Fund are purchased, without any sales charge, by the Money Market Subaccount at net asset value. Shares are redeemed without any charge or fee to the Separate Account. At May 31, 1994, 26.27% and 73.73% of the J–P Money Market Fund's outstanding shares were owned beneficially and of record, respectively, by the Contract owners through the Separate Account and by Jefferson-Pilot. Jefferson-Pilot's shares represent its "seed money" investment held directly in its General Account.

4. The VIP Fund is a Massachusetts business trust registered under the 1940 Act as an open-end, diversified management investment company. The VIP Fund is divided into separate investment portfolios, including the VIP Money Market Portfolio.

5. On March 31, 1994, J–P Money Market Fund had $21,116,199 in net assets and the VIP Money Market Portfolio had $572 million in net assets. For the year ended March 31, 1994, total expenses for the J–P Money Market Fund and the VIP Money Market Portfolio were .65% and .27% of average net assets, respectively. For the year ended March 31, 1994, the VIP Money Market Portfolio had a management fee of .19% of average net assets, and the J–P Money Market Fund had an annual investment advisory and management fee of .50% of average daily net assets.

6. The primary investment objective of the J–P Money Market Fund is maximum current income consistent with liquidity and stability of principal. The VIP Money Market Portfolio seek to

[1] Delcor, Inc. ("Delcor"), a wholly-owned subsidiary of Golden Eagle Industries, Inc. ("Golden Eagle"), Golden Eagle, C.D. Spangler, Jr., a director of Golden Eagle, and W.D. Cornwell, Jr., a director and officer of Delcor and Golden Eagle, together own beneficially and of record 6.35% of Jefferson-Pilot Corporation's outstanding stock.

obtain as high a level of current income as is consistent with preserving capital and providing liquidity through investment in high-quality U.S. dollar-denominated money market securities of domestic and foreign issuers.

7. JP Investment Management Company ("JP Management") provides investment advice and management services to the J–P Money Market Fund. JP Management is a registered investment adviser and wholly-owned subsidiary of Jefferson-Pilot Corporation and is an affiliate of Jefferson-Pilot. JP Management receives an annual investment advisory and management fee on an annual basis of .50% of the J–P Money Market Fund's average daily net assets.

8. Fidelity Management & Research Company ("Fidelity Management"), a registered investment adviser, is the investment adviser for the VIP Fund, including the VIP Money Market Portfolio. Fidelity Management is a wholly-owned subsidiary of FMR Corporation, which is not an affiliate of Jefferson-Pilot.

Prior to January 1, 1994, Fidelity Management's advisory fee was based on the VIP Money Market Portfolio's gross income, as follows: (a) Monthly gross income equivalent to an annualized yield of 5% or less was subject to an annual fee rate of 4% of the Portfolio's gross income; (b) monthly gross income in excess of an annualized yield of 5% was subject to an annual rate of 6% of that excess; and (c) the management fee was limited to a weighted average of a graduated series of annual limitation rates ranging from 0.5% of its average monthly net assets up to $1.5 billion to 0.4% of its average monthly net assets in excess of $6 billion.

As of January 1, 1994, Fidelity Management's advisory fee for the VIP Money Market Portfolio is comprised of: (a) A basic fee rate, and (b) an income-based component. The basic fee rate is the sum of two parts: (a) a group fee rate based on the monthly average net assets of all funds advised by Fidelity Management, and (b) an individual fund fee rate of .03%. The group fee rate ranges from a maximum of .37% to a marginal rate of .1325% if total assets in all of the funds advised by Fidelity Management rise. One-twelfth of the combined annual fee rate is applied to the VIP Money Market Portfolio's net assets averaged over the most recent month, giving a dollar amount which is the fee for that month. If the VIP Money Market Portfolio's gross yield is 5% or less, the basic fee is the total management fee. The income-based component is added to the basic fee only when the VIP Money Market Portfolio's yield is greater than 5%. The income-based fee is 6% of that portion of the VIP Money Market Portfolio's yield that represents a gross yield of more than 5% per year. The maximum income-based component is .24%.

9. Applicants propose to substitute shares of the VIP Money Market Portfolio for all outstanding shares of the J–P Money Market Fund attributable to the Contracts ("Substitution") as soon as practicable following the issuance of the Commission's order. Applicants state that Jefferson-Pilot will supplement the prospectus for the Separate Account to reflect the proposed Substitution.

10. At the close of business on the date of the Substitution, Jefferson-Pilot will redeem for cash all shares of the J–P Money Market Fund it currently holds on behalf of the Separate Account. On the business day following the Substitution, Jefferson-Pilot will redeem for cash all shares of the J–P Money Market Fund that it currently owns, representing its "seed money" investment held directly in its General Account. The J–P Money Market Fund will process a redemption request and, simultaneously, the VIP Money Market Portfolio will process a purchase order for the exact amount of the redemption proceeds. The redemption request and the purchase order will be at prices based on the current net assets values per share next computed after receipt thereof and, therefore, in a manner consistent with Rule 22c-1 under the 1940 Act. Monies attributable to Contract owners currently invested in the J–P Money Market Fund will be fully invested at all times. The full net asset value of and number of redeemed J–P Money Market Fund shares held by the Separate Account will be reflected in the Contract owner's accumulation unit values following the Substitution.

11. All expenses and transaction costs of the Substitution, including applicable brokerage commissions, will be assumed by Jefferson-Pilot and reflected in the redemption proceeds.

12. Within five days after the Substitution, Contract owners will be sent a written notice of the Substitution ("Notice"), the prospectus for the VIP Fund, and the supplement to the prospectus for the Separate Account describing the Substitution. The Notice will advise Contract owners that for a period of thirty days from the mailing of the Notice ("Free Transfer Period"), Contract owners may transfer all assets, as substituted, to any other available Subaccount, without limitation and without charge. Following the Substitution, Contract owners will be afforded the same contract rights, including surrender and other transfer rights, with regard to amounts they have currently invested under the Contracts. There are no currently applicable surrender fees or redemption charges under the Contracts. Applicable deferred sales charges, however, will be imposed.

Applicants' Legal Analysis

1. The Applicants request that the Commission issue an order under Section 26(b) of the 1940 Act to the extent necessary to permit the substitution of shares of the VIP Money Market Portfolio for the shares of the J–P Money Market Fund held by Separate Account.[2] Thereafter, the VIP Money Market Portfolio will serve as one of the eligible funding vehicles for the Contracts.

2. Section 26(b) of the 1940 Act makes it unlawful for any depositor or trustee of a registered unit investment trust holding the security of a single issuer "* * * to substitute another security for such security unless the Commission shall have approved such substitution. The Commission shall issue an order approving such substitution if the evidence establishes that it is consistent with the protection of investors and the purposes fairly intended by the policy and provisions of this title."

3. Applicants state that the purposes, terms, and conditions of the Substitution are consistent with the principals and purposes of Section 26(b), do not entail any of the abuses that Section 26(b) is designed to prevent, including costly forced redemptions, and are consistent with the protection of investors and the purposes fairly intended by the 1940 Act. Applicants further state that the Substitution has been determined by Jefferson-Pilot to be in the best interests of Contract owners for the following reasons.

4. Applicants state that the objectives, policies and restrictions of the J–P Money Market Fund and the VIP Money Market Portfolio are substantially similar—both are money market funds that seek to comply with Rule 2a–7 under the 1940 Act. Further, given Rule 2a–7 requirements, the credit quality, maturity and diversification requirements applicable to each Fund are identical.

5. Applicants state that, due to the J–P Money Market Fund's relatively insignificant total net assets

[2] Applicants state that to the extent that any aspect of the Substitution may be deemed to require approval under Section 11 of the 1940 Act, they intend to rely on the exemptive provisions of Rule 11a–2 under the 1940 Act.

($21,116,119 at March 31, 1994), J–P Management has had greater difficulty making appropriate investments than it would have had if that Fund had greater assets. Applicants submit that, due to the VIP Money Market Portfolio's larger asset size, it is not expected to experience the type of difficulties experienced by the J–P Money Market Fund with its smaller asset base in adhering to diversification requirements applicable to money market funds under Rule 2a–7. Additionally, Fidelity Management, the VIP Money Market Portfolio's investment adviser, has specialized in the management of mutual funds since 1946 and is a widely recognized expert in money management.

6. Applicants state that the expense ratio of the VIP Money Market Portfolio (.27%) is lower than that of the J–P Money Market Fund (.65%), which has remained relatively high for this type of fund. Further, because a large portion of the J–P Money Market Fund expenses is fixed and the size of the Fund is relatively small and unlikely to grow significantly, these fixed expenses currently represent, and may continue to represent, a relatively large percentage of the Fund's average daily net assets. In contrast, the expense ratio of the VIP Money Market Portfolio has remained at or near the .27% level for many years and is likely to continue to be lower because of the Portfolio's larger asset base. Consequently, Applicants assert that, following the Substitution, Contract owners will not be exposed to higher expenses and should benefit from the VIP Money Market Portfolio's lower expense ratio. Additionally, lower expense ratios generally indicate higher possible investment returns for Contract owners. For the seven days ended May 31, 1994, the yield and effective yield were 3.338% and 3.43%, respectively, for the J–P Money Market Fund, and 4.09% and 4.18%, respectively, for the VIP Money Market Portfolio.

7. Applicants states that the assets of the J–P Money Market Fund on March 31, 1994 were $21,116,119, and that the Fund has not exceeded a $25 million asset level during the past ten years ended March 31, 1994, a level that the Fund is not expected to exceed in the future. In comparison, the VIP Money Market Portfolio's assets at March 31, 1994 were $572 million and are expected to increase. Further, while shares of the VIP Money Market Portfolio are offered to separate accounts of insurance companies, whether or not affiliated with Fidelity Management, shares of the J–P Money Market Fund are actively marketed only to Jefferson-Pilot. Applicants thus submit that the VIP Money Market Portfolio is more likely to increase in size than the J–P Money Market Fund.

8. Applicant state that the Contracts reserve Jefferson-Pilot the right to replace shares of the J–P Money Market Fund held by the Separate Account with shares of another registered investment company, such as the VIP Fund, if (i) shares of the J–P Money Market Fund are no longer available for investment by the Separate Account, or (ii) in Jefferson-Pilot's judgment, subject to Commission approval, further investment in the J–P Money Market Fund should become inappropriate. Jefferson-Pilot represents that further investment in shares of the J–P Money Market Fund is no longer appropriate in view of the purposes of the Contracts.

9. Contract owners will incur no transfer fees in connection with the Substitution. Applicants represent that the Substitution will have no adverse federal income tax consequences for the Contract owners. Additionally, the Substitution will in no way alter the insurance benefits to Contract owners or the contractual obligations of Jefferson-Pilot. Contract owners will continue to look to Jefferson-Pilot with regard to their rights under the Contracts.

10. Applicants consent to the following terms of and conditions to the issuance of an order granting an exemption under Section 26(b):[3]

(a) The Substitution is of shares of the J–P Money Market Fund, which is a money market fund whose objectives, policies and restrictions and substantially similar to those of the VIP Money Market Portfolio so as to continue fulfilling Contract owners' objectives and risk expectations;

(b) If a Contract owner requests, during the Free Transfer Period, asserts will be reallocated for investment in a Contract owner selected Subaccount. The Free Transfer Period is sufficient time for Contract owners to reconsider the Substitution;

(c) The Substitution will, in all cases, be at net asset value of the respective shares, without the imposition of any transfer or similar charges;

(d) Jefferson-Pilot will assume all expenses and transaction costs, including, among others, legal and accounting fees and any brokerage commissions, relating to the Substitution in a manner that attributes all transaction costs to Jefferson-Pilot;

(e) The Substitution in no way will alter the insurance benefits to the Contract owners, the contractual obligations of Jefferson-Pilot;

(f) The Substitution in no way will alter the tax benefits to Contract owners;

(g) Contract owners may choose to withdraw amounts credited to them following the Substitution under conditions that currently exist under the Contracts, subject to any applicable deferred sales charge; and

(h) The Substitution is expected to confer certain modest economic benefits to Contract owners by virtue of the enhanced asset size of the VIP Money Market Portfolio.

[3] Counsel for Applicants represents that an amended application consenting to the terms and conditions will be filed during the notice period.

Conclusion

Applicants submit that the exemptive relief requested under Section 26(b) of the 1940 Act is necessary and appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policies and provisions of the 1940 Act. Accordingly the Applicants request that the Commission grant the necessary exemptions and approvals pursuant to Section 26(b) of the 1940 Act permitting the Substitution.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 94–23992 Filed 9–27–94; 8:45 am]

BILLING CODE 8010–01–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Aviation Rulemaking Advisory Committee; General Aviation Maintenance Working Group

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of establishment of General Aviation Maintenance Working Group.

SUMMARY: Notice is given of the establishment of the General Aviation Maintenance Working Group of the Aviation Rulemaking Advisory Committee (ARAC). This notice informs the public of the activities of the ARAC on air carrier/general aviation maintenance issues.

FOR FURTHER INFORMATION CONTACT: Mr. Frederick J. Leonelli, Assistant Executive Director for Air Carrier/General Aviation Maintenance Issues, Aviation Rulemaking Advisory Committee, Flight Standards Service (AFS–300), 800 Independence Avenue, SW., Washington, DC 20591, Telephone: (202) 267–3546; FAX: (202) 267–5230.

SUPPLEMENTARY INFORMATION: The Federal Aviation Administration (FAA) has established an Aviation Rulemaking Advisory Committee (ARAC) (56 FR 2190, January 22, 1991; and 58 FR 9230, February 19, 1993). One area the ARAC deals with is air carrier/general aviation

maintenance issues. These issues involve mechanic certification and approved training schools outlined in parts 65 and 147 and the maintenance standards for parts 23, 25, 27, 29, 31, 33, and 35 aircraft, engines, propellers, and their component parts and parallel provisions in parts 21, 43, 91, 121, 125, 127, 129, 133, 135, and 137 of the Federal Aviation Regulations (FAR), which are the responsibility of the FAA Director, Flight Standards Service.

Task

Specifically, the working group's task is the following:

Review Title 14 Code of Federal Regulations, parts 43 and 91, and supporting policy and guidance material for the purpose of determining the course of action to be taken for rulemaking and/or policy relative to the issue of general aviation aircraft inspection and maintenance, specifically section 91.409, part 43, and Appendices A and D of part 43. In your review, consider any inspection and maintenance initiatives underway throughout the aviation industry affecting general aviation with a maximum certificated takeoff weight of 12,500 pounds or less. Also consider ongoing initiatives in the areas of: maintenance recordkeeping; research and development; the age of the current aircraft fleet; harmonization; the true cost of inspection versus maintenance; and changes in technology.

If deemed appropriate, draft for ARAC a notice of proposed rulemaking for the task proposing new or revised requirements, a supporting economic analysis and other required analysis, advisory and guidance material, and any other collateral documents the working group determines to be needed.

Reports

A. Recommend time line(s) for completion of the task, including rationale, for consideration at the meeting of the ARAC to consider air carrier/general aviation maintenance issues held following publication of this notice.

B. Give a detailed conceptual presentation on the task to the ARAC before proceeding with the work stated under item C below.

C. Give a status report on the task at each meeting of ARAC held to consider air carrier/general aviation maintenance issues.

The General Aviation Maintenance Working Group will be comprised of experts from those organizations having an interest in the task assigned. A working group member need not necessarily be a representative of one of the member organizations of ARAC. An individual who has expertise in the subject matter and wishes to become a member of the working group should write the person listed under the caption FOR FURTHER INFORMATION CONTACT expressing that desire, describing his or her interest in the task, and the expertise he or she would bring to the working group. The request will be reviewed with the Assistant Chair of the ARAC for air carrier/general aviation maintenance issues and the Chair of the General Aviation Maintenance Working Group, and the individual will be advised whether or not the request can be accommodated.

The Secretary of Transportation has determined that the formation and use of the ARAC are necessary in the public interest in connection with the performance of duties imposed on the FAA by law. Meetings of the ARAC to consider air carrier/general aviation maintenance issues will be open to the public except as authorized by section 10(d) of the Federal Advisory Committee Act. Meetings of the General Aviation Maintenance Working Group will not be open to the public, except to the extent that individuals with an interest and expertise are selected to participate. No public announcement of working group meetings will be made.

Issued in Washington, DC, on September 23, 1994.

Frederick J. Leonelli,

Assistant Executive Director for Air Carrier/General, Aviation Maintenance Issues, Aviation Rulemaking Advisory Committee.

[FR Doc. 94–24003 Filed 9–27–94; 8:45 am]

BILLING CODE 4910–13–M

RTCA, Inc.; Special Committee 183, Second Meeting; Standards for Airport Security Access Control Systems

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463, 5 U.S.C. Appendix I), notice is hereby given for Special Committee 183 meeting to be held November 1–2, 1994. The meeting will be held at the RTCA Conference Room, 1140 Connecticut Avenue, NW, Suite 1020, Washington, DC 20036.

Please Note the Different Times: First Day—Designated Working Groups @12:00; Plenary @1:00. Second Day—Plenary @9:00.

Agenda will be as follows: (1) Administrative remarks; (2) General introductions; (3) Approval of agenda; (4) Report by System Scope and Configuration Working Group; (5) Report by User Requirements Working Group; (6) Identify goals, develop work program and examine milestones; (7) Assign tasks; (8) Other business; (9) Establish agenda for next meeting; (10) Date and place of next meeting.

Attendance is open to the interested public but limited to space availability. With the approval of the Chairman, members of the public may present oral statements at the meeting. Persons wishing to present statements or obtain information should contact the RTCA Secretariat, 1140 Connecticut Avenue, N.W., Suite 1020, Washington, D.C. 20036; (202) 833–9339. Any member of the public may present a written statement to the committee at any time.

Issued in Washington, D.C., on September 22, 1994.

David W. Ford,

Designated Officer.

[FR Doc. 94–24004 Filed 9–27–94; 8:45 am]

BILLING CODE 4910–13–M

RTCA, Inc., Special Committee 162; Twenty-Third Meeting; Aviation Systems Design Guidelines for Open Systems Interconnection (OSI)

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463, 5 U.S.C., Appendix I), notice is hereby given for Special Committee 162 meeting to be held November 7–9, 1994, starting at 9:00 a.m. The meeting will be held at the RTCA Conference Room, 1140 Connecticut Avenue, NW., Suite 1020, Washington, DC 20036.

Agenda will be as follows: (1) Chairman's introductory remarks; (2) Approval of the summary of the twenty-second meeting held August 17–19, 1994; (3) Reports of related activities being conducted by other organizations; (4) Discussion of router discovery and routing initiation development activities; (5) Discussion of issues related to "ATN Router MOPS" development; (6) Other business; (7) Date and place of next meeting.

Please Note: The Agenda items above will be addressed the first day, November 7. The following two days will be dedicated to further development of the "ATN router mops".

Attendance is open to the interested public but limited to space availability. With the approval of the Chairman, members of the public may present oral statements at the meeting. Persons wishing to present statements or obtain information should contact the RTCA Secretariat, 1140 Connecticut Avenue, NW., Suite 1020, Washington, DC 20036; (202) 833–9339. Any member of the public may present a written statement to the committee at any time.

Issued in Washington, DC, on September 22, 1994.

David W. Ford,

Designated Officer.

[FR Doc. 94–24005 Filed 9–27–94; 8:45 am]

BILLING CODE 4910–13–M

Federal Highway Administration

Environmental Impact Statement: Clatsop County, Oregon

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of intent.

SUMMARY: The FHWA is issuing this notice to advise the public that an environmental impact statement will be prepared for a proposed highway project in Clatsop County, Oregon. The Oregon Department of Transportation (ODOT) prepared and published a Draft Environmental Impact Statement (DEIS) in September 1993 and held a Public Hearing in October 1993. Originally, this project was planned for Access Oregon Highway funding. Because of an unanticipated shortage of State funds, ODOT is now requesting federal-aid participation in the proposed project. As a result, FHWA is reviewing the DEIS, public hearing testimony and comments received on the DEIS to determine if all federal requirements have been met to allow us to approve the DEIS for circulation in accordance with requirements in 23 CFR 771.

FOR FURTHER INFORMATION CONTACT: Elton Chang, Environmental Engineer, Federal Highway Administration, Equitable Center, Suite 100, 530 Center Street NE., Salem, Oregon 97301, Telephone (503) 399–5749, FAX (503) 399–5838.

SUPPLEMENTARY INFORMATION: The FHWA is currently reviewing the DEIS, public hearing testimony and written comments. FHWA, in cooperation with the ODOT, will prepare a Draft 4(f) evaluation which will accompany the DEIS. FHWA and ODOT will determine whether a supplemental environmental document is necessary and prepare a Final Environmental Impact Statement for the project.

The proposed project would realign about a 9.66 kilometer (6 mile) segment of the Lower Columbia River Highway (US 30) from the John Day River Bridge, over new alignment through the Clatsop State Forest, to connect with the existing Nehalem Highway (OR 202) at Williamsport Road, and then to join US 101 on the west side of Astoria near the north end of the Youngs Bay bridge. The improvements would include an interchange at the existing Williamsport Road-Nehalem Highway intersection, upgrading of the US 101/OR 202 intersection, improving access to the Port of Astoria, and widening of the existing OR 202 and US 101 segments of the project.

The purpose of the proposed project is to provide an improved and safe route for traffic to and from the Port of Astoria, to reduce the truck traffic, improve safety and overall congestion in downtown Astoria, and provide a second east-west route in and out of Astoria. The No-Build and the one Build Alternative are under consideration.

The ODOT DEIS indicates that approximately 31.6 hectares (78 acres) of additional right-of-way would be required for the project. This includes 23.1 ha (57 acres) of forest land, 3.2 ha (8 acres) of residential land, 2.8 ha (7 acres) of undeveloped land, and 2.4 ha (6 acres) of various other uses. The project would displace an estimated 35–40 residences in which about 75–90 persons lived in late 1992. In addition, it would displace approximately 6 businesses which employ about 25 workers. The project will affect and use right-of-way from four historic properties. It is estimated that the project may impact about 6.5 ha (16 acres) of wetlands. Threatened and endangered species have been identified in the project corridor as well as a great blue heron rookery and habitat used by Roosevelt elk and blacktail deer.

Information describing the proposed action and soliciting comments will be sent to appropriate federal, state, and local agencies. Public meetings and a public hearing have been held on the proposed project. Additional public meetings will be held if needed. Comments or questions concerning this proposed action and the EIS should be directed to the FHWA at the address provided above.

(Catalog of Federal Domestic Assistance Program Number 20.205, Highway Research, Planning and Construction. The regulations implementing Executive Order 12372 regarding intergovernmental consultation on Federal programs and activities apply to this program)

Issued on: September 19, 1994.

Elton Chang,

Environmental Engineer, Federal Highway Administration.

[FR Doc. 94–23928 Filed 9–27–94; 8:45 am]

BILLING CODE 4910–22–M

National Highway Traffic Safety Administration

[Docket No. 94–75; Notice 1]

Automobili Lamborghini; Application for Temporary Exemption From Federal Motor Vehicle Safety Standard No. 214

Automobili Lamborghini S.p.A. of Sant'Agata Bolognese, Italy, ("Lamborghini") has applied for a temporary exemption from the dynamic side impact protection requirements of Federal Motor Vehicle Safety Standard No. 214 *Side Impact Protection*. The basis of the application is that compliance would cause substantial economic hardship to a company that has tried to comply with the standard in good faith.

Notice of receipt of the application is published in accordance with the statutory requirements of 49 U.S.C. § 30113(b)(2) and does not represent any judgment of the agency on the merits of the application.

On May 16, 1994, Lamborghini petitioned NHTSA to permit Chrysler Corporation to include Lamborghini vehicles in its vehicle fleet for the purpose of compliance with Standard No. 214's phase-in calculation for enhanced side protection. In the alternative, it petitioned NHTSA to grant the company a temporary exemption from the side impact standard's new performance requirements until September 1, 1996. On August 5, 1994, NHTSA denied Lamborghini's request to be included in Chrysler's fleet because Chrysler had sold its interest in Lamborghini on January 31, 1994, to a group of investors led by MegaTech Ltd., a Bermuda corporation. At the same time, NHTSA informed Lamborghini that it would proceed to consider the question of temporary exemption. Lamborghini supplemented its application on August 22, 1994.

Lamborghini has manufactured only 1,475 motor vehicles over the past five years, approximately 25% of which have been sold in the United States. Denial of its petition would therefore mean loss of the important U.S. market until compliance could be achieved, an estimated 250 sales of 670 produced between January 1, 1995 and August 31, 1996. The applicant had operating losses in 1993 of approximately $5,000,000, and in 1992 of approximately $28,000,000. For 1991 it had an operating profit of almost $5,000,000.

While it was owned by Chrysler, Lamborghini vehicles were scheduled to be modified during the last year of the phase-in period which ends with vehicles produced on August 31, 1996, because of the low number of vehicles produced and the lead time necessary for engineering and tooling modifications. Chrysler's sale of Lamborghini, therefore, has placed the applicant in a difficult position since, before the sale, "Lamborghini had a good faith basis for believing that it would not need to meet the requirements of Standard 214 until the production year beginning September 1, 1996 * * *." Lamborghini was left

without sufficient lead time to comply 100% of its production by either September 1, 1994 or September 1, 1995, and, since it produces only a single model, cannot avail itself of the phase-in requirement.

Accordingly, it has begun the preliminary work required to effect compliance in production vehicles manufactured beginning July 1996. During that time, it estimates that it will spend between $500,000 and $900,000 on research, development, and tooling changes.

Lamborghini argues that an exemption would be in the public interest and consistent with the objectives of motor vehicle safety because it is "one of the last small, pioneering and independent automobile manufacturers * * * precisely the type of small manufacturer that the * * * temporary exemption authority is intended to assist." Its vehicles "are used predominantly for shorter pleasure, rather than commuting or longer, trips" so that an exemption "would have an imperceptible impact on motor vehicle safety." It points out that the livelihoods of its workers in U.S. distributorships and dealerships would be affected by a denial.

Interested persons are invited to submit comments on the application described above. Comments should refer to the docket number and the notice number, and be submitted to: Docket Section, National Highway Traffic Safety Administration, room 5109, 400 Seventh Street, SW, Washington, DC 20590. It is requested but not required that 10 copies be submitted.

All comments received before the close of business on the comment closing date indicated below will be considered, and will be available for examination in the docket at the above address both before and after that date. To the extent possible, comments filed after the closing date will also be considered.

Notice of final action on the application will be published in the **Federal Register** pursuant to the authority indicated below. *Comment closing date:* October 28, 1994.

(49 U.S.C. 30113; delegations of authority at 49 CFR 1.50, 501.8)

Issued on September 22, 1994.

Barry Felrice

Associate Administrator for Rulemaking.

[FR Doc. 94–23909 Filed 9–27–94; 8:45 am]

BILLING CODE 4910–59–P

DEPARTMENT OF THE TREASURY

Public Information Collection Requirements Submitted to OMB for Review

September 22, 1994.

The Department of Treasury has submitted the following public information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1980, Public Law 96–511. Copies of the submission(s) may be obtained by calling the Treasury Bureau Clearance Officer listed. Comments regarding this information collection should be addressed to the OMB reviewer listed and to the Treasury Department Clearance Officer, Department of the Treasury, Room 2110, 1425 New York Avenue, NW., Washington, DC 20220.

Special Request

In order to conduct the survey described below in a timely manner, the Department of Treasury is requesting Office of Management and Budget (OMB) review and approve this information collection by October 4, 1994. All public comments must be received by close of business September 29, 1994.

Internal Revenue Service (IRS)

OMB Number: 1545–1432
Survey Project Number: IRS PC:V 94–008
Type of Review: Revision
Title: Business Assistance Center
Description: The Internal Revenue Service Office in Buffalo, New York opened an assistance center for business owners in October 1993. This center is the first IRS walk-in office set up for business owners and has part-time support and staff from several other federal, state, and local governmental agencies. This is a three-year test to extract data on a one-stop assistance for small business taxpayers in order to increase compliance and reduce burden.
Respondents: Small businesses or organizations
Estimated Number of Respondents: 9,600
Estimated Burden Hours Per Respondent:
Respondents—9,600
Time/interview—1 minute
Frequency of Response: Varies
Estimated Total Reporting Burden: 160 hours
Clearance Officer: Garrick Shear (202) 622–3869, Internal Revenue, Service, Room 5571, 1111 Constitution Avenue, N.W., Washington, DC 20224
OMB Reviewer: Milo Sunderhauf (202) 395–7340, Office of Management and Budget, Room 10226, New Executive Office Building, Washington, DC 20503

Dale A. Morgan,

Departmental Reports, Management Officer.

[FR Doc. 94–23997 Filed 9–27–94; 8:45 am]

BILLING CODE 4830–01–P

Public Information Collection Requirements Submitted to OMB for Review

September 21, 1994.

The Department of Treasury has submitted the following public information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1980, Public Law 96–511. Copies of the submission(s) may be obtained by calling the Treasury Bureau Clearance Officer listed. Comments regarding this information collection should be addressed to the OMB reviewer listed and to the Treasury Department Clearance Officer, Department of the Treasury, Room 2110, 1425 New York Avenue, NW., Washington, DC 20220.

Special Request

In order to conduct the survey described below in a timely manner, the Department of Treasury is requesting Office of Management and Budget (OMB) review and approve this information collection by September 23, 1994. All public comments must be received by close of business September 23, 1994.

Internal Revenue Service (IRS)

OMB Number: 1545–1432
Survey Project Number: IRS PC:V 94–007
Type of Review: Revision
Title: Early Intervention Contact Interview
Description: The Internal Revenue Service is looking at ways to encourage and assist taxpayers to more promptly resolve their tax liabilities. To this end, the Collection function is currently conducting a major test to examine the strategy of interrupting the notice stream to make contact with delinquent taxpayers. The strategy employed is to make personal telephone calls in place of third notice correspondence on a sample of balance due and return delinquency cases.
Respondents: Individuals or households
Estimated Number of Respondents: 1,000
Estimated Burden Hours Per Respondent:
Respondents—1,000
Time/interview—3 minutes

Frequency of Response: Varies
Estimated Total Reporting Burden: 50 hours
Clearance Officer: Garrick Shear (202) 622–3869, Internal Revenue Service, Room 5571, 1111 Constitution Avenue, N.W., Washington, DC 20224
OMB Reviewer: Milo Sunderhauf (202) 395–7340, Office of Management and Budget, Room 10226, New Executive Office Building, Washington, DC 20503

Dale A. Morgan,

Departmental Reports Management Officer.

[FR Doc. 94–23998 Filed 9–27–94; 8:45 am]

BILLING CODE 4830–01–P

Public Information Collection Requirements Submitted to OMB for Review

September 22, 1994.

The Department of Treasury has submitted the following public information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1980, Public Law 96–511. Copies of the submission(s) may be obtained by calling the Treasury Bureau Clearance Officer listed. Comments regarding this information collection should be addressed to the OMB reviewer listed and to the Treasury Department Clearance Officer, Department of the Treasury, Room 2110, 1425 New York Avenue, NW., Washington, DC 20220.

Internal Revenue Service (IRS)

OMB Number: 1545–0162
Form Number: IRS Form 4136
Type of Review: Revision
Title: Credit for Federal Tax Paid on Fuels
Description: Internal Revenue Code (IRC) Section 34 allows a credit for Federal excise tax for certain fuel uses. This form is used to figure the amount of income tax credit. The data is used to verify the validity of the claim for the type of exempt use.
Respondents: Individuals or households, Farms, Businesses or other for-profit, Small businesses or organizations
Estimated Number of Respondents/ Recordkeepers: 700,000
Estimated Burden Hours Per Respondent/Recordkeeper:
Recordkeeping—10 hr., 17 min.
Preparing and sending the form to the IRS—10 min.
Frequency of Response: Annually
Estimated Total Reporting/ Recordkeeping Burden: 7,315,000 hours
Clearance Officer: Garrick Shear (202) 622–3869, Internal Revenue Service, Room 5571, 1111 Constitution Avenue, NW., Washington, DC 20224
OMB Reviewer: Milo Sunderhauf (202) 395–7340, Office of Management and Budget, Room 10226, New Executive Office Building, Washington, DC 20503

Dale A. Morgan,

Departmental Reports Management Officer.

[FR Doc. 94–23999 Filed 9–27–94; 8:45 am]

BILLING CODE 4830–01–P

Sunshine Act Meetings

Federal Register
Vol. 59, No. 187
Wednesday, September 28, 1994

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

AGENCY HOLDING THE MEETING: Board of Governors of the Federal Reserve System

TIME AND DATE: 11:00 a.m., Monday, October 3, 1994.

PLACE: Marriner S. Eccles Federal Reserve Board Building, C Street entrance between 20th and 21st Streets, NW., Washington, D.C. 20551.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Personnel actions (appointments, promotions, assignments, reassignments, and salary actions) involving individual Federal Reserve System employees.
2. Any items carried forward from a previously announced meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Joseph R. Coyne, Assistant to the Board; (202) 452–3204. You may call (202) 452–3207, beginning at approximately 5 p.m. two business days before this meeting, for a recorded announcement of bank and bank holding company applications scheduled for the meeting.

Dated: September 23, 1994.

Jennifer J. Johnson,

Deputy Secretary of the Board.

[FR Doc. 94–24053 Filed 9–23–94; 4:43 pm]

BILLING CODE 6210–01–P

Corrections

Federal Register
Vol. 59, No. 187
Wednesday, September 28, 1994

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 ENERGY

10 CFR Part 810

Assistance to Foreign Atomic Energy Activities

Correction

In proposed rule document 94-21261 beginning on page 44381 in the issue of Monday, August 29, 1994, make the following correction:

On page 44381, in the second column, under **SUMMARY**, in the second line insert "amend" between "to" and "its".

BILLING CODE 1505-01-D

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 60

[FRL-5027-7]

Standards of Performance for New Stationary Sources, Supplemental Delegation of Authority to the Commonwealth of Kentucky

Correction

In rule document 94-19165 beginning on page 40258 in the issue of Monday, August 8, 1994, make the following correction:

On page 40259, in the first column, in the first full paragraph, in the eighth line, the word "not" should read "now".

BILLING CODE 1505-01-D

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 2

[ET Docket No. 94-45; FCC 94-110]

Revision of the Rules Regarding Marketing and Equipment Authorizations

Correction

In proposed rule document 94-14915 beginning on page in the issue of Tuesday, June 21, 1994, make the following corrections:

On page 31966, in the first column, under **DATES**:

(a) In the penultimate line "5" should read "6".

(b) In the last line "4" should read "6".

BILLING CODE 1505-01-D

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-34647; International Series Release No. 712; File No. SR-PSE-94-15]

Self-Regulatory Organizations; Order Approving and Notice of Filing and Order Granting Accelerated Approval of Amendment No. 3 to a Proposed Rule Change by the Pacific Stock Exchange, Inc., Relating to the Listing of Options and Long-Term Options on the Telegraph Ltd. Israel Index

Correction

In notice document 94-22731 beginning on page 47193 in the issue of Wednesday, September 14, 1994, the release number should read as set forth above.

BILLING CODE 1505-01-D

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 94-AEA-09]

Modification of Class D Airspace and Establishment of Class E Airspace; Various Locations, State of Pennsylvania

Correction

In rule document 94-21976 beginning on page 46165, in the issue of Wednesday, September 7, 1994, make the following corrections:

§71.1 [Corrected]

On page 46166, in the second column, in the third full paragraph, in the second line from the bottom, "long. 76°48'23"W.," should read "76°48'37"W.,".

On page 46167, in the first column, in the third full paragraph, in the fourth line, "west" should read "east".

BILLING CODE 1505-01-D

federal register

Wednesday
September 28, 1994

Part II

Department of Energy

Office of Energy Efficiency and Renewable Energy

10 CFR Part 430

Energy Conservation Program for Consumer Products; Final and Proposed Rules

DEPARTMENT OF ENERGY

Office of Energy Efficiency and Renewable Energy

10 CFR Part 430

[Docket No. EE–RM–94–220–IF]

RIN: 1904–AA61

Energy Conservation Program for Consumer Products

AGENCY: Office of Energy Efficiency and Renewable Energy, Department of Energy.

ACTION: Interim final rule.

SUMMARY: The Department of Energy (the Department) gives notice of an Interim Final Rule to establish test procedures for fluorescent and incandescent lamps, incorporating by reference test procedures adopted by the Illuminating Engineering Society (IES), American National Standards Institute (ANSI) and the International Commission on Illumination (CIE). The Energy Policy Act of 1992 requires the Department of Energy to administer an energy conservation program for certain major household appliances and commercial equipment. Among other program elements, the law requires that standard methods of testing be prescribed for each covered product. Today's Interim Final Rule will put lighting test procedures in effect so that lighting manufacturers can meet the testing requirements imposed by the Energy Policy Act of 1992.

DATES: This rule is effective October 28, 1994. The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of October 28, 1994.

Written comments (eight copies) in response to this notice must be received by December 12, 1994.

ADDRESSES: Written comments (eight copies) are to be submitted to: U.S. Department of Energy, Office of Energy Efficiency and Renewable Energy, Interim Final Test Procedures for Fluorescent Lamps and Incandescent Lamps, Docket No. EE–RM–94–220–IF, Forrestal Building, 1000 Independence Avenue, SW., Washington, DC 20585.

Copies of the public comments received may be read at the Department of Energy Freedom of Information Reading Room, U.S. Department of Energy, Forrestal Building, Room 1E–190, 1000 Independence Avenue, SW., Washington, DC 20585, (202) 586–6020, between the hours of 9 a.m. and 4 p.m., Monday through Friday, except Federal holidays.

The Department is incorporating by reference several test standards from the Illuminating Engineering Society (Illuminating Engineering Society), the American National Standards Institute (ANSI), and the International Commission on Illumination (CIE). These standards are listed below:

1. American National Standards Institute C78.1–1991, "for Fluorescent Lamps—Rapid-Start Types—Dimensional and Electrical Characteristics"
2. American National Standards Institute C78.2–1991, "for Fluorescent Lamps—Preheat-Start Types—Dimensional and Electrical Characteristics"
3. American National Standards Institute C78.3–1991, "for Fluorescent Lamps—Instant-Start and Cold-Cathode Types—Dimensional and Electrical Characteristics"
4. American National Standards Institute C78.375–1991, "for Fluorescent Lamps—Guide for Electrical Measurements"
5. American National Standards Institute C82.3–1983 "for Reference Ballasts for Fluorescent Lamps"
6. International Commission on Illumination Publication No. 13.2 1974, corrected reprint 1993, "Method of Measuring and Specifying Color Rendering Properties of Light Sources," ISBN 3 900 734 39 9
7. Illuminating Engineering Society LM–9–88, "Illuminating Engineering Society Approved Method for the Electrical and Photometric Measurements of Fluorescent Lamps"
8. Illuminating Engineering Society LM–16–84, "Illuminating Engineering Society Practical Guide to Colorimetry of Light Sources"
9. Illuminating Engineering Society LM–20–1982, "Illuminating Engineering Society Approved Method for Photometric Measuring and Reporting Tests on Reflector Type Lamps"
10. Illuminating Engineering Society LM–45–91, "Illuminating Engineering Society Approved Method for Electrical and Photometric Measurements of General Service Incandescent Filament Lamps"
11. Illuminating Engineering Society LM–58–83, "Illuminating Engineering Society Guide to Spectroradiometric Measurements"
12. Illuminating Engineering Society LM–66–1991, "Illuminating Engineering Society Approved Method for the Electrical and Photometric Measurements of Single-Ended Compact Fluorescent Lamps"

Copies of these standards may be viewed at the Department of Energy Freedom of Information Reading Room at the address stated above. Copies of the American National Standards may be obtained from ANSI, 1430 Broadway, New York, NY 10018, (212) 642–4900. Copies of the Illuminating Engineering Society Standards may be obtained from the Illuminating Engineering Society, Publications Department, 345 E. 47th Street, New York, NY 10017, (212) 705–7925. Copies of the International Commission on Illumination Standard may be obtained from the Bureau Central De La CIE, 4 AV. Du Recteur-Poincare, 75 782 Paris, Cedex 16, France.

For more information concerning public participation in this rulemaking proceeding, see Section IX., "Public Comment," of **SUPPLEMENTARY INFORMATION.**

FOR FURTHER INFORMATION CONTACT:

Terrence L. Logee, U.S. Department of Energy, Office of Energy Efficiency and Renewable Energy, Mail Station EE–431, Forrestal Building, 1000 Independence Avenue, SW., Washington, DC 20585, (202) 586–1689.

Eugene Margolis, Esq., U.S. Department of Energy, Office of General Counsel, Mail Station GC–72, Forrestal Building, 1000 Independence Avenue, SW., Washington, DC 20585, (202) 586–9507.

SUPPLEMENTARY INFORMATION:

I. Introduction

Part B of Title III of the Energy Policy and Conservation Act (EPCA), Pub. L. 94–163, as amended by the National Energy Conservation Policy Act (NECPA), Pub. L. 95–619, the National Appliance Energy Conservation Act (NAECA) of 1987, Pub. L. 100–12, the National Appliance Energy Conservation Amendments of 1988 (NAECA 1988), Pub. L. 100–357, and the Energy Policy Act of 1992 (EPACT), Pub. L. 102–486, created the Energy Conservation Program for Consumer Products other than Automobiles (Program).[1] The consumer and commercial products currently subject to this Program (often referred to hereafter as "covered products") include general service fluorescent

[1] Part B of Title III of EPCA, as amended, is referred to in this Interim Final Rule as the "Act." Part B of Title III is codified at 42 U.S.C. 6291–6309.

lamps and general service incandescent lamps, the subject of today's notice.

Under the Act, the Program consists essentially of three parts: testing, labeling, and Federal energy conservation standards. The Department, in consultation with the National Institute of Standards and Technology, is required to amend or establish new test procedures as appropriate for each of the covered products. Section 323. Test procedures shall be reasonably designed to produce test results which measure energy efficiency, energy use, or estimated annual operating cost of a covered product during a representative average use cycle or period of use and shall not be unduly burdensome to conduct. Section 323(b)(3). A test procedure is not required if the Department of Energy determines by rule that one cannot be developed. Section 323(d)(1). One hundred and eighty days after a test procedure for a product is adopted, no manufacturer may represent the energy consumption or cost of energy consumed by the product except as reflected in tests conducted according to the Department of Energy procedure. Section 323(c)(2).

However, the 180-day period referred to in section 323(c)(2) may be extended for an additional 180 days if the Secretary determines that the requirements of section 323(c)(2) would impose undue burden. Section 323(c)(3). Test procedures appear at 10 CFR Part 430, subpart B.

Labeling rules for household appliances and certain commercial products are administered by the Federal Trade Commission.

Section 323(b)(6) of the Act also specifies that the Secretary shall prescribe test procedures for fluorescent lamps and incandescent reflector lamps taking into consideration the applicable standards of the Illuminating Engineering Society or American National Standards Institute. These test procedures have all been reviewed by the National Institute of Standards and Technology in consultation with the National Electrical Manufacturers Association. DOE has determined that these test procedures will meet its needs. Therefore, today's Interim Final Rule incorporates by reference: The test methods found in Illuminating Engineering Society test procedure LM–9–88 for testing and measuring the performance of general service fluorescent lamps; Illuminating Engineering Society test procedures LM–58–1983, and LM–16–1984 and the International Commission on Illumination publication number 13.2–1974 for measuring the color rendering index of general service fluorescent lamps which is incorporated by reference in the Illuminating Engineering Society publication number LM–16–1984; and Illuminating Engineering Society test procedure LM–20–1982 for testing and measuring the performance of incandescent reflector lamps. Additionally, today's Interim Final Rule incorporates by reference the test methods found in Illuminating Engineering Society test procedure LM–66–1991 for testing and measuring the performance of medium base compact fluorescent lamps and Illuminating Engineering Society test procedure LM–45–91 for testing and measuring the performance of general service incandescent lamps.

The above test procedures do not provide for a measurement of annual energy consumption and annual operating cost which are needed to comply with the Act. Therefore, the Department's test procedures include a method of calculating the estimated annual energy consumption and the estimated annual operating cost. The Department is publishing elsewhere in this issue a Proposed Rule amending part 430 to define colored fluorescent and incandescent lamps and to define the exemption from energy conservation standards for a rough or vibration service incandescent reflector lamp.

II. Discussion

By this notice, the Department is adding a new section to establish test procedures for general service fluorescent and incandescent lamps. These test procedures will apply to those products covered by sections 322(a)(14) and 325(i)(1) of the Act.

A. Covered Product

The definitions of covered products are found in section 322 of the Energy Policy and Conservation Act as amended. For lamps, covered products in section 322(a)(14) include only specified fluorescent lamps, i.e., 4-foot medium bi-pin, 2-foot U-shaped, 8-foot slimline and 8-foot high output, and incandescent reflector lamps. The Department believes that covered lamps in section 322(a)(14) of the Act should also include general service fluorescent lamps, medium base compact fluorescent lamps, and general service incandescent lamps as defined in § 430.2 of this notice, *infra*. Adding these lamps to the covered products would be consistent with section 324(a)(2)(C)(i) of the Act, which requires the Federal Trade Commission to label general service fluorescent lamps, medium base compact fluorescent lamps, and general service incandescent lamps.

B. Test Procedure

The Department is establishing test procedures in appendix R to subpart B of 10 CFR part 430 by reference to American National Standards Institute standards C78.1–1991, C78.2–1978, C78.3–1991, C78.375–1991, C82.3–1983, Illuminating Engineering Society standards LM–9–1988, LM–16–1984, LM–20–1982, LM–45–1991, LM–58–1983, LM–66–1991 and International Commission on Illumination publication 13.2–1974 which is incorporated by reference in the Illuminating Engineering Society publication number LM–16–1984. Any subsequent amendment to this standard by the standard-setting organizations, American National Standards Institute, the Illuminating Engineering Society, or the International Commission on Illumination, will not affect the Department of Energy test procedures, which can be amended only by the Department of Energy. This test procedure will provide, *inter alia*, results suitable for determining whether the covered lamps comply with the standard levels established by the Act.

Although the Department's authority to prescribe test procedures under section 323(b)(6) is limited to fluorescent lamps and incandescent reflector lamps, the Department is incorporating by reference test procedures for general service incandescent lamps and medium base compact fluorescent lamps by authority of section 323(b)(2) of the Act. Data from these test procedures can also be used in the labeling program administered by the Federal Trade Commission.

The test procedure for general service fluorescent lamps is a method for measuring the lumen output of a seasoned lamp (the lamp is initially burned for 100 hours) in an integrating sphere or alternatively, by intensity distribution measurements (Illuminating Engineering Society LM–9–1988). Requirements for test conditions, equipment, instrumentation, procedures, and test report are included.

The test procedure for general service incandescent lamps (Illuminating Engineering Society LM–45–1991) is a method for determining the luminous output of general service incandescent lamps based upon measurement. Three methods are described in LM–45–1991, an integrating sphere, a goniometer, and substitution measurements, but the Department is incorporating only the integrating sphere and goniometer test methods because they are more accurate. Lamps shall be tested at 60 Hz

and 120 volts regardless of their voltage rating.

The test procedure for incandescent reflector lamps (Illuminating Engineering Society LM–20–1982) is a method for determining the luminous output of incandescent reflector lamps based upon measurement. Two methods are described in LM–20–1982, one using an integrating sphere, and the other using intensity distribution measurements. The Department of Energy test procedures incorporate only the intensity distribution measurement procedure because it is more accurate and measurements on similar lamps are more consistent. Requirements for test conditions, equipment, instrumentation, procedures and test report are included.

The test procedure for medium base compact fluorescent lamps is a method for measurement of the lumen output of a seasoned lamp (100 hours burn-in) in an integrating sphere or by intensity distribution measurements (Illuminating Engineering Society LM–66–1991). The test procedure requires measurement of the lamp and ballast combination. Therefore, only section 4, reference ballasts, section 5, circuits, and section 6, lamp connections, are incorporated from Illuminating Engineering Society LM–66–1991. Because measurements without a reference ballast may exhibit greater variance in the lumen output and watt input measurements, the Department of Energy invites comments addressing the appropriate confidence bounds and sample size for these lamps.

C. Basic Model

The Department is including in today's rulemaking definitions of "basic models" of general service fluorescent lamp, and general service incandescent lamp in § 430.2. These definitions will separate the various types of general service fluorescent lamps by electrical and photometric characteristics, e.g., lamp efficacy, wattage, and color rendering index. General service incandescent lamps are distinguished by their wattage and lamp efficacy. Each unit within a basic model must have the same electrical characteristics. Furthermore, each unit within a given basic model cannot have any differing physical or functional characteristics that affect energy consumption.

D. Measures of Energy Consumption

The Department of Energy in today's notice is adopting three measures of energy consumption: (a) Estimated annual operating cost, (b) lamp efficacy, and (c) estimated annual energy consumption. These measures are to be included in § 430.22(r). The estimated annual operating cost, lamp efficacy, and estimated annual energy consumption will provide the consumer with three means of evaluating the energy efficiency of fluorescent and incandescent reflector lamps. The Department has based the calculations of the measures of energy consumption for general service fluorescent lamps on the use of Illuminating Engineering Society Standard LM–9–1988, for general service incandescent lamps on Illuminating Engineering Society Standard LM–45–1991, for incandescent reflector lamps on Illuminating Engineering Society Standard LM–20–1982 and for medium base compact fluorescent lamps on Illuminating Engineering Society Standard LM–66–1991.

- The estimated annual operating cost is expressed in dollars per year. It is the product of the Department of Energy representative unit energy cost for electricity, the input power, and the representative average use cycle.
- The estimated annual energy consumption is expressed in kilowatt-hours per year. It is the product of the input power and the representative average use cycle.
- The lamp efficacy is a ratio of lamp lumen output to total input wattage as determined by the use of the measurement procedures in Illuminating Engineering Society LM–9–1988, LM–20–1982, LM–45–1991 or LM–66–1991.

E. Color Rendering Index (CRI)

The Color Rendering Index is referenced in Illuminating Engineering Society LM–16–1984 which the Department is incorporating by reference. This guide discusses several techniques for assessing light source color appearance. The relationship between color appearance and light source spectral power distribution is discussed, along with the systems for classifying color appearance. The basics of spectroradiometry and colorimetry are covered.

The Color Rendering Index is determined by measuring the degree of color shift objects undergo when illuminated by a light source as compared with the color of those same objects when illuminated by a reference source of comparable color temperature. This index is determined pursuant to the International Commission on Illumination Publication 13.2–1974 which the Department is incorporating by reference. The method uses spectroradiometric measurements and a detailed calculation procedure. It is applicable to most general purpose lamp types including general service fluorescent and incandescent lamps, incandescent reflector lamps and compact fluorescent lamps.

Spectroradiometric measurements and equipment setup follow the guidance in Illuminating Engineering Society LM–58–1983 which is being incorporated by reference. This guide describes the equipment used in making spectroradiometric measurements, the procedures to be followed in using the equipment, and the precautions that should be taken to obtain consistently valid results. The methods are applicable to all lamp types, and are based on the measurement of the complete spectral power distribution of the source. Data presentation and error analysis are discussed.

F. Number of Units to be Tested

The Act specifies that applicable fluorescent and incandescent reflector lamps shall meet the standard. Furthermore, the Act requires that the certification report include the lumen output and wattage consumption for each lamp type as an average of measurements taken over the preceding 12 months. The Department believes that the sampling plan for fluorescent and incandescent reflector lamps provides a sound statistical basis for measurements.

The Department is adopting at § 430.23(r) a sampling plan based on a 99 percent confidence level for testing general service fluorescent lamps, general service incandescent lamps, incandescent reflector lamps, and medium base compact fluorescent lamps. The sampling provisions the Department of Energy is adopting today require testing a minimum sample of 20 lamps. The manufacturer must randomly select three lamps per month for any 7 of the 12 months required to determine the average. If there are less than 7 months' production, the manufacturer may divide the minimum sample of 20 as evenly as possible into each month of production. The provision for less than 7 month's production is to cover production runs of special or limited lamps which are subject to regulation.

The same sample of 20 lamps which were used for lamp efficacy testing shall be used for measurement of the Color Rendering Index. The Department believes that this testing requirement will satisfy the standard which calls for lamp efficacy and color rendering index measurements.

The Department believes these provisions promote the objectives of the Act while minimizing the burden on manufacturers. Manufacturers and other interested persons are encouraged to

comment on this sampling approach, as well as the underlying assumptions.

G. Laboratory Accreditation

The Act at section 323(b)(6), directs DOE to prescribe test procedures which must be carried out by accredited test laboratories. The Department herein defines an accredited laboratory as one which meets the standards and requirements of the National Voluntary Laboratory Accreditation Program, a division of the National Institute of Standards and Technology of the United States Department of Commerce. Test laboratory accreditation by the National Voluntary Laboratory Accreditation Program is based on conformance with criteria published in 15 CFR part 285 and in the National Voluntary Laboratory Accreditation Program Handbook 150–01, "Energy Efficient Lighting Products, Lamps and Luminaires," August 1993. The National Voluntary Laboratory Accreditation Program Handbook 150–01 is available for inspection in the DOE reading room from 9 to 4, Monday through Friday or may be ordered from the National Voluntary Laboratory Accreditation Program, Building 411, Room A162, Gaithersburg, MD 20899.

The National Voluntary Laboratory Accreditation Program has mutual recognition agreements with the following countries: Canada, New Zealand, Australia and Great Britain. These agreements, with the aforesaid countries, allow foreign test laboratories to be recognized by the National Voluntary Laboratory Accreditation Program. The National Voluntary Laboratory Accreditation Program will also directly accredit foreign test laboratories. Costs for laboratory accreditation are borne by the test laboratory.

H. Certification Data

The Department is adding a new paragraph for lamp certification data at § 430.62(a)(2). The lamp manufacturers' certification report must include the National Voluntary Laboratory Accreditation Program identification number, production date codes, lamp efficacy, Color Rendering Index, where applicable, lamp wattage, brand names and model designation. Since lamps manufactured prior to the effective date of the standards may be in the distribution system for some time, lamp manufacturers should advise DOE on how to interpret their production date coding system in the certification report. All other requirements of § 430.62 and Appendix A, Compliance Statement, also apply to general service fluorescent lamps and incandescent reflector lamps.

I. Energy Conservation Standards

The Act prescribes, and today's notice includes in § 430.32, energy conservation standards for general service fluorescent and incandescent reflector lamps. There are no standards for general service incandescent lamps or medium base compact fluorescent lamps.

J. Definitions

By this notice, the Department of Energy is amending the definition of "Act" as it appears in § 430.2. The amended definition will include the Energy Policy Act of 1992 (Pub. L. 102–486). The legislated definitions for incandescent lamp, general service incandescent lamp, fluorescent lamp, general service fluorescent lamp, and medium base compact fluorescent lamp are included in § 430.2. Note that there is an inconsistency in the Act between the definition for "fluorescent lamp" and the definition for "medium base compact fluorescent lamp." The definition for "fluorescent lamp" *only* includes four lamp types and *does not* include a medium base compact fluorescent lamp. Faced with this conflict, the Department has included the definition of "medium base compact fluorescent lamp" and has included test procedures as noted above. The Department has also defined cold temperature lamp in § 430.2 from an industry standard.

The Act provides for an exemption from the standards for lamps specifically designed for cold temperature installations. See § 321(30)(B)(ii). The Department is defining "cold temperature" lamps as those lamps specifically designated and marketed for outdoor or cold temperature use and that are designed to start at −20°F when used with a ballast conforming to the requirements of American National Standards Institute standard C78.1.

Lamps that meet these requirements would not be subject to standards. In order to qualify for the exemption, the lamps must be "specifically" designed for cold temperature installations and must be specifically designated and marketed as such in catalogs, sales literature and other promotional material.

K. Prohibited Acts and Penalties

Since the Energy Policy Act of 1992 (EPAct) amends the Energy Policy and Conservation Act (EPCA), the enforcement provisions may not be apparent. Therefore, the following statements reiterate the provisions from the Energy Policy and Conservation Act in section 332 and the regulations at 10 CFR Section 430.61. The statute prohibits the following actions:

(1) For any manufacturer or private labeler to distribute in commerce any new covered product to which a rule under section 324 applies, unless such covered product is labeled in accordance with such rule;

(2) For any manufacturer, distributor, retailer, or private labeler to remove from any new covered product or render illegible any label required to be provided with such product under a rule under section 324;

(3) For any manufacturer to fail to permit access to, or copying of, records required to be supplied under this part, or fail to make reports or provide other information required to be supplied under this part;

(4) For any person to fail to comply with an applicable requirement of section 326(a), (b)(2), (b)(3), or (b)(5); or

(5) for any manufacturer or private labeler to distribute in commerce any new covered product which is not in conformity with an applicable energy conservation standard established in or prescribed under this part.

The maximum penalties are $100 for each violation. Each violation of (1), (2) and (5), above, shall constitute a separate violation with respect to each covered product, and each day of violation of (3) and (4), above, shall constitute a separate violation.

III. Environmental Review

Pursuant to section 7(c)(2) of the Federal Energy Administration Act of 1974 (Pub. L. 93–275), a copy of this notice has been submitted to the Administrator of the Environmental Protection Agency for comment concerning the impact of this proposal on the quality of the environment.

Since test procedures are used to standardize the measurement of energy usage, and will not affect the quality or distribution of energy usage, prescribing test procedures will not result in any environmental impacts. The Department of Energy, therefore, has determined that prescribing test procedures under the Program is not a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969.

This Rulemaking, which amends existing part 430 of title 10, will not change the environmental effect of such regulation, and is an item which is "categorically excluded (A6)" by the Department of Energy's regulations on National Environmental Policy Act Implementing Procedures (10 CFR part 1021) (57 FR 15122, April 24, 1992)

(Appendix A to subpart D, Categorical Exclusion A6.). Consequently, neither an Environmental Impact Statement nor an Environmental Assessment is required for this rule.

IV. Regulatory Planning and Review

Today's regulatory action has been determined not to be a "significant regulatory action" under Executive Order 12866, "Regulatory Planning and Review," (58 FR 51735, October 4, 1993). Accordingly, today's action was not subject to review under the Executive Order by the Office of Information and Regulatory Affairs.

V. Regulatory Flexibility Act

The Regulatory Flexibility Act (Pub. L. 96–345) (5 U.S.C. 601–612) requires that an agency prepare an initial regulatory flexibility analysis and that it be published at the time the Interim Final Rule is published. This requirement (which appears in section 603) does not apply if the agency "certifies that the rule will not, if promulgated, have a significant economic impact on a substantial number of small entities." This rule affects manufacturers of general service fluorescent and incandescent lamps. As previously discussed, the test procedures would not have significant economic impact, but rather, would provide common testing methods. Therefore, the Department of Energy certifies that this rule, if promulgated, would not have a "significant economic impact on a substantial number of small entities."

VI. Federalism Review

Executive Order 12612 (52 FR 41685, October 30, 1987) requires that regulations or rules be reviewed for any substantial direct effects on States, on the relationship between the Federal Government and the States, or on the distribution of power and responsibilities among various levels of government. If there are sufficient substantial direct effects, then Executive Order 12612 requires preparation of a federalism assessment to be used in all decisions involved in promulgating and implementing a regulation or a rule.

The Department of Energy has identified a substantial direct effect that today's Interim Final Rule would have on State governments. It would initially preempt inconsistent State regulations. However, the Department of Energy has concluded that such effect is not sufficient to warrant preparation of a federalism assessment for the following reason: The Act provides for subsequent State petitions for exemption. Thus, a determination as to whether a State law prevails must be made on a case-by-case basis using criteria set forth in the Act. When the Department of Energy receives such a petition, it will then be appropriate to consider preparing a federalism assessment consistent with the criteria in the Act.

VII. Review Under Section 32 of the Federal Energy Administration Authorization Act

This notice of interim final rulemaking incorporates by reference Illuminating Engineering Society, American National Standards Institute and International Commission on Illumination commercial test procedures to measure the efficiency of general service fluorescent and incandescent lamps and the color rendering index of fluorescent lamps. The commercial standards are Illuminating Engineering Society LM–9–1988, Illuminating Engineering Society LM–16–1984, Illuminating Engineering Society LM–20–1983, Illuminating Engineering Society LM–45–1991, Illuminating Engineering Society LM–58–1982, Illuminating Engineering Society LM–1991, American National Standards Institute C78.1–1991, American National Standards Institute C78.2–1978, American National Standards Institute C78.3–1991, American National Standards Institute C78.375–1991, American National Standards Institute C82.3–1983, and International Commission on Illumination Publication No. 13.2.-1974.

Pursuant to section 301 of the Department of Energy Organization Act (Pub. L. 95–91), the Department of Energy is required to comply with section 32 of the Federal Energy Administration Act of 1974, as amended by section 9 of the Federal Energy Administration Authorization Act of 1977. 15 U.S.C. 788.

The findings required of the Department of Energy by section 32 serve to alert the public regarding the use and background of commercial standards in a proposal and through the rulemaking process. They allow interested persons to make known their views regarding the appropriateness of the use of any particular commercial standard in a notice of proposed rulemaking.

The Department of Energy has evaluated Illuminating Engineering Society LM–9, LM–16, LM–20, LM–45, LM–58, LM–66, American National Standards Institute C78.1, C78.2, C78.3, C78.375, C82.3, and International Commission on Illumination Publication No. 13.2 with regard to compliance with Section 32(b). The Department is unable to conclude whether these standards fully complied with the requirements of section 32(b), i.e., that they are developed in a manner which fully provided for public participation, comment, and review.

As required by section 32(c), the Department of Energy will consult with the Attorney General and the Chairman of the Federal Trade Commission concerning the impact of these standards on competition, prior to issuing a notice of Final Rulemaking.

VIII. Interim Final Effect

The Interim Final Rule establishes the Department of Energy test procedures for general service fluorescent lamps, general service incandescent lamps, incandescent reflector lamps, and medium base compact fluorescent lamps incorporating by reference industry standards. This Interim Final Rule allows the Department of Energy to promulgate test procedures so that lamp manufacturers can meet the schedule imposed by the Energy Policy Act of 1992. Section 123(f)(2). The normal rulemaking process would be impracticable and contrary to the public interest because the process would not allow for promulgation of a final rule in time for manufacturers to complete testing for certification.

The Energy Policy Act of 1992 requires manufacturers to test lamps for a 12-month period preceding the date standards are to take effect in order to certify that the lamps meet the standard. Section 123(f)(2). For two lamp types, the Energy Policy Act specifies that the effective date for standards to take effect is April 30, 1994 and for others the effective date is October 31, 1995. Section 123(f). Until a test procedure is prescribed, compliance with the standard cannot be determined. This interim final rule will allow manufacturers to begin the 12-month testing period to determine compliance with the standards. The Department could not practicably facilitate such a result if a proposed rule were necessary. It is in the public interest to facilitate that result and therefore to issue this interim final regulation without providing for public comment prior to giving them final effect. 5 U.S.C. 553. However, the Department of Energy is providing for a post-publication public comment period and expects to respond to relevant comments in a notice of Final Rulemaking.

IX. Public Comment

A. Written Comment Procedures

Interested persons are invited to participate in the rulemaking by submitting data, comments, or

information with respect to the test procedures set forth in this notice to the address indicated at the beginning of the notice.

Comments should be identified both on the envelope and on the documents as "Test Procedures for Fluorescent and Incandescent Lamps, Docket No. EE-RM–94–220–IF." Eight (8) copies are requested to be submitted. If possible, the Department would appreciate an electronic copy of the comments on a 3.5" diskette. The Department is currently using WordPerfect™ 5.1. All submittals received by the date specified at the beginning of this notice will be considered by the Department of Energy before final action is taken on the Interim Final Rule.

Pursuant to the provisions of 10 CFR 1004.11, any person submitting information which he or she believes to be confidential and exempt by law from public disclosure should submit one complete copy of the document and seven copies, if possible, from which the information believed to be confidential has been deleted. The Department of Energy will make its own determination with regard to the confidential status of the information and treat it according to its determination.

Factors of interest to the Department of Energy when evaluating requests to treat as confidential information that has been submitted include: (1) A description of the items; (2) an indication as to whether and why such items are customarily treated as confidential within the industry; (3) whether the information is generally known by, or available from, other sources; (4) whether the information has previously been made available to others without obligation concerning its confidentiality; (5) an explanation of the competitive injury to the submitting person which would result from public disclosure; (6) an indication as to when such information might lose its confidential character due to the passage of time; and (7) why disclosure of the information would be contrary to the public interest.

B. Issues for Public Comment

The Department of Energy is interested in receiving comments and data concerning the accuracy and workability of these test procedures. Also, the Department of Energy welcomes discussion on improvements or alternatives to these approaches. In particular, the Department of Energy is interested in gathering comments on the following:

- Number of lamps tested in 12 months.
- Frequency of sampling, i.e., by production lot, by month, etc.
- Definition of cold temperature fluorescent lamp.

List of Subjects in 10 CFR Part 430

Administrative practice and procedure, Energy conservation, Household appliances, Incorporation by reference.

Issued in Washington, D.C., August 10, 1994.

Christine A. Ervin,

Assistant Secretary, Energy Efficiency and Renewable Energy.

For the reasons set forth in the preamble, Part 430 of Chapter II of Title 10, Code of Federal Regulations, is amended as set forth below.

PART 430—ENERGY CONSERVATION PROGRAM FOR CONSUMER PRODUCTS

1. The authority citation for part 430 continues to read as follows:

Authority: 42 U.S.C. 6291–6309.

2. Section 430.2 is amended by adding paragraphs (15) and (16) in the definition "Basic model"; adding definitions for "Lamp Efficacy," "Fluorescent Lamp," "General Service Fluorescent Lamp," "Incandescent Lamp," "General Service Incandescent Lamp," "Color Rendering Index," "Cold Temperature Fluorescent Lamp," and "Medium Base Compact Fluorescent Lamp," in alphabetical order and revising the definition of "Act" to read as follows:

§ 430.2 Definitions.

* * * * *

Act means the Energy Policy and Conservation Act (Pub. L. 94–163), as amended by the National Energy Policy Conservation Act (Pub. L. 95–619), the National Appliance Energy Conservation Act of 1987 (Pub. L. 100–12), the National Appliance Energy Conservation Amendments of 1988 (Pub. L. 100–357), and the Energy Policy Act of 1992 (Pub. L. 102–486).

* * * * *

Basic Model

* * * * *

(15) With respect to general service fluorescent lamps which have photometric and electrical characteristics, including lumens per watt and Color Rendering Index (CRI) which are essentially identical, and which do not have any differing physical or functional characteristics that affect energy consumption.

(16) With respect to general service incandescent lamps which have photometric and electrical characteristics, including lumens per watt, which are essentially identical, and which do not have any differing physical or functional characteristics that affect energy consumption.

* * * * *

Cold Temperature Fluorescent Lamp means a fluorescent lamp specifically designed to start at -20°F when used with a ballast conforming to the requirements of American National Standards Institute standard C78.1.

Color Rendering Index or CRI means the measured degree of color shift objects undergo when illuminated by a light source as compared with the color of those same objects when illuminated by a reference source of comparable color temperature.

* * * * *

Fluorescent Lamp means a low pressure mercury electric-discharge source in which a fluorescing coating transforms some of the ultraviolet energy generated by the mercury discharge into light, including the following:

(1) Any straight-shaped lamp (commonly referred to as 4-foot medium bi-pin lamps) with medium bi-pin bases of nominal overall length of 48 inches and rated wattage of 28 or more.

(2) Any U-shaped lamp (commonly referred to as 2-foot U-shaped lamps) with medium bi-pin bases of nominal overall length between 22 and 25 inches and rated wattage of 28 or more.

(3) Any rapid start lamp (commonly referred to as 8-foot high output lamps) with recessed double contact bases of nominal overall length of 96 inches and 0.800 nominal amperes, as defined in ANSI C78.1–1991. (See Incorporation by Reference § 430.22(a))

(4) Any instant start lamp (commonly referred to as 8-foot slimline lamps) with single pin bases of nominal overall length of 96 inches and rated wattage of 52 or more, as defined in ANSI C78.3–1991. (See Incorporation by Reference § 430.22(a))

* * * * *

General Service Fluorescent Lamp means any fluorescent lamp which can be used to satisfy the majority of fluorescent lighting applications, but does not include any lamp designed and marketed for the following nongeneral applications:

(1) Fluorescent lamps designed to promote plant growth.

(2) Fluorescent lamps specifically designed for cold temperature applications.

(3) Colored fluorescent lamps.

(4) Impact-resistant fluorescent lamps.

(5) Reflectorized or aperture lamps.

(6) Fluorescent lamps designed for use in reprographic equipment.

(7) Lamps primarily designed to produce radiation in the ultra-violet region of the spectrum.

(8) Lamps with a Color Rendering Index of 82 or greater.

General Service Incandescent Lamp means any incandescent lamp (other than a miniature or photographic lamp) that has an E26 medium screw base, a rated voltage range at least partially within 115 to 130 volts, and which can be used to satisfy the majority of lighting applications, but does not include any lamps specifically designed for:

(1) Traffic signal, or street lighting service;

(2) Airway, airport, aircraft, or other aviation service;

(3) Marine, or marine signal service;

(4) Photo, projection, sound reproduction, or film viewer service;

(5) Stage, studio, or television service;

(6) Mill, saw mill, or other industrial process service;

(7) Mine service;

(8) Headlight, locomotive, street railway, or other transportation service;

(9) Heating service;

(10) Code beacon, marine signal, lighthouse, reprographic, or other communication service;

(11) Medical or dental service;

(12) Microscope, map, microfilm, or other specialized equipment service;

(13) Swimming pool, or other underwater service;

(14) Decorative or showcase service;

(15) Producing colored light;

(16) Shatter resistance which has an external protective coating; or

(17) Appliance service.

* * * * *

Incandescent Lamp means any lamp in which light is produced by a filament heated to incandescence by an electric current, including only the following:

(1) Any lamp (commonly referred to as lower wattage nonreflector general service lamps, including any tungsten halogen lamp) that has a rated wattage between 30 and 199 watts, has an E26 medium screw base, has a rated voltage or voltage range that lies at least partially within 115 and 130 volts, and is not a reflector lamp.

(2) Any lamp (commonly referred to as a reflector lamp) which is not colored or designed for rough or vibration service applications that contains an inner reflective coating on the outer bulb to direct the light, an R, PAR or similar bulb shapes (excluding ER or BR) with an E26 medium screw base, a rated voltage or voltage range that lies at least partially within 115 to 130 volts, a diameter which exceeds 2.75 inches, and is either—(I) a low(er) wattage reflector lamp which has a rated wattage between 40 and 205 watts; or (II) a high(er) wattage reflector lamp which has a rated wattage above 205 watts.

(3) Any general service incandescent lamp (commonly referred to as a high- or higher-wattage lamp) that has a rated wattage above 199 watts (above 205 watts for a high wattage reflector lamp).

* * * * *

Lamp Efficacy (LE) means the measured lumen output of a lamp in lumens divided by the measured lamp electrical power input in watts expressed in units of lumens per watt (LPW).

* * * * *

Medium Base Compact Fluorescent Lamp means an integrally ballasted fluorescent lamp with a medium screw base, a rated input voltage range of 115 to 130 volts and which is designed as a direct replacement for a general service incandescent lamp.

* * * * *

3. Sections 430.22 and 430.23 are redesignated as §§ 430.23 and 430.24 and a new § 430.22, is added to read as follows:

§ 430.22 Reference Sources.

(a) *Materials Incorporated by Reference*—(1) *General.* The following standards which are not otherwise set forth in this part 430 are incorporated by reference. The material listed in paragraph (a)(3) of this section has been approved for incorporation by reference by the Director of the **Federal Register** in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Any subsequent amendment to a standard by the standard-setting organization will not affect the DOE test procedures unless and until amended by DOE. Material is incorporated as it exists on the date of the approval and a notice of any change in the material will be published in the **Federal Register.**

(2) *Availability of standards.* The standards incorporated by reference are available for inspection at:

(i) Office of the Federal Register Information Center, 800 North Capitol Street, NW., Suite 700, Washington, DC.

(ii) U.S. Department of Energy, Office of Energy Efficiency and Renewable Energy, Hearings and Dockets, "Test Procedures for Fluorescent and Incandescent Lamps," Docket No. EE–RM–94–220–IF, Forrestal Building, 1000 Independence Avenue, SW, Washington, DC 20585.

(3) Standards incorporated by reference may be obtained from the following sources:

(i) American National Standards Institute, 1430 Broadway, New York, NY 10018, (212) 642–4900.

(ii) Illuminating Engineering Society of North America, Publications Department, 345 E. 47th Street, New York, NY 10017, (212) 705–7925.

(iii) International Commission on Illumination, Bureau Central De La CIE, 4 AV. Du Recteur-Poincare, 75 782 Paris, Cedex 16, France.

(4) *List of standards incorporated by reference.*

1. ANSI C78.1–1991, "for Fluorescent Lamps—Rapid-Start Types—Dimensional and Electrical Characteristics"
2. ANSI C78.2–1991, "for Fluorescent Lamps—Preheat-Start Types—Dimensional and Electrical Characteristics"
3. ANSI C78.3–1991, "for Fluorescent Lamps—Instant-Start and Cold-Cathode Types—Dimensional and Electrical Characteristics"
4. ANSI C78.375–1991, "for Fluorescent Lamps—Guide for Electrical Measurements"
5. ANSI C82.3–1983 "for Reference Ballasts for Fluorescent Lamps"
6. International Commission on Illumination (CIE), Publication No. 13.2 1974, corrected reprint 1993, "Method of Measuring and Specifying Color Rendering Properties of Light Sources," ISBN 3 900 734 39 9
7. Illuminating Engineering Society of North America (IES) LM–9–88, "IES Approved Method for the Electrical and Photometric Measurements of Fluorescent Lamps"
8. Illuminating Engineering Society of North America LM–16–84, "IES Practical Guide to Colorimetry of Light Sources"
9. Illuminating Engineering Society of North America LM–20–1982, "IES Approved Method for Photometric Measuring and Reporting Tests on Reflector Type Lamps"
10. Illuminating Engineering Society of North America LM–45–91, "IES Approved Method for Electrical and Photometric Measurements of General Service Incandescent Filament Lamps"
11. Illuminating Engineering Society of North America LM–58–83, "IES Guide to Spectroradiometric Measurements"
12. Illuminating Engineering Society of North America LM–66–1991, "IES Approved Method for the Electrical and Photometric Measurements of Single-Ended Compact Fluorescent Lamps"

(b) *Reference materials*—(1) *General.* The references listed in paragraph (b)(2) of the section are referred to in the DOE test procedures and elsewhere in 10 CFR part 430 but are not incorporated by reference. These sources are given here for information and guidance.

(2) *List of References.*

1. National Voluntary Laboratory Accreditation Program Handbook 150–01, "Energy Efficient Lighting Products, Lamps

and Luminaires, August 1993." National Voluntary Laboratory Accreditation Program, NIST, Gaithersburg, MD.

2. "Illuminating Engineering Society Lighting Handbook," 8th Edition, New York, NY 1993.

4. Newly redesignated § 430.23 is amended by adding paragraph (r) to read as follows:

§ 430.23 Test procedures for measures of energy consumption.

* * * * *

(r) *General Service Fluorescent Lamps and General Service Incandescent Lamps.* (1) The Estimated Annual Energy Consumption for lamps defined in § 430.2, expressed in kilowatt-hours per year, shall be the product of:

(i) The input power in kilowatts as determined in accordance with section 4 of Appendix R to this subpart and

(ii) The representative average use cycle of 1,000 hours per year, the resulting product then being rounded off to the nearest kilowatt-hour per year.

(2) The Lamp Efficacy for general service fluorescent lamps and medium base compact fluorescent lamps defined in section 430.2 shall be the quotient of the average lumen output and the average lamp wattage as determined in section 4 of Appendix R of this subpart with the resulting quotient rounded off to the nearest lumen per watt.

(3) The Lamp Efficacy for general service incandescent lamps and incandescent reflector lamps shall be the quotient of the average lumen output and the average lamp wattage as determined in section 4 of Appendix R of this subpart with the resulting quotient rounded off to the nearest tenth of a lumen per watt.

(4) The Estimated Annual Operating Cost for lamps defined in § 430.2, expressed in dollars per year, shall be the product of: (i) The representative average unit energy cost of electricity in dollars per kilowatt-hour as provided by the Secretary, (ii) The representative average use cycle of 1,000 hours per year, and (iii) The input power in kilowatts as determined in accordance with section 4 of Appendix R to this subpart, the resulting product then being rounded off to the nearest dollar per year.

(5) The Color Rendering Index of a general service fluorescent lamp shall be tested and determined in accordance with section 4.5 of Appendix R of this subpart and rounded off to the nearest unit.

5. Newly redesignated § 430.24 is amended by adding paragraph (r) to read as follows:

§ 430.24 Units to be tested.

* * * * *

(r)(1) For each basic model of general service fluorescent lamp and general service incandescent lamp as those terms are defined in paragraphs (15) and (16) of the definition for "basic model" in § 430.2, samples of production lamps shall be tested and the results for all samples shall be averaged for a 12-month period. A minimum sample of 20 lamps shall be tested. The manufacturer shall randomly select 3 lamps from each month of production for 7 out of the 12 months required for the average. In the instance where a basic model of general service fluorescent lamp or general service incandescent lamp has been manufactured for less than 7 of the preceding 12 months, the number of lamps selected shall be divided as evenly as possible among the months of production to attain a minimum sample of 20 lamps. The lamp efficacy of the sample lamps shall be the quotient of the average of the lumen output and watts input measurements to insure that any represented value of lamp efficacy or other measure of the energy consumption of a basic model for which consumers would favor a higher value shall be no greater than the lower of (i) The mean of the sample or (ii) The lower 99 percent confidence limit of the true mean divided by 0.99.

(2) For each basic model of general service fluorescent lamp except for medium base compact fluorescent lamps, as defined in paragraph (15) of § 430.2, random samples of production lamps from 12 months of production shall be selected for testing the Color Rendering Index (CRI). The CRI shall be represented as the average of a minimum sample of 20 lamps from the same production lots which were chosen for measurement in § 430.24(r)(1), i.e., the manufacturer shall measure all lamps for lumens, watts input, and CRI. The 20 CRI measurements shall be averaged to insure that any represented value of CRI of a basic model for which consumers would favor a higher value shall be no greater than the lower of (i) The mean of the sample or (ii) The lower 99 percent confidence limit of the true mean divided by 0.99.

6. Section 430.25 is added to read as follows:

§ 430.25 Laboratory Accreditation Program.

(a) To comply with the testing requirements in section 323(b) of the Act, test procedures for certain products given below shall be carried out by accredited test laboratories. The accrediting body shall be the National Voluntary Laboratory Accreditation Program (NVLAP) or a foreign organization recognized by NVLAP. NVLAP is under the auspices of the National Institute of Standards and Technology which is part of the U.S. Department of Commerce. NVLAP accreditation is granted on the basis of conformance with criteria published in 15 CFR part 285 "The National Voluntary Laboratory Accreditation Program Procedures and General Requirements."

(b) The test procedures for general service fluorescent lamps, general service incandescent lamps, incandescent reflector lamps, and medium base compact fluorescent lamps, as specified in Appendix R to this subpart, shall be conducted by test laboratories accredited by NVLAP or an accrediting organization recognized by NVLAP. NVLAP standards for lamps and luminaires are given in handbook 150–01, "Energy Efficient Lighting Products, Lamps and Luminaires," August 1993. A manufacturer's or importer's own laboratory, if accredited, may conduct the applicable test procedures.

7. Section 430.32 is amended by adding paragraph (n) to read as follows:

§ 430.32 Energy conservation standards and effective dates.

* * * * *

(n) *General service fluorescent lamps and incandescent reflector lamps.* (1) Each of the following general service fluorescent lamps manufactured after the effective dates specified in the table shall meet or exceed the lamp efficacy and CRI standards shown in the table below:

FLUORESCENT LAMPS

Lamp type	Nominal lamp wattage	Minimum CRI	Minimum average lamp efficacy (LPW)	Effective date
4-foot medium bi-pin	>35W	69	75.0	Nov. 1, 1995.
	≤35W	45	75.0	Nov. 1, 1995.
2-foot U-shaped	>35W	69	68.0	Nov. 1, 1995.
	≤35W	45	64.0	Nov. 1, 1995.
8-foot slimline	>65W	69	80.0	May 1, 1994.
	≤65W	45	80.0	May 1, 1994.
8-foot high output	>100W	69	80.0	May 1, 1994.
	≤100W	45	80.0	May 1, 1994.

(2) Each of the following incandescent reflector lamps manufactured after November 1, 1995, shall meet or exceed the lamp efficacy standards shown in the table in this paragraph:

INCANDESCENT REFLECTOR LAMPS

Nominal lamp wattage	Minimum average lamp efficacy (LPW)
40–50	10.5
51–66	11.0
67–85	12.5
86–115	14.0
116–155	14.5
156–205	15.0

7. Section 430.62 is amended by adding the following at the end of paragraph (a)(2):

§ 430.62 Submission of data.

(a) * * *

(2) * * * For each basic model of general service fluorescent and incandescent reflector lamps, the certification report shall include the laboratory's NVLAP identification number or other NVLAP-approved accreditation identification, basic model tested, production date codes (and accompanying decoding scheme), the 12-month average lamp efficacy and lamp wattage, brand names and model designation. The certification report shall also include the 12-month average Color Rendering Index for general service fluorescent lamps.

* * * * *

8. Subpart B of Part 430 is amended by adding Appendix R—Uniform Test Method for Measuring Average Lamp Efficacy (LE) and Color Rendering Index (CRI) of General Service Fluorescent and Incandescent Lamps, Incandescent Reflector Lamps, and Medium Base Compact Fluorescent Lamps as follows:

Appendix R to Subpart B of Part 430—Uniform Test Method for Measuring Average Lamp Efficacy (LE) and Color Rendering Index (CRI) of Electric Lamps

1. *Scope:* This appendix applies to the determination of the lamp efficacy (LE) and Color Rendering Index (CRI) for fluorescent lamps and to the determination of the lamp efficacy for incandescent lamps. The scope of this appendix shall also include that specified in section 1.1 of IES LM–9, section 1 of IES LM–16, section 2.0 of IES LM–20, section 1 of IES LM–45, section 1 of IES LM–58, section 1.1 of IES LM–66 and section II.2 of CIE Publication No. 13.2. (See § 430.22) References in the text of this Appendix R are undated but are understood to be dated as specified in the list of Incorporated by Reference materials at § 430.22.

2. *Definitions*

2.1 Definitions shall include the definitions specified in section 1.2 of IES LM–9, section 3.0 of IES LM–20, section 2 of IES LM–45, section 2 of IES LM–58, section 1.2 of IES LM–66 and section IV of CIE Publication No. 13.2. (See § 430.22)

2.2 *ANSI Standard* means a standard developed by a committee accredited by the American National Standards Institute (ANSI).

2.3 *CIE* means the International Commission on Illumination.

2.4 *CRI* means Color Rendering Index as defined in Section 430.2.

2.5 *IES* means the Illuminating Engineering Society of North America.

2.6 *Lamp efficacy* means the ratio of measured lamp lumen output in lumens to the measured lamp electrical power input in watts, rounded to the nearest whole number, in units of lumens per watt.

2.7 *Lamp lumen output* means the total luminous flux produced by the lamp at the measured reference condition, in units of lumens.

2.8 *Lamp electrical power input* means the total electrical power input to the lamp, including both arc and cathode power where appropriate, at the measured reference condition, in units of watts.

2.9 *Reference condition* means the test condition specified in IES LM–9 for general service fluorescent lamps, in IES LM–20 for incandescent reflector lamps, in IES LM–45 for general service incandescent lamps and in IES LM–66 for medium base compact fluorescent lamps. (See § 430.22)

3.0 *Test Conditions*

3.1 *General Service Fluorescent Lamps:* Test ambient conditions, electrical circuits, reference ballasts, stabilization requirements, instruments and detectors shall be as described in the relevant sections of IES LM–9. The photometric test procedure and test report shall conform to sections 11 and 13 of IES LM–9. (See § 430.22)

3.2 *General Service Incandescent Lamps:* The selection and seasoning of the test lamps, the equipment and instrumentation, and the test conditions shall conform to sections 3, 4, 5 and 6 of IES LM–45. (See § 430.22)

3.3 *Incandescent Reflector Lamps:* The selection and seasoning of the test lamps, and the test conditions shall conform to sections 4.0 and 5.0 of IES LM–20. (See § 430.22)

3.4 *Medium Base Compact Fluorescent Lamps:* The selection, seasoning and stabilization of the test lamps, and the test conditions, shall be as described in sections 1, 2, 3, and 7 of IES LM–66. (See § 430.22)

4. *Test Methods and Measurements*

4.1 *General Service Fluorescent Lamps*

4.1.1 The measurement procedure shall be as described in IES LM–9, except as noted below. Lamps shall be operated at the appropriate voltage and current conditions as described in ANSI C78.375 and ANSI C78.1, C78.2 or C78.3. Lamps shall be operated using the appropriate reference ballast as described in ANSI C82.3. (See § 430.22)

4.1.2 Lamp lumen output (lumens) and lamp electrical power input (watts) at the reference condition shall be measured and recorded. Lamp efficacy shall be determined by computing the ratio of the measured lamp lumen output and lamp electrical power input at equilibrium for the reference condition.

4.2 *General Service Incandescent Lamps*

4.2.1 The measurement procedure shall be as described in IES LM–45, except as noted below. Lamps shall be operated at 120 volts and 60 hertz regardless of the rated lamp voltage. (See § 430.22)

4.2.2 The test procedure shall follow section 7 and lamp lumen output determined in accordance with sections 4.2a or b of IES LM–45 at the reference condition. Lamp electrical power input in watts shall also be measured and recorded. Lamp efficacy shall be determined by computing the ratio of the measured lamp lumen output and lamp

electrical power input at equilibrium for the reference condition. The test report shall conform to section 8 of IES LM–45. (See § 430.22)

4.3 *Incandescent Reflector Lamps*

4.3.1 The measurement procedure shall be as described in IES LM–20, except as noted below. Lamps shall be operated at 120 volts and 60 hertz regardless of the rated lamp voltage. (See § 430.22)

4.3.2 Lamp intensity distribution shall be measured in accordance with section 6.0 and lamp lumen output, or total flux, shall be determined in accordance with section 7.3 of IES LM–20, at the reference condition. The integrating sphere measurement method, section 7.1, shall not be used. Lamp electrical power input in watts shall also be measured and recorded. (See § 430.22)

4.3.3 Lamp efficacy shall be determined by computing the ratio of the measured lamp lumen output and lamp electrical power input at equilibrium for the reference condition. The test report shall conform to section 10.0 of IES LM–20. (See § 430.22)

4.4 *Medium Base Compact Fluorescent Lamps*

4.4.1 The measurement procedure shall be as described in IES LM–66, as it pertains to lamps with integral ballasts. Lamps shall be operated at 120 Volts and 60 Hertz. Lamp lumen output shall be measured according to section 11 of IES LM–66 at the reference condition. Lamp electrical power input in watts shall also be measured and recorded. (See § 430.22)

4.4.2 Lamp efficacy shall be determined by computing the ratio of the measured lamp lumen output and lamp electrical power input at equilibrium for the reference condition. The test report shall conform to section 13 of IES LM–66. (See § 430.22)

4.5 *Determination of Color Rendering Index (CRI)*

4.5.1 The CRI shall be determined in accordance with the method specified in CIE Publication 13.2 for general service fluorescent lamps. The required spectroradiometric measurement and characterization shall be conducted in accordance with the methods given in IES LM–58 and IES LM–16. (See § 430.22)

4.5.2 The test report shall include a description of the test conditions, equipment, and measured lamps, spectroradiometric measurement results and CRI determination.

[FR Doc. 94–23748 Filed 9–27–94; 8:45 am]

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DEPARTMENT OF ENERGY

Office of Energy Efficiency and Renewable Energy

10 CFR Part 430

[Docket No. EE–RM–94–220–NOPR]

RIN: 1904–AA70

Energy Conservation Program for Consumer Products

AGENCY: Office of Energy Efficiency and Renewable Energy, Department of Energy

ACTION: Notice of Proposed Rule and Public Hearing.

SUMMARY: The Department of Energy (the Department) gives notice of a proposed rulemaking to define colored fluorescent and incandescent lamps and to define the exemption from energy conservation standards for a rough or vibration service incandescent reflector lamp. The Energy Policy Act of 1992 requires the Department of Energy to administer an energy conservation program for certain major household appliances and commercial equipment, including fluorescent and incandescent lamps. Today's proposed rule will clarify definitions for colored fluorescent and incandescent lamps and will clarify the exemption for rough or vibration service incandescent reflector lamps.

DATES: Written comments (eight copies) in response to this notice must be received by December 12, 1994.

Oral views, data, and arguments may be presented at the public hearing to be held in Washington, DC., on November 15, 1994. Requests to speak at the hearing must be received by the Department no later than 4:00 p.m. Copies of statements to be given at the public hearing must be received by the Department no later than 4 p.m. The length of each presentation is limited to 15 minutes.

ADDRESSES: Written comments (eight copies) and requests to speak at the public hearing are to be submitted to: U.S. Department of Energy, Office of Energy Efficiency and Renewable Energy, Proposed Definitions for Certain Fluorescent Lamps and Incandescent Lamps, Docket No. EE–RM–94–220–NOPR, Forrestal Building, 1000 Independence Avenue, SW., Washington, DC 20585, (202) 586–7140.

The hearing will begin at 9:30 a.m. on November 15, 1994 and will be held at the U.S. Department of Energy, Forrestal Building, Room 1E–245, 1000 Independence Avenue, SW., Washington, DC.

Copies of the transcript of the public hearing and public comments received may be read at the Department of Energy Freedom of Information Reading Room, U.S. Department of Energy, Forrestal Building, Room 1E–190, 1000 Independence Avenue, SW., Washington, DC 20585, (202) 586–6020, between the hours of 9 a.m. and 4 p.m., Monday through Friday, except Federal holidays.

For more information concerning public participation in this rulemaking proceeding, see Section VII., "Public Comment," of **SUPPLEMENTARY INFORMATION.**

FOR FURTHER INFORMATION CONTACT:

Terrence L. Logee, U.S. Department of Energy, Office of Energy Efficiency and Renewable Energy, Mail Station EE–431, Forrestal Building, 1000 Independence Avenue SW., Washington, DC 20585, (202) 586–1689

Eugene Margolis, Esq., U.S. Department of Energy, Office of General Counsel, Mail Station GC–72, Forrestal Building, 1000 Independence Avenue SW., Washington, DC 20585, (202) 586–9507

SUPPLEMENTARY INFORMATION:

I. Introduction

Part B of Title III of the Energy Policy and Conservation Act (EPCA), Public Law 94–163, as amended by the National Energy Conservation Policy Act (NECPA), Public Law 95–619, the National Appliance Energy Conservation Act (NAECA) of 1987, Public Law 100–12, the National Appliance Energy Conservation Amendments of 1988 (NAECA 1988), Public Law 100–357, and the Energy Policy Act of 1992 (EPACT), Public Law 102–486, created the Energy Conservation Program for Consumer Products other than Automobiles (Program).[1] The consumer and commercial products currently subject to this Program (often referred to hereafter as "covered products") include general service fluorescent lamps and general service incandescent lamps, the subject of today's notice. The Department is publishing elsewhere in this issue an Interim Final Rule amending part 430 to establish test procedures for flourescent and incandescent lamps, incorporating by reference test procedures adopted by the Illuminating Engineering Society (IES), American National Standards Institute (ANSI) and the International Commission on Illumination (CIE).

[1] Part B of Title III of EPCA, as amended, is referred to in this proposed rule as the "Act." Part B of Title III is codified at 42 U.S.C. 6291–6309.

II. Discussion

By this notice, the Department is proposing definitions for colored fluorescent and incandescent lamps. The Department is also proposing to clarify the exemption for rough or vibration service incandescent reflector lamps by requiring a C–17 or C–22 filament or by requiring a vibration test. The proposed definitions will apply to those products covered by sections 322(a)(14) and 325(i)(1) of the Act.

A. Definitions

By this notice, the Department is defining colored fluorescent and colored incandescent lamps because section 321(a)(30)(B)(iii) and section 321(a)(30)(C)(ii) of the Act contain exemptions for these lamps without defining them. After a meeting with lamp manufacturers and the National Electrical Manufacturers Association, the Department believes that a colored lamp can be defined by using a suitable minimum value of the Color Rendering Index (CRI) or a correlated color temperature. The National Institute of Standards and Technology personnel have researched CRI values and correlated color temperatures for many different colored fluorescent and incandescent lamps. The National Institute of Standards and Technology recommends and the Department agrees that either CRI or color temperature will sufficiently define colored lamps. The Department is proposing that a CRI value less than 30 and a lamp color correlated temperature either below 2,500°K for red and yellow colors or above 7,000°K for blue and green colors will allow an exemption for bona-fide colored fluorescent lamps while requiring all of the "white" lamps to meet the standards. Likewise, colored incandescent lamps must have CRI values below 50 and a lamp color correlated temperature either below 2,500°K for red and yellow colors or above 7,000°K for blue and green colors to be exempt from standards. The Department further proposes that these lamps be designed, designated and marketed specifically as colored lamps. DOE requests comments on the two proposals for definitions of colored fluorescent and incandescent lamps. The Department also invites manufacturer's to send data on CRI measurements and color correlated temperatures for colored fluorescent and incandescent lamps.

The Department believes that the measurements required to determine if a lamp is colored by the above

definition are minimal. The CRI is a required measurement for fluorescent lamps and manufacturers would only have to make a CRI measurement for lightly tinted incandescent lamps such as "jeweler's blue." The color temperature is derived from spectroradiometric measurements correlated to a blackbody and the spectroradiometric data for most lamps already exists so manufacturers use a chart to determine the correlated color temperature.

Note that the "jeweler's blue" lamp may require a heavier tint to pass the proposed incandescent CRI cutoff so the Department is advising the manufacturers to evaluate the CRI of any lightly tinted incandescent lamps. However, the Department believes that if the CRI for incandescent lamps is raised, that could allow a manufacturer to circumvent the standards with lightly tinted lamps.

Today's proposed rule also contains a definition of an exempt rough or vibration service incandescent reflector lamp. Section 321(a)(30)(C)(ii) of the Act contains an exemption for "rough or vibration service applications" of incandescent reflector lamps without defining this term. After several meetings with lamp manufacturers and the National Electrical Manufacturers Association, the Department has determined that there is no industry-wide accepted agreement on a definition for a rough or vibration service incandescent reflector lamp. Also, it appears that there are very few incandescent reflector lamps which are marketed solely for rough or vibration service applications. From a study, "Findings on Incandescent Reflector Lamps," conducted by Lawrence Berkeley Laboratories, DOE has determined that sales data for long-life or vibration service applications are not collected separately and that approximately 20 percent of the present incandescent reflector lamp market is comprised of lamps marketed for those purposes. The Department was unable to separate the long-life reflector lamp market and the vibration service reflector lamp market. However, most lamps designated as "Long-life" rather than "Vibration Service" have a C–9 filament with 4-supports. Additionally, three large lamp manufacturers use a C–17 filament with 12 supports to characterize their rough service incandescent reflector lamp. The Department believes that lamps labeled and marketed for rough or vibration service should either meet a design standard (a C–17 or C–22 filament) or a performance standard (pass a vibration test). Only such lamps would qualify for a rough or vibration service exemption from the standards.

Since reflector lamps with C–9 filaments are marketed for long life and since there is no industry consensus for the C–9 filament as a vibration design, the Department is proposing to define a rough or vibration service application lamp as an incandescent lamp designated and marketed specifically for rough or vibration service. Additionally, this lamp must have either 6 support wires with a C–17 or C–22 filament configuration or the lamp must meet a vibration test. The 6 support wires were proposed by one of the manufacturers and the Department believes that they will provide enough additional vibration resistance while maintaining better lamp efficacy than the 12 support wires normally used in a rough or vibration service lamp. The proposed vibration test is a modified Naval test specification[2] for ruggedness of large tungsten filament lamps and consists of a vibration frequency test going from 5 to 33 Hz in 1 Hz increments and a 2 hour vibration endurance test at 33 Hz. The Department requests comments on this proposal.

III. Environmental Review

Pursuant to section 7(c)(2) of the Federal Energy Administration Act a copy of this notice has been submitted to the Administrator of the Environmental Protection Agency for comment concerning the impact of this proposal on the quality of the environment.

Since test procedures are used to standardize the measurement of energy usage, and will not affect the quality or distribution of energy usage, prescribing test procedures will not result in any environmental impacts. The Department of Energy, therefore, has determined that prescribing test procedures under the Program is not a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969.

This Rulemaking, which amends existing part 430 of Title 10, will not change the environmental effect of such regulation, and is an item which is "categorically excluded (A6)" by the Department of Energy's regulations on National Environmental Policy Act Implementing Procedures (10 CFR part 1021) (57 FR 15122, April 24, 1992) (appendix A to subpart D, Categorical Exclusion A6.). Consequently, neither an Environmental Impact Statement nor an Environmental Assessment is required for this rule.

IV. Regulatory Planning and Review

Today's regulatory action has been determined not to be a "significant regulatory action" under Executive Order 12866, "Regulatory Planning and Review," (58 FR 51735, October 4, 1993). Accordingly, today's action was not subject to review under the Executive Order by the Office of Information and Regulatory Affairs.

V. Regulatory Flexibility Act

The Regulatory Flexibility Act (Pub. L. 96–345) (5 U.S.C. 601–612) requires that an agency prepare an initial regulatory flexibility analysis and that it be published at the time the proposed rule is published. This requirement (which appears in section 603) does not apply if the agency "certifies that the rule will not, if promulgated, have a significant economic impact on a substantial number of small entities." This rule affects manufacturers of general service fluorescent and incandescent lamps. As previously discussed, the rule would not have significant economic impact, but rather, would provide common definitions and test methods. Therefore, the Department of Energy certifies that this rule, if promulgated, would not have a "significant economic impact on a substantial number of small entities."

VI. Federalism Review

Executive Order 12612 (52 FR 41685, Oct. 30, 1987) requires that regulations or rules be reviewed for any substantial direct effects on States, on the relationship between the Federal Government and the States, or on the distribution of power and responsibilities among various levels of government. If there are sufficient substantial direct effects, then Executive Order 12612 requires preparation of a federalism assessment to be used in all decisions involved in promulgating and implementing a regulation or a rule.

The Department of Energy has identified a substantial direct effect that today's proposed rule would have on State governments. It would initially preempt inconsistent State regulations. However, the Department of Energy has concluded that such effect is not sufficient to warrant preparation of a federalism assessment for the following reason: the Act provides for subsequent State petitions for exemption. Thus, a determination as to whether a State law prevails must be made on a case-by-case basis using criteria set forth in the Act. When the Department of Energy

[2] Correspondence to the Office of Codes and Standards from Osram Sylvania, Report #E–3727, Proposed Naval Test Specification for Ruggedness of Large Tungsten Filament Lamps (Shipboard Use), December 3, 1970.

receives such a petition, it will then be appropriate to consider preparing a federalism assessment consistent with the criteria in the Act.

VII. Public Comment

A. Written Comment Procedures

Interested persons are invited to participate in the rulemaking by submitting data, comments, or information with respect to the definitions set forth in this notice to the address indicated at the beginning of the notice.

Comments should be identified both on the envelope and on the documents as "Definitions for Certain Fluorescent and Incandescent Lamps, Docket No. EE-RM–94–220–NOPR." Eight (8) copies are requested to be submitted. If possible, the Department would appreciate an electronic copy of the comments on a 3.5" diskette. The Department is currently using WordPerfect™ 5.1. All submittals received by the date specified at the beginning of this notice will be considered by the Department of Energy before final action is taken on the proposed rule.

Pursuant to the provisions of 10 CFR 1004.11, any person submitting information which he or she believes to be confidential and exempt by law from public disclosure should submit one complete copy of the document and seven copies, if possible, from which the information believed to be confidential has been deleted. The Department of Energy will make its own determination with regard to the confidential status of the information and treat it according to its determination.

Factors of interest to the Department of Energy when evaluating requests to treat as confidential information that has been submitted include: (1) A description of the items; (2) an indication as to whether and why such items are customarily treated as confidential within the industry; (3) whether the information is generally known by, or available from, other sources; (4) whether the information has previously been made available to others without obligation concerning its confidentiality; (5) an explanation of the competitive injury to the submitting person which would result from public disclosure; (6) an indication as to when such information might lose its confidential character due to the passage of time; and (7) why disclosure of the information would be contrary to the public interest.

B. Public Hearing

1. Procedures for Submitting Requests to Speak

The time and place of the public hearing are indicated at the beginning of this notice. The Department of Energy invites any person who has an interest in today's proposed rule, or who is a representative of a group or class of persons that has an interest in these definitions, to make a request for an opportunity to make an oral presentation. Such requests should be directed to the address or telephone number indicated at the beginning of this notice. Requests should be labeled "Definitions for Certain Fluorescent and Incandescent Lamps, Docket No. EE–RM–94–220–NOPR," both on the document and on the envelope.

The person making the request should briefly describe the interest concerned and state why he or she, either individually or as a representative of a group or class of persons that have such an interest, is an appropriate spokesperson, and give a telephone number where he or she may be contacted.

2. Conduct of Hearing

The Department of Energy reserves the right to select the persons to be heard at the hearing, to schedule the respective presentations, and to establish the procedures governing the conduct of the hearing. The length of each presentation is limited to 15 minutes.

A Department of Energy official will be designated to preside at the hearing. The hearing will not be a judicial or an evidentiary-type hearing, but will be conducted in accordance with 5 U.S.C. 533 and section 336 of the Act. At the conclusion of all initial oral statements at each day of the hearing, each person who has made an oral statement will be given the opportunity to make a clarifying rebuttal statement, subject to time limitations. The rebuttal statement will be given in the order in which the initial statements were made.

Any further procedural rules needed for the proper conduct of the hearing will be announced by the presiding official.

A transcript of the hearing will be made, and the entire record of this rulemaking, including the transcript, will be retained by the Department of Energy and made available for inspection at the Department of Energy Freedom of Information Reading Room as provided at the beginning of this notice. Any person may purchase a copy of the transcript from the transcribing reporter.

C. Issues for Public Comment

The Department of Energy is interested in receiving comments and data concerning the accuracy and workability of these definitions. Also, the Department of Energy welcomes discussion on improvements or alternatives to these approaches. In particular, the Department of Energy is interested in gathering comments on the following:

- Color temperature ranges for colored fluorescent and incandescent lamps.
- Appropriateness of the prescribed filaments for the rough or vibration service incandescent reflector lamp.
- Applicability of the proposed vibration test to determine the rough or vibration service exemption for incandescent reflector lamps.

List of Subjects in 10 CFR Part 430

Administrative practice and procedure, Energy conservation, Household appliances.

Issued in Washington, DC, August 10, 1994.

Christine A. Ervin,

Assistant Secretary, Energy Efficiency and Renewable Energy.

For the reasons set forth in the preamble, part 430 of chapter II of title 10, Code of Federal Regulations, is proposed to be amended as set forth below.

PART 430—ENERGY CONSERVATION PROGRAM FOR CONSUMER PRODUCTS

1. The authority citation for Part 430 continues to read as follows:

Authority: 42 U.S.C. 6291–6309.

2. Section 430.2 is proposed to be amended by adding definitions for "Colored Fluorescent Lamp," "Colored Incandescent Lamp," and Rough or Vibration Service Exemption" in alphabetical order to read as follows:

§ 430.2 Definitions.

* * * * *

Colored Fluorescent Lamp means a lamp designed and designated with a CRI less than 30, as determined according to the method given in CIE Publication 13.2 (as incorporated by reference in 10 CFR 430.22) or which has a lamp correlated color temperature either below 2500°K or above 7,000°K.

Colored Incandescent Lamp means a lamp designed and designated with a CRI less than 50, as determined according to the method given in CIE Publication 13.2 (as incorporated by reference in 10 CFR 430.22) or which

has a lamp correlated color temperature either below 2500°K or above 7,000°K.

* * * * *

Rough or Vibration Service Incandescent Reflector Lamp means either an incandescent lamp in which a C–17 or C–22 filament is mounted with no less than six supports not including the lead wires or an incandescent lamp which meets the requirements of the vibration test in Appendix R(4.3.4) to Subpart B of Part 430. The filament configurations are depicted in chapter six of the *Illuminating Engineering Society Lighting Handbook*, 8th Edition, New York, 1993. Additionally, these lamps must be designated and marketed specifically for rough or vibration service applications.

* * * * *

3. Section 430.25, paragraph (b) is amended by revising the first sentence to read as follows:

§ 430.25 Laboratory Accreditation Program.

* * * * *

(b) The test procedures for general service fluorescent lamps, general service incandescent lamps, incandescent reflector lamps, medium base compact fluorescent lamps, and rough or vibration service incandescent reflector lamps as specified in Appendix R to this subpart, shall be conducted by test laboratories accredited by NVLAP or an accrediting organization recognized by NVLAP. * * *

8. Appendix R to Subpart B of Part 430—Uniform Test Method for Measuring Average Lamp Efficacy (LE) and Color Rendering Index (CRI) of General Service Fluorescent and Incandescent Lamps, Incandescent Reflector Lamps, and Medium Base Compact Fluorescent Lamps is amended by adding paragraphs 4.3.4, 4.3.4.1, 4.3.4.2, 4.3.4.3, 4.3.4.4, and 4.3.4.5 to read as follows:

Appendix R to Subpart B of Part 430—Uniform Test Method for Measuring Average Lamp Efficacy (LE) and Color Rendering Index (CRI) of Electric Lamps

* * * * *

4. *Test Methods and Measurements*

* * * * *

4.3 *Incandescent Reflector Lamps*

* * * * *

4.3.4 The following vibration test shall be used to determine whether an incandescent lamp qualifies for a rough or vibration service application.

4.3.4.1 The vibration frequency test consists of vibrating an illuminated lamp with a sinusoidal wave shape from 5 to 33 Hz in discrete frequency intervals of 1 Hz, at the amplitudes shown in the table below. At each integral frequency, the vibration shall be maintained for five minutes.

AMPLITUDES OF VIBRATION (½ TOTAL EXCURSION)

Frequency range (Hz)	Amplitude ± inch
5 to 15	0.030 ± 0.006
16 to 25	0.020 ± 0.004
26 to 33	0.010 ± 0.002

4.3.4.2 The endurance test consists of a two hour vibration test of an illuminated lamp using a sinusoidal wave shape at a frequency of 33 HZ and an amplitude of 0.010 ± .002 inches.

4.3.4.3 The vibration frequency and endurance tests shall be performed with the direction of vibration along the lamp stem and in two directions perpendicular to the stem.

4.3.4.4 A sample of five lamps shall be randomly chosen from a production lot; no failures are permitted.

4.3.4.5 The test report shall list the testing company, date, place and test engineer/technician. It shall also list the lamp manufacturer, type of lamp, production date code, and pass or fail for the vibration frequency and endurance tests for each lamp.

* * * * *

[FR Doc. 94–23749 Filed 9–27–94; 8:45 am]

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federal register

Wednesday
September 28, 1994

Part III

Environmental Protection Agency

40 CFR Part 721
Significant New Uses of Lead; Advance Notice of Proposed Rulemaking

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 721

[OPPTS–50618; FRL–4766–6]

RIN 2070–AC37

Significant New Uses of Lead

AGENCY: Environmental Protection Agency (EPA).

ACTION: Advance notice of proposed rulemaking (ANPR).

SUMMARY: EPA is exploring the possibility of issuing significant new use rules (SNURs) for certain uses of elemental lead (Pb) and lead compounds under section 5(a)(2) of the Toxic Substances Control Act (TSCA). The SNURs would require persons to notify EPA at least 90 days before commencing the manufacture, import, or processing of lead and lead compounds for uses identified by the Agency as significant new uses. The significant new use notice (SNUN) would provide EPA with the opportunity to evaluate the intended use and associated activities and to prevent potentially unreasonable risk of injury to human health and the environment from occurring. EPA is issuing this ANPR to: (1) Communicate its intention to regulate significant new uses of elemental lead and lead compounds; (2) identify components of its proposed regulatory approach; (3) request comment on issues related to this approach; and (4) request comment and information on existing uses of lead that would help support EPA's selection of proposed criteria for defining significant new uses of lead. The Agency is particularly concerned with products the use of which may pose unreasonable risks to children. The information submitted in response to this ANPR will help EPA design an effective and efficient strategy for regulating significant new uses of lead.

DATES: Written and electronic comments in response to this ANPR must be received on or before November 28, 1994.

ADDRESSES: All written data and comments should be submitted in triplicate to OPPT Document Control Officer (7407), Office of Pollution Prevention and Toxics, Environmental Protection Agency, Rm. E–G99, 401 M St., SW., Washington, DC 20460. All written data and comments should be identified by the docket number OPPTS–50618.

Comments and data may also be submitted electronically by any of three different mechanisms: by sending electronic mail (e-mail) to: Docket-OPPTS@epamail.epa.gov; by sending a "Subscribe" message to listserver@unixmail.rtpnc.epa.gov and once subcribed, send your comments to RIN-2070-AC37; or through the EPA Electronic Bulletin Board by dialing 202–488–3671, enter selection "DMAIL," user name "BB—USER" or 919–541–4642, enter selection "MAIL," user name "BB—USER." Comments and data will also be accepted on disks in WordPerfect in 5.1 file format or ASCII file format. All comments and data in electronic form should be identified by the docket number OPPTS–50618. Electronic comments on this ANPR, but not the complete record, may be viewed or new comments filed online at many Federal Depository Libraries. Additional information on electronic submissions can be found in Unit VII. of this document.

Data and comments in written form containing information claimed as confidential business information (CBI) should be submitted in triplicate to: OPPT Document Control Officer (7407), Office of Pollution Prevention and Toxics, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460, Attention: OPPTS–50618. A sanitized copy of the comments that can be included in the public docket must be provided in triplicate to the OPPT Document Control Officer. Further information on submitting comments containing information claimed as CBI is provided in Unit VIII. of this document. No CBI should be submitted through e-mail.

FOR FURTHER INFORMATION CONTACT: For general information contact: Susan B. Hazen, Director, Environmental Assistance Division (7408), Office of Pollution Prevention and Toxics, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460, Telephone: 202–554–1404, TDD: 202–554–0551. For technical information contact: Jonathan Jacobson, Chemical Management Division (7404), Office of Pollution Prevention and Toxics, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460, Telephone: 202–260–3779, Internet: jacobson.jonathan@epamail.epa.gov.

SUPPLEMENTARY INFORMATION: Reducing human exposure to lead and lead contamination of the environment continue to be priority issues for EPA. Exposure to lead can result in a variety of adverse human health effects in both children and adults. Recent research and scientific evidence indicate that human health effects (e.g., impaired neurological development) occur at low exposure levels. Lead contamination of the environment is causing degradation of habitat and lead products have been implicated in the death of individual animals from several species.

In response to these problems, EPA has undertaken a variety of regulatory, programmatic, and research efforts to evaluate and address the environmental impacts of lead. Since 1991, Agency activities have been coordinated through the *Strategy for Reducing Lead Exposures*. This strategy includes regulatory and pollution prevention activities, a lead abatement program for "in-place" lead, and a research program. The promulgation of SNURs for elemental lead and lead compounds is part of EPA's multi-faceted strategy for reducing unacceptable lead exposures.

EPA's efforts are designed to reduce exposure to lead by: (1) Preventing new uses and phasing out current uses of lead that pose unreasonable risks; (2) controlling lead emissions; (3) managing the disposal of lead-containing wastes; (4) addressing in-place lead; and (5) supporting research to improve EPA's ability to assess and reduce lead-related risks.

I. Authority

Section 5(a)(2) of TSCA (15 U.S.C. 2604(a)(2)) authorizes EPA to determine that a use of a chemical substance is a "significant new use." The Agency must make this determination by rule after considering all relevant factors, including those listed in section 5(a)(2). Section 5(a)(2) factors generally relate to the extent to which a use changes the volume of a chemical's production or the type, form, magnitude, or duration of exposure to it. Once EPA determines that a use of a chemical substance is a significant new use, section 5(a)(1)(B) of TSCA requires persons to submit a notice to EPA at least 90 days before they manufacture, import, or process the chemical substance for that use.

Persons subject to a SNUR would comply with the same notice requirements and EPA regulatory procedures as submitters of premanufacture notices (PMNs) under section 5(a)(1)(A) of TSCA. In particular, these requirements include the information submission provisions of section 5(b) and (d)(1), the exemptions authorized by section 5(h)(1), (2), (3), and (5), and the regulations at 40 CFR part 720. The premanufacture notification process provides EPA the opportunity to review the particular use of the chemical substance and make a reasonable risk determination prior to the use's commercial introduction. Following its review, EPA may take regulatory action under section 5(e), 5(f), 6, or 7 to control the activities for

which it has received a SNUN. If EPA does not take action, section (5)(g) of TSCA requires EPA to explain in the **Federal Register** its reasons for not taking action.

Persons who intend to export a substance identified in a final SNUR are subject to the export notification provisions of TSCA section 12(b). The regulations that interpret section 12(b) appear at 40 CFR part 707. Persons who import a substance identified in a final SNUR must certify that they are in compliance with TSCA, which includes the SNUR requirements. The EPA import certification requirements appear at 40 CFR part 707.

II. Uses of Lead

Lead is a soft, gray metallic element mined from rock and found in its natural state all over the world. It is virtually indestructible and non-biodegradable. Its malleability, low melting point, ease of processing, abundance, low cost, density, lubricant properties, and durability give it good functional value.

In 1992, the U.S. Bureau of Mines reported that U.S. industries consumed over 1.24 million tons of lead. Of this quantity, nearly 81 percent was used to manufacture storage batteries and 5 percent was used in the ammunition industry. Other uses include: Glass and ceramics; lead chemical products; cable coverings; lead sheet; lead solder; casting lead; pigments; pipes, traps, and other extruded products; brass and bronze; other metal products; heat stabilizers; and bearing metals. Manufacturers use lead in its elemental form, in compounds including lead oxides and lead chromate, and in alloys (e.g., brass and solder).

III. Human Health Effects

Exposure to lead can produce a spectrum of human health effects across a wide range of exposure levels. Recent studies indicate that these toxic effects may occur at exposure levels considerably lower than previously recognized. Accordingly, the Centers for Disease Control and Prevention (CDC) has established the threshold of concern for blood lead (PbB), the most common index of lead exposure, at 10 µg/dL.

Young children and fetuses are especially vulnerable to lead: the nervous systems are developing and lead is absorbed into the blood stream more easily than in adults. High PbB levels (>40–60 µg/dL) in children are associated with anemia, mental retardation, and encephalopathy. At extremely high levels (>100 µg/dL), death may occur. There is also a concern that high lead exposure might play a role in spontaneous abortions. At lower exposure levels, lead has been linked to impaired cognitive performance, delayed neurological and physical development, decreased birth weight, and interference with heme synthesis and Vitamin D metabolism.

Recent research indicates that deficits in IQ and other measures of cognitive functions have been associated with PbB levels of 10 µg/dL (Bellinger, D.C., Stiles, K.M., and Needleman, H.L.; "Low-Level Lead Exposure, Intelligence and Academic Achievement: A Long-Term Follow-up Study"; *Pediatrics*; 1992; vol. 90; pp. 855–861). EPA, in its *Air Quality Criteria for Lead, Volumes I–IV and Addendum* (USEPA, 1986) and its *Air Quality Criteria for Lead, Supplement to 1986 Addendum* (USEPA, 1990), has identified the following relationships between lead exposure and human health:

1. Deficits in mental indices have been found in infants with maternal or umbilical cord PbB levels as low as 6–7 µg/dL.

2. Low birth weights and decreased gestation age, factors that may influence early neurological development have been associated with infants born to women with PbB levels above 12–14 µg/dL and possibly as low as 7 µg/dL.

3. Early childhood growth reductions have been associated with PbB levels from 5–35 µg/dL.

In its study *Measuring Lead Exposure in Infants, Children, and Other Sensitive Populations*, the National Academy of Sciences documented a similar range of effects (NAS, 1993). The Academy noted that PbB concentrations around 10 µg/dL are associated with disturbances in early physical and mental growth and in later intellectual functioning and academic achievement.

Although Federal government interest in lead poisoning has primarily focused on children, there is substantial evidence that lead exposures can produce adverse health effects in adults. Of great concern is evidence that elevated PbB levels have been associated with slight increases in blood pressure. Because lead is stored in bone, it may be mobilized during periods of stress or greater metabolic demands for calcium (e.g., pregnancy).

IV. Environmental Effects

Lead is one of the most common toxic substances found in large and small animals. Lead poisoning is the most frequently diagnosed toxicological problem in veterinary medicine; its occurrence has been reported in all domestic species and in several species of zoo animals. Lead poisoning has also affected many major species of waterfowl in North America and has been reported in many birds elsewhere in the world. Sources of these exposures have typically included lead wastes, lead paint, spent lead shot, fishing sinkers, and contaminated forage near smelters and roadways.

Laboratory and field data show that at high concentrations, lead can affect certain plants and inhibit photosynthesis, reduce growth, and alter species composition. Other studies indicate that high lead concentrations alter the composition of soil microbial communities and inhibit invertebrate activity resulting in delayed decomposition of organic matter, reduced nutrient supply, and altered soil properties, such as lower organic content.

Lead is toxic to many phyla of aquatic biota. Water lead concentrations as low as 19 to 30 µg/L have been associated with increased mortality and impaired reproduction in aquatic invertebrates. Aquatic vertebrates (e.g., fish) appear to be even more sensitive. Studies have shown that freshwater aquatic organisms are more sensitive to lead in soft than hard water.

V. Controlling Lead Exposure

Over the last two decades EPA has taken a number of actions to control exposure to lead. Most notable of these actions has been the virtual removal of lead from gasoline. As a result of this action and the phase-out of lead solder in food cans by domestic manufacturers, it is estimated that the average PbB level in children has declined by 75 percent (from about 17 µg/dL to 4 µg/dL) over the past 15 years.

Despite this progress, several factors have prompted EPA to identify other sources of on-going lead exposure, especially exposure among children, and initiate additional actions. First, the level of concern at which lead may adversely affect human health continues to decrease. CDC revised its level of concern from 25 µg/dL to 10 µg/dL in 1990. Second, nearly nine percent of children continue to have PbB levels in excess of CDC's level of concern, with a higher incidence of elevated PbB reported for minorities living in urban areas (CDC, 1994). Third, other sources of lead (e.g., lead-based paint and drinking water) are the primary sources of exposure for segments of the population.

To coordinate EPA's lead activities, the Agency published the *Strategy for Reducing Lead Exposures* in February 1991, the goal of which is to reduce lead exposures to the fullest extent practicable. Two objectives have been used to set program priorities and gauge

program success: (1) Reduce significantly the incidence of PbB levels above 10 μg/dL in children while taking into account the associated costs and benefits; and (2) reduce significantly, through voluntary and mandatory actions, unacceptable lead exposures that are anticipated to pose risks to children, the general public, or the environment. EPA plans to achieve the strategy's goal and objectives through implementation of research, abatement, and regulatory and pollution prevention programs.

A. Research Program

The purposes of the research program are to: (1) Locate and assess, in terms of geography and media, the most serious lead risks; and (2) develop methods and tools to reduce these risks cost-effectively. Examples of accomplishments and on-going efforts include evaluation of low-cost lead-based paint (LBP) abatement techniques, development of LBP abatement sampling techniques and protocols, studies to analyze the effectiveness of corrosion control technologies in small public water supply systems to reduce lead levels, and continued development and review of the Integrated Environmental Uptake/Biokinetic (UBK) Model to assess the relationship between environmental lead exposure and PbB levels.

B. Abatement Program

1. *Lead-based paint.* EPA's abatement program for "in-place" lead focuses on two major sources of exposure: LBP and lead-contaminated soil. LBP is the most serious source of children's lead exposure. The Agency for Toxic Substances and Disease Registry (ATSDR) estimates that 12 million children are exposed to LBP at home and that nearly 6 million are exposed in homes with the highest concentrations of lead (houses built prior to 1940). Under a Memorandum of Understanding, EPA works closely with the U.S. Department of Housing and Urban Development (HUD) to address the LBP problem. EPA's efforts in this area have intensified with the enactment of Title X, "The Residential Lead-Based Paint Hazard Reduction Act of 1992" (the Act). Subtitle B of the Act, which amended TSCA by creating Title IV, provides for a comprehensive national approach to dealing with LBP in the nation's housing stock. One of the purposes of the Act is to reorient the Federal program from abatement of all residential LBP to abatement and in-place management of priority LBP hazards.

To date, EPA's LBP program has successfully implemented several initiatives. The Agency has established regional training and information centers and implemented a nationwide public outreach and education campaign. The outreach and education campaign consists of the National Lead Information Center, which operates the Lead Hotline and the Lead Clearinghouse. In addition, the National Lead Poisoning Prevention Education Campaign disseminates important information on residential LBP hazards through radio and television public service announcements.

The Act also directs EPA to develop several regulations designed to address residential LBP exposures. Under TSCA section 402(a)(1), EPA is developing training and certification requirements for individuals and contractors engaged in LBP activities (e.g., risk assessment, inspection, and abatement). These regulations will establish standards for performing LBP activities. This rulemaking also includes procedures for State and Indian Tribe program authorization under TSCA section 404(a) and a Model State Program under TSCA section 404(d). EPA issued proposed regulations under TSCA sections 402(a)(1), 404(a), and 404(d) in the Federal Register of September 2, 1994 (59 FR 45872).

Under TSCA section 403, EPA is developing health-based standards for identifying lead-based paint hazards, lead-contaminated dust, and lead-contaminated soil, and on July 14, 1994, issued guidance on this subject. EPA is developing regulations under TSCA section 406 and section 1018 of the Act requiring the disclosure of potential LBP hazards prior to renovation of target housing and the disclosure of known LBP and LBP hazards prior to the sale or lease of target housing.[1] The Notice of Proposed Rulemaking for TSCA section 406 was published on March 9, 1994 (59 FR 11108). In conjunction with this rulemaking, the Agency made a pamphlet on LBP hazards available to the public for review and comment (March 9, 1994; 59 FR 11119). EPA expects to issue a proposed rule under section 1018 of the Act later in 1994.

Under TSCA section 405(b), EPA has established the National Lead Laboratory Accreditation Program (NLLAP) and developed protocols, criteria, and minimum performance standards for laboratories that analyze paint chip, dust, and soil samples for lead. The purpose of this program is to ensure that reliable laboratory services are available to support lead hazard detection and abatement activities. The Agency, in the first phase of the NLLAP program, is publishing proficiency test results for laboratories on a state-by-state basis. To implement the second phase of the program, EPA has executed Memoranda of Understanding with the American Industrial Hygiene Association (memorandum from Scott McMoran, USEPA to Gordon Banks, AIHA, December 10, 1993) and the American Association for Laboratory Accreditation (memorandum from Scott McMoran, USEPA to John Locke, AALA, December 1, 1993) establishing these institutions as laboratory accrediting organizations. The NLLAP program will recognize laboratories accredited by these organizations as capable of analyzing paint chip, dust, and soil samples for lead.

2. *Lead-contaminated soil.* The other major area of focus for EPA's abatement program for "in-place" lead is lead-contaminated soil. The Agency has completed a review draft of the Urban Soil Lead Abatement Demonstration Project (Three City Study) (USEPA, 1993). In addition, the Agency issued revised guidance on soil lead screening levels for Comprehensive Environmental Response, Compensation, and Liability Act and Resource Conservation and Recovery Act (RCRA) sites on July 14, 1994.

The Three City Study, authorized by section 111(a)(6) of the Superfund Amendments and Reauthorization Act (SARA), evaluated the effectiveness of soil lead abatement for reducing PbB levels in inner city children. The project, which analyzed data from Baltimore, Boston, and Cincinnati, demonstrated a clear relationship between environmental lead and PbB. Analysis of the data (peer review to be completed in 1994) indicates that lead in dust and paint were major contributors to elevated PbB levels in children and that PbB levels responded to remedial activity. Furthermore, analytical results from the three cities suggest that strategies to reduce overall lead exposure at a site and protect human health need to consider an array of sources including lead in soil, dust, and paint.

[1] Target housing is defined by section 1004 of Title X to be "any housing constructed prior to 1978, except housing for the elderly or persons with disabilities (unless any child who is less than 6 years of age resides or is expected to reside in such housing for the elderly or persons with disabilities) or any 0–bedroom dwelling. In the case of jurisdictions which banned the sale or use of lead-based paint prior to 1978, the Secretary [of Housing and Urban Development], at the Secretary's discretion, may designate an earlier date."

C. Regulatory and Pollution Prevention Program

The third component of EPA's lead strategy is the regulatory and pollution prevention program. This program, which primarily focuses on existing and new uses and releases of lead, addresses lead exposures that are amenable to regulatory control or, in some cases, voluntary measures. These controls include waste management requirements, emissions restrictions, and limits on lead in products. Under its lead regulatory and pollution prevention program, EPA has completed a major rulemaking and initiated several other important actions.

The Agency published final regulations, promulgating maximum contaminant level goals and national primary drinking water regulations for controlling lead and copper in drinking water (40 CFR parts 141 and 142) on June 7, 1991 (56 FR 26460). These regulations established a maximum contaminant level goal at 0 µg/l for lead and an action level of 15 µg/l for lead. Public water supply systems failing to meet the action level based on sampling methods prescribed in the rule must initiate treatment actions that may include corrosion control, source water treatment, lead service line replacement, and public education. To date, EPA has received sampling data reports from three rounds of sampling: Round one covered large public water supply systems; round two covered large and medium-sized systems; and round three covered medium and small systems.

In an action to protect wildlife, EPA proposed regulations under section 6(a) of TSCA, limiting the manufacture, processing, and distribution in commerce in the United States, of certain size lead fishing sinkers on March 9, 1994 (59 FR 11122). Granting a section 21 petition by the Environmental Defense Fund, EPA proposed this regulatory action in response to information submitted in the petition which indicated that common loons, trumpeter swans, and birds from other avian species had died of lead poisoning after ingesting lead fishing sinkers. This proposed rulemaking also includes sinkers containing zinc because studies and other information obtained by EPA suggests that zinc adversely affects waterbirds and can cause mortality in avian species.

The Agency's regulatory efforts are complemented by initiatives to achieve voluntary compliance with lead exposure reduction goals. For example, EPA is currently participating in efforts by National Sanitation Foundation International to develop a voluntary lead leaching standard for kitchen, bar, and lavatory faucets. The objective of this standard is to reduce the quantity of lead that leaches from brass faucets. Products that meet the standard based on test samples and analysis would be certified and appropriately labeled, indicating to consumers that the product contributes less lead to drinking and cooking water than faucets that fail to meet the certification requirements.

VI. Review and Control of New Uses of Lead

A. Rationale

To date, EPA's programmatic efforts have focused on existing uses of lead, because there is substantial evidence that exposure to lead has adverse human health and environmental impacts. The Agency, however, is also concerned about new uses of lead, because they may result in new or increased exposures which may present an unreasonable risk of injury to human health and the environment. New or increased exposure to lead may arise from: (1) Increases in the volume of lead consumed; (2) increases in the concentration of lead in products; (3) new products containing lead; and (4) changes in product design that increase the amount of lead released from a product.

EPA believes that its concern about new uses is justified in light of lead's physical properties and low cost, attributes which make it an attractive raw material for a broad variety of commercial and consumer products. Consequently, the Agency believes that the regulation of existing uses alone may not be sufficient to reduce lead exposures to the greatest extent practicable. EPA should also evaluate and, if necessary, regulate new uses of lead before opportunities for exposure occur. The Agency further believes that addressing risks prior to commercial use is more effective than responding to exposures and risks after the use is introduced commercially. Because children are especially vulnerable to the impacts of lead, EPA is particularly concerned about new uses that could present risks to children. Consistent with the Agency's overall lead risk reduction program, EPA is also seeking to address risks to adults and the environment from new uses of lead. The Agency, therefore, is exploring the possibility of issuing significant new use rules for certain uses of elemental lead and lead compounds under section 5(a) of TSCA.

B. The SNUR Process

Section 5(a) of TSCA provides EPA with the authority to screen new uses of a chemical substance to determine whether these uses should be regulated. This screening function is accomplished through the SNUR process. EPA may issue a SNUR for a chemical substance after considering relevant factors, including: (1) The projected volume of manufacturing and processing of a chemical substance; (2) the extent to which a use changes the type or form of human or environmental exposure to a chemical substance; (3) the extent to which a use increases the magnitude and duration of human or environmental exposure to a chemical substance; and (4) the reasonably anticipated manner and methods of manufacturing, processing, distribution in commerce, and disposal of a chemical substance.

Having considered all the relevant factors, EPA can then issue a SNUR that identifies the chemical substance and specifies one or more uses as significant new uses. EPA also has the option to publish a SNUR that defines any use meeting specified criteria as a significant new use. Under a third option, EPA may list all past and existing uses of the substance and define any use not on that list as a significant new use.

After EPA promulgates a SNUR for a chemical substance, TSCA requires that a SNUN be submitted to the Administrator at least 90 days before the start of manufacturing or processing of the significant new use(s). Based on the information provided in the SNUN and other relevant data submitted, the Agency will evaluate the risk that the use presents to human health and the environment. EPA can, for good cause, extend the review period for a maximum of 90 days.

If, based on its review, the Agency determines that the significant new use may present an unreasonable risk of injury to human health or the environment but lacks the information necessary to make a definitive finding, it can issue an order to prohibit or limit the manufacturing, processing, or distribution in commerce of the use while it continues its risk evaluation. Once EPA has made its risk finding, it can either: (1) Take long-term action to prohibit or limit the manufacturing, processing, or distribution in commerce of the use if the use presents or will present unreasonable risk of injury to human health and the environmentm, or (2) take no action if it finds that there is no unreasonable risk. When making a determination of unreasonable risk, EPA

considers the risks of the use to human health and the environment, the benefits of the use, the availability of substitutes, and the economic consequences of any limits on the use.

In short, section 5 of TSCA gives EPA the authority to promulgate a SNUR based on factors related to exposure and volume. A SNUR requires notification of the significant new use(s). Following notification, the Agency evaluates the risk of the use(s) to determine whether it should limit or prohibit the use(s). EPA solicits comment on the effectiveness of using this approach for lead, as well as alternative approaches to protect human health and the environment from lead exposures.

C. Formulating an Approach for Lead

To date, EPA has promulgated SNURs for substances where existing use is limited to a few applications and products. These SNURs typically identify all existing uses of the substance that is the subject of the SNUR. Lead, however, is used in hundreds of products and processes across many industries, due to its physical properties and low cost. The widespread use of lead makes the complete identification of all existing uses of lead extremely difficult. The traditional approach of first identifying all existing uses of a chemical substance, therefore, may not be appropriate for development of a lead SNUR.

To regulate new uses of lead in a sensible and protective manner, EPA intends to establish an alternative approach that can be used to identify significant new uses. This approach consists of two components: a targeting strategy and criteria for defining significant new uses.

1. *Targeting strategy.* The widespread use of lead in commerce has prompted EPA to develop a strategy that targets new lead uses where exposure to lead could reasonably be expected to occur as a result of the designed or anticipated use of the product. For example, the Agency would be concerned about a new use of lead in a product where lead could be inadvertently ingested by children (e.g., use of lead-based artists paints in home studios contributing lead to household dust). The strategy also targets new uses of lead that could result in adult and environmental exposure (e.g., heated lead solder for household electrical repairs that could produce inhalable vapors, spent lead shot that could contaminate habitat adjacent to shooting ranges). In contrast, EPA does not currently plan to focus on uses where human and/or environmental exposure would be less likely to occur (e.g., new circuit boards used in computers and other electronics products, solder designed for industrial use in the electronics industry, batteries).

The Agency believes that using exposure to target new uses of lead is an appropriate tool and consistent with the SNUR authority under section 5 of TSCA. If, in response to a SNUR that EPA promulgates for specific lead uses, the Agency receives a SNUN, section 5 requires EPA to determine if further regulatory action is warranted by assessing whether the use presents or will present an unreasonable risk of injury to human health or the environment. By using exposure as the criterion for identifying new uses that would be subject to a SNUR, EPA intends to limit the SNUR and its notification requirements to those new uses where exposure is likely and thus have the potential to present unreasonable risk. Furthermore, this targeting strategy would eliminate from the requirements new uses where exposure is less likely and the potential for unreasonable risk may not exist.

Currently, EPA also does not plan to focus on classes of uses where other types of regulatory controls may be more appropriate than the SNUR approach or where existing controls are sufficient. In many industries, for example, lead compounds may be used during new or modified manufacturing processes (changes in manufacturing processes can be a factor in defining a significant new use), possibly resulting in occupational exposures. Similarly, improperly managed disposal of lead-containing products could result in exposure through releases to groundwater (landfilling) or the air (incineration). Although EPA is concerned about such exposures, the Agency believes that other regulatory mechanisms (e.g., Occupational Safety and Health Act, Clean Air Act, and RCRA authorities) are available, and in some cases in place, to address these problems.

Other uses of lead are exempt from regulation as "chemical substances" by EPA under section 3(2)(B) of TSCA. For example, exposure to lead through contamination of food and water from crystalware, ceramicware, and other housewares is regulated by the Food and Drug Administration (FDA) under authorities granted by the Federal Food, Drug, and Cosmetic Act and other statutes. The FDA, using its authorities, has established action levels for lead in ceramic foodware, including flatware, holloware, cups, mugs, and pitchers. The FDA has also issued a public advisory on the storage of alcoholic beverages in crystalware, provided enforcement guidance for lead in wine, and has proposed a total ban on the use of tin-coated lead capsules on wine bottles.

EPA is currently examining five priority classes of use for identification of possible candidates for lead SNURs. Each class is defined in terms of a distinct exposure and/or environmental release scenario. These classes reflect the Agency's focus on health risks to children that may result from lead exposure.

The five use classes are:

1. Products used in water conveyance systems that come in contact with drinking water. The Agency has substantial evidence that lead leaches from components of water distribution systems and household plumbing (e.g., fixtures, fittings, solder, valves, pumps, meters, and tanks).

2. Products commonly used in and/or around the home where ordinary use (e.g., manipulation, grinding, sanding, heating) could result in release of lead to the residential environment. For example, the use of products such as home hobbyist supplies may contribute lead to household dust; lead vapors from products that are designed to be heated could be inhaled.

3. Products that could be mouthed by children where the lead-containing component in the product is reasonably accessible to children. Children could ingest lead by mouthing the lead-containing component (e.g., plastic toys where lead is used as a pigment or stabilizer and textiles with lead-based dyes).

4. Products that can release lead to the environment through exposure to weathering elements during use. Lead could be released through leaching or through deterioration of the product, contaminating dust and soil (e.g., sheet lead for roofing, lead caulk, traffic paint).

5. Products intended for non-residential (e.g. recreational, transportation, commercial, and industrial) use, where use necessarily results in uncontrolled release of lead to the environment. Examples include lead-containing products where use involves: (1) Combustion such as motor fuel additives, resulting in deposition of lead in the environment and (2) dispersal of the product in the environment such as fishing sinkers and ammunition containing lead shot.

For each of these five use classes, the following Table 1 provides examples of both the uses and the lead compounds or elemental forms of lead.

Table 1.—Illustrative Uses of Lead

Use Class	Uses	Lead Compounds/Forms of Lead
Products used in water conveyance systems that come in contact with drinking water	plumbing fixtures and fittings, joints, seals, solder, meters, pumps, valves, tanks	cast brass, wrought brass, lead solder
Products commonly used in and around the home where ordinary use could result in release of lead to the residential environment	stained glass, gold pencil, mosaic gold, photographic chemicals, water color pigments, lead solder for home repairs and home hobbyist use	lead came, lead iodide, lead oxides, lead bromide, lead fluoride, chromic acid, lead biscarbinato, lead solder
Products that could be mouthed by children where the lead-containing component in the product is reasonably accessible to children	plastic toys, textile dyes, lead toy soldiers, toys painted with lead-based paint	lead oxides, lead nitrates, lead acetate, tribasic lead sulfate, dibasic lead stearate, lead dichloride
Products that can release lead to the environment through exposure to weathering elements during use	roofing, flashing, siding, gutters, eaves, seams, paint/varnish driers, industrial paint pigments, traffic paint	terne metal, lead sheet, caulking lead, lead solder, lead oxide, lead salts, lead arsenate, lead chromate
Products intended for nonresidential (e.g. recreational, transportation, commercial, industrial) use where use necessarily results in uncontrolled release to the environment	motor fuel (aviation gasoline, racing car fuel) additives, motor fuel odor modifier, fishing sinkers, lead shot for ammunition	tetra methyl, tetraethyl, triethylmethyl, diethyl, dimethyl, plumbate, disodium, lead weight, lead shot, lead styphnate

The purpose of Table 1 is to provide further clarification and understanding of these five use classes. Specific uses included in Table 1 are presented as illustrative examples and are not intended to represent an exhaustive list. Furthermore, these uses may be existing uses that would not be subject to the SNUR, depending on the final definition of "significant new uses."

Given the importance of this targeting scheme in regulating new uses of lead, the Agency is seeking comment on this approach. Specifically, EPA would like commenters to address the following issues: (1) The appropriateness of using the targeting approach described above to design lead SNURs, (2) whether the definition of any of the five use classes is particularly unclear with respect to the types of uses or products that might be covered, (3) whether any use classes listed in Table 1 should not be included in the targeting strategy and why, and (4) whether any use classes not listed in Table 1 should be included in the targeting strategy and why. EPA is particularly interested in relevant data that commenters may possess which suggest that SNURs are or are not appropriate for specific use classes.

2. *Criteria for identifying significant new uses.* The second element of EPA's approach for regulating new uses of lead is criteria for defining significant new uses of lead. These criteria may include the development of a new product/use (i.e., product model or line), change in concentration of lead in a product/use, change in surface area and other factors that affect the amount of lead released from a product, and/or change in total volume of lead for a product/use. Because lead is used in a broad range of products involving numerous industries, it is likely that the Agency will develop criteria that are specific to particular products/uses rather than one set of criteria that would be applied uniformly.

When selecting criteria, EPA will endeavor not to define, as significant new uses, products or processes that have been developed specifically to reduce lead exposures. EPA does not wish and does not intend that any SNUR for lead impede innovations that would reduce risks to human health and the environment.

To aid in developing these criteria, EPA plans to establish a baseline inventory of existing uses in the five use classes identified in Table 1. The baseline inventory will include at least the following data elements for each identified product/use: Product/use identification, product/use description; lead compound (and CAS number) or form of elemental lead; median lead concentration; range of lead concentration; other design factors associated with the level of lead released from the product; the frequency with which the design of the use/product changes; and total volume of lead consumed annually for the product/use. These data will serve several purposes. First, they will enable EPA to identify existing uses of lead. Only significant new uses will be subject to regulation under section 5 of TSCA. Second, these data will improve the Agency's understanding of existing uses and help EPA select appropriate criteria for effectively identifying and controlling significant new uses of lead.

The Agency invites commenters to submit information of the type described in the preceding paragraph for any lead-containing product/use belonging to one of the five priority use classes identified in Table 1. For purposes of this Notice, EPA defines a lead-containing use/product as a use/product where lead is intentionally introduced at any stage of manufacturing or processing. EPA is not currently examining uses/products that contain lead merely as an inadvertent contaminant. EPA is also interested in data that commenters may possess on human and environmental exposure, bioavailability, and risks associated with any such products or uses. Although the Agency does not normally

consider the costs and/or availability of substitutes when defining new uses for a SNUR, commenters with this kind of information are welcome to submit the information if they feel that this information might be useful to the Agency. Data provided by commenters will help the Agency to compile a baseline inventory of existing lead-containing products and uses and will help in the selection of criteria for defining significant new uses of lead.

Currently, EPA is not interested in receiving information for uses/products that are not described by any of the five priority class definitions unless the use/product relates to an additional use class that the commenter believes EPA should consider when developing a SNUR. Commenters who are uncertain (1) if a specific use/product fits into any of the five classes and/or (2) about the type of use/product data that EPA would like commenters to submit should address their questions to the technical contact listed under "FOR FURTHER INFORMATION CONTACT" in this document.

VII. Rulemaking Record and Electronic Filing of Comments

A record has been established for this ANPR under docket number "OPPTS–50618" (including comments and data submitted electronically as described below). A public version of this record, including printed, paper versions of electronic comments, which does not include any information claimed as CBI (see Unit VIII. of this document), is available for inspection from noon to 4 p.m., Monday through Friday, excluding legal holidays. The public record is located in the TSCA Nonconfidential Information Center (NCIC) (also known as the TSCA Public Docket Office), Rm. NE–B607, 401 M St., SW., Washington, DC 20460.

As part of an interagency "streamlining" initiative, EPA is experimenting with submission of public comments on selected rulemaking actions electronically through the Internet in addition to accepting comments in traditional written form. This ANPR is one of the first rulemaking actions selected by EPA for this experiment. From the experiment, EPA will learn how electronic commenting works, and any problems that arise can be addressed before EPA adopts electronic commenting more broadly in its rulemaking activities. Electronic commenting through posting to the EPA Bulletin Board or through the Internet using the ListServe function raise some novel issues that are discussed below in this Unit.

To submit electronic comments, persons can either "subscribe" to the Internet ListServe application or "post" comments to the EPA Bulletin Board. To "Subscribe" to the Internet ListServe application for this ANPR, send an e-mail message to: listserver@unixmail.rtpnc.epa.gov that says "Subscribe RIN–2070–AC37 <first name> <last name>." Once you are subscribed to the ListServe, comments should be sent to:

RIN–2070–AC37@unixmail.rtpnc.epa.gov.

For online viewing of submissions and posting of comments, the public access EPA Bulletin Board is also available by dialing 202–488–3671, enter selection "DMAIL," user name "BB—USER" or 919–541–4642, enter selection "MAIL," user name "BB—USER." When dialing the EPA Bulletin Board type <Return> at the opening message. When the "Notes>" prompt appears, type "open RIN–2070–AC37" to access the posted messages for this document. To get a listing of all files, type "dir/all" at the prompt line. Electronic comments can also be sent directly to EPA at:

Docket–OPPTS@epamail.epa.gov.

To obtain further information on the electronic comment process, or on submitting comments on this ANPR electronically through the EPA Bulletin Board or the Internet ListServe, please contact John A. Richards (Telephone: 202–260–2253; FAX: 202–260–3884; Internet: richards.john@epamail.epa.gov).

Persons who comment on this ANPR, and those who view comments electronically, should be aware that this experimental electronic commenting is administered on a completely public system. Therefore, any personal information included in comments and the electronic mail addresses of those who make comments electronically are automatically available to anyone else who views the comments. Similarly, since all electronic comments are available to all users, commenters should not submit electronically any information which they believe to be CBI. Such information should be submitted only directly to EPA in writing as described in Unit VIII. of this document.

Commenters and others outside EPA may chose to comment on the comments submitted by others using the RIN–2070–AC37 ListServe or the EPA Bulletin Board. If they do so, those comments as well will become part of EPA's record for this rulemaking. Persons outside EPA wishing to discuss comments with commenters or otherwise communicate with commenters but not have those discussions or communications sent to EPA and included in the EPA rulemaking record should conduct those discussions and communications outside the RIN–2070–AC37 ListServe or the EPA Bulletin Board.

The official record for this rulemaking, as well as the public version, as described above will be kept in paper form. Accordingly, EPA will transfer all comments received electronically in the RIN–2070–AC37 ListServe or the EPA Bulletin Board, in accordance with the instructions for electronic submission, into printed, paper form as they are received and will place the paper copies in the official rulemaking record which will also include all comments submitted directly in writing. All the electronic comments will be available to everyone who obtains access to the RIN–2070–AC37 ListServe or the EPA Bulletin Board; however, the official rulemaking record is the paper record maintained at the address in "ADDRESSES" at the beginning of this document. (Comments submitted only in written form will not be transferred into electronic form and thus may be accessed only by reviewing them in the TSCA Nonconfidential Information Center as described above.)

Because the electronic comment process is still experimental, EPA cannot guarantee that all electronic comments will be accurately converted to printed, paper form. If EPA becomes aware, in transferring an electronic comment to printed, paper form, of a problem or error that results in an obviously garbled comment, EPA will attempt to contact the comment submitter and advise the submitter to resubmit the comment either in electronic or written form. Some commenters may choose to submit identical comments in both electronic and written form to ensure accuracy. In that case, EPA requests that commenters clearly note in both the electronic and written submissions that the comments are duplicated in the other medium. This will assist EPA in processing and filing the comments in the rulemaking record.

As with ordinary written comments, EPA will not attempt to verify the identities of electronic commenters nor to review the accuracy of electronic comments. EPA will take such commenters and comments at face value. Electronic and written comments will be placed in the rulemaking record without any editing or change by EPA except to the extent changes occur in the process of converting electronic comments to printed, paper form.

If it chooses to respond officially to electronic comments on this ANPR, EPA will do so either in a notice in the **Federal Register** or in a response to comments document placed in the rulemaking record for this ANPR. EPA will *not* respond to commenters electronically other than to seek clarification of electronic comments that may be garbled in transmission or conversion to printed, paper form as discussed above. Any communications from EPA employees to electronic commenters, other than those described in this paragraph, either through Internet or otherwise are not official responses from EPA.

VIII. Confidential Business Information

A person may assert a claim of confidentiality for any information, including all or portions of written comments or data, submitted to EPA in connection with this advanced notice of proposed rulemaking. Information claimed as confidential should not be submitted electronically as described in Unit VII. of this document. Any person who submits a comment or data subject to a claim of confidentiality must also submit a nonconfidential version. Any claim of confidentiality must accompany the information when it is submitted to EPA. Persons must mark information claimed as confidential by circling, bracketing, or underlining it, and marking it with "CONFIDENTIAL" or some other appropriate designation. EPA will disclose information subject to a claim of confidentiality only to the extent permitted by section 14 of TSCA and 40 CFR part 2, subpart B. If a person does not assert a claim of confidentiality for information at the time it is submitted to EPA, EPA may make the information public without further notice to that person. Any information submitted electronically as described in Unit VII. will be available to the public immediately without restriction.

IX. Executive Order 12866

Under Executive Order 12866 (58 FR 51735, October 4, 1993), the Agency must determine whether the regulatory action is "significant" and therefore subject to review by the Office of Management and Budget (OMB) and the requirements of the Executive Order. Under section 3(f), the order defines a "significant regulatory action" as an action that is likely to result in a rule: (1) Having an annual effect on the economy of $100 million or more, or adversely and materially affecting a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local or tribal governments or communities (also referred to as "economically significant"); (2) creating serious inconsistency or otherwise interfering with an action taken or planned by another agency; (3) materially altering the budgetary impacts of entitlement, grants, user fees, or loan programs or the rights and obligations of recipients thereof; or (4) raising novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in this Executive Order.

Pursuant to the terms of this Executive Order, OMB has determined that this ANPR is a "significant regulatory action" because a lead SNUR may raise novel legal or policy issues. As such, this action was submitted to OMB for a 10–day review, and any comments or changes made in response to OMB suggestions or recommendations have been documented in the public record.

List of Subjects in 40 CFR Part 721

Environmental protection, Chemicals, Hazardous materials, Recordkeeping and reporting requirements, Significant new uses.

Dated: September 20, 1994.

Lynn R. Goldman,

Assistant Administrator for Prevention, Pesticides and Toxic Substances.

[FR Doc. 94–23981 Filed 9–27–94; 8:45 am]

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federal register

Wednesday
September 28, 1994

Part IV

Department of Housing and Urban Development

Office of the Secretary

24 CFR Part 888
Section 8 Housing Assistance Payments Program; Fair Market Rents; Final Rule

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Secretary

24 CFR Part 888

[Docket No. N–94–3754; FR–3699–N–03]

Section 8 Housing Assistance Payments Program; Fair Market Rent Schedules for Use in the Rental Certificate Program, Loan Management and Property Disposition Programs, Moderate Rehabilitation Program and Rental Voucher Program

AGENCY: Office of the Secretary, HUD.

ACTION: Notice of final fair market rents.

SUMMARY: Section 8(c)(1) of the United States Housing Act of 1937 requires the Secretary to publish Fair Market Rents (FMRs) annually to be effective on October 1 of each year. FMRs are used for the Section 8 Rental Certificate program (part 882, subparts A and B), including space rentals by owners of manufactured homes under the Section 8 Rental Certificate program (part 882, subpart F) and project-based Certificate assistance (part 882, subpart G); the Section 8 Moderate Rehabilitation program (part 882, subparts D and E); Section 8 housing assisted under part 886, subparts A and C (Section 8 Loan Management and Property Disposition programs); and to determine payment standard schedules in the Rental Voucher program (part 887).

HUD published the proposed Fiscal Year (FY) 1995 FMRs in the **Federal Register** on June 23, 1994 (59 FR 32492), and in another publication on July 13, 1994 (59 FR 35739), announced that the public comment period was extended to October 14, 1994. The public comment period was extended to give Public Housing Agencies (PHAs) the opportunity to use the new rental housing survey guide that HUD had recently developed for smaller, nonmetropolitan areas.

Two separate sets of proposed FMRs were published on June 23—one based on the 45th percentile rent standard and the other based on the 40th percentile rent standard. The authorization bill now moving through Congress establishes FMRs at the 45th percentile rent standard. This notice, therefore, makes effective the final FY 1995 FMRs at the 45th percentile level.

As announced in the **Federal Register** on July 13, there will be two final FY 1995 FMR publications. Today's notice makes effective final FMRs for all areas on October 1, 1994. The FMRs in this notice are based on the proposed FMRs included in the June 23 notice for all areas except eight with RDD and AHS surveys that will have proposed reductions in their FMRs postponed pending the outcome of the review of comments submitted (see AHS and RDD surveys). A second publication later this year will announce revised final FMRs for the areas for which HUD makes a determination that the rental housing surveys submitted as public comments provided a sufficient basis for such revision.

EFFECTIVE DATE: The FMRs published in this notice are effective on October 1, 1994.

FOR FURTHER INFORMATION CONTACT: Shirley C. Stone, Rental Assistance Division, Office of Elderly and Assisted Housing, telephone (202) 708–0477. (TDD: (202) 708–0850). For technical information on the development of schedules for specific areas or the method used for the rent calculations, contact Michael R. Allard, Economic and Market Analysis Division, Office of Economic Affairs, telephone (202) 708–0577 (TDD: (202) 708–0770). (These are not toll-free numbers.)

SUPPLEMENTARY INFORMATION: Section 8 of the United States Housing Act of 1937 (the Act) (42 U.S.C. 1437f) authorizes housing assistance to aid lower income families in renting decent, safe, and sanitary housing. Assistance payments are limited by FMRs established by HUD for different areas. In general, the FMR for an area is the amount that would be needed to pay the gross rent (shelter rent plus utilities) of privately owned, decent, safe, and sanitary rental housing of a modest (non-luxury) nature with suitable amenities.

Method Used to Develop FMRs

FMR Standard: The FMRs are gross rent estimates; they include shelter rent and the cost of utilities, except telephone. HUD sets FMRs to assure that a sufficient supply of rental housing is available to program participants. To accomplish this objective, FMRs must be both high enough to permit a selection of units and neighborhoods and low enough to serve as many families as possible. The level at which FMRs are set is expressed as a percentile point within the rent distribution of standard quality rental housing units. The current definition used is the 45th percentile rent, the dollar amount below which 45 percent of the standard quality rental housing units rent. The 45th percentile rent is drawn from the distribution of rents of units which are occupied by recent movers (renter households who moved into their unit within the past 15 months). Public housing units and newly built units less than two years old are excluded.

Data Sources: HUD used the most accurate and current data available to develop the FMR estimates. Three sources of survey data were used for the base-year estimates. They are: (1) The 1990 Census; (2) RDD telephone surveys conducted of individual FMR areas since the 1990 Census; and (3) the post-1990 Census American Housing Surveys (AHSs) available at the time the FMR estimates were prepared. The base-year FMRs were then updated using Consumer Price Index (CPI) data for rents and utilities or the HUD regional rent change factors developed from RDD surveys. Annual average CPI data are available individually for 103 metropolitan FMR areas. RDD Regional rent change factors are developed annually for the metropolitan and nonmetropolitan parts of each of the 10 HUD regions (a total of 20 separate factors). The RDD factors are used to update the base year estimates for all FMR areas that do not have their own local CPI survey.

The decennial Census provides statistically reliable rent data for use in establishing base-year FMRs. AHSs are conducted by the Bureau of the Census for HUD and have accuracy comparable to the decennial Census. These surveys enable HUD to develop between-census revisions for the largest metropolitan areas on a revolving schedule. The RDD telephone survey technique is based on a sampling procedure that uses computers to select random samples of rental housing, dial and keep track of the telephone numbers and tabulate the responses.

Manufactured Home Space FMRs: The final manufactured home space FMRs are established at 30 percent of the applicable Section 8 Rental Certificate program two-bedroom FMR. HUD accepts public comments requesting modifications of manufactured home space FMRs. To be accepted for approval, such comments must contain statistically valid survey data that show the 45th percentile space rent (excluding the cost of utilities) for the FMR area. This program uses the same FMR area definitions as the Section 8 Rental Certificate program. All manufactured home space FMR revisions approved will be published as final FMRs in Schedule D. In addition HUD has retained all of the modifications approved since 1990 because they are based on recent survey data that HUD had determined to be valid.

New Metropolitan Area

This publication makes final the FMRs for the newly designated Hattiesburg, Mississippi Metropolitan Statistical Area (MSA), which was defined by OMB on July 1, 1994 (OMB Bulletin 94–07) to include Forrest and Lamar Counties. HUD has determined that the new metropolitan area definition is appropriate for use as an FMR area definition.

AHS and RDD Surveys

The eight areas identified in the proposed FMR notice with reduced FMRs resulting from RDD and AHS surveys will continue to use the FY 1994 FMRs, which are republished in this notice. Final FY 1995 FMRs for these areas, including any revisions resulting from public comments, will be included in the second publication later this year. The eight areas are:

RDD AREAS

Gage County, NE
Holmes County, FL
Jamestown, NY, MSA
Las Cruces, NM, MSA
Reading, PA, MSA
Washington County, FL

AHS AREAS

Memphis, TN–AR–MS, MSA
Oklahoma City, OK, MSA

HUD Rental Housing Survey Guides

HUD continues to recommend use of professionally-conducted Random Digit Dialing (RDD) telephone surveys to test the accuracy of FMRs for areas where there is a sufficient number of Section 8 units to justify the survey cost of $10,000–$12,000. Areas with 500 or more units usually meet this criterion, and areas with fewer units may meet it if the actual two-bedroom FMR rent standard is significantly different than that proposed by HUD. In addition, HUD has developed a simplified version of the RDD survey methodology for smaller, non-metropolitan PHAs. This methodology is designed to be simple enough to be done by the PHA itself, rather than by professional survey organizations, at a cost of around $5,000. The smallest PHAs may, in certain circumstances, do surveys of clusters of counties. All clustered surveys must be approved in advance by HUD. PHAs are cautioned that the resultant FMRs will not be identical within the cluster—e.g., each individual FMR area will have a separate FMR based on its relationship to the combined rent of the cluster of FMR areas. HUD does not mandate the use of either the RDD telephone survey or the modified RDD telephone survey methodology. Other survey methodologies are acceptable as long as they provide statistically reliable unbiased estimates of the 45th percentile gross rent. All survey results must be fully documented.

Because it takes two months to obtain survey estimates, interested organizations concerned about FMR accuracy may wish to begin their FMR surveys in the next few months to assure that the results will be available in time to be incorporated into the FY 1996 FMRs. The starting point is to carefully review one of the two following publications, both obtainable from HUD USER at 1–800–245–2691. Larger PHAs should obtain "Random Digit Dialing Surveys; A Guide to Assist Larger Public Housing Agencies in Preparing Fair Market Rent Comments." Smaller PHAs should obtain "Rental Housing Surveys; A Guide to Assist Smaller Public Housing Agencies in Preparing Fair Market Rent Comments."

FMRs for Flood Damaged Areas in the Southeast and Midwest

Under the authority granted in 24 CFR part 899, the Secretary finds good cause to waive the regulatory requirements that govern requests for geographic area FMR exceptions for the flood-impacted areas in the midwest and southeast that have been declared Federal disaster areas. The FMR areas eligible for exceptions are those declared Federal disaster areas. Recognizing that the substantial losses resulting from the floods will have a direct effect on local rent levels, HUD is prepared to grant FMR exceptions up to 10 percent above the final FY 1995 FMRs for single-county FMR areas and for individual county parts of multi-county FMR areas. The flood-related FMR exceptions will be approved by the HUD field office with jurisdiction for: (1) Counties that qualify as disaster areas under the Robert T. Stafford Disaster Relief and Emergency Assistance Act; if (2) the PHA certifies that damage to the rental housing stock is so substantial that it has increased the prevailing rent levels. Such exceptions must be requested in writing by the responsible PHAs. Once approved by HUD, they will remain in effect until superseded by final FY 1996 FMRs.

Other Matters

A Finding of No Significant Impact with respect to the environment as required by the National Environmental Policy Act (42 U.S.C. 4321–4374) is unnecessary, since the Section 8 Rental Certificate program is categorically excluded from the Department's National Environmental Policy Act procedures under 24 CFR 50.20(d).

The undersigned, in accordance with the Regulatory Flexibility Act (5 U.S.C. 605(b)), hereby certifies that this notice does not have a significant economic impact on a substantial number of small entities, because FMRs do not change the rent from that which would be charged if the unit were not in the Section 8 program.

The General Counsel, as the Designated Official under Executive Order No. 12606, The Family, has determined that this notice will not have a significant impact on family formation, maintenance, or well-being. The notice amends Fair Market Rent schedules for various Section 8 assisted housing programs, and does not affect the amount of rent a family receiving rental assistance pays, which is based on a percentage of the family's income.

The General Counsel, as the Designated Official under section 6(a) of Executive Order No. 12611, *Federalism*, has determined that this notice will not involve the preemption of State law by Federal statute or regulation and does not have Federalism implications. The Fair Market Rent schedules do not have any substantial direct impact on States, on the relationship between the Federal government and the States, or on the distribution of power and responsibility among the various levels of government.

The Catalog of Federal Domestic Assistance program number is 14.156, Lower-Income Housing Assistance Program (section 8).

Accordingly, the Fair Market Rent Schedules, which will not be codified in 24 CFR Part 888, are amended as follows:

Dated: September 20, 1994.

Henry G. Cisneros,

Secretary.

Section 8 Housing Assistance Payments Program; Fair Market Rent Schedules for Use in the Rental Certificate Program, Loan Management and Property Disposition Programs, Moderate Rehabilitation Program and Rental Voucher Program

Schedules B and D—General Explanatory Notes

1. Geographic Coverage

a. The FMRs shown in Schedule B incorporate the Office of Management and Budget's (OMB) most current definitions of metropolitan areas (with the exceptions discussed in paragraph b). HUD uses the OMB Metropolitan Statistical Area (MSA) and Primary Metropolitan Statistical Area (PMSA) definitions for FMR areas because they closely correspond to housing market area definitions. FMRs are housing

market-wide rent estimates that are intended to provide housing opportunities throughout the geographic area in which rental housing units are in direct competition.

b. The exceptions are counties which have been deleted from seven large metropolitan areas whose revised OMB definitions were determined by HUD to be larger than the housing market areas. The FMRs for the following counties (shown by the metropolitan area) are calculated separately and are shown in Schedule B within their respective States under the "Metropolitan FMR Areas" listing:

Metropolitan Area and Counties Deleted

Atlanta, GA—Carroll, Pickens, Spalding, and Walton Counties.
Chicago, IL—DeKalb, Grundy and Kendall Counties.
Cincinnati-Hamilton, OH–KY–IN—Brown County, Ohio; Gallatin, Grant and Pendleton Counties in Kentucky; and Ohio County, Indiana.
Dallas, TX—Henderson County.
Lafayette, LA—St. Landry and Acadia Parishes.
New Orleans, LA—St. James Parish.
Washington, DC—Berkeley and Jefferson Counties in West Virginia; and Clarke, Culpeper, King George and Warren counties in Virginia.

c. FMRs also are established for nonmetropolitan counties and for county equivalents in the United States, for nonmetropolitan parts of counties in the New England states and for FMR areas in Puerto Rico, the Virgin Islands and the Pacific Islands.

d. FMRs for the areas in Virginia shown in the table below were established by combining the Census data for the nonmetropolitan counties with the data for the independent cities that are located within the county borders. Because of space limitations, the FMR listing in Schedule B includes only the name of the nonmetropolitan county. The full definitions of these areas including the independent cities are as follows:

VIRGINIA NONMETROPOLITAN COUNTY FMR AREA AND VIRGINIA INDEPENDENT CITIES INCLUDED WITH COUNTY

County	Cities
Allegheny	Clifton Forge and Covington.
Augusta	Staunton and Waynesboro.
Carroll	Galax.
Frederick	Winchester.
Greensville	Emporia.
Halifax	South Boston.
Henry	Martinsville.
Montgomery	Radford.
Rockbridge	Buena Vista and Lexington.
Rockingham	Harrisonburg.
Southhampton	Franklin.
Wise	Norton.

e. FMRs for Section 8 manufactured home spaces are established at 30 percent of the two-bedroom Section 8 Rental Certificate program FMRs, with the exception of the areas listed in Schedule D whose FMRs have been modified on the basis of public comments. The FMR area definitions used for manufactured home spaces are the same as for the Section 8 Certificate program.

2. Arrangement of FMR Areas and Identification of Constituent Parts

a. The FMR areas in Schedule B are listed alphabetically by metropolitan FMR area and by nonmetropolitan county within each State. The exception FMRs for manufactured home spaces in Schedule D are listed alphabetically by State.

b. The constituent counties (and New England towns and cities) included in each metropolitan FMR area are listed immediately following the listings of the FMR dollar amounts. All constituent parts of a metropolitan FMR area that are in more than one State can be identified by consulting the listings for each applicable State.

c. Two nonmetropolitan counties are listed alphabetically on each line of the nonmetropolitan county listings.

d. The New England towns and cities included in a nonmetropolitan part of a county are listed immediately following the county name.

e. The FMRs are listed by dollar amount on the first line beginning with the FMR area name.

BILLING CODE 4210–32–P

A L A B A M A

METROPOLITAN FMR AREAS	O BR	1 BR	2 BR	3 BR	4 BR	Counties of FMR AREA within STATE
Anniston, AL MSA	211	283	358	498	564	Calhoun
Birmingham, AL MSA	340	384	447	605	672	Blount, Jefferson, St. Clair, Shelby
Columbus, GA-AL MSA	329	368	438	574	623	Russell
Decatur, AL MSA	317	320	404	522	624	Lawrence, Morgan
Dothan, AL MSA	297	304	376	518	526	Dale, Houston
Florence, AL MSA	274	285	381	499	533	Colbert, Lauderdale
Gadsden, AL MSA	236	299	335	437	551	Etowah
Huntsville, AL MSA	332	390	482	640	761	Limestone, Madison
Mobile, AL MSA	318	355	407	547	641	Baldwin, Mobile
Montgomery, AL MSA	367	393	463	631	760	Autauga, Elmore, Montgomery
Tuscaloosa, AL MSA	314	336	448	615	650	Tuscaloosa

NONMETROPOLITAN COUNTIES	O BR	1 BR	2 BR	3 BR	4 BR
Barbour	161	230	294	408	482
Bullock	175	191	221	277	363
Chambers	169	272	308	392	506
Chilton	249	252	324	406	454
Clarke	226	228	300	396	493
Cleburne	165	227	303	406	425
Conecuh	148	202	269	337	377
Covington	218	247	278	383	452
Cullman	238	284	336	452	550
Dekalb	170	249	309	386	496
Fayette	216	239	293	376	410
Geneva	212	214	269	374	441
Hale	148	239	269	337	377
Jackson	263	277	334	417	548
Lee	251	351	450	585	739
Macon	263	295	393	492	551
Marion	148	202	269	374	377
Monroe	163	223	297	414	416
Pickens	231	234	311	390	437
Randolph	210	213	285	356	466
Talladega	220	246	319	444	448
Walker	196	304	357	461	587
Wilcox	155	202	269	374	377

NONMETROPOLITAN COUNTIES	O BR	1 BR	2 BR	3 BR	4 BR
Bibb	185	251	336	460	551
Butler	184	229	301	390	423
Cherokee	162	247	295	405	454
Choctaw	160	228	269	342	377
Clay	193	198	263	341	432
Coffee	238	335	434	603	678
Coosa	164	226	300	406	421
Crenshaw	202	226	269	337	377
Dallas	234	247	331	442	462
Escambia	227	236	288	401	404
Franklin	225	260	304	381	426
Greene	166	188	211	294	298
Henry	232	235	312	391	439
Lamar	148	202	269	374	377
Lowndes	160	259	291	364	411
Marengo	212	239	269	374	431
Marshall	275	282	347	483	570
Perry	175	239	269	374	395
Pike	246	285	334	417	514
Sumter	225	227	299	374	420
Tallapoosa	242	258	318	400	446
Washington	148	239	269	374	377
Winston	173	236	315	394	442

Note: The FMRS for unit sizes larger than 4 BRs are calculated by adding 15% to the 4 BR FMR for each extra bedroom. For example, the FMR for a 5 BR unit is 1.15 times the 4BR FMR, and the FMR for a 6 BR unit is 1.30 times the 4 BR FMR.

092294

A L A S K A

METROPOLITAN FMR AREAS	O BR	1 BR	2 BR	3 BR	4 BR	Counties of FMR AREA within STATE
Anchorage, AK MSA	466	548	730	1012	1227	Anchorage

NONMETROPOLITAN COUNTIES	O BR	1 BR	2 BR	3 BR	4 BR
Aleutian East	493	555	625	781	1024
Bethel	635	796	1007	1260	1411
Dillingham	615	624	831	1039	1164
Haines	458	568	647	879	905
Kenai Peninsula	369	471	568	789	931
Kodiak Island	662	727	944	1181	1530
Matanuska-Susitna	354	481	540	735	866
North Slope	735	754	931	1294	1508
Pr.Wales-Outer Ketchikan	345	545	627	871	922
Skagway-Yakutat-Angoon	421	428	554	694	777
Valdez-Cordova	515	629	700	894	1064
Wrangell-Petersburg	374	552	670	854	938

NONMETROPOLITAN COUNTIES	O B	1 BR	2 BR	3 BR	4 BR
Aleutian West	417	470	528	661	740
Bristol Bay	509	588	663	921	1000
Fairbanks North Star	385	523	684	940	1110
Juneau	603	697	886	1180	1225
Ketchikan Gateway	503	616	825	1147	1205
Lake & Peninsula	393	636	715	894	1002
Nome	648	801	899	1251	1412
Northwest Arctic	777	876	983	1368	1613
Sitka	541	643	722	1004	1185
Southeast Fairbanks	432	453	546	683	766
Wade Hampton	367	554	624	780	874
Yukon-Koyukuk	491	553	623	779	902

A R I Z O N A

METROPOLITAN FMR AREAS	O BR	1 BR	2 BR	3 BR	4 BR	Counties of FMR AREA within STATE
Las Vegas, NV-AZ MSA	465	551	656	911	1077	Mohave
Phoenix-Mesa, AZ MSA	344	416	522	725	855	Maricopa, Pinal
Tucson, AZ MSA	329	399	531	739	872	Pima
Yuma, AZ MSA	340	404	539	750	755	Yuma

NONMETROPOLITAN COUNTIES	O BR	1 BR	2 BR	3 BR	4 BR
Apache	250	282	316	431	519
Coconino	403	436	566	759	912
Graham	268	296	365	508	560
La Paz	299	338	379	527	622
Santa Cruz	328	390	482	602	727
Cochise	320	355	439	603	720
Gila	253	329	437	548	717
Greenlee	189	259	344	433	509
Navajo	260	306	365	508	541
Yavapai	366	382	509	709	781

A R K A N S A S

METROPOLITAN FMR AREAS	O BR	1 BR	2 BR	3 BR	4 BR	Counties of FMR AREA within STATE
Fayetteville-Springdale-Rogers, AR MSA	265	330	435	588	608	Benton, Washington
Fort Smith, AR-OK MSA	285	290	381	510	534	Crawford, Sebastian
Little Rock-North Little Rock, AR MSA	356	394	469	648	756	Faulkner, Lonoke, Pulaski, Saline
Memphis, TN-AR-MS MSA	337	392	462	642	674	Crittenden
Pine Bluff, AR MSA	271	323	425	535	695	Jefferson
Texarkana, TX-Texarkana, AR MSA	293	357	436	576	610	Miller

Note: The FMRS for unit sizes larger than 4 BRs are calculated by adding 15% to the 4 BR FMR for each extra bedroom. For example, the FMR for a 5 BR unit is 1.15 times the 4BR FMR, and the FMR for a 6 BR unit is 1.30 times the 4 BR FMR. 092294

A R K A N S A S continued

NONMETROPOLITAN COUNTIES	O BR	1 BR	2 BR	3 BR	4 BR
Arkansas	255	258	344	480	502
Baxte	220	300	399	511	623
Bradley	213	225	301	419	494
Carroll	270	296	342	445	554
Clark	253	266	354	443	561
Cleburne	262	265	331	459	526
Columbia	192	262	348	440	488
Craighead	295	321	378	521	551
Dallas	172	235	314	418	440
Drew	173	237	316	436	443
Fulton	238	241	306	382	499
Grant	239	285	319	444	524
Hempstead	185	252	337	447	498
Howard	189	258	344	431	483
Izard	171	229	306	407	429
Johnson	227	247	309	428	451
Lawrence	174	265	316	395	518
Lincoln	249	267	356	477	498
Logan	241	255	306	382	429
Marion	173	237	316	440	519
Monroe	234	237	316	395	519
Nevada	214	260	345	481	484
Ouachita	268	272	347	484	570
Phillips	198	234	313	417	483
Poinsett	187	255	340	425	476
Pope	216	301	380	528	608
Randolph	168	264	306	391	496
Scott	168	267	306	385	502
Sevier	252	256	341	426	478
Stone	216	220	292	407	481
Van Buren	192	262	348	449	573
Woodruff	221	229	306	382	429

NONMETROPOLITAN COUNTIES	O BR	1 BR	2 BR	3 BR	4 BR
Ashley	187	251	335	433	550
Boone	267	272	361	502	592
Calhoun	168	273	306	425	502
Chicot	170	231	309	393	433
Clay	209	238	306	382	502
Cleveland	165	226	302	377	495
Conway	209	285	380	476	533
Cross	239	302	340	472	555
Desha	199	248	331	459	463
Franklin	241	269	306	389	496
Garland	216	294	393	548	646
Greene	242	246	319	419	481
Hot Spring	192	262	348	436	488
Independence	242	281	316	440	519
Jackson	238	241	322	436	451
Lafayette	241	273	306	425	444
Lee	256	260	345	432	484
Little River	196	266	355	493	581
Madison	264	267	356	444	498
Mississippi	263	285	380	501	563
Montgomery	168	229	306	425	502
Newton	168	273	306	382	429
Perry	168	229	306	382	502
Pike	168	229	306	382	502
Polk	202	256	311	423	435
Prairie	165	226	302	420	446
St. Francis	187	279	341	475	557
Searcy	164	227	300	417	420
Sharp	175	239	319	441	447
Union	292	307	370	496	606
White	193	260	345	481	484
Yell	239	272	339	424	475

C A L I F O R N I A

METROPOLITAN FMR AREAS	O BR	1 BR	2 BR	3 BR	4 BR	Counties of FMR AREA within STATE
Bakersfield, CA MSA	381	430	536	745	827	Kern
Chico-Paradise, CA MSA	315	401	534	733	878	Butte
Fresno, CA MSA	386	433	516	717	826	Fresno, Madera

Note: The FMRS for unit sizes larger than 4 BRs are calculated by adding 15% to the 4 BR FMR for each extra bedroom. For example, the FMR for a 5 BR unit is 1.15 times the 4BR FMR, and the FMR for a 6 BR unit is 1.30 times the 4 BR FMR. 092294

C A L I F O R N I A continued

METROPOLITAN FMR AREAS	O BR	1 BR	2 BR	3 BR	4 BR	Counties of FMR AREA within STATE
Los Angeles-Long Beach, CA PMSA	580	695	880	1188	1416	Los Angeles
Merced, CA MSA	375	421	511	705	833	Merced
Modesto, CA MSA	432	465	567	790	930	Stanislaus
Oakland, CA PMSA	548	663	830	1137	1361	Alameda, Contra Costa
Orange County, CA PMSA	655	716	885	1231	1371	Orange
Redding, CA MSA	354	393	492	684	806	Shasta
Riverside-San Bernardino, CA PMSA	469	521	635	883	1043	Riverside, San Bernardino
Sacramento, CA PMSA	448	505	631	878	1034	El Dorado, Placer, Sacramento
Salinas, CA MSA	552	644	778	1080	1134	Monterey
San Diego, CA MSA	483	553	691	960	1132	San Diego
San Francisco, CA PMSA	624	808	1022	1401	1482	Marin, San Francisco, San Mateo
San Jose, CA PMSA	696	793	979	1342	1507	Santa Clara
San Luis Obispo-Atascadero-Paso Robles, CA PMSA	487	550	696	967	1141	San Luis Obispo
Santa Barbara-Santa Maria-Lompoc, CA MSA	603	670	849	1181	1334	Santa Barbara
Santa Cruz-Watsonville, CA PMSA	604	719	960	1335	1565	Santa Cruz
Santa Rosa, CA PMSA	552	626	812	1129	1333	Sonoma
Stockton-Lodi, CA MSA	415	470	602	837	987	San Joaquin
Vallejo-Fairfield-Napa, CA PMSA	520	592	722	1003	1185	Napa, Solano
Ventura, CA PMSA	629	720	913	1214	1415	Ventura
Visalia-Tulare-Porterville, CA MSA	350	374	486	676	773	Tulare
Yolo, CA PMSA	451	515	635	884	1042	Yolo
Yuba City, CA MSA	313	358	460	640	644	Sutter, Yuba

NONMETROPOLITAN COUNTIES	O BR	1 BR	2 BR	3 BR	4 BR
Alpine	275	443	499	695	699
Calaveras	364	421	562	781	921
Del Norte	302	414	551	766	903
Humboldt	308	426	560	779	921
Inyo	306	413	529	694	741
Lake	337	427	570	718	934
Mariposa	318	406	521	682	804
Modoc	321	327	435	544	609
Nevada	381	520	695	965	1118
San Benito	443	521	652	908	1064
Siskiyou	310	339	450	585	739
Trinity	332	336	436	559	715

NONMETROPOLITAN COUNTIES	O BR	1 BR	2 BR	3 BR	4 BR
Amador	408	449	598	832	929
Colusa	321	327	435	574	714
Glenn	293	360	444	570	623
Imperial	331	413	508	707	713
Kings	339	392	491	682	804
Lassen	36	365	476	638	685
Mendocino	41?	501	617	858	864
Mono	451	539	718	998	1178
Plumas	325	349	464	637	650
Sierra	269	394	487	677	798
Tehama	308	327	435	605	714
Tuolumne	331	450	600	835	985

Note: The FMRS for unit sizes larger than 4 BRs are calculated by adding 15% to the 4 BR FMR for each extra bedroom. For example, the FMR for a 5 BR unit is 1.15 times the 4BR FMR, and the FMR for a 6 BR unit is 1.30 times the 4 BR FMR. 092294

COLORADO

METROPOLITAN FMR AREAS	O BR	1 BR	2 BR	3 BR	4 BR	Counties of FMR AREA within STATE
Boulder-Longmont, CO PMSA	425	511	655	910	1073	Boulder
Colorado Springs, CO MSA	329	380	507	705	833	El Paso
Denver, CO PMSA	354	435	580	805	950	Adams, Arapahoe, Denver, Douglas, Jefferson
Fort Collins-Loveland, CO MSA	371	457	563	783	925	Larimer
Greeley, CO PMSA	318	396	497	690	815	Weld
Pueblo, CO MSA	257	323	429	554	679	Pueblo

NONMETROPOLITAN COUNTIES	O BR	1 BR	2 BR	3 BR	4 BR
Alamosa	255	334	376	485	615
Baca	227	230	307	428	504
Chaffee	291	295	393	539	595
Clear Creek	350	417	473	658	776
Costilla	208	336	378	526	571
Custer	208	333	378	521	620
Dolores	205	331	370	463	519
Elbert	395	440	500	626	821
Garfield	390	418	528	660	866
Grand	429	434	550	687	831
Hinsdale	336	379	425	592	595
Jackson	208	283	378	473	529
Kit Carson	216	294	392	492	550
La Plata	395	436	575	800	944
Lincoln	299	336	404	504	661
Mesa	234	334	416	578	681
Moffat	195	306	356	495	583
Montrose	290	360	428	595	702
Otero	238	283	378	473	568
Park	283	396	516	717	815
Pitkin	537	734	979	1292	1467
Rio Blanco	280	283	378	526	578
Routt	336	433	571	794	936
San Juan	217	350	393	548	564
Sedgwick	166	227	303	379	478
Teller	311	424	566	786	792
Yuma	201	274	365	507	510

NONMETROPOLITAN COUNTIES	O BR	1 BR	2 BR	3 BR	4 BR
Archuleta	276	393	441	609	719
Bent	208	284	379	483	530
Cheyenne	208	284	379	474	623
Conejos	174	282	316	396	492
Crowley	174	273	316	421	519
Delta	280	283	378	506	529
Eagle	495	541	722	1005	1185
Fremont	232	305	407	566	667
Gilpin	333	477	604	797	883
Gunnison	321	339	434	604	713
Huerfano	222	283	378	488	620
Kiowa	195	316	356	452	508
Lake	333	337	450	562	702
Las Animas	301	382	430	599	707
Logan	208	283	378	506	529
Mineral	262	294	332	419	545
Montezuma	277	364	439	611	671
Morgan	293	305	397	538	651
Ouray	258	353	469	596	760
Phillips	232	236	314	419	459
Prowers	264	267	358	486	586
Rio Grande	208	283	378	503	529
Saguache	204	299	369	462	536
San Miguel	659	951	1045	1307	1684
Summit	420	503	645	897	1059
Washington	264	310	378	473	620

Note: The FMRS for unit sizes larger than 4 BRs are calculated by adding 15% to the 4 BR FMR for each extra bedroom. For example, the FMR for a 5 BR unit is 1.15 times the 4BR FMR, and the FMR for a 6 BR unit is 1.30 times the 4 BR FMR. 092294

SCHEDULE B - FAIR MARKET RENTS FOR EXISTING HOUSING

CONNECTICUT

METROPOLITAN FMR AREAS	0 BR	1 BR	2 BR	3 BR	4 BR	Components of FMR AREA within STATE
Bridgeport, CT PMSA	547	711	855	1070	1335	Fairfield county towns of Bridgeport town, Easton town Fairfield town, Monroe town, Shelton town Stratford town, Trumbull town New Haven county towns of Ansonia town, Beacon Falls town Derby town, Milford town, Oxford town, Seymour town
Danbury, CT PMSA	648	774	967	1278	1472	Fairfield county towns of Bethel town, Brookfield town Danbury town, New Fairfield town, Newtown town Redding town, Ridgefield town, Sherman town Litchfield county towns of Bridgewater town New Milford town, Roxbury town, Washington town
Hartford, CT PMSA	453	562	720	900	1094	Hartford county towns of Avon town, Berlin town Bloomfield town, Bristol town, Burlington town Canton town, East Granby town, East Hartford town East Windsor town, Enfield town, Farmington town Glastonbury town, Granby town, Hartford town Manchester town, Marlborough town, New Britain town Newington town, Plainville town, Rocky Hill town Simsbury town, Southington town, South Windsor town Suffield town, West Hartford town, Wethersfield town Windsor town, Windsor Locks town Litchfield county towns of Barkhamsted town Harwinton town, New Hartford town, Plymouth town Winchester town Middlesex county towns of Cromwell town, Durham town East Haddam town, East Hampton town, Haddam town Middlefield town, Middletown town, Portland town New London county towns of Colchester town, Lebanon town Tolland county towns of Andover town, Bolton town Columbia town, Coventry town, Ellington town Hebron town, Mansfield town, Somers town, Stafford town Tolland town, Vernon town, Willington town Windham county towns of Ashford town, Chaplin town Windham town
New Haven-Meriden, CT PMSA	532	653	807	1034	1196	Middlesex county towns of Clinton town, Killingworth town New Haven county towns of Bethany town, Branford town Cheshire town, East Haven town, Guilford town Hamden town, Madison town, Meriden town, New Haven town North Branford tow, North Haven town, Orange town Wallingford town, West Haven town, Woodbridge town
New London-Norwich, CT-RI MSA	483	584	710	889	1016	Middlesex county towns of Old Saybrook town New London county towns of Bozrah town, East Lyme town Franklin town, Griswold town, Groton town, Ledyard town Lisbon town, Montville town, New London town North Stonington t, Norwich town, Old Lyme town Preston town, Salem town, Sprague town, Stonington town Waterford town Windham county towns of Canterbury town, Plainfield town

Note: The FMRS for unit sizes larger than 4 BRs are calculated by adding 15% to the 4 BR FMR for each extra bedroom. For example, the FMR for a 5 BR unit is 1.15 times the 4BR FMR, and the FMR for a 6 BR unit is 1.30 times the 4 BR FMR. 092294

CONNECTICUT continued

METROPOLITAN FMR AREAS	O BR	1 BR	2 BR	3 BR	4 BR	Components of FMR AREA within STATE
Stamford-Norwalk, CT PMSA.	805	943	1149	1540	1702	Fairfield county towns of Darien town, Greenwich town New Canaan town, Norwalk town, Stamford town Weston town, Westport town, Wilton town
Waterbury, CT MSA...	412	555	686	857	959	Litchfield county towns of Bethlehem town, Thomaston town Watertown town, Woodbury town New Haven county towns of Middlebury town, Naugatuck town Prospect town, Southbury town, Waterbury town Wolcott town
Worcester, MA-CT...	466	564	704	880	986	Windham county towns of Thompson town

NONMETROPOLITAN COUNTIES	O BR	1 BR	2 BR	3 BR	4 BR	Towns within non metropolitan counties
Hartford.	346	559	630	875	1032	Hartland town
Litchfield	401	546	729	911	1036	Canaan town, Colebrook town, Cornwall town, Goshen town Kent town, Litchfield town, Morris town, Norfolk town North Canaan town, Salisbury town, Sharon town Torrington town, Warren town
Middlesex..	594	673	899	1250	1475	Chester town, Deep River town, Essex town Westbrook town
New London	504	617	701	904	1148	Lyme town, Voluntown town
Tolland	346	559	630	875	881	Union town
Windham	397	486	630	788	989	Brooklyn town, Eastford town, Hampton town Killingly town, Pomfret town, Putnam town, Scotland town Sterling town, Woodstock town

DELAWARE

METROPOLITAN FMR AREAS	O BR	1 BR	2 BR	3 BR	4 BR	Counties of FMR AREA within STATE
Dover, DE MSA	415	460	525	681	774	Kent
Wilmington-Newark, DE-MD PMSA	413	546	635	863	1040	New Castle

NONMETROPOLITAN COUNTIES	O BR	1 BR	2 BR	3 BR	4 BR
Sussex	369	392	501	656	701

DIST OF COLUMBIA

METROPOLITAN FMR AREAS	O BR	1 BR	2 BR	3 BR	4 BR	Counties of FMR AREA within STATE
Washington, DC-MD-VA	638	725	851	1158	1396	District of Columbia

Note: The FMRS for unit sizes larger than 4 BRs are calculated by adding 15% to the 4 BR FMR for each extra bedroom. For example, the FMR for a 5 BR unit is 1.15 times the 4BR FMR, and the FMR for a 6 BR unit is 1.30 times the 4 BR FMR. 092294

SCHEDULE B - FAIR MARKET RENTS FOR EXISTING HOUSING

F L O R I D A

METROPOLITAN FMR AREAS	O BR	1 BR	2 BR	3 BR	4 BR	Counties of FMR AREA within STATE
Daytona Beach, FL MSA	353	437	560	744	789	Flagler, Volusia
Fort Lauderdale, FL PMSA	494	581	717	997	1176	Broward
Fort Myers-Cape Coral, FL MSA	418	482	580	808	843	Lee
Fort Pierce-Port Lucie, FL MSA	427	469	610	791	853	Martin, St. Lucie
Fort Walton Beach, FL MSA	357	397	451	628	741	Okaloosa
Gainesville, FL MSA	319	383	496	681	803	Alachua
Jacksonville, FL MSA	391	437	527	697	774	Clay, Duval, Nassau, St. Johns
Lakeland-Winter Haven, FL MSA	334	376	459	587	674	Polk
Melbourne-Titusville-Palm Bay, FL MSA	356	445	557	746	869	Brevard
Miami, FL PMSA	489	613	766	1050	1219	Dade
Naples, FL MSA	400	564	679	943	1053	Collier
Ocala, FL MSA	318	377	443	609	714	Marion
Orlando, FL MSA	454	517	616	808	987	Lake, Orange, Osceola, Seminole
Panama City, FL MSA	323	348	426	591	634	Bay
Pensacola, FL MSA	335	381	428	589	696	Escambia, Santa Rosa
Punta Gorda, FL MSA	351	424	565	784	926	Charlotte
Sarasota-Bradenton, FL MSA	376	478	606	780	848	Manatee, Sarasota
Tallahassee, FL MSA	384	424	558	731	881	Gadsden, Leon
Tampa-St. Petersburg-Clearwater, FL MSA	380	452	559	743	899	Hernando, Hillsborough, Pasco, Pinellas
West Palm Beach-Boca Raton, FL MSA	495	581	718	955	1179	Palm Beach

NONMETROPOLITAN COUNTIES	O BR	1 BR	2 BR	3 BR	4 BR
Baker	212	344	387	485	573
Calhoun	161	220	294	406	482
Columbia	264	292	335	464	549
Dixie	235	264	297	414	488
Gilchrist	198	274	360	451	591
Gulf	208	284	379	475	530
Hardee	238	387	434	542	608
Highlands	308	342	454	570	637
Indian River	348	467	600	751	841
Jefferson	187	249	333	455	546
Levy	264	268	335	418	542
Madison	232	261	294	408	455
Okeechobee	247	401	450	563	631
Sumter	300	329	381	477	534
Taylor	292	295	393	492	626
Wakulla	188	284	342	476	560
Washington	161	256	294	368	412

NONMETROPOLITAN COUNTIES	O BR	1 BR	2 BR	3 BR	4 BR
Bradford	199	318	361	489	539
Citrus	305	329	437	554	610
Desoto	314	318	420	550	587
Franklin	220	353	402	558	562
Glades	345	389	437	547	610
Hamilton	211	220	294	367	482
Hendry	315	406	478	597	669
Holmes	213	217	290	402	475
Jackson	161	261	294	391	482
Lafayette	242	245	328	408	536
Liberty	171	280	312	391	439
Monroe	535	603	776	1070	1272
Putnam	275	308	347	467	532
Suwannee	277	281	351	439	491
Union	250	255	340	444	476
Walton	198	314	355	466	583

Note: The FMRS for unit sizes larger than 4 BRs are calculated by adding 15% to the 4 BR FMR for each extra bedroom. For example, the FMR for a 5 BR unit is 1.15 times the 4BR FMR, and the FMR for a 6 BR unit is 1.30 times the 4 BR FMR.

092294

GEORGIA

METROPOLITAN FMR AREAS	O BR	1 BR	2 BR	3 BR	4 BR	Counties of FMR AREA within STATE
Albany, GA MSA	276	293	389	541	545	Dougherty, Lee
Athens, GA MSA	345	370	481	653	787	Clarke, Madison, Oconee
Atlanta, GA	467	521	606	807	977	Barrow, Bartow, Cherokee, Clayton, Cobb, Coweta, Dekalb Douglas, Fayette, Forsyth, Fulton, Gwinnett, Henry Newton, Paulding, Rockdale
Augusta-Aiken, GA-SC MSA	330	395	465	633	750	Columbia, Mcduffie, Richmond
Carroll County, GA	312	317	423	588	694	Carroll
Chattanooga, TN-GA MSA	321	376	451	582	664	Catoosa, Dade, Walker
Columbus, GA-AL MSA	329	368	438	574	623	Chattahoochee, Harris, Muscogee
Macon, GA MSA	341	381	442	612	628	Bibb, Houston, Jones, Peach, Twiggs
Pickens County, GA	218	296	396	550	555	Pickens
Savannah, GA MSA	343	428	497	668	696	Bryan, Chatham, Effingham
Spalding County, GA	339	343	459	577	642	Spalding
Walton County, GA	327	353	454	631	743	Walton

NONMETROPOLITAN COUNTIES	O BR	1 BR	2 BR	3 BR	4 BR
Appling	176	263	321	428	450
Bacon	176	273	321	402	450
Baldwin	231	344	420	537	587
Ben Hill	179	250	321	402	527
Bleckley	176	240	321	414	492
Brooks	237	240	321	414	527
Burke	213	216	289	403	405
Calhoun	164	179	219	275	307
Candler	252	286	321	446	450
Chattooga	187	279	340	425	536
Clinch	169	231	307	428	431
Colquitt	237	240	321	414	450
Crawford	268	272	340	431	476
Dawso	259	353	470	588	726
Dodge	237	240	321	446	469
Early	237	240	321	421	473
Elbert	248	281	315	394	517
Evans	252	267	321	433	450
Floyd	263	311	405	535	566
Gilmer	257	260	347	434	487
Glynn	384	428	487	651	798
Grady	252	273	321	417	527
Habersham	295	324	373	519	600
Hancock	202	297	367	459	537
Hart	195	307	354	442	496

NONMETROPOLITAN COUNTIES	O BR	1 BR	2 BR	3 BR	4 BR
Atkinson	219	246	277	368	388
Baker	177	218	269	374	384
Banks	186	297	338	470	554
Berrien	176	240	321	446	450
Brantley	191	261	348	436	488
Bulloch	335	340	436	562	714
Butts	251	345	459	614	643
Camden	377	426	478	663	783
Charlton	258	261	348	436	519
Clay	155	212	283	371	395
Coffee	176	257	321	408	527
Cook	176	286	321	446	527
Crisp	252	286	321	446	527
Decatur	176	286	321	408	450
Dooly	177	209	279	387	389
Echols	252	286	321	446	450
Emanuel	247	280	312	432	439
Fannin	179	240	321	446	450
Franklin	195	251	336	437	551
Glascock	150	204	273	341	446
Gordon	325	331	413	533	678
Greene	219	298	397	498	558
Hall	285	433	509	637	712
Haralson	260	263	352	482	510
Heard	261	264	353	441	494

Note: The FMRS for unit sizes larger than 4 BRs are calculated by adding 15% to the 4 BR FMR for each extra bedroom. For example, the FMR for a 5 BR unit is 1.15 times the 4BR FMR, and the FMR for a 6 BR unit is 1.30 times the 4 BR FMR. 092294

G E O R G I A continued

NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR
Irwin	176	240	321	402	450
Jasper	223	304	405	551	566
Jefferson	219	246	277	385	454
Johnson	179	240	321	402	450
Lanier	176	286	321	446	450
Liber y	338	378	429	596	600
Long	218	353	396	497	555
Lumpkin	226	366	412	552	675
Macon	256	262	323	405	452
Meriwether	188	291	342	434	479
Mitchell	220	224	298	415	490
Montgomery	235	238	317	396	444
Murray	210	314	383	483	537
Pierce	237	260	321	417	450
Polk	213	295	389	540	546
Putnam	218	274	364	506	597
Rabun	192	307	349	437	552
Schley	176	240	321	446	450
Seminole	176	267	321	446	450
Stewart	176	240	321	446	527
Talbot	175	239	318	443	523
Tattnall	237	240	321	446	450
Telfair	214	283	321	402	450
Thomas	198	319	359	463	503
Toombs	243	246	329	410	538
Treutlen	141	192	257	346	421
Turner	189	258	344	437	482
Upson	269	273	363	453	508
Warren	252	286	321	402	450
Wayne	248	281	315	439	517
Wheeler	210	284	318	400	459
Whitfield	246	352	425	542	640
Wilkes	176	286	321	414	501
Worth	200	277	364	455	510

NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR
Jackson	288	293	390	488	640
Jeff Davis	176	286	321	446	527
Jenkins	176	286	321	446	527
Lamar	215	323	372	474	610
Laurens	279	307	357	446	586
Lincoln	176	286	321	446	450
Lowndes	280	337	410	572	633
Mcintosh	178	289	325	407	455
Marion	173	236	315	394	517
Miller	176	286	321	446	450
Monroe	201	292	365	508	511
Morgan	215	295	393	492	551
Oglethorpe	221	286	321	446	498
Pike	304	330	416	579	583
Pulaski	242	273	306	427	502
Quitman	165	270	303	422	425
Randolph	226	230	305	425	501
Screven	213	272	340	425	476
Stephens	268	272	361	500	539
Sumter	220	333	399	503	559
Taliaferro	14/	237	267	334	438
Taylor	225	252	285	395	400
Terrell	177	272	323	417	530
Tift	221	267	342	457	533
Towns	179	245	328	454	536
Troup	247	374	421	526	589
Union	231	314	418	524	586
Ware	266	298	336	420	551
Washington	252	286	321	421	527
Webster	252	286	321	446	527
White	202	328	367	511	602
Wilcox	162	262	295	372	485
Wilkinson	180	292	329	410	522

Note: The FMRS for unit sizes larger than 4 BRs are calculated by adding 15% to the 4 BR FMR for each extra bedroom. For example, the FMR for a 5 BR unit is 1.15 times the 4BR FMR, and the FMR for a 6 BR unit is 1.30 times the 4 BR FMR.

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HAWAII

METROPOLITAN FMR AREAS	0 BR	1 BR	2 BR	3 BR	4 BR	Counties of FMR AREA within STATE
Honolulu, HI MSA	788	943	1109	1498	1621	Honolulu

NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR
Hawaii	466	606	697	927	1142
Maui	743	923	1126	1453	1645
Kauai	588	878	1071	1415	1531

IDAHO

METROPOLITAN FMR AREAS	0 BR	1 BR	2 BR	3 BR	4 BR	Counties of FMR AREA within STATE
Boise City, ID MSA	362	414	503	700	825	Ada, Canyon

NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR
Adams	166	268	302	392	421
Bear Lake	178	244	325	452	534
Bingham	284	300	359	499	589
Boise	212	343	385	481	538
Bonneville	267	337	459	619	755
Butte	166	226	302	419	421
Caribou	161	221	295	409	482
Clark	171	274	312	433	437
Custe	184	253	336	453	550
Franklin	171	253	312	430	510
Gem	227	229	306	403	483
Idaho	244	296	328	411	460
Jerome	176	252	319	428	504
Latah	224	295	380	515	621
Lewis	227	230	307	384	491
Madison	260	264	347	482	525
Nez Perce	272	302	386	497	540
Owyhee	231	258	294	393	451
Power	180	287	330	412	461
Teton	288	293	385	535	632
Valley	276	280	373	519	552
Bannock	219	298	386	535	631
Benewah	166	264	303	391	424
Blaine	408	450	599	835	984
Bonner	303	377	464	646	743
Boundary	199	288	352	440	492
Camas	166	244	302	376	421
Cassia	193	259	329	441	517
Clearwater	226	263	309	415	437
Elmore	247	250	316	440	519
Fremont	171	269	303	396	496
Gooding	194	230	304	407	498
Jefferson	272	306	344	478	539
Kootenai	333	391	513	712	841
Lemhi	179	261	324	406	515
Lincoln	186	229	306	383	487
Minidoka	232	251	308	428	504
Oneida	265	268	357	450	565
Payette	227	229	306	425	501
Shoshone	191	256	312	391	493
Twin Falls	249	305	400	528	562
Washington	236	266	299	401	418

Note: The FMRS for unit sizes larger than 4 BRs are calculated by adding 15% to the 4 BR FMR for each extra bedroom. For example, the FMR for a 5 BR unit is 1.15 times the 4BR FMR, and the FMR for a 6 BR unit is 1.30 times the 4 BR FMR. 092294

SCHEDULE B - FAIR MARKET RENTS FOR EXISTING HOUSING

ILLINOIS

METROPOLITAN FMR AREAS	O BR	1 BR	2 BR	3 BR	4 BR	Counties of FMR AREA within STATE
Bloomington-Normal, IL MSA	300	368	492	683	722	Mclean
Champaign-Urbana, IL MSA	324	396	513	704	843	Champaign
Chicago, IL	501	602	716	895	1003	Cook, Dupage, Kane, Lake, Mchenry, Will
Davenport-Moline-Rock Island, IA-IL MSA	253	351	433	559	606	Henry, Rock Island
Decatur, IL MSA	254	329	423	570	593	Macon
De Kalb County, IL	386	449	568	790	915	Dekalb
Grundy County, IL	337	389	519	685	727	Grundy
Kankakee, IL PMSA	303	368	490	626	687	Kankakee
Kendall County, IL	465	529	638	887	894	Kendall
Peoria-Pekin, IL MSA	313	347	463	615	756	Peoria, Tazewell, Woodford
Rockford, IL MSA	304	389	474	597	696	Boone, Ogle, Winnebago
St. Louis, MO-IL MSA	300	367	476	619	685	Clinton, Jersey, Madison, Monroe, St. Clair
Springfield, IL MSA	294	362	484	642	731	Menard, Sangamon

NONMETROPOLITAN COUNTIES	O BR	1 BR	2 BR	3 BR	4 BR
Adams	199	271	361	452	593
Bond	247	251	335	419	468
Bureau	240	318	374	473	524
Carroll	173	244	318	407	445
Christian	267	270	360	472	505
Clay	239	241	318	404	521
Crawford	179	251	325	453	456
De Witt	258	261	348	484	494
Edgar	188	252	323	405	453
Effingham	218	293	362	457	536
Ford	179	249	324	452	455
Fulton	190	282	345	434	517
Greene	229	255	318	407	521
Hancock	235	239	319	399	447
Henderson	173	239	318	397	448
Jackson	307	308	388	552	617
Jefferson	253	298	372	507	521
Johnson	222	234	312	435	512
La Salle	218	296	395	534	598
Lee	283	291	387	485	545
Logar	281	298	396	496	623
Macoupin	220	278	356	456	498
Marshall	195	261	331	412	462
Massac	248	280	315	437	441
Montgomery	196	248	332	424	463

NONMETROPOLITAN COUNTIES	O BR	1 BR	2 BR	3 BR	4 BR
Alexander	173	239	318	397	521
Brown	179	244	325	407	534
Calhoun	153	247	279	387	390
Cass	255	259	345	432	483
Clark	173	239	318	436	445
Coles	264	314	419	557	657
Cumberland	185	258	318	443	478
Douglas	270	277	342	475	479
Edwards	235	239	318	397	521
Fayette	210	258	318	443	445
Franklin	182	251	331	440	462
Gallatin	163	243	296	412	431
Hamilton	173	283	318	397	445
Hardin	173	239	318	414	445
Iroquois	218	269	336	437	470
Jasper	169	276	310	432	496
Jo Daviess	281	303	356	448	498
Knox	192	261	348	456	551
Lawrence	160	237	293	403	411
Livingston	224	306	408	525	572
Mcdonough	224	290	350	456	575
Marion	259	276	337	461	472
Mason	183	248	333	453	546
Mercer	193	262	350	438	511
Morgan	244	316	422	561	591

Note: The FMRS for unit sizes larger than 4 BRs are calculated by adding 15% to the 4 BR FMR for each extra bedroom. For example, the FMR for a 5 BR unit is 1.15 times the 4BR FMR, and the FMR for a 6 BR unit is 1.30 times the 4 BR FMR. 092294

ILLINOIS continued

NONMETROPOLITAN COUNTIES	O BR	1 BR	2 BR	3 BR	4 BR
Moultrie	210	267	356	492	498
Piatt	220	308	400	546	561
Pope	145	199	265	332	434
Putnam	193	285	321	447	450
Richland	242	245	315	393	441
Schuyler	187	285	321	422	473
Shelby	191	259	345	432	496
Stephenson	267	306	386	484	542
Vermilion	229	321	403	503	564
Warren	267	270	360	454	511
Wayne	165	234	300	384	493
Whiteside	262	298	396	496	557
Perry	236	257	299	407	473
Pike	208	214	284	375	412
Pulaski	163	222	296	371	440
Randolph	239	273	342	468	479
Saline	234	244	325	424	456
Scott	18	251	335	419	468
Stark	173	237	317	441	444
Union	180	232	306	425	429
Wabash	191	270	346	460	568
Washington	222	303	404	505	655
White	173	260	306	397	429
Williamson	205	279	371	516	523

INDIANA

METROPOLITAN FMR AREAS	O BR	1 BR	2 BR	3 BR	4 BR	Counties of FMR AREA within STATE
Bloomington, IN MSA	308	398	531	737	870	Monroe
Cincinnati, OH-KY-IN	288	372	495	665	718	Dearborn
Elkhart-Goshen, IN MSA	352	402	509	652	749	Elkhart
Evansville-Henderson, IN-KY MSA	273	333	433	542	606	Posey, Vanderburgh, Warrick
Fort Wayne, IN MSA	303	388	480	618	672	Adams, Allen, De Kalb, Huntington, Wells, Whitley
Gary, IN PMSA	321	422	527	659	737	Lake, Porter
Indianapolis, IN MSA	346	433	522	652	731	Boone, Hamilton, Hancock, Hendricks, Johnson, Madison Marion, Morgan, Shelby
Kokomo, IN MSA	281	332	432	558	605	Howard, Tipton
Lafayette, IN MSA	303	384	511	712	840	Clinton, Tippecanoe
Louisville, KY-IN MSA	273	351	427	592	624	Clark, Floyd, Harrison, Scott
Muncie, IN MSA	279	348	411	558	659	Delaware
Ohio County, IN	193	279	350	485	503	Ohio
South Bend, IN MSA	304	403	532	664	744	St. Joseph
Terre Haute, IN MSA	243	320	407	509	570	Clay, Vermillion, Vigo

NONMETROPOLITAN COUNTIES	O BR	1 BR	2 BR	3 BR	4 BR
Bartholomew	379	409	493	617	809
Blackford	221	302	402	502	562
Carroll	243	266	354	478	495
Crawford	180	245	328	409	510
Decatur	223	318	406	523	568
Fayette	215	292	390	488	590
Franklin	207	282	375	470	617
Benton	188	300	342	460	479
Brown	25	358	472	656	680
Cass	227	286	354	459	551
Daviess	222	279	371	465	520
Dubois	241	286	377	494	567
Fountain	259	262	337	422	472
Fulton	298	312	377	523	528

Note: The FMRS for unit sizes larger than 4 BRs are calculated by adding 15% to the 4 BR FMR for each extra bedroom. For example, the FMR for a 5 BR unit is 1.15 times the 4BR FMR, and the FMR for a 6 BR unit is 1.30 times the 4 BR FMR. 092294

I N D I A N A continued

NONMETROPOLITAN COUNTIES	O BR	1 BR	2 BR	3 BR	4 BR
Gibson	206	267	338	456	474
Greene	250	263	335	419	468
Jackson	311	325	403	531	571
Jay	258	265	328	455	458
Jennings	283	287	373	500	522
Kosciusko	253	357	431	560	603
La Porte	278	337	449	575	630
Marshall	322	328	436	550	610
Miami	225	277	346	432	498
Newton	283	286	382	479	536
Orange	251	255	328	432	463
Parke	202	290	367	468	575
Pike	180	268	328	432	458
Putnam	294	342	421	563	568
Ripley	242	276	367	510	576
Spencer	183	259	333	462	511
Steuben	331	374	446	558	624
Switzerland	184	277	334	463	484
Wabash	222	295	348	484	529
Washington	194	265	353	469	497
White	270	289	370	462	607

NONMETROPOLITAN COUNTIES	O BR	1 BR	2 BR	3 BR	4 BR
Grant	289	293	391	509	549
Henry	227	274	340	472	475
Jasper	217	328	367	499	513
Jefferson	270	302	343	476	480
Knox	281	303	403	504	564
Lagrange	276	316	405	525	611
Lawrence	241	286	382	505	536
Martin	184	247	328	455	484
Montgomery	315	332	414	524	580
Noble	309	314	391	505	557
Owen	260	264	352	454	576
Perry	180	247	328	455	513
Pulaski	217	299	344	430	482
Randolph	248	292	340	448	476
Rush	279	282	354	492	576
Starke	236	296	375	470	525
Sullivan	195	266	355	444	532
Union	180	251	328	455	461
Warren	179	283	325	453	534
Wayne	248	291	378	473	549

I O W A

METROPOLITAN FMR AREAS	O BR	1 BR	2 BR	3 BR	4 BR	Counties of FMR AREA within STATE
Cedar Rapids, IA MSA	256	363	465	647	693	Linn
Davenport-Moline-Rock Island, IA-IL MSA	253	351	433	559	606	Scott
Des Moines, IA MSA	348	442	543	703	740	Dallas, Polk, Warren
Dubuque, IA MSA	269	330	424	541	659	Dubuque
Iowa City, IA MSA	310	400	512	712	840	Johnson
Omaha, NE-IA MSA	293	400	506	662	743	Pottawattamie
Sioux City, IA-NE MSA	299	357	446	557	633	Woodbury
Waterloo-Cedar Falls, IA MSA	234	328	408	544	639	Black Hawk

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I O W A continued

NONMETROPOLITAN COUNTIES	O BR	1 BR	2 BR	3 BR	4 BR
Adair	201	286	367	459	514
Allamakee	202	277	314	450	514
Audubon	174	263	316	396	464
Boone	255	335	393	507	601
Buchanan	270	309	382	478	536
Butler	263	286	342	440	479
Carroll	213	297	386	492	541
Cedar	199	320	363	454	508
Cherokee	215	247	311	404	435
Clarke	264	286	375	495	527
Clayton	229	288	345	432	528
Crawford	237	254	334	435	468
Decatur	203	268	357	446	500
Des Moines	231	325	419	524	587
Emmet	201	255	311	416	510
Floyd	278	307	390	489	547
Fremont	281	284	373	466	585
Grundy	231	268	328	445	526
Hamilton	291	330	401	501	561
Hardin	211	275	357	456	503
Henry	226	323	411	514	583
Humboldt	187	290	339	432	475
Iowa	204	307	373	477	523
Jasper	226	323	410	512	573
Jones	243	246	325	429	460
Kossuth	205	281	375	470	525
Louisa	204	314	371	495	519
Lyon	169	246	308	419	429
Mahaska	228	298	380	495	532
Marshall	259	307	388	485	544
Mitchell	183	262	332	415	465
Monroe	217	332	393	493	585
Muscatine	246	315	419	557	587
Osceola	210	286	380	475	532
Palo Alto	174	257	317	403	462
Pocahontas	233	263	351	438	491
Ringgold	183	250	333	417	466
Shelby	197	284	359	462	502
Story	332	404	475	660	755
Taylor	208	284	379	474	556

NONMETROPOLITAN COUNTIES	O BR	1 BR	2 BR	3 BR	4 BR
Adams	207	303	377	471	528
Appanoose	251	299	358	466	558
Benton	264	268	357	447	503
Bremer	211	290	367	475	585
Buena Vista	27'	307	393	492	551
Calhoun	237	250	334	418	468
Cass	200	288	365	456	511
Cerro Gordo	232	334	414	552	579
Chickasaw	183	249	333	421	466
Clay	205	293	374	468	523
Clinton	231	301	402	502	562
Davis	196	268	357	447	500
Delaware	196	284	357	447	506
Dickinson	211	287	382	478	536
Fayette	193	284	352	462	493
Franklin	264	295	369	461	516
Greene	186	254	339	472	475
Guthrie	191	276	350	475	572
Hancock	227	298	376	475	526
Harrison	205	297	374	473	524
Howard	201	301	366	442	579
Ida	264	303	362	453	507
Jackson	220	312	399	499	558
Jefferson	236	322	429	559	706
Keokuk	174	237	317	406	445
Lee	225	307	409	511	572
Lucas	202	268	343	477	533
Madison	227	309	412	527	577
Marion	236	351	429	537	601
Mills	242	342	403	504	564
Monona	200	307	364	455	509
Montgomery	281	317	373	495	522
O'Brien	171	262	309	386	432
Page	21	260	333	428	466
Plymouth	228	312	414	517	579
Poweshiek	271	335	429	537	601
Sac	202	230	297	415	456
Sioux	233	270	339	449	500
Tama	240	287	382	477	537
Union	205	305	374	477	585

Note: The FMRS for unit sizes larger than 4 BRs are calculated by adding 15% to the 4 BR FMR for each extra bedroom. For example, the FMR for a 5 BR unit is 1.15 times the 4BR FMR, and the FMR for a 6 BR unit is 1.30 times the 4 BR FMR. 092294

I O W A continued

NONMETROPOLITAN COUNTIES	O BR	1 BR	2 BR	3 BR	4 BR
Van Buren	201	251	331	461	464
Washington	221	275	357	456	585
Webster	222	301	402	504	563
Winneshiek	206	289	375	469	525
Wright	201	305	367	459	514
Wapello	235	319	404	505	565
Wayne	171	231	309	420	442
Winnebago	206	321	379	474	531
Worth	205	301	374	468	563

K A N S A S

METROPOLITAN FMR AREAS	O BR	1 BR	2 BR	3 BR	4 BR	Counties of FMR AREA within STATE
Kansas City, MO-KS MSA	324	408	489	677	750	Johnson, Leavenworth, Miami, Wyandotte
Lawrence, KS MSA	331	396	508	707	813	Douglas
Topeka, KS MSA	314	362	469	633	715	Shawnee
Wichita, KS MSA	307	371	495	668	723	Butler, Harvey, Sedgwick

NONMETROPOLITAN COUNTIES	O BR	1 BR	2 BR	3 BR	4 BR
Allen	220	224	282	393	463
Atchison	194	267	356	448	583
Barton	184	257	333	440	479
Brown	181	246	329	412	541
Chautauqua	181	292	329	458	541
Cheyenne	215	218	279	384	389
Clay	181	246	329	412	461
Coffey	270	283	346	432	567
Cowley	278	281	375	500	538
Decatur	181	246	329	412	461
Doniphan	183	249	332	415	465
Elk	156	230	283	385	440
Ellsworth	237	240	321	447	450
Ford	279	329	411	517	584
Geary	317	333	416	538	584
Graham	198	219	251	351	413
Gray	181	264	329	412	461
Greenwood	181	246	329	458	461
Harper	177	248	322	449	500
Hodgeman	181	246	329	412	461
Jefferson	213	289	385	510	541
Kearny	289	292	389	523	574
Kiowa	243	246	329	451	541
Lane	160	263	293	409	412
Linn	212	246	329	458	461
Lyon	218	278	370	485	585
Anderson	181	246	329	458	461
Barber	173	236	315	436	440
Bourbon	217	246	329	454	498
Chase	181	292	329	424	461
Cherokee	179	259	327	427	458
Clark	196	282	358	448	501
Cloud	228	258	289	362	406
Comanche	151	224	276	356	385
Crawford	219	292	389	489	547
Dickinson	242	262	347	434	486
Edwards	181	246	329	458	501
Ellis	243	246	329	458	541
Finney	318	340	435	566	715
Franklin	282	287	382	477	597
Gove	172	278	312	433	436
Grant	239	307	373	518	564
Greeley	181	292	329	458	461
Hamilton	181	246	329	412	541
Haskell	190	301	346	443	499
Jackson	181	289	329	448	461
Jewell	145	197	264	329	376
Kingman	184	260	333	445	467
Labette	242	262	347	434	486
Lincoln	156	214	283	356	398
Logan	223	250	281	374	442
Mcpherson	264	268	357	489	500

Note: The FMRS for unit sizes larger than 4 BRs are calculated by adding 15% to the 4 BR FMR for each extra bedroom. For example, the FMR for a 5 BR unit is 1.15 times the 4BR FMR, and the FMR for a 6 BR unit is 1.30 times the 4 BR FMR. 092294

KANSAS continued

NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR
Marion	246	249	329	412	461
Meade	242	245	328	439	539
Montgomery	213	262	347	472	520
Morton	194	267	356	445	498
Neosho	181	282	329	454	464
Norton	181	282	329	412	461
Osborne	133	189	240	334	396
Pawnee	181	246	329	458	541
Pottawatomie	186	278	339	427	556
Rawlins	168	248	289	362	416
Republic	152	210	278	347	453
Riley	319	352	468	586	708
Rush	156	214	283	367	412
Saline	285	292	389	538	545
Seward	292	319	424	531	595
Sherman	181	249	329	442	461
Stafford	171	231	309	396	432
Stevens	187	295	340	473	558
Thomas	181	246	329	451	541
Wabaunsee	243	246	329	458	461
Washington	153	211	280	388	393
Wilson	178	248	323	450	530

NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR
Marshall	192	237	317	412	519
Mitchell	172	233	311	388	446
Morris	181	246	329	414	461
Nemaha	173	244	315	393	440
Ness	243	246	329	458	461
Osage	243	246	329	438	461
Ottawa	197	275	323	404	453
Phillips	181	260	329	412	541
Pratt	206	282	376	498	527
Reno	200	273	364	492	597
Rice	241	260	306	424	429
Rooks	151	206	277	366	454
Russell	188	276	335	466	470
Scott	212	268	358	498	571
Sheridan	144	225	262	363	427
Smith	159	218	290	396	407
Stanton	181	265	330	459	502
Sumner	201	275	367	510	513
Trego	181	246	329	458	461
Wallace	174	280	316	438	517
Wichita	215	292	389	489	605
Woodson	193	246	329	412	461

KENTUCKY

METROPOLITAN FMR AREAS	0 BR	1 BR	2 BR	3 BR	4 BR	Counties of FMR AREA within STATE
Cincinnati, OH-KY-IN	288	372	495	665	718	Boone, Campbell, Kenton
Clarksville-Hopkinsville, TN-KY MSA	313	352	411	560	576	Christian
Evansville-Henderson, IN-KY MSA	273	333	433	542	606	Henderson
Gallatin County, KY	218	326	397	497	651	Gallatin
Grant County, KY	212	291	387	539	636	Grant
Huntington-Ashland, WV-KY-OH MSA	265	310	382	487	534	Boyd, Carter, Greenup
Lexington, KY MSA	309	382	470	641	725	Bourbon, Clark, Fayette, Jessamine, Madison, Scott Woodford
Louisville, KY-IN MSA	273	351	427	592	624	Bullitt, Jefferson, Oldham
Owensboro, KY MSA	276	287	377	505	528	Daviess
Pendleton County, KY	245	283	377	473	529	Pendleton

Note: The FMRS for unit sizes larger than 4 BRs are calculated by adding 15% to the 4 BR FMR for each extra bedroom. For example, the FMR for a 5 BR unit is 1.15 times the 4BR FMR, and the FMR for a 6 BR unit is 1.30 times the 4 BR FMR. 092294

SCHEDULE B - FAIR MARKET RENTS FOR EXISTING HOUSING

K E N T U C K Y continued

NONMETROPOLITAN COUNTIES	O BR	1 BR	2 BR	3 BR	4 BR
Adair	185	299	336	466	469
Anderson	269	276	369	461	517
Barren	245	296	341	426	477
Bell	196	266	355	443	497
Bracken	164	225	299	416	420
Breckinridge	190	257	344	429	482
Caldwell	149	222	271	371	433
Carlisle	233	236	298	373	451
Casey	157	255	286	358	401
Clinton	151	244	275	344	384
Cumberland	157	246	277	371	387
Elliott	198	200	267	334	438
Fleming	166	228	304	380	427
Franklin	237	351	432	558	704
Garrard	226	266	299	397	468
Grayson	154	247	281	374	444
Hancock	184	250	334	460	546
Harlan	157	250	285	371	438
Hart	163	256	298	371	416
Hickman	148	203	270	367	434
Jackson	157	223	285	356	399
Knott	147	237	267	371	422
Larue	155	212	283	354	395
Lawrence	203	248	289	400	405
Leslie	198	200	267	334	373
Lewis	148	202	269	358	441
Livingston	282	285	380	528	532
Lyon	177	242	322	403	451
Mccreary	141	199	258	358	360
Magoffin	147	221	267	334	438
Marshall	187	291	339	425	548
Mason	233	269	333	455	465
Menif e	147	208	267	371	373
Metcalfe	147	230	267	334	373
Montgomery	244	247	331	430	462
Muhlenberg	218	245	276	383	452
Nicholas	189	258	344	430	489
Owen	176	239	319	444	525
Perry	273	276	367	459	514
Powell	162	256	296	385	499

NONMETROPOLITAN COUNTIES	O BR	1 BR	2 BR	3 BR	4 BR
Allen	170	264	310	405	436
Ballard	147	201	268	372	407
Bath	163	264	296	370	415
Boyle	288	292	389	487	546
Breathitt	171	233	313	389	449
Butler	147	214	267	334	373
Calloway	189	259	344	452	477
Carroll	239	270	303	379	498
Clay	160	233	292	365	409
Crittenden	147	200	267	371	373
Edmonson	151	243	283	343	383
Estill	185	253	336	420	469
Floyd	264	319	359	500	574
Fulton	243	257	343	429	500
Graves	186	252	337	422	479
Green	189	258	343	429	480
Hardin	305	312	391	525	623
Harrison	199	286	361	451	559
Henry	22[illegible]	224	298	415	490
Hopkins	212	252	311	393	512
Johnson	186	272	337	433	472
Knox	188	259	331	414	506
Laurel	246	277	330	444	461
Lee	147	238	268	335	376
Letcher	219	221	288	360	404
Lincoln	182	247	337	414	462
Logan	194	263	352	464	492
Mccracken	282	305	380	487	624
Mclean	147	200	267	371	381
Marion	150	242	273	379	446
Martin	165	226	301	402	496
Meade	252	314	361	478	594
Mercer	185	279	335	464	467
Monroe	207	233	262	334	385
Morgan	185	251	335	419	468
Nelson	268	272	363	453	508
Ohio	236	239	318	415	510
Owsley	154	211	282	352	394
Pike	263	300	363	454	538
Pulaski	265	276	357	452	478

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K E N T U C K Y continued

NONMETROPOLITAN COUNTIES	O BR	1 BR	2 BR	3 BR	4 BR
Robertson	147	200	267	353	373
Rowan	240	255	333	446	532
Shelby	246	322	361	503	506
Spencer	190	291	346	450	485
Todd	161	220	294	408	482
Trimble	157	252	285	395	400
Warren	232	316	422	527	608
Wayne	159	217	289	378	405
Whitley	182	284	330	439	461

NONMETROPOLITAN COUNTIES	O BR	1 BR	2 BR	3 BR	4 BR
Rockcastle	203	226	301	379	422
Russell	165	255	301	376	422
Simpson	197	307	357	456	500
Taylor	244	288	323	431	490
Trigg	165	264	297	414	488
Union	239	243	323	450	452
Washington	214	289	325	407	455
Webster	233	236	315	394	442
Wolfe	147	230	267	371	373

L O U I S I A N A

METROPOLITAN FMR AREAS	O BR	1 BR	2 BR	3 BR	4 BR	Counties of FMR AREA within STATE
Alexandria, LA MSA	267	331	418	579	588	Rapides
Acadia Parishes, LA	214	288	323	404	469	Acadia
Baton Rouge, LA MSA	285	355	439	610	720	Ascension, East Baton Rouge, Livingston, West Baton Rouge
Houma, LA MSA	251	307	393	547	646	Lafourche, Terrebonne
Lafayette, LA MSA	289	335	400	549	649	Lafayette, St. Martin
Lake Charles, LA MSA	296	344	436	571	714	Calcasieu
Monroe, LA MSA	288	323	430	580	602	Ouachita
New Orleans, LA	341	390	488	664	802	Jefferson, Orleans, Plaquemines, St. Bernard, St. Charles St. John the Baptist, St. Tammany
St. James Parish, LA	222	302	403	503	564	St. James
St. Landry Parish, LA	176	249	319	400	485	St. Landry
Shreveport-Bossier City, LA MSA	304	347	435	582	713	Bossier, Caddo, Webster

NONMETROPOLITAN COUNTIES	O BR	1 BR	2 BR	3 BR	4 BR
Allen	228	230	308	429	444
Avoyelles	202	204	273	379	447
Bienville	242	247	329	456	539
Cameron	169	275	308	429	432
Claiborne	176	240	321	403	450
De Soto	169	272	308	429	506
East Feliciana	184	251	334	419	468
Franklin	182	275	308	429	506
Iberia	274	287	354	442	496
Jackson	169	230	307	384	431
La Salle	169	240	308	429	506
Madison	161	261	292	407	413
Natchitoches	275	282	363	503	507
Red River	169	230	308	429	506

NONMETROPOLITAN COUNTIES	O BR	1 BR	2 BR	3 BR	4 BR
Assumption	282	301	358	447	501
Beauregard	313	341	406	528	581
Caldwell	169	275	308	429	432
Catahoula	175	230	308	429	432
Concordia	237	240	321	403	450
East Carroll	118	175	214	296	306
Evangeline	206	251	282	353	410
Grant	230	234	308	429	473
Iberville	249	258	315	404	518
Jefferson Davis	247	273	318	397	511
Lincoln	301	304	380	521	624
Morehouse	226	253	338	422	473
Pointe Coupee	203	250	333	417	547
Richland	169	230	308	404	506

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SCHEDULE B - FAIR MARKET RENTS FOR EXISTING HOUSING

L O U I S I A N A continued

NONMETROPOLITAN COUNTIES	O BR	1 BR	2 BR	3 BR	4 BR
Sabine	176	287	322	448	529
St. Mary	257	274	345	469	489
Tensas	203	206	275	382	384
Vermilion	242	259	311	402	436
Washington	158	215	287	399	402
West Feliciana	246	335	447	560	628
St. Helena	162	264	295	399	416
Tangipahoa	276	287	368	483	514
Union	228	230	308	385	506
Vernon	292	327	371	480	567
West Carroll	170	231	309	386	433
Winn	169	230	308	429	432

M A I N E

METROPOLITAN FMR AREAS	O BR	1 BR	2 BR	3 BR	4 BR	Components of FMR AREA within STATE
Bangor, ME MSA	345	421	539	702	755	Penobscot county towns of Bangor city, Brewer city Eddington town, Glenburn town, Hampden town, Hermon town Holden town, Kenduskeag town, Milford town Old Town city, Orono town, Orrington town Penobscot Indian I, Veazie town Waldo county towns of Winterport town
Lewiston-Auburn, ME MSA	271	384	492	615	689	Androscoggin county towns of Auburn city, Greene town Lewiston city, Lisbon town, Mechanic Falls tow Poland town, Sabattus town, Turner town, Wales town
Portland, ME MSA	404	522	686	858	961	Cumberland county towns of Cape Elizabeth tow, Casco town Cumberland town, Falmouth town, Freeport town Gorham town, Gray town, North Yarmouth tow Portland city, Raymond town, Scarborough town South Portland cit, Standish town, Westbrook city Windham town, Yarmouth town York county towns of Buxton town, Hollis town Limington town, Old Orchard Beach
Portsmouth-Rochester, NH-ME PMSA	443	532	683	875	1073	York county towns of Berwick town, Eliot town Kittery town, South Berwick town, York town

NONMETROPOLITAN COUNTIES	O BR	1 BR	2 BR	3 BR	4 BR	Towns within non metropolitan counties
Androscoggin	294	381	507	634	711	Durham town, Leeds town, Livermore town Livermore Falls to, Minot town
Aroostook	269	320	426	533	598	
Cumberland	454	461	614	836	959	Harpswell town, Harrison town, Naples town New Gloucester tow, Pownal town, Sebago town
Franklin	317	360	439	586	617	
Hancock	333	409	505	636	708	
Kennebec	323	401	483	605	676	
Knox	284	398	517	688	725	
Lincoln	402	449	509	709	836	
Oxford	256	359	450	562	630	
Penobscot	292	337	450	566	630	Alton town, Argyle unorg., Bradford town, Bradley town

Note: The FMRS for unit sizes larger than 4 BRs are calculated by adding 15% to the 4 BR FMR for each extra bedroom. For example, the FMR for a 5 BR unit is 1.15 times the 4BR FMR, and the FMR for a 6 BR unit is 1.30 times the 4 BR FMR. 092294

M A I N E continued

NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR	Towns within non metropolitan counties
						Burlington town, Carmel town, Carroll plantation Charleston town, Chester town, Clifton town Corinna town, Corinth town, Dexter town, Dixmont town Drew plantation, East Central Penob, East Millinocket t Edinburg town, Enfield town, Etna town, Exeter town Garland town, Greenbush town, Greenfield town Howland town, Hudson town, Kingman unorg., Lagrange town Lakeville town, Lee town, Levant town, Lincoln town Lowell town, Mattawamkeag town, Maxfield town Medway town, Millinocket town, Mount Chase town Newburgh town, Newport town, North Penobscot un Passadumkeag town, Patten town, Plymouth town Prentiss plantatio, Seboeis plantation, Springfield town Stacyville town, Stetson town, Twombly unorg. Webster plantation, Whitney unorg., Winn town Woodville town
Piscataquis	238	355	433	541	607	
Sagadahoc	435	498	614	817	1007	
Somerset	325	369	438	548	699	
Waldo	252	362	459	574	651	Belfast city, Belmont town, Brooks town, Burnham town Frankfort town, Freedom town, Islesboro town Jackson town, Knox town, Liberty town, Lincolnville town Monroe town, Montville town, Morrill town Northport town, Palermo town, Prospect town Searsmont town, Searsport town, Stockton Springs t Swanville town, Thorndike town, Troy town, Unity town Waldo town
Washington	244	334	446	556	624	
York	381	438	586	732	820	Acton town, Alfred town, Arundel town, Biddeford city Cornish town, Dayton town, Kennebunk town Kennebunkport town, Lebanon town, Limerick town Lyman town, Newfield town, North Berwick town Ogunquit town, Parsonsfield town, Saco city Sanford town, Shapleigh town, Waterboro town, Wells town

M A R Y L A N D

METROPOLITAN FMR AREAS	0 BR	1 BR	2 BR	3 BR	4 BR	Counties of FMR AREA within STATE
Baltimore, MD	414	506	617	815	933	Anne Arundel, Baltimore, Carroll, Harford, Howard Queen Anne's, Baltimore city
Columbia, MD	532	716	833	1100	1374	Columbia
Cumberland, MD-WV MSA	232	292	381	502	551	Allegany
Hagerstown, MD PMSA	263	363	478	597	707	Washington
Washington, DC-MD-VA	638	725	851	1158	1396	Calvert, Charles, Frederick, Montgomery, Prince George's
Wilmington-Newark, DE-MD PMSA	413	546	635	863	1040	Cecil

Note: The FMRS for unit sizes larger than 4 BRs are calculated by adding 15% to the 4 BR FMR for eacn extra bedroom. For example, the FMR for a 5 BR unit is 1.15 times the 4BR FMR, and the FMR for a 6 BR unit is 1.30 times the 4 BR FMR. 092294

SCHEDULE B - FAIR MARKET RENTS FOR EXISTING HOUSING

M A R Y L A N D continued

NONMETROPOLITAN COUNTIES	O BR	1 BR	2 BR	3 BR	4 BR
Caroline	328	346	444	581	622
Garrett	251	344	387	483	633
St. Mary's	480	569	657	914	1045
Talbot	416	440	588	734	963
Worcester	263	382	479	666	670
Dorchester	298	399	465	581	651
Kent	318	392	522	653	787
Somerset	344	388	436	605	714
Wicomico	353	410	527	670	737

M A S S A C H U S E T T S

METROPOLITAN FMR AREAS	O BR	1 BR	2 BR	3 BR	4 BR	Components of FMR AREA within STATE
Barnstable-Yarmouth, MA MSA	457	612	817	1022	1144	Barnstable county towns of Barnstable town, Brewster town Chatham town, Dennis town, Eastham town, Harwich town Mashpee town, Orleans town, Sandwich town, Yarmouth town
Boston, MA-NH PMSA	571	643	804	1005	1181	Bristol county towns of Berkley town, Dighton town Mansfield town, Norton town, Taunton city Essex county towns of Amesbury town, Beverly city Danvers town, Essex town, Gloucester city, Hamilton town Ipswich town, Lynn city, Lynnfield town, Manchester town Marblehead town, Middleton town, Nahant town Newbury town, Newbu /port city, Peabody city Rockport town, Rowley town, Salem city, Salisbury town Saugus town, Swampscott town, Topsfield town Wenham town Middlesex county towns of Acton town, Arlington town Ashland town, Ayer town, Bedford town, Belmont town Boxborough town, Burlington town, Cambridge city Carlisle town, Concord town, Everett city Framingham town, Holliston town, Hopkinton town Hudson town, Lexington town, Lincoln town Littleton town, Malden city, Marlborough city Maynard town, Medford city, Melrose city, Natick town Newton city, North Reading town, Reading town Sherborn town, Shirley town, Somerville city Stoneham town, Stow town, Sudbury town, Townsend town Wakefield town, Waltham city, Watertown town Wayland town, Weston town, Wilmington town Winchester town, Woburn city Norfolk county towns of Bellingham town, Braintree town Brookline town, Canton town, Cohasset town, Dedham town Dover town, Foxborough town, Franklin town Holbrook town, Medfield town, Medway town, Millis town Milton town, Needham town, Norfolk town, Norwood town Plainville town, Quincy city, Randolph town, Sharon town Stoughton town, Walpole town, Wellesley town Westwood town, Weymouth town, Wrentham town Plymouth county towns of Carver town, Duxbury town Hanover town, Hingham town, Hull town, Kingston town

Note: The FMRS for unit sizes larger than 4 BRs are calculated by adding 15% to the 4 BR FMR for each extra bedroom. For example, the FMR for a 5 BR unit is 1.15 times the 4BR FMR, and the FMR for a 6 BR unit is 1.30 times the 4 BR FMR. 092294

M A S S A C H U S E T T S continued

METROPOLITAN FMR AREAS	0 BR	1 BR	2 BR	3 BR	4 BR	Components of FMR AREA within STATE
						Marshfield town, Norwell town, Pembroke town Plymouth town, Rockland town, Scituate town Wareham town Suffolk county towns of Boston city, Chelsea city Revere city, Winthrop town Worcester county towns of Berlin town, Blackstone town Bolton town, Harvard town, Hopedale town, Lancaster town Mendon town, Milford town, Millville town Southborough town, Upton town
Brockton, MA PMSA	421	556	680	848	966	Bristol county towns of Easton town, Raynham town Norfolk county towns of Avon town Plymouth county towns of Abington town, Bridgewater town Brockton city, East Bridgewater t, Halifax town Hanson town, Lakeville town, Middleborough town Plympton town, West Bridgewater t, Whitman town
Fitchburg-Leominster, MA MSA	376	527	684	883	957	Middlesex county towns of Ashby town Worcester county towns of Ashburnham town, Fitchburg city Gardner city, Leominster city, Lunenburg town Templeton town, Westminster town, Winchendon town
Lawrence, MA-NH PMSA	434	524	657	822	1012	Essex county towns of Andover town, Boxford town Georgetown town, Groveland town, Haverhill city Lawrence city, Merrimac town, Methuen town North Andover town, West Newbury town
Lowell, MA-NH PMSA	439	568	686	859	962	Middlesex county towns of Billerica town, Chelmsford town Dracut town, Dunstable town, Groton town, Lowell city Pepperell town, Tewksbury town, Tyngsborough town Westford town
New Bedford, MA MSA	404	494	561	701	786	Bristol county towns of Acushnet town, Dartmouth town Fairhaven town, Freetown town, New Bedford city Plymouth county towns of Marion town, Mattapoisett town Rochester town
Pittsfield, MA MSA	335	476	588	735	911	Berkshire county towns of Adams town, Cheshire town Dalton town, Hinsdale town, Lanesborough town, Lee town Lenox town, Pittsfield city, Richmond town Stockbridge town
Providence-Fall River-Warwick, RI-MA PMSA	402	547	659	825	1016	Bristol county towns of Attleboro city, Fall River city North Attleborough, Rehoboth town, Seekonk town Somerset town, Swansea town, Westport town
Springfield, MA MSA	395	488	617	770	945	Franklin county towns of Sunderland town Hampden county towns of Agawam town, Chicopee city East Longmeadow to, Hampden town, Holyoke city Longmeadow town, Ludlow town, Monson town Montgomery town, Palmer town, Russell town Southwick town, Springfield city, Westfield city West Springfield t, Wilbraham town Hampshire county towns of Amherst town, Belchertown town Easthampton town, Granby town, Hadley town

Note: The FMRS for unit sizes larger than 4 BRs are calculated by adding 15% to the 4 BR FMR for each extra bedroom. For example, the FMR for a 5 BR unit is 1.15 times the 4BR FMR, and the FMR for a 6 BR unit is 1.30 times the 4 BR FMR. 092294

M A S S A C H U S E T T S continued

METROPOLITAN FMR AREAS	0 BR	1 BR	2 BR	3 BR	4 BR	Components of FMR AREA within STATE
						Hatfield town, Huntington town, Northampton city
						Southampton town, South Hadley town, Ware town
						Williamsburg town
Worcester, MA-CT	466	564	704	880	986	Hampden county towns of Holland town
						Worcester county towns of Auburn town, Barre town
						Boylston town, Brookfield town, Charlton town
						Clinton town, Douglas town, Dudley town
						East Brookfield to, Grafton town, Holden town
						Leicester town, Millbury town, Northborough town
						Northbridge town, North Brookfield t, Oakham town
						Oxford town, Paxton town, Princeton town, Rutland town
						Shrewsbury town, Southbridge town, Spencer town
						Sterling town, Sturbridge town, Sutton town
						Uxbridge town, Webster town, Westborough town
						West Boylston town, West Brookfield to, Worcester city

NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR	Towns within non metropolitan counties
Barnstable	440	603	803	1004	1124	Bourne town, Falmouth town, Provincetown town
						Truro town, Wellfleet town
Berkshire	363	442	520	714	854	Alford town, Becket town, Clarksburg town, Egremont town
						Florida town, Great Barrington t, Hancock town
						Monterey town, Mount Washington t, New Ashford town
						New Marlborough to, North Adams city, Otis town
						Peru town, Sandisfield town, Savoy town, Sheffield town
						Tyringham town, Washington town, West Stockbridge t
						Williamstown town, Windsor town
Dukes	583	592	788	985	1104	
Franklin	391	485	621	776	937	Ashfield town, Bernardston town, Buckland town
						Charlemont town, Colrain town, Conway town
						Deerfield town, Erving town, Gill town, Greenfield town
						Hawley town, Heath town, Leverett town, Leyden town
						Monroe town, Montague town, New Salem town
						Northfield town, Orange town, Rowe town, Shelburne town
						Shutesbury town, Warwick town, Wendell town
						Whately town
Hampden	395	538	718	956	1178	Blandford town, Brimfield town, Chester town
						Granville town, Tolland town, Wales town
Hampshire	553	560	749	936	1049	Chesterfield town, Cummington town, Goshen town
						Middlefield town, Pelham town, Plainfield town
						Westhampton town, Worthington town
Nantucket	700	936	1249	1561	1749	
Worcester	440	459	612	765	857	Athol town, Hardwick town, Hubbardston town
						New Braintree town, Petersham town, Phillipston town
						Royalston town, Warren town

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M I C H I G A N

METROPOLITAN FMR AREAS	0 BR	1 BR	2 BR	3 BR	4 BR	Counties of FMR AREA within STATE
Ann Arbor, MI PMSA	440	533	658	864	968	Lenawee, Livingston, Washtenaw
Benton Harbor, MI MSA	357	362	475	595	667	Berrien
Detroit, MI PMSA	349	476	574	718	804	Lapeer, Macomb, Monroe, Oakland, St. Clair, Wayne
Flint, MI PMSA	333	380	475	607	665	Genesee
Grand Rapids-Muskegon-Holland, MI MSA	368	429	525	657	735	Allegan, Kent, Muskegon, Ottawa
Jackson, MI MSA	261	376	475	595	667	Jackson
Kalamazoo-Battle Creek, MI MSA	330	397	501	628	702	Calhoun, Kalamazoo, Van Buren
Lansing-East Lansing, MI MSA	352	415	533	698	806	Clinton, Eaton, Ingham
Saginaw-Bay City-Midland, MI MSA	324	357	475	595	667	Bay, Midland, Saginaw

NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR
Alcona	267	290	386	515	542
Alpena	202	311	366	465	600
Arenac	256	302	371	465	547
Barry	274	344	458	573	642
Branch	322	331	408	556	572
Charlevoix	338	343	434	590	611
Chippewa	240	303	387	485	594
Crawford	306	309	412	562	586
Dickinson	232	343	423	528	592
Gladwin	277	281	374	491	548
Grand Traverse	369	395	527	660	738
Hillsdale	212	304	379	505	530
Huron	193	307	349	454	490
Iosco	264	312	381	507	626
Isabella	315	337	449	606	737
Keweenaw	188	262	342	437	479
Leelanau	378	411	479	626	785
Mackinac	265	298	368	460	515
Marquette	271	307	393	508	595
Mecosta	268	317	406	564	667
Missaukee	294	309	372	473	521
Montmorency	214	291	387	485	568
Oceana	298	317	377	480	528
Ontonagon	220	258	315	437	459
Oscoda	264	309	347	447	546
Presque Isle	270	277	346	446	484
St. Joseph	248	324	402	525	562
Schoolcraft	248	256	342	454	479
Tuscola	300	328	436	546	610

NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR
Alger	280	283	378	473	529
Antrim	217	338	380	513	563
Baraga	171	251	314	392	463
Benzie	292	295	389	542	546
Cass	280	309	411	560	576
Cheboygan	291	307	369	509	605
Clare	290	298	368	475	522
Delta	239	299	352	488	527
Emmet	312	374	441	578	617
Gogebic	248	266	342	428	488
Gratiot	295	300	394	494	554
Houghton	215	286	342	428	560
Ionia	342	346	433	541	606
Iron	188	256	342	434	479
Kalkaska	267	308	405	525	664
Lake	283	286	372	518	532
Luce	280	283	378	473	529
Manistee	193	282	349	450	490
Mason	240	290	358	448	587
Menominee	267	270	356	495	498
Montcalm	287	308	394	494	554
Newaygo	320	344	405	506	568
Ogemaw	291	318	369	512	517
Osceola	209	295	379	485	530
Otsego	284	342	432	599	696
Roscommon	309	312	395	495	555
Sanilac	222	328	389	525	584
Shiawassee	278	350	422	586	629
Wexford	278	324	422	553	653

Note: The FMRS for unit sizes larger than 4 BRs are calculated by adding 15% to the 4 BR FMR for each extra bedroom. For example, the FMR for a 5 BR unit is 1.15 times the 4BR FMR, and the FMR for a 6 BR unit is 1.30 times the 4 BR FMR. 092294

SCHEDULE B - FAIR MARKET RENTS FOR EXISTING HOUSING

M I N N E S O T A

METROPOLITAN FMR AREAS	0 BR	1 BR	2 BR	3 BR	4 BR	Counties of FMR AREA within STATE
Duluth-Superior, MN-WI MSA	252	339	434	578	675	St. Louis
Fargo Moorhead, ND-MN MSA	281	389	467	650	696	Clay
Grand Forks, ND-MN MSA	294	350	461	635	709	Polk
La Crosse, WI-MN MSA	249	344	436	582	707	Houston
Minneapolis-St. Paul, MN-WI MSA	377	483	615	834	943	Anoka, Carver, Chisago, Dakota, Hennepin, Isanti, Ramsey Scott, Sherburne, Washington, Wright
Rochester, MN MSA	295	413	537	746	837	Olmsted
St. Cloud, MN MSA	317	409	483	610	779	Benton, Stearns

NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR
Aitkin	260	336	448	561	628
Beltrami	246	324	433	568	606
Blue Earth	311	376	468	599	763
Carlton	248	299	383	480	537
Chippewa	168	231	308	422	435
Cook	303	307	409	557	578
Crow Wing	229	312	416	520	653
Douglas	230	292	357	485	556
Fillmore	183	248	332	441	464
Goodhue	249	330	440	561	617
Hubbard	262	291	369	473	517
Jackson	221	261	308	412	432
Kandiyohi	243	328	396	496	601
Koochiching	310	315	420	523	687
Lake	182	273	330	411	540
Le Sueur	217	312	393	492	610
Lyon	226	273	365	482	598
Mahnomen	197	270	359	449	503
Martin	186	252	337	422	554
Mille Lacs	273	298	396	553	650
Mower	220	306	364	458	510
Nicollet	320	343	457	604	640
Norman	198	309	360	450	504
Pennington	210	285	380	528	534
Pipestone	171	234	312	422	512
Red Lake	202	322	367	459	514
Renville	239	276	336	419	469
Rock	168	231	308	384	481
Sibley	231	234	300	418	433
Stevens	301	380	429	536	600
Todd	193	261	316	420	443

NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR
Becker	234	371	417	521	584
Big Stone	186	274	339	424	475
Brown	205	331	371	464	520
Cass	210	285	381	478	533
Clearwater	210	286	381	477	533
Cottonwood	184	249	334	418	467
Dodge	239	307	355	444	541
Faribault	182	256	312	406	441
Freeborn	224	307	409	536	573
Grant	199	273	364	455	542
Itasca	328	332	432	540	604
Kanabec	229	321	418	521	584
Kittson	177	284	322	440	443
Lac qui Parle	172	235	315	393	441
Lake of the Woods	194	264	352	440	492
Lincoln	142	195	259	323	425
Mcleod	242	331	439	549	614
Marshall	180	238	317	395	445
Meeker	265	280	363	454	508
Morrison	267	275	367	459	514
Murray	170	233	311	414	436
Nobles	210	280	368	460	515
Otter Tail	208	279	378	473	529
Pine	284	287	374	498	559
Pope	168	231	308	384	432
Redwood	185	234	312	390	437
Rice	268	366	488	610	684
Roseau	310	315	414	533	580
Steele	277	319	426	532	596
Swift	228	271	308	396	432
Traverse	168	261	309	386	433

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M I N N E S O T A continued

NONMETROPOLITAN COUNTIES	O BR	1 BR	2 BR	3 BR	4 BR
Wabasha	203	277	368	486	515
Waseca	284	289	384	482	538
Wilkin	169	232	310	391	435
Yellow Medicine	168	231	308	394	432

NONMETROPOLITAN COUNTIES	O BR	1 BR	2 BR	3 BR	4 BR
Wadena	21	248	308	404	459
Watonwan	168	256	308	429	444
Winona	268	347	440	586	617

M I S S I S S I P P I

METROPOLITAN FMR AREAS	O BR	1 BR	2 BR	3 BR	4 BR	Counties of FMR AREA within STATE
Biloxi-Gulfport-Pascagpula, MS MSA	326	384	441	613	724	Hancock, Harrison, Jackson
Hattiesburg, MS MSA	236	297	363	490	583	Forrest, Lamar
Jackson, MS MSA	359	410	499	664	700	Hinds, Madison, Rankin
Memphis, TN-AR-MS MSA	337	392	462	642	674	Desoto

NONMETROPOLITAN COUNTIES	O BR	1 BR	2 BR	3 BR	4 BR
Adams	215	281	359	460	586
Amite	206	277	310	402	510
Benton	170	277	310	432	436
Calhoun	170	251	310	389	436
Chickasaw	212	256	287	400	403
Claiborne	180	280	329	410	459
Clay	197	270	317	409	522
Copiah	194	275	340	425	476
Franklin	245	277	310	432	436
Greene	170	233	310	417	436
Holmes	170	233	310	389	436
Issaquena	257	351	466	584	654
Jasper	161	262	294	408	444
Jefferson Davis	208	233	310	389	469
Kemper	245	277	312	432	444
Lauderdale	231	314	395	512	554
Leake	170	261	310	432	460
Leflore	239	257	334	456	548
Lowndes	304	328	389	487	550
Marshall	236	239	319	444	525
Montgomery	170	233	310	389	510
Newton	196	234	264	367	371
Oktibbeha	299	311	380	528	624
Pearl River	257	260	343	462	480
Pike	248	281	315	436	517
Prentiss	234	263	296	385	459

NONMETROPOLITAN COUNTIES	O BR	1 BR	2 BR	3 BR	4 BR
Alcorn	177	247	322	442	451
Attala	234	250	300	418	476
Bolivar	279	282	376	469	537
Carroll	162	221	295	368	434
Choctaw	178	243	324	406	454
Clarke	170	245	310	402	510
Coahoma	283	287	382	479	535
Covington	170	277	310	414	436
George	189	264	344	430	505
Grenada	195	290	354	489	516
Humphreys	173	227	303	401	425
Itawamba	236	239	310	430	436
Jefferson	170	277	310	432	469
Jones	231	233	310	432	436
Lafayette	250	342	455	571	638
Lawrence	17[illegible]	268	310	427	501
Lee	309	332	400	499	560
Lincoln	170	277	310	432	436
Marion	224	236	310	424	510
Monroe	175	284	318	414	446
Neshoba	215	223	296	396	415
Noxubee	198	223	249	337	409
Panola	251	258	318	443	446
Perry	170	261	310	432	510
Pontotoc	199	251	310	432	436
Quitman	170	233	310	432	460

Note The FMRS for unit sizes larger than 4 BRs are calculated by adding 15% to the 4 BR FMR for each extra bedroom. For example, the FMR for a 5 BR unit is 1 15 times the 4BR FMR, and the FMR for a 6 BR unit is 1.30 times the 4 BR FMR. 092294

M I S S I S S I P P I continued

NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR
Scott	170	277	310	392	436
Simpson	245	256	310	432	474
Stone	170	277	310	389	510
Tallahatchie	204	208	277	346	432
Tippah	173	266	298	373	418
Tunica	170	233	310	432	466
Walthall	187	256	310	432	436
Washington	261	310	414	534	588
Webster	233	263	295	383	413
Winston	230	233	309	431	508
Yazoo	248	266	343	429	480

NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR
Sharkey	208	234	263	335	432
Smith	231	276	310	389	510
Sunflower	269	293	341	429	549
Tate	209	329	381	477	626
Tishomingo	147	238	268	358	375
Union	170	277	310	389	436
Warren	220	318	397	548	656
Wayne	227	233	310	389	436
Wilkinson	231	233	310	397	510
Yalobusha	236	243	299	374	420

M I S S O U R I

METROPOLITAN FMR AREAS	0 BR	1 BR	2 BR	3 BR	4 BR	Counties of FMR AREA within STATE
Columbia, MO MSA	247	346	450	626	739	Boone
Joplin, MO MSA	241	278	370	486	522	Jasper, Newton
Kansas City, MO-KS MSA	324	408	489	677	750	Cass, Clay, Clinton, Jackson, Lafayette, Platte, Ray
St. Joseph, MO MSA	211	282	377	476	528	Andrew, Buchanan
St. Louis, MO-IL MSA	300	367	476	619	685	Crawford-Sullivan (part), Franklin, Jefferson, Lincoln St. Charles, St. Louis, Warren, St. Louis city
Springfield, MO MSA	253	320	413	570	594	Christian, Greene, Webster

NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR
Adair	225	290	386	484	582
Audrain	248	251	335	466	539
Barton	171	220	292	367	479
Benton	264	267	356	445	498
Butler	188	243	325	416	456
Callaway	275	278	371	471	608
Cape Girardeau	237	291	387	516	633
Carter	216	242	273	380	382
Chariton	199	204	273	377	415
Cole	225	307	409	546	572
Crawford	257	308	346	456	509
Dallas	218	250	312	389	508
Dekalb	241	244	327	454	458
Douglas	226	228	292	408	410
Gasconade	183	261	334	447	465
Grundy	215	240	320	432	500

NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR
Atchison	214	244	284	364	399
Barry	184	274	336	426	467
Bates	176	239	319	445	523
Bollinger	158	240	287	359	402
Caldwell	191	262	349	435	489
Camden	303	307	409	567	666
Carroll	152	210	278	386	456
Cedar	185	220	293	409	481
Clark	153	211	280	351	412
Cooper	174	239	316	438	486
Dade	150	242	273	364	449
Daviess	166	227	303	420	495
Dent	221	245	308	412	490
Dunklin	186	206	273	374	402
Gentry	153	212	281	369	394
Harrison	205	211	279	350	389

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M I S S O U R I continued

NONMETROPOLITAN COUNTIES	O BR	1 BR	2 BR	3 BR	4 BR
Henry	267	271	361	452	593
Holt	150	205	275	381	384
Howell	217	263	312	396	436
Johnson	279	313	407	540	637
Laclede	197	264	331	452	464
Lewis	213	232	287	368	460
Livingston	216	241	322	449	473
Macon	188	257	341	426	477
Maries	161	233	293	377	411
Mercer	201	204	273	380	449
Mississippi	159	219	291	406	409
Monroe	166	227	303	420	422
Morgan	197	262	319	445	475
Nodaway	243	293	362	460	555
Osage	159	219	291	406	409
Pemiscot	219	223	284	397	399
Pettis	252	295	396	498	596
Pike	215	246	329	412	541
Pulaski	225	322	362	479	535
Ralls	165	238	297	415	418
Reynolds	202	205	275	371	451
St. Clair	159	218	290	377	407
St. Francois	243	307	387	486	637
Schuyler	212	217	289	402	420
Scott	279	282	376	508	585
Shelby	151	205	276	383	394
Stone	271	287	357	456	500
Taney	260	284	373	502	593
Vernon	199	249	332	459	465
Wayne	211	214	283	367	465
Wright	183	206	277	384	454

NONMETROPOLITAN COUNTIES	O BR	1 BR	2 BR	3 BR	4 BR
Hickory	17	240	320	401	449
Howard	214	236	315	403	515
Iron	169	252	306	406	466
Knox	152	211	279	387	389
Lawrence	246	275	328	447	450
Linn	171	232	310	429	508
Mcdonald	223	225	288	401	423
Madison	186	260	318	398	454
Marion	197	238	318	442	479
Miller	257	308	344	452	532
Moniteau	213	225	298	408	422
Montgomery	184	250	334	422	468
New Madrid	221	240	321	402	450
Oregon	205	228	263	343	367
Ozark	150	204	273	380	382
Perry	271	275	367	489	513
Phelps	239	285	366	497	539
Polk	187	270	339	435	539
Putnam	153	211	280	351	393
Randolph	184	258	334	419	500
Ripley	156	214	284	359	467
Ste. Genevieve	195	276	356	456	576
Saline	193	265	354	449	512
Scotland	165	224	297	415	426
Shannon	150	204	273	359	382
Stoddard	211	223	295	370	465
Sullivan	201	204	273	359	382
Texas	183	218	290	374	407
Washington	273	328	369	461	516
Worth	14[illegible]	214	264	366	431

M O N T A N A

METROPOLITAN FMR AREAS	O BR	1 BR	2 BR	3 BR	4 BR	Counties of FMR AREA within STATE
Billings, MT MSA	265	326	435	583	708	Yellowstone
Great Falls, MT MSA	230	314	419	536	654	Cascade

Note: The FMRS for unit sizes larger than 4 BRs are calculated by adding 15% to the 4 BR FMR for each extra bedroom. For example, the FMR for a 5 BR unit is 1.15 times the 4BR FMR, and the FMR for a 6 BR unit is 1.30 times the 4 BR FMR. 092294

MONTANA continued

NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR
Beaverhead	246	279	357	493	587
Blaine	222	279	370	463	519
Carbon	233	310	364	477	509
Chouteau	207	282	376	493	557
Daniels	208	337	379	500	623
Deer Lodge	186	253	339	430	510
Fergus	204	278	369	462	606
Gallatin	265	331	442	570	726
Glacier	219	299	399	498	559
Granite	198	283	358	449	502
Jefferson	292	296	395	521	554
Lake	271	284	343	475	513
Liberty	179	244	327	454	536
Mccone	190	308	347	483	486
Meagher	208	337	379	527	530
Missoula	309	362	483	623	792
Park	222	293	390	489	641
Phillips	212	284	379	474	623
Powder River	194	299	353	440	500
Prairie	164	229	297	415	430
Richland	175	310	341	444	477
Rosebud	270	292	379	474	623
Sheridan	236	238	317	420	521
Stillwater	281	284	379	527	623
Teton	193	268	351	489	493
Treasure	208	303	379	527	530
Wheatland	156	217	286	384	401

NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR
Big Horn	202	276	368	461	604
Broadwater	229	313	418	534	684
Carter	167	272	305	424	500
Custer	205	262	342	440	477
Dawson	198	270	359	470	561
Fallon	165	225	300	412	482
Flathead	264	318	425	591	697
Garfield	192	262	349	437	572
Golden Valley	183	295	333	417	465
Hill	284	288	379	524	538
Judith Basin	208	337	379	474	530
Lewis and Clark	269	315	419	584	690
Lincoln	299	314	379	519	530
Madison	28	284	379	500	530
Mineral	21	300	400	500	655
Musselshell	255	259	345	433	483
Petroleum	200	273	364	455	509
Pondera	192	311	349	486	572
Powell	265	270	359	450	590
Ravalli	208	284	379	527	588
Roosevelt	273	276	359	489	503
Sanders	208	284	379	474	530
Silver Bow	208	284	379	477	530
Sweet Grass	247	260	316	440	462
Toole	281	284	379	527	530
Valley	172	262	312	433	437
Wibaux	249	337	379	527	623

NEBRASKA

METROPOLITAN FMR AREAS	0 BR	1 BR	2 BR	3 BR	4 BR	Counties of FMR AREA within STATE
Lincoln, NE MSA	276	351	467	618	720	Lancaster
Omaha, NE-IA MSA	293	400	506	662	743	Cass, Douglas, Sarpy, Washington
Sioux City, IA-NE MSA	299	357	446	557	633	Dakota

Note: The FMRS for unit sizes larger than 4 BRs are calculated by adding 15% to the 4 BR FMR for each extra bedroom. For example, the FMR for a 5 BR unit is 1.15 times the 4BR FMR, and the FMR for a 6 BR unit is 1.30 ti es the 4 BR FMR. 092294

N E B R A S K A continued

NONMETROPOLITAN COUNTIES	O BR	1 BR	2 BR	3 BR	4 BR
Adams	227	312	412	515	617
Arthur	206	282	376	471	527
Blaine	108	148	198	248	278
Box Butte	243	268	339	470	555
Brown	178	265	323	404	519
Burt	171	232	310	403	476
Cedar	171	205	275	360	384
Cherry	187	304	340	473	558
Clay	183	248	331	445	464
Cuming	178	289	324	425	454
Dawes	237	254	337	470	555
Deuel	162	221	294	404	452
Dodge	214	291	388	511	543
Fillmore	200	262	347	438	486
Frontier	221	224	297	394	418
Gage	188	259	336	427	470
Garfield	155	213	283	373	433
Grant	190	262	347	434	486
Hall	223	305	406	533	600
Harlan	190	268	347	481	486
Hitchcock	184	250	333	418	467
Hooker	190	309	347	481	486
Jefferson	188	257	341	426	477
Kearney	190	288	347	462	569
Keya Paha	190	262	347	434	486
Knox	144	230	263	330	389
Logan	165	225	298	374	492
Mcpherson	190	262	347	481	486
Merrick	188	281	342	428	479
Nance	157	238	285	358	401
Nuckolls	167	228	305	380	425
Pawnee	160	246	293	409	412
Phelps	257	262	347	481	569
Platte	212	283	377	525	541
Red Willow	192	264	351	479	557
Rock	159	251	289	393	421
Saunders	194	267	356	462	533
Seward	284	288	384	480	540
Sherman	156	241	283	356	465
Stanton	190	262	347	455	486

NONMETROPOLITAN COUNTIES	O BR	1 BR	2 BR	3 BR	4 BR
Antelope	139	226	254	354	357
Banner	190	262	347	481	486
Boone	167	251	304	379	498
Boyd	151	245	277	346	387
Buffalo	233	337	423	528	638
Butler	189	258	343	429	480
Chase	171	276	310	386	508
Cheyenne	257	262	347	459	486
Colfax	218	267	304	418	424
Custer	235	270	318	398	520
Dawson	252	308	377	485	529
Dixon	246	250	334	425	525
Dundy	190	262	347	434	486
Franklin	153	217	281	392	394
Furnas	168	197	264	336	431
Garden	140	225	255	356	419
Gosper	193	264	352	470	555
Greeley	159	242	289	362	463
Hamilton	184	279	333	464	467
Hayes	148	241	271	376	446
Holt	199	272	342	439	472
Howard	190	260	346	434	485
Johnson	190	297	347	434	486
Keith	192	291	350	458	547
Kimball	190	284	347	481	569
Lincoln	235	308	364	470	535
Loup	125	171	227	283	372
Madison	233	307	404	523	639
Morrill	19	269	317	424	519
Nemaha	190	262	347	434	504
Otoe	214	282	350	454	572
Perkins	212	260	346	458	530
Pierce	178	243	324	412	454
Polk	177	243	321	402	468
Richardson	180	245	328	410	460
Saline	229	309	368	481	515
Scotts Bluff	233	307	388	478	569
Sheridan	188	257	341	426	538
Sioux	190	262	347	462	569
Thayer	166	268	301	375	421

Note: The FMRS for unit sizes larger than 4 BRs are calculated by adding 15% to the 4 BR FMR for each extra bedroom. For example, the FMR for a 5 BR unit is 1.15 times the 4BR FMR, and the FMR for a 6 BR unit is 1.30 times the 4 BR FMR. 092294

NEBRASKA continued

NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR
Thomas	190	265	347	434	486
Valley	190	262	347	434	486
Webster	159	218	290	363	435
York	211	287	382	477	537

NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR
Thurston	158	236	288	361	453
Wayne	252	257	333	461	547
Wheeler	190	262	347	481	486

NEVADA

METROPOLITAN FMR AREAS	0 BR	1 BR	2 BR	3 BR	4 BR	Counties of FMR AREA within STATE
Las Vegas, NV-AZ MSA	465	551	656	911	1077	Clark, Nye
Reno, NV MSA	441	512	656	913	1079	Washoe

NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR
Churchill	420	425	568	784	931
Elko	382	435	580	767	952
Eureka	305	494	556	695	777
Lander	243	377	442	554	726
Lyon	303	363	465	647	765
Pershing	429	435	580	726	829
White Pine	308	422	562	758	797

NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR
Douglas	381	556	695	964	1075
Esmeralda	34	434	488	610	683
Humboldt	454	477	574	752	805
Lincoln	215	321	391	490	549
Mineral	313	428	570	747	935
Storey	435	441	580	807	952
Carson City	327	446	595	827	977

NEW HAMPSHIRE

METROPOLITAN FMR AREAS	0 BR	1 BR	2 BR	3 BR	4 BR	Components of FMR AREA within STATE
Boston, MA-NH PMSA	571	643	804	1005	1181	Rockingham county towns of Seabrook town South Hampton town
Lawrence, MA-NH PMSA	434	524	657	822	1012	Rockingham county towns of Atkinson town, Chester town Danville town, Derry town, Fremont town, Hampstead town Kingston town, Newton town, Plaistow town, Raymond town Salem town, Sandown town, Windham town
Lowell, MA-NH PMSA	439	568	686	859	962	Hillsborough county towns of Pelham town
Manchester, NH PMSA	350	499	620	780	873	Hillsborough county towns of Bedford town, Goffstown town Manchester city, Weare town Merrimack county towns of Allenstown town, Hooksett town Rockingham county towns of Auburn town, Candia town Londonderry town
Nashua, NH PMSA	417	580	720	980	1167	Hillsborough county towns of Amherst town, Brookline town Greenville town, Hollis town, Hudson town Litchfield town, Mason town, Merrimack town Milford town, Mont Vernon town, Nashua city New Ipswich town, Wilton town
Portsmouth-Rochester, NH-ME PMSA	443	532	683	875	1073	Rockingham county towns of Brentwood town East Kingston town, Epping town, Exeter town Greenland town, Hampton town, Hampton Falls town

Note: The FMRS for unit sizes larger than 4 BRs are calculated by adding 15% to the 4 BR FMR for each extra bedroom. For example, the FMR for a 5 BR unit is 1.15 times the 4BR FMR, and the FMR for a 6 BR unit is 1.30 times the 4 BR FMR. 092294

NEW HAMPSHIRE continued

METROPOLITAN FMR AREAS	0 BR	1 BR	2 BR	3 BR	4 BR	Components of FMR AREA within STATE
						Kensington town, New Castle town, Newfields town Newington town, Newmarket town, North Hampton town Portsmouth city, Rye town, Stratham town
						Strafford county towns of Barrington town, Dover city Durham town, Farmington town, Lee town, Madbury town Milton town, Rochester city, Rollinsford town Somersworth city
NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR	Towns within non metropolitan counties
Belknap	416	480	631	852	1035	
Carroll	348	476	634	793	990	
Cheshire	430	511	654	851	1007	
Coos	273	356	413	562	678	
Grafton	381	461	614	793	1002	
Hillsborough	408	509	675	897	1080	Antrim town, Bennington town, Deering town Francestown town, Greenfield town, Hancock town Hillsborough town, Lyndeborough town, New Boston town Peterborough town, Sharon town, Temple town Windsor town
Merrimack	428	512	639	818	914	Andover town, Boscawen town, Bow town, Bradford town Canterbury town, Chichester town, Concord city Danbury town, Dunbarton town, Epsom town, Franklin city Henniker town, Hill town, Hopkinton town, Loudon town Newbury town, New London town, Northfield town Pembroke town, Pittsfield town, Salisbury town Sutton town, Warner town, Webster town, Wilmot town
Rockingham	446	521	697	967	1115	Deerfield town, Northwood town, Nottingham town
Strafford	393	534	714	893	1000	Middleton town, New Durham town, Strafford town
Sullivan	415	421	546	717	765	

NEW JERSEY

METROPOLITAN FMR AREAS	0 BR	1 BR	2 BR	3 BR	4 BR	Counties of FMR AREA within STATE
Atlantic-Cape May, NJ PMSA	517	587	782	978	1118	Atlantic, Cape May
Bergen-Passaic, NJ PMSA	648	788	926	1232	1521	Bergen, Passaic
Jersey City, NJ PMSA	599	706	822	1042	1149	Hudson
Middlesex-Somerset-Hunterdon, NJ PMSA	702	769	961	1306	1509	Hunterdon, Middlesex, Somerset
Monmouth-Ocean, NJ PMSA	584	698	885	1177	1381	Monmouth, Ocean
Newark, NJ PMSA	561	716	863	1088	1372	Essex, Morris, Sussex, Union, Warren
Philadelphia, PA-NJ PMSA	459	565	697	872	1094	Burlington, Camden, Gloucester, Salem
Trenton, NJ PMSA	467	651	794	1073	1295	Mercer
Vineland-Millville-Bridgeton, NJ PMSA	445	542	653	816	916	Cumberland

Note: The FMRS for unit sizes larger than 4 BRs are calculated by adding 15% to the 4 BR FMR for each extra bedroom. For example, the FMR for a 5 BR unit is 1.15 times the 4BR FMR, and the FMR for a 6 BR unit is 1.30 times the 4 BR FMR. 092294

NEW MEXICO

METROPOLITAN FMR AREAS	0 BR	1 BR	2 BR	3 BR	4 BR	Counties of FMR AREA within STATE
Albuquerque, NM MSA	349	413	519	714	843	Bernalillo, Sandoval, Valencia
Las Cruces, NM MSA	279	350	417	571	673	Dona Ana
Santa Fe, NM MSA	393	558	690	925	1048	Los Alamos, Santa Fe

NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR
Catron	192	303	347	484	570
Cibola	238	261	303	421	497
Curry	233	298	392	491	550
Eddy	266	269	359	482	589
Guadalupe	200	274	363	454	576
Hidalgo	192	268	347	435	487
Lincoln	295	301	400	525	656
Mckinley	257	328	415	518	580
Otero	224	288	374	521	525
Rio Arriba	303	311	383	481	537
San Juan	291	312	389	540	639
Sierra	215	262	347	484	487
Taos	356	361	482	601	791
Union	200	317	364	455	570
Chaves	255	296	391	536	549
Colfax	218	273	313	435	513
Debaca	192	296	348	484	487
Grant	239	272	358	469	565
Harding	158	216	288	397	404
Lea	239	262	347	484	544
Luna	268	272	347	484	570
Mora	186	255	339	424	475
Quay	257	377	424	530	593
Roosevelt	243	262	333	453	535
San Miguel	289	292	390	488	547
Socorro	197	293	358	497	587
Torrance	286	308	363	453	536

NEW YORK

METROPOLITAN FMR AREAS	0 BR	1 BR	2 BR	3 BR	4 BR	Counties of FMR AREA within STATE
Albany-Schenectady-Troy, NY MSA	387	474	586	732	820	Albany, Montgomery, Rensselaer, Saratoga, Schenectady Schoharie
Binghamton, NY MSA	300	378	484	616	679	Broome, Tioga
Buffalo-Niagara Falls, NY PMSA	338	420	505	632	707	Erie, Niagara
Dutchess County, NY PMSA	511	649	801	1041	1218	Dutchess
Elmira, NY MSA	295	381	476	601	719	Chemung
Glens Falls, NY MSA	331	446	543	680	762	Warren, Washington
Jamestown, NY MSA	226	331	397	513	557	Chautauqua
Nassau-Suffolk, NY PMSA	702	846	1032	1435	1537	Nassau, Suffolk
New York, NY PMSA	664	740	840	1052	1177	Bronx, Kings, New York, Putnam, Queens, Richmond Rockland
Westchester County, NY	631	822	1001	1302	1552	Westchester
Newburgh, NY-PA PMSA	508	662	808	1026	1172	Orange
Rochester, NY MSA	369	479	585	748	817	Genesee, Livingston, Monroe, Ontario, Orleans, Wayne
Syracuse, NY MSA	354	427	528	676	749	Cayuga, Madison, Onondaga, Oswego
Utica-Rome, NY MSA	327	368	459	574	643	Herkimer, Oneida

Note: The FMRS for unit sizes larger than 4 BRs are calculated by adding 15% to the 4 BR FMR for each extra bedroom. For example, the FMR for a 5 BR unit is 1.15 times the 4BR FMR, and the FMR for a 6 BR unit is 1.30 times the 4 BR FMR. 092294

NEW YORK continued

NONMETROPOLITAN COUNTIES	O BR	1 BR	2 BR	3 BR	4 BR
Allegany	245	302	372	468	520
Chenango	364	369	436	558	618
Columbia	430	453	581	761	813
Delaware	329	379	445	589	731
Franklin	290	353	425	537	601
Greene	334	441	530	685	835
Jefferson	371	437	515	644	721
Otsego	319	403	464	599	762
Schuyler	373	398	471	656	773
Steuben	356	406	451	608	685
Tompkins	450	485	623	866	1022
Wyoming	254	355	418	522	585

NONMETROPOLITAN COUNTIES	O BR	1 BR	2 BR	3 BR	4 BR
Cattaraugus	245	300	389	486	600
Clinton	287	379	506	633	709
Cortland	281	408	510	638	755
Essex	268	389	486	609	681
Fulton	250	358	455	569	637
Hamilton	342	415	476	595	667
Lewis	292	373	450	562	629
St. Lawrence	270	345	451	563	647
Seneca	365	392	473	610	663
Sullivan	456	511	624	861	873
Ulster	423	588	708	920	1160
Yates	333	378	458	572	621

NORTH CAROLINA

METROPOLITAN FMR AREAS	O BR	1 BR	2 BR	3 BR	4 BR	Counties of FMR AREA within STATE
Asheville, NC MSA	281	347	452	588	634	Buncombe, Madison
Charlotte-Gastonia-Rock Hill, NC-SC MSA	406	459	516	681	815	Cabarrus, Gaston, Lincoln, Mecklenburg, Rowan, Union
Fayetteville, NC MSA	348	393	442	612	726	Cumberland
Goldsboro, NC MSA	202	305	368	511	604	Wayne
Greensboro--Winston-Salem--High Point, NC MSA	346	393	469	647	657	Alamance, Davidson, Davie, Forsyth, Guilford, Randolph Stokes, Yadkin
Greenville, NC MSA	343	347	451	606	741	Pitt
Hickory-Morganton, NC MSA	363	394	458	575	684	Alexander, Burke, Caldwell, Catawba
Jacksonville, NC MSA	326	382	430	597	706	Onslow
Norfolk-Virginia Beach-Newport News, VA-NC MSA	416	466	555	772	906	Currituck
Raleigh-Durham-Chapel Hill, NC MSA	387	469	552	740	872	Chatham, Durham, Franklin, Johnston, Orange, Wake
Rocky Mount, NC MSA	306	319	388	531	586	Edgecombe, Nash
Wilmington, NC MSA	368	406	496	680	810	Brunswick, New Hanover

NONMETROPOLITAN COUNTIES	O BR	1 BR	2 BR	3 BR	4 BR
Alleghany	230	278	325	407	508
Ashe	164	267	299	405	492
Beaufort	258	313	368	472	516
Bladen	221	267	299	374	420
Carteret	321	352	429	596	663
Cherokee	236	267	299	374	483
Clay	164	267	299	416	420
Columbus	242	276	309	402	433
Dare	295	466	537	736	752
Gates	164	225	299	416	420

NONMETROPOLITAN COUNTIES	O BR	1 BR	2 BR	3 BR	4 BR
Anson	203	331	371	501	519
Avery	266	298	364	455	510
Bertie	192	258	299	374	426
Camden	269	366	489	610	684
Caswell	178	244	325	407	455
Chowan	196	315	355	493	498
Cleveland	222	345	405	545	573
Craven	237	358	432	566	604
Duplin	236	267	299	397	420
Graham	163	264	296	369	485

Note: The FMRS for unit sizes larger than 4 BRs are calculated by adding 15% to the 4 BR FMR for each extra bedroom. For example, the FMR for a 5 BR unit is 1.15 times the 4BR FMR, and the FMR for a 6 BR unit is 1.30 times the 4 BR FMR. 092294

NORTH CAROLINA continued

NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR
Granville	303	325	383	533	601
Halifax	275	309	348	436	488
Haywood	291	297	387	539	542
Hertford	263	267	356	445	499
Hyde	198	295	359	450	503
Jackson	248	255	338	422	551
Lee	233	359	425	551	595
Mcdowell	182	275	331	451	533
Martin	193	295	350	437	490
Montgomery	287	291	373	466	523
Northampton	158	257	288	401	404
Pasquotank	332	353	441	612	619
Perquimans	195	307	354	492	496
Polk	277	363	408	510	572
Robeson	246	339	380	483	532
Rutherford	284	293	368	460	515
Scotland	207	311	377	504	527
Surry	245	294	342	473	515
Transylvania	318	340	429	570	609
Vance	301	341	382	482	535
Washington	244	247	331	455	462
Wilkes	267	302	340	470	527
Yancey	172	279	313	427	502

NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR
Greene	214	327	390	424	574
Harnett	282	286	381	514	564
Henderson	334	343	424	566	651
Hoke	201	304	366	474	513
Iredell	345	354	467	584	654
Jones	178	288	324	406	454
Lenoir	197	318	358	447	501
Macon	270	343	385	492	539
Mitchell	197	312	358	489	510
Moore	291	353	421	577	691
Pamlico	191	308	347	448	487
Pender	245	347	390	488	633
Person	23[illegible]	328	430	563	657
Richmond	24[illegible]	284	378	474	529
Rockingham	276	298	388	486	542
Sampson	256	259	341	426	477
Stanly	242	301	403	545	563
Swain	236	261	299	397	429
Tyrrell	175	239	318	400	446
Warren	177	243	323	405	452
Watauga	314	377	477	648	781
Wilson	300	305	407	509	571

NORTH DAKOTA

METROPOLITAN FMR AREAS	0 BR	1 BR	2 BR	3 BR	4 BR	Counties of FMR AREA within STATE
Bismarck, ND MSA	288	323	429	597	704	Burleigh, Morton
Fargo-Moorhead, ND-MN MSA	281	389	467	650	696	Cass
Grand Forks, ND-MN MSA	294	350	461	635	709	Grand Forks

NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR
Adams	164	237	299	395	492
Benson	243	247	329	412	507
Bottineau	169	232	310	431	433
Burke	232	262	294	377	484
Dickey	232	252	294	391	413
Dunn	163	263	295	369	414
Emmons	129	208	233	324	382
Golden Valley	201	274	365	456	510

NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR
Barnes	197	268	357	466	510
Billings	232	262	294	410	413
Bowman	162	244	294	410	430
Cavalier	201	275	366	457	564
Divide	192	224	299	395	420
Eddy	163	264	296	413	428
Foster	192	261	348	435	487
Grant	140	208	253	354	366

Note: The FMRS for unit sizes larger than 4 BRs are calculated by adding 15% to the 4 BR FMR for each extra bedroom. For example, the FMR for a 5 BR unit is 1.15 times the 4BR FMR, and the FMR for a 6 BR unit is 1.30 ti es the 4 BR FMR. 092294

NORTH DAKOTA continued

NONMETROPOLITAN COUNTIES	O BR	1 BR	2 BR	3 BR	4 BR
Griggs	163	265	297	371	484
Kidder	162	220	294	375	413
Logan	148	204	272	378	440
Mcintosh	165	236	301	376	422
Mclean	226	236	294	397	484
Mountrail	237	255	300	415	472
Oliver	162	229	294	368	482
Pierce	183	249	333	462	509
Ransom	217	242	323	404	453
Richland	229	270	359	450	531
Sargent	163	222	296	377	417
Sioux	126	204	228	286	320
Stark	172	235	313	435	513
Stutsman	255	259	346	482	567
Traill	224	285	335	425	473
Ward	212	290	387	523	624
Williams	193	236	306	425	503

NONMETROPOLITAN COUNTIES	O BR	1 BR	2 BR	3 BR	4 BR
Hettinger	167	220	294	384	477
Lamoure	232	262	294	368	413
Mchenry	162	220	294	410	460
Mckenzie	144	214	263	366	417
Mercer	173	242	315	438	518
Nelson	162	220	294	368	484
Pembina	187	261	340	455	542
Ramsey	219	293	391	490	639
Renville	247	249	324	452	533
Rolette	231	294	355	443	497
Sheridan	162	262	294	377	484
Slope	162	262	294	389	413
Steele	156	214	285	388	454
Towner	244	274	365	456	599
Walsh	284	303	377	472	527
Wells	227	230	304	380	498

OHIO

METROPOLITAN FMR AREAS	O BR	1 BR	2 BR	3 BR	4 BR	Counties of FMR AREA within STATE
Akron, OH PMSA	333	406	521	652	731	Portage, Summit
Brown County, OH	269	294	385	511	539	Brown
Canton-Massillon, OH MSA	255	349	448	560	627	Carroll, Stark
Cincinnati, OH-KY-IN	288	372	495	665	718	Clermont, Hamilton, Warren
Cleveland-Lorain-Elyria, OH PMSA	331	418	517	658	740	Ashtabula, Cuyahoga, Geauga, Lake, Lorain, Medina
Columbus, OH MSA	324	385	493	626	719	Delaware, Fairfield, Franklin, Licking, Madison, Pickaway
Dayton-Springfield, OH MSA	357	399	510	659	740	Clark, Greene, Miami, Montgomery
Hamilton-Middletown, OH PMSA	290	412	528	660	740	Butler
Huntington-Ashland, WV-KY-OH MSA	265	310	382	487	534	Lawrence
Lima, OH MSA	258	322	424	539	594	Allen, Auglaize
Mansfield, OH MSA	224	322	410	511	572	Crawford, Richland
Parkersburg-Marietta, WV-OH MSA	284	339	388	503	518	Washington
Steubenville-Weirton, OH-WV MSA	201	296	367	463	516	Jefferson
Toledo, OH MSA	336	409	499	643	699	Fulton, Lucas, Wood
Wheeling, WV-OH MSA	301	327	396	495	555	Belmont
Youngstown-Warren, OH MSA	282	332	416	524	595	Columbiana, Mahoning, Trumbull

Note: The FMRS for unit sizes larger than 4 BRs are calculated by adding 15% to the 4 BR FMR for each extra bedroom. For example, the FMR for a 5 BR unit is 1.15 times the 4BR FMR, and the FMR for a 6 BR unit is 1.30 times the 4 BR FMR. 092294

OHIO continued

NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR
Adams	185	267	333	416	465
Athens	319	362	426	559	686
Clinton	228	344	414	575	580
Darke	295	300	400	500	561
Erie	242	353	441	595	722
Gallia	192	261	348	435	487
Hancock	340	344	435	557	608
Harrison	177	249	322	444	507
Highland	264	267	356	459	498
Holmes	235	284	347	434	496
Jackson	187	278	340	448	475
Logan	314	318	412	555	576
Meigs	192	242	304	394	498
Monroe	177	242	323	411	453
Morrow	209	305	380	476	536
Noble	233	262	349	437	573
Paulding	253	260	330	435	540
Pike	190	307	345	453	483
Putnam	279	282	377	475	528
Sandusky	242	344	441	556	617
Seneca	267	285	366	505	512
Tuscarawas	231	319	420	525	588
Van Wert	212	321	386	484	542
Wayne	253	355	436	555	610
Wyandot	244	274	366	457	512

NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR
Ashland	237	314	419	522	585
Champaign	231	323	421	525	588
Coshocton	260	267	330	411	460
Defiance	281	315	420	528	587
Fayette	292	314	375	496	525
Guernsey	213	290	386	514	572
Hardin	185	298	335	442	468
Henry	290	320	401	516	587
Hocking	265	300	372	476	536
Huron	311	337	422	557	591
Knox	280	307	394	510	564
Marion	240	312	381	496	554
Mercer	209	285	380	506	582
Morgan	197	322	359	468	523
Muskingum	260	290	367	459	513
Ottawa	251	396	456	621	662
Perry	256	292	345	479	534
Preble	285	289	366	494	560
Ross	308	320	390	488	547
Scioto	198	294	356	445	498
Shelby	244	334	445	557	623
Union	266	368	484	605	702
Vinton	220	283	349	436	489
Williams	289	301	367	494	514

OKLAHOMA

METROPOLITAN FMR AREAS	0 BR	1 BR	2 BR	3 BR	4 BR	Counties of FMR AREA within STATE
Enid, OK MSA	281	285	380	528	603	Garfield
Fort Smith, AR-OK MSA	285	290	381	510	534	Sequoyah
Lawton, OK MSA	345	348	441	613	672	Comanche
Oklahoma City, OK MSA	305	331	430	598	670	Canadian, Cleveland, Logan, Mcclain, Oklahoma Pottawatomie
Tulsa, OK MSA	309	372	485	676	796	Creek, Osage, Rogers, Tulsa, Wagoner

Note: The FMRS for unit sizes larger than 4 BRs are calculated by adding 15% to the 4 BR FMR for each extra bedroom. For example, the FMR for a 5 BR unit is 1.15 times the 4BR FMR, and the FMR for a 6 BR unit is 1.30 times the 4 BR FMR. 092294

OKLAHOMA continued

NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR
Adair	218	221	294	411	425
Atoka	162	251	294	389	454
Beckham	242	250	333	417	467
Bryan	234	257	320	446	494
Carter	201	277	346	483	524
Choctaw	154	216	281	391	393
Coal	226	237	287	399	472
Craig	184	251	334	464	549
Delaware	225	240	321	447	528
Ellis	177	266	324	405	454
Grady	261	265	352	480	578
Greer	186	267	311	388	476
Harper	162	263	294	389	413
Hughes	218	221	294	369	413
Jefferson	159	206	275	343	442
Kay	269	285	374	521	610
Kiowa	162	221	294	389	413
Le Flore	218	234	313	435	438
Love	189	258	344	431	483
Mcintosh	172	235	314	392	478
Marshall	184	251	335	423	470
Murray	162	221	294	369	413
Noble	231	235	314	436	440
Okfuskee	218	221	294	369	413
Ottawa	227	238	294	397	443
Payne	275	324	414	572	641
Pontotoc	188	265	331	415	494
Roger Mills	160	218	291	405	409
Stephens	242	269	329	444	539
Tillman	220	248	278	386	456
Washita	233	241	294	411	484
Woodward	173	273	316	440	443

NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR
Alfalfa	162	221	294	369	425
Beaver	171	277	312	433	511
Blaine	162	221	294	411	484
Caddo	168	238	306	389	429
Cherokee	250	282	320	415	526
Cimarron	140	227	256	340	420
Cotton	227	230	307	428	470
Custer	227	258	344	480	554
Dewey	147	238	268	372	376
Garvin	174	238	318	415	523
Grant	162	263	294	411	484
Harmon	170	231	309	386	433
Haskell	233	235	294	404	484
Jackson	206	308	376	493	557
Johnston	158	257	288	400	473
Kingfisher	192	281	347	455	487
Latimer	169	230	307	409	503
Lincoln	256	265	322	443	495
Mccurtain	233	238	294	411	484
Major	187	286	340	473	476
Mayes	205	279	372	469	522
Muskogee	261	293	342	476	480
Nowata	172	235	314	392	481
Okmulgee	247	250	333	417	467
Pawnee	270	274	356	458	498
Pittsburg	22	239	319	444	524
Pushmataha	215	237	316	395	443
Seminole	218	227	294	411	448
Texas	200	283	327	453	456
Washington	221	330	402	531	623
Woods	225	228	305	409	428

OREGON

METROPOLITAN FMR AREAS	0 BR	1 BR	2 BR	3 BR	4 BR	Counties of FMR AREA within STATE
Eugene-Springfield, OR MSA	311	427	556	775	898	Lane
Medford-Ashland, OR MSA	298	392	523	728	811	Jackson
Portland-Vancouver, OR-WA PMSA	362	444	548	762	829	Clackamas, Columbia, Multnomah, Washington, Yamhill

Note: The FMRS for unit sizes larger than 4 BRs are calculated by adding 15% to the 4 BR FMR for each extra bedroom. For example, the FMR for a 5 BR unit is 1.15 times the 4BR FMR, and the FMR for a 6 BR unit is 1.30 times the 4 BR FMR. 092294

OREGON continued

METROPOLITAN FMR AREAS	0 BR	1 BR	2 BR	3 BR	4 BR	Counties of FMR AREA within STATE
Salem, OR PMSA	335	394	505	697	731	Marion, Polk

NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR
Baker	266	299	398	553	557
Clatsop	268	350	458	619	701
Crook	225	307	409	510	573
Deschutes	361	416	555	773	895
Gilliam	238	372	433	541	606
Harney	187	303	341	469	522
Jefferson	241	330	440	589	661
Klamath	288	338	450	620	739
Lincoln	358	363	485	674	732
Malheur	266	326	398	513	577
Sherman	188	306	344	478	481
Umatilla	264	274	361	501	530
Wallowa	218	333	371	517	561
Wheeler	172	236	314	393	440

NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR
Benton	309	399	506	762	809
Coos	278	360	479	666	671
Curry	294	401	533	682	839
Douglas	283	321	414	570	744
Grant	224	307	409	511	646
Hood River	325	365	498	647	763
Josephine	254	358	461	621	727
Lake	237	323	363	486	595
Linn	261	331	435	592	644
Morrow	225	295	367	507	540
Tillamook	228	338	419	567	617
Union	293	302	395	548	648
Wasco	272	338	380	516	577

PENNSYLVANIA

METROPOLITAN FMR AREAS	0 BR	1 BR	2 BR	3 BR	4 BR	Counties of FMR AREA within STATE
Allentown-Bethlehem-Easton, PA MSA	361	490	583	758	852	Carbon, Lehigh, Northampton
Altoona, PA MSA	274	339	387	484	561	Blair
Erie, PA MSA	253	351	414	518	580	Erie
Harrisburg-Lebanon-Carlisle, PA MSA	327	418	536	676	751	Cumberland, Dauphin, Lebanon, Perry
Johnstown, PA MSA	242	303	356	445	499	Cambria, Somerset
Lancaster, PA MSA	354	436	544	708	761	Lancaster
Newburgh, NY-PA PMSA	508	662	808	1026	1172	Pike
Philadelphia, PA-NJ PMSA	459	565	697	872	1094	Bucks, Chester, Delaware, Montgomery, Philadelphia
Pittsburgh, PA PMSA	317	389	469	588	656	Allegheny, Beaver, Butler, Fayette, Washington Westmoreland
Reading, PA MSA	290	428	528	661	745	Berks
Scranton--Wilkes-Barre--Hazleton, PA MSA	254	375	446	557	674	Columbia, Lackawanna, Luzerne, Wyoming
Sharon, PA MSA	295	322	375	468	547	Mercer
State College, PA MSA	388	475	587	770	824	Centre
Williamsport, PA MSA	231	348	418	523	586	Lycoming
York, PA MSA	297	408	505	632	706	York

Note: The FMRS for unit sizes larger than 4 BRs are calculated by adding 15% to the 4 BR FMR for each extra bedroom. For example, the FMR for a 5 BR unit is 1.15 times the 4BR FMR, and the FMR for a 6 BR unit is 1.30 times the 4 BR FMR. 092294

PENNSYLVANIA continued

NONMETROPOLITAN COUNTIES	O BR	1 BR	2 BR	3 BR	4 BR
Adams	264	362	482	623	790
Bedford	181	289	328	426	473
Cameron	243	284	333	416	466
Clearfield	224	308	355	452	505
Crawford	254	304	365	497	511
Forest	202	263	343	428	480
Fulton	229	314	369	461	517
Huntingdon	186	285	339	422	474
Jefferson	194	299	343	441	494
Lawrence	214	325	391	516	547
Mifflin	299	319	376	480	526
Montour	319	328	430	600	708
Potter	217	273	350	437	528
Snyder	325	343	413	533	538
Susquehanna	323	336	409	513	635
Union	273	360	451	564	630
Warren	248	312	380	475	532

NONMETROPOLITAN COUNTIES	O BR	1 BR	2 BR	3 BR	4 BR
Armstrong	275	361	411	520	674
Bradford	218	311	390	508	547
Clarion	270	322	365	456	519
Clinton	197	290	345	480	483
Elk	225	327	401	501	561
Franklin	234	339	417	572	584
Greene	208	264	298	414	464
Indiana	310	345	393	492	550
Juniata	202	290	349	436	488
Mc Kean	248	345	379	474	530
Monroe	430	514	634	868	970
Northumberland	286	360	440	585	651
Schuylkill	235	337	426	532	597
Sullivan	205	280	374	469	524
Tioga	267	294	338	448	472
Venango	250	335	384	479	537
Wayne	272	419	494	627	806

RHODE ISLAND

METROPOLITAN FMR AREAS	O BR	1 BR	2 BR	3 BR	4 BR	Components of FMR AREA within STATE
New London-Norwich, CT-RI MSA	483	584	710	889	1016	Washington county towns of Hopkinton town, Westerly town
Providence-Fall River-Warwick, RI-MA PMSA	402	547	659	825	1016	Bristol county towns of Barrington town, Bristol town Warren town Kent county towns of Coventry town, East Greenwich tow Warwick city, West Greenwich tow, West Warwick town Newport county towns of Jamestown town Little Compton tow, Tiverton town Providence county towns of Burrillville town Central Falls city, Cranston city, Cumberland town East Providence ci, Foster town, Glocester town Johnston town, Lincoln town, North Providence t North Smithfield t, Pawtucket city, Providence city Scituate town, Smithfield town, Woonsocket city Washington county towns of Charlestown town, Exeter town Narragansett town, North Kingstown to, Richmond town South Kingstown to

Note: The FMRS for unit sizes larger than 4 BRs are calculated by adding 15% to the 4 BR FMR for each extra bedroom. For example, the FMR for a 5 BR unit is 1.15 times the 4BR FMR, and the FMR for a 6 BR unit is 1.30 times the 4 BR FMR. 092294

RHODE ISLAND continued

NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR	Towns within non metropolitan counties
Newport	538	626	803	1004	1124	Middletown town, Newport city, Portsmouth town
Washington	598	673	756	976	1075	New Shoreham town

SOUTH CAROLINA

METROPOLITAN FMR AREAS	0 BR	1 BR	2 BR	3 BR	4 BR	Counties of FMR AREA within STATE
Augusta-Aiken, GA-SC MSA	330	395	465	633	750	Aiken, Edgefield
Charleston-North Charleston, SC MSA	371	430	494	657	766	Berkeley, Charleston, Dorchester
Charlotte-Gastonia-Rock Hill, NC-SC MSA	406	459	516	681	815	York
Columbia, SC MSA	398	438	504	666	766	Lexington, Richland
Florence, SC MSA	304	339	440	551	617	Florence
Greenville-Spartanburg-Anderson, SC MSA	316	380	431	544	638	Anderson, Cherokee, Greenville, Pickens, Spartanburg
Myrtle Beach, SC MSA	391	397	509	636	713	Horry
Sumter, SC MSA	318	354	401	551	651	Sumter

NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR
Abbeville	183	247	331	439	541
Bamberg	175	238	317	396	444
Beaufort	403	494	569	710	795
Chester	191	260	347	434	493
Clarendon	213	325	387	485	542
Darlington	206	281	373	466	523
Fairfield	236	378	430	537	601
Greenwood	283	287	382	479	535
Jasper	258	261	348	436	572
Lancaster	296	331	376	492	566
Lee	257	260	347	434	570
Marion	246	249	334	463	548
Newberry	191	308	347	434	487
Orangeburg	226	301	347	434	541
Union	188	299	341	449	477

NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR
Allendale	173	281	315	394	442
Barnwell	297	300	402	502	562
Calhoun	210	246	330	456	460
Chesterfield	191	275	347	457	570
Colleton	196	316	355	444	497
Dillon	249	282	316	415	443
Georgetown	221	358	403	503	611
Hampton	191	308	347	444	506
Kershaw	209	285	380	476	532
Laurens	199	300	361	492	506
Mccormick	209	286	381	477	626
Marlboro	258	299	353	441	494
Oconee	274	318	358	488	501
Saluda	185	251	335	419	476
Williamsburg	257	311	366	457	512

SOUTH DAKOTA

METROPOLITAN FMR AREAS	0 BR	1 BR	2 BR	3 BR	4 BR	Counties of FMR AREA within STATE
Rapid City, SD MSA	303	360	480	652	788	Pennington
Sioux Falls, SD MSA	288	396	502	636	730	Lincoln, Minnehaha

Note: The FMRS for unit sizes larger than 4 BRs are calculated by adding 15% to the 4 BR FMR for each extra bedroom. For example, the FMR for a 5 BR unit is 1.15 times the 4BR FMR, and the FMR for a 6 BR unit is 1.30 times the 4 BR FMR. 092294

SOUTH DAKOTA continued

NONMETROPOLITAN COUNTIES	O BR	1 BR	2 BR	3 BR	4 BR
Aurora	148	240	271	376	408
Bennett	215	311	365	507	552
Brookings	218	300	383	516	608
Brule	189	285	345	461	566
Butte	214	292	389	507	599
Charles Mix	167	251	289	361	404
Clay	218	297	397	500	652
Corson	161	218	291	374	408
Davison	250	298	397	532	576
Deuel	187	255	342	427	477
Douglas	228	232	310	424	433
Fall River	271	274	365	460	599
Grant	201	274	365	500	510
Haakon	201	324	365	507	599
Hand	173	228	305	402	430
Harding	201	324	365	456	510
Hutchinson	166	236	291	369	477
Jackson	183	295	333	432	481
Jones	194	264	353	476	494
Lake	209	282	316	440	488
Lyman	189	259	346	432	485
Mcpherson	188	224	299	417	420
Meade	259	291	388	507	599
Miner	151	246	276	369	439
Perkins	174	238	316	440	519
Roberts	163	248	295	369	414
Shannon	173	280	314	437	440
Stanley	201	324	365	507	529
Todd	264	270	358	449	502
Turner	169	247	308	404	432
Walworth	237	324	365	504	599
Ziebach	201	274	365	456	599

NONMETROPOLITAN COUNTIES	O BR	1 BR	2 BR	3 BR	4 BR
Beadle	233	306	365	500	599
Bon Homme	241	244	327	454	536
Brown	215	293	390	514	593
Buffalo	207	282	376	469	615
Campbell	187	255	342	440	521
Clark	177	242	322	405	453
Codington	202	276	367	504	514
Custer	202	276	368	512	604
Day	242	246	328	456	512
Dewey	204	311	370	462	526
Edmunds	201	274	365	507	510
Faulk	229	314	419	524	587
Gregory	221	251	332	415	464
Hamlin	168	229	306	382	432
Hanson	243	333	443	556	623
Hughes	265	314	419	553	652
Hyde	185	299	336	443	541
Jerauld	147	238	269	371	439
Kingsbury	221	257	304	380	467
Lawrence	215	311	391	536	605
Mccook	155	221	284	395	465
Marshall	225	242	289	369	411
Mellette	259	291	327	429	457
Moody	197	267	322	429	529
Potter	197	312	357	483	500
Sanborn	201	292	365	456	510
Spink	262	303	405	505	566
Sully	174	268	317	411	445
Tripp	193	263	351	450	493
Union	244	262	350	438	490
Yankton	201	314	365	497	599

TENNESSEE

METROPOLITAN FMR AREAS	O BR	1 BR	2 BR	3 BR	4 BR	Counties of FMR AREA within STATE
Chattanooga, TN-GA MSA	321	376	451	582	664	Hamilton, Marion
Clarksville-Hopkinsville, TN-KY MSA	313	352	411	560	576	Montgomery
Jackson, TN MSA	243	319	427	592	596	Madison

Note: The FMRS for unit sizes larger than 4 BRs are calculated by adding 15% to the 4 BR FMR for each extra bedroom. For example, the FMR for a 5 BR unit is 1.15 times the 4BR FMR, and the FMR for a 6 BR unit is 1.30 times the 4 BR FMR. 092294

T E N N E S S E E continued

METROPOLITAN FMR AREAS	0 BR	1 BR	2 BR	3 BR	4 BR	Counties of FMR AREA within STATE
Johnson City-Kingsport-Bristol, TN-VA MSA	250	291	369	480	546	Carter, Hawkins, Sullivan, Unicoi, Washington
Knoxville, TN MSA	284	351	438	585	702	Anderson, Blount, Knox, Loudon, Sevier, Union
Memphis, TN-AR-MS MSA	337	392	462	642	674	Fayette, Shelby, Tipton
Nashville, TN MSA	354	422	520	708	797	Cheatham, Davidson, Dickson, Robertson, Rutherford Sumner, Williamson, Wilson

NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR
Bedford	202	301	367	463	514
Bledsoe	165	226	301	378	424
Campbell	236	239	303	422	425
Carroll	175	284	319	400	447
Claiborne	178	262	301	420	496
Cocke	175	242	301	405	496
Crockett	165	252	301	378	450
Decatur	213	230	305	382	501
Dyer	292	296	394	493	614
Franklin	245	267	342	476	560
Giles	202	298	368	461	515
Greene	188	269	341	426	477
Hamblen	212	274	360	480	505
Hardeman	187	259	325	428	455
Haywood	246	285	380	476	532
Henry	185	244	308	428	499
Houston	224	226	301	387	424
Jackson	165	226	301	378	424
Johnson	159	216	289	391	426
Lauderdale	191	261	348	439	488
Lewis	163	266	298	415	418
Mcminn	210	257	330	456	460
Macon	173	258	314	393	440
Maury	336	342	454	570	637
Monroe	165	226	301	407	424
Morgan	171	268	311	390	437
Overton	165	244	301	378	496
Pickett	138	224	251	314	352
Putnam	284	287	368	505	546
Roane	251	257	342	464	560
Sequatchie	165	269	301	387	424
Stewart	224	265	301	395	496
Van Buren	152	208	277	380	388

NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR
Benton	251	287	321	434	473
Bradley	215	295	393	532	646
Cannon	167	230	305	382	428
Chester	169	258	307	384	496
Clay	238	262	301	378	496
Coffee	201	325	366	509	579
Cumberland	247	269	358	499	502
Dekalb	184	249	334	417	501
Fentress	220	237	315	415	418
Gibson	183	266	332	415	464
Grainger	238	269	301	387	496
Grundy	149	242	272	378	418
Hancock	146	216	264	367	434
Hardin	165	269	301	407	441
Henderson	171	243	311	390	437
Hickman	275	279	371	490	519
Humphreys	218	285	336	420	470
Jefferson	256	266	354	442	565
Lake	230	260	302	420	432
Lawrence	225	228	304	380	427
Lincoln	192	262	349	437	490
Mcnairy	186	214	281	390	424
Marshall	274	300	391	493	548
Meigs	167	230	305	425	501
Moore	233	236	315	439	442
Obion	270	274	351	465	491
Perry	169	275	308	424	506
Polk	187	255	340	425	476
Rhea	183	292	332	460	466
Scott	165	226	301	378	424
Smith	178	249	324	406	454
Trousdale	210	287	382	479	627
Warren	261	264	353	441	494

Note. The FMRS for unit sizes larger than 4 BRs are calculated by adding 15% to the 4 BR FMR for each extra bedroom. For example, the FMR for a 5 BR unit is 1.15 times the 4BR FMR, and tne FMR for a 6 BR unit is 1.30 times the 4 BR FMR. 092294

TENNESSEE continued

NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR
Wayne	164	268	300	393	421
White	238	272	305	410	496
Weakley	252	262	324	444	475

TEXAS

METROPOLITAN FMR AREAS	0 BR	1 BR	2 BR	3 BR	4 BR	Counties of FMR AREA within STATE
Abilene, TX MSA	279	301	402	541	658	Taylor
Amarillo, TX MSA	264	335	418	582	687	Potter, Randall
Austin-San Marcos, TX MSA	395	477	636	883	1044	Bastrop, Caldwell, Hays, Travis, Williamson
Beaumont-Port Arthur, TX MSA	300	363	442	585	621	Hardin, Jefferson, Orange
Brazoria, TX PMSA	409	456	570	794	935	Brazoria
Brownsville-Harlingen-San Benito, TX MSA	314	394	493	617	768	Cameron
Bryan-College Station, TX MSA	351	408	516	719	848	Brazos
Corpus Christi, TX MSA	306	377	482	655	773	Nueces, San Patricio
Dallas, TX	395	454	583	806	952	Collin, Dallas, Denton, Ellis, Hunt, Kaufman, Rockwall
El Paso, TX MSA	372	414	491	682	805	El Paso
Fort Worth-Arlington, TX PMSA	379	411	534	743	877	Hood, Johnson, Parker, Tarrant
Galveston-Texas City, TX PMSA	415	427	534	742	875	Galveston
Henderson County, TX	282	335	408	558	669	Henderson
Houston, TX PMSA	393	439	570	793	935	Chambers, Fort Bend, Harris, Liberty, Montgomery, Waller
Killeen-Temple, TX MSA	337	352	445	619	680	Bell, Coryell
Laredo, TX MSA	305	352	462	578	648	Webb
Longview-Marshall, TX MSA	302	342	419	570	624	Gregg, Harrison, Upshur
Lubbock, TX MSA	286	362	471	655	726	Lubbock
Mc Allen-Edinburg-Mission, TX MSA	261	371	425	531	595	Hidalgo
Odessa-Midland, TX MSA	286	330	441	614	712	Ector, Midland
San Angelo, TX MSA	234	336	408	559	660	Tom Green
San Antonio, TX MSA	351	404	523	728	858	Bexar, Comal, Guadalupe, Wilson
Sherman-Denison, TX MSA	258	363	438	561	671	Grayson
Texarkana, TX-Texarkana, AR MSA	293	357	436	576	610	Bowie
Tyler, TX MSA	332	367	448	624	659	Smith
Victoria, TX MSA	331	335	425	590	665	Victoria
Waco, TX MSA	290	355	467	622	654	Mclennan
Wichita Falls, TX MSA	320	357	430	573	675	Archer, Wichita

Note: The FMRS for unit sizes larger than 4 BRs are calculated by adding 15% to the 4 BR FMR for each extra bedroom. For example, the FMR for a 5 BR unit is 1.15 times the 4BR FMR, and the FMR for a 6 BR unit is 1.30 times the 4 BR FMR. 092294

SCHEDULE B - FAIR MARKET RENTS FOR EXISTING HOUSING

T E X A S continued

NONMETROPOLITAN COUNTIES	O BR	1 BR	2 BR	3 BR	4 BR
Anderson	320	361	406	564	569
Angelina	292	339	380	528	624
Armstrong	222	303	404	505	565
Austin	213	275	367	510	569
Bandera	287	308	364	505	509
Bee	208	272	358	497	554
Borden	171	278	313	435	438
Brewster	261	275	367	502	601
Brooks	158	208	233	324	327
Burleson	215	301	391	528	643
Calhoun	286	304	371	515	609
Camp	361	366	456	572	640
Cass	230	292	329	435	513
Cherokee	298	309	378	495	529
Clay	195	314	353	492	580
Coke	175	240	320	402	526
Collingsworth	174	238	318	397	475
Comanche	230	234	313	417	456
Cooke	290	294	392	531	589
Crane	209	275	367	458	513
Crosby	247	278	313	425	513
Dallam	195	265	353	463	495
Deaf Smith	235	288	352	489	578
Dewitt	242	253	320	402	448
Dimmit	215	262	304	423	425
Duval	247	263	313	435	473
Edwards	178	282	325	407	455
Falls	218	240	321	403	450
Fayette	255	258	344	434	564
Floyd	239	242	324	405	481
Franklin	202	275	367	510	513
Frio	230	234	313	435	503
Garza	163	248	298	373	418
Glasscock	171	278	313	391	438
Gonzales	225	234	313	396	500
Grimes	203	276	368	502	592
Hall	150	204	273	379	447
Hansford	267	285	356	495	584
Hartley	175	240	320	446	448
Hemphill	212	343	385	536	540

NONMETROPOLITAN COUNTIES	O BR	1 BR	2 BR	3 BR	4 BR
Andrews	228	304	341	475	560
Aransas	240	329	438	609	613
Atascosa	183	250	333	463	547
Bailey	171	278	313	435	438
Baylor	171	266	313	391	438
Blanco	217	295	394	549	577
Bosque	202	296	367	485	551
Briscoe	195	265	353	467	495
Brown	250	305	373	500	612
Burnet	209	285	379	527	618
Callahan	241	246	322	445	451
Carson	200	302	364	454	509
Castro	268	292	340	461	558
Childress	248	279	314	392	514
Cochran	205	233	263	365	431
Coleman	162	206	275	382	450
Colorado	206	234	313	435	513
Concho	178	243	327	453	456
Cottle	161	221	293	409	483
Crockett	247	261	313	435	438
Culberson	174	278	313	413	438
Dawson	171	278	313	435	513
Delta	196	316	356	444	498
Dickens	175	221	293	388	483
Donley	189	260	345	481	484
Eastland	247	278	313	391	513
Erath	276	313	406	524	569
Fannin	270	280	360	500	569
Fisher	229	260	291	405	409
Foard	173	268	315	393	441
Freestone	213	250	333	463	497
Gaines	272	278	347	466	487
Gillespie	262	337	436	598	611
Goliad	182	275	331	424	544
Gray	293	298	396	497	588
Hale	241	275	363	493	507
Hamilton	247	278	313	435	510
Hardeman	171	234	313	435	513
Haskell	164	258	300	417	420
Hill	243	269	359	478	502

Note: The FMRS for unit sizes larger than 4 BRs are calculated by adding 15% to the 4 BR FMR for each extra bedroom. For example, the FMR for a 5 BR unit is 1.15 times the 4BR FMR, and the FMR for a 6 BR unit is 1.30 times the 4 BR FMR.

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T E X A S continued

NONMETROPOLITAN COUNTIES	O BR	1 BR	2 BR	3 BR	4 BR
Hockley	272	318	363	503	554
Houston	185	269	337	468	472
Hudspeth	321	363	407	509	667
Irion	213	306	344	431	483
Jackson	253	309	348	464	549
Jeff Davis	201	300	366	457	511
Jim Wells	193	285	351	488	576
Karnes	198	252	304	423	498
Kenedy	171	278	313	391	438
Kerr	255	345	432	600	708
King	192	262	348	436	488
Kleberg	324	337	411	572	673
Lamar	260	329	386	538	636
Lampasas	200	287	364	505	596
Lavaca	166	227	303	416	459
Leon	211	342	384	487	631
Lipscomb	183	249	332	460	464
Llano	251	343	457	573	751
Lynn	171	257	313	432	513
Mcmullen	171	278	313	391	438
Marion	198	287	359	474	589
Mason	164	224	300	374	492
Maverick	249	267	356	444	498
Menard	230	234	313	435	438
Mills	178	288	323	405	500
Montague	230	234	313	435	513
Morris	187	301	339	423	474
Nacogdoches	282	340	441	551	649
Newton	184	251	335	430	550
Ochiltree	176	287	322	448	529
Palo Pinto	201	280	365	485	591
Parmer	188	275	343	449	481
Polk	298	325	378	510	620
Rains	228	345	417	579	583
Real	171	256	312	433	436
Reeves	171	278	313	423	438
Roberts	192	311	348	436	488
Runnels	247	257	313	435	498
Sabine	235	238	318	397	515
San Jacinto	280	315	355	483	581

NONMETROPOLITAN COUNTIES	O BR	1 BR	2 BR	3 BR	4 BR
Hopkins	308	332	390	544	583
Howard	285	289	361	502	506
Hutchinson	238	305	385	536	633
Jack	169	230	308	429	506
Jasper	262	300	379	505	622
Jim Hogg	171	234	313	423	513
Jones	174	238	318	402	446
Kendall	240	390	438	609	719
Kent	147	237	267	371	420
Kimble	223	305	406	508	569
Kinney	171	234	313	435	510
Knox	165	248	302	404	423
Lamb	247	266	313	420	476
La Salle	168	247	305	424	500
Lee	302	340	382	532	597
Limestone	255	302	339	472	475
Live Oak	171	278	313	435	510
Loving	171	234	313	391	438
Mcculloch	274	278	369	462	518
Madison	196	317	357	496	586
Martin	171	278	313	435	438
Matagorda	308	338	417	579	583
Medina	242	288	339	454	555
Milam	189	304	343	469	554
Mitchell	171	278	313	435	513
Moore	228	313	352	489	578
Motley	171	278	313	425	513
Navarro	319	337	405	513	566
Nolan	274	278	370	470	552
Oldham	222	303	404	505	590
Panola	239	314	353	477	534
Pecos	206	272	361	502	592
Presidio	229	260	290	364	407
Reagan	340	345	459	576	754
Red River	210	340	381	477	533
Refugio	246	278	328	435	537
Robertson	237	352	395	494	553
Rusk	278	281	352	489	535
San Augustine	186	255	339	424	475
San Saba	15.	239	282	393	465

Note: The FMRS for unit sizes larger than 4 BRs are calculated by adding 15% to the 4 BR FMR for each extra bedroom. For example, the FMR for a 5 BR unit is 1.15 times the 4BR FMR, and the FMR for a 6 BR unit is 1.30 times the 4 BR FMR.

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T E X A S continued

NONMETROPOLITAN COUNTIES	O BR	1 BR	2 BR	3 BR	4 BR
Schleicher	171	276	313	435	438
Shackelford	171	234	313	435	513
Sherman	252	285	319	444	447
Starr	235	276	309	386	433
Sterling	176	241	322	423	451
Sutton	175	286	320	446	448
Terrell	171	278	313	413	513
Throckmorton	227	270	304	423	425
Trinity	277	313	351	488	565
Upton	230	234	313	391	513
Val Verde	253	353	416	520	614
Walker	360	383	468	623	655
Washington	333	339	450	564	740
Wheeler	247	278	313	435	447
Willacy	162	242	295	412	416
Wise	206	311	374	521	544
Yoakum	237	350	432	539	708
Zapata	171	261	313	391	513

NONMETROPOLITAN COUNTIES	O BR	1 BR	2 BR	3 BR	4 BR
Scurry	213	290	386	538	636
Shelby	246	277	311	388	435
Somervell	305	343	385	528	540
Stephens	182	258	331	459	544
Stonewall	171	237	313	435	513
Swisher	171	278	313	435	513
Terry	183	294	332	460	505
Titus	281	348	395	547	554
Tyler	218	298	397	498	653
Uvalde	186	286	321	447	450
Van Zandt	286	290	386	526	636
Ward	247	278	313	435	513
Wharton	253	305	368	497	514
Wilbarger	265	268	358	497	587
Winkler	231	235	314	409	514
Wood	247	289	385	536	633
Young	261	264	351	488	576
Zavala	165	217	290	404	477

U T A H

METROPOLITAN FMR AREAS	O BR	1 BR	2 BR	3 BR	4 BR	Counties of FMR AREA within STATE
Provo-Orem, UT MSA	332	352	434	603	712	Utah
Salt Lake City-Ogden, UT MSA	315	366	465	646	757	Davis, Salt Lake, Weber

NONMETROPOLITAN COUNTIES	O BR	1 BR	2 BR	3 BR	4 BR
Beaver	187	255	342	427	560
Cache	269	302	383	531	615
Daggett	301	412	549	686	770
Emery	265	304	342	460	546
Grand	219	299	366	457	592
Juab	236	239	318	443	524
Millard	251	255	340	425	558
Piute	172	279	313	391	513
San Juan	270	304	342	427	560
Sevier	281	284	364	455	509
Tooele	251	353	401	520	646
Wasatch	218	353	396	552	651
Wayne	212	290	386	484	540

NONMETROPOLITAN COUNTIES	O BR	1 BR	2 BR	3 BR	4 BR
Box Elder	307	335	401	557	625
Carbon	297	303	376	523	617
Duchesne	187	286	340	470	557
Garfield	248	271	360	451	505
Iron	277	377	469	587	691
Kane	218	296	396	496	556
Morgan	217	295	393	548	646
Rich	187	255	342	437	477
Sanpete	187	296	342	446	514
Summit	411	505	632	852	1035
Uintah	220	309	402	557	6581
Washington	342	420	559	745	914

Note: The FMRS for unit sizes larger than 4 BRs are calculated by adding 15% to the 4 BR FMR for each extra bedroom. For example, the FMR for a 5 BR unit is 1.15 times the 4BR FMR, and the FMR for a 6 BR unit is 1.30 times the 4 BR FMR. 092294

VERMONT

METROPOLITAN FMR AREAS	0 BR	1 BR	2 BR	3 BR	4 BR	Components of FMR AREA within STATE
Burlington, VT MSA	399	490	654	890	1073	Chittenden county towns of Burlington city Charlotte town, Colchester town, Essex town Hinesburg town, Jericho town, Milton town, Richmond town St. George town, Shelburne town, South Burlington c Williston town, Winooski city Franklin county towns of Fairfax town, Georgia town St. Albans city, St. Albans town, Swanton town Grand Isle county towns of Grand Isle town South Hero town

NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR	Towns within non metropolitan counties
Addison	377	457	531	739	830	
Bennington	352	443	569	723	843	
Caledonia	320	380	426	545	598	
Chittenden	326	528	594	826	973	Bolton town, Buels gore, Huntington town, Underhill town Westford town
Essex	311	355	422	528	592	
Franklin	335	378	424	591	679	Bakersfield town, Berkshire town, Enosburg town Fairfield town, Fletcher town, Franklin town Highgate town, Montgomery town, Richford town Sheldon town
Grand Isle	240	360	435	544	622	Alburg town, Isle La Motte town, North Hero town
Lamoille	312	432	516	710	812	
Orange	276	410	504	665	746	
Orleans	212	308	384	480	622	
Rutland	351	457	557	699	781	
Washington	335	419	561	702	786	
Windham	376	436	580	734	809	
Windsor	404	456	570	730	867	

VIRGINIA

METROPOLITAN FMR AREAS	0 BR	1 BR	2 BR	3 BR	4 BR	Counties of FMR AREA within STATE
Charlottesville, VA MSA	383	452	579	771	863	Albemarle, Fluvanna, Greene, Charlottesville city
Clarke County, VA	288	405	525	720	735	Clarke
Culpeper County, VA	355	517	601	793	950	Culpeper
Danville, VA MSA	268	325	377	470	527	Pittsylvania, Danville city
Johnson City-Kingsport-Bristol, TN-VA MSA	250	291	369	480	546	Scott, Washington, Bristol city
King George County, VA	352	467	525	730	735	King George
Lynchburg, VA MSA	323	354	409	521	605	Amherst, Bedford, Campbell, Bedford city, Lynchburg city
Norfolk-Virginia Beach-Newport News, VA-NC MSA	416	466	555	772	906	Gloucester, Isle of Wight, James City, Mathews, York Chesapeake city, Hampton city, Newport News city Norfolk city, Poquoson city, Portsmouth city

Note: The FMRS for unit sizes larger than 4 BRs are calculated by adding 15% to the 4 BR FMR for each extra bedroom. For example, the FMR for a 5 BR unit is 1.15 times the 4BR FMR, and the FMR for a 6 BR unit is 1.30 times the 4 BR FMR. 092294

SCHEDULE B FAIR MARKET RENTS FOR EXISTING HOUSING

V I R G I N I A continued

METROPOLITAN FMR AREAS	0 BR	1 BR	2 BR	3 BR	4 BR	Counties of FMR AREA within STATE
Richmond-Petersburg, VA MSA	410	463	539	749	885	Suffolk city, Virginia Beach city, Williamsburg city Charles City, Chesterfield, Dinwiddie, Goochland, Hanover Henrico, New Kent, Powhatan, Prince George Colonial Heights city, Hopewell city, Petersburg city Richmond city
Roanoke, VA MSA	277	339	447	573	716	Botetourt, Roanoke, Roanoke city, Salem city
Warren County, VA	287	392	523	686	857	Warren
Washington, DC-MD-VA	638	725	851	1158	1396	Arlington, Fairfax, Loudoun, Prince William, Spotsylvania Stafford, Alexandria city, Fairfax city Falls Church city, Fauquier, Fredericksburg city Manassas city, Manassas Park city

NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR
Accomack	328	353	415	519	581
Amelia	186	301	339	471	530
Augusta	247	358	433	572	697
Bland	172	279	314	394	440
Buchanan	207	289	323	407	453
Caroline	392	397	529	704	742
Charlotte	244	275	309	428	507
Cumberland	242	378	440	550	616
Essex	252	390	460	639	754
Franklin	268	282	340	424	475
Giles	219	263	343	428	480
Greensville	220	357	401	523	659
Henry	266	296	374	469	577
King and Queen	245	397	447	558	643
Lancaster	346	389	438	582	710
Louisa	244	360	444	616	622
Madison	278	413	464	580	761
Middlesex	270	350	393	546	550
Nelson	213	345	388	486	637
Northumberland	197	319	359	499	503
Orange	307	418	558	775	910
Patrick	218	220	279	350	392
Pulaski	200	288	363	491	508
Richmond	226	368	414	526	679
Rockingham	266	382	484	665	777
Shenandoah	364	373	461	636	723
Southampton	191	309	384	495	556
Sussex	200	292	364	456	598

NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR
Alleghany	289	324	365	497	512
Appomattox	266	269	341	447	476
Bath	213	345	388	501	544
Brunswick	213	289	324	452	455
Buckingham	264	292	335	418	469
Carroll	243	269	324	425	455
Craig	177	243	323	451	530
Dickenson	177	289	323	451	530
Floyd	236	240	320	445	497
Frederick	374	431	520	713	854
Grayson	165	268	301	394	494
Halifax	191	278	323	440	453
Highland	177	289	323	427	453
King William	234	378	425	531	656
Lee	243	245	323	405	530
Lunenburg	176	287	321	401	495
Mecklenburg	215	274	360	451	537
Montgomery	286	373	439	610	720
Northampton	199	272	362	464	507
Nottoway	276	279	363	454	508
Page	321	362	407	509	585
Prince Edward	310	350	393	546	550
Rappahannock	280	454	509	709	835
Rockbridge	215	311	394	548	551
Russell	181	246	329	458	540
Smyth	235	237	298	414	488
Surry	288	323	363	454	508
Tazewell	257	290	326	453	534

Note: The FMRS for unit sizes larger than 4 BRs are calculated by adding 15% to the 4 BR FMR for each extra bedroom. For example, the FMR for a 5 BR unit is 1.15 times the 4BR FMR, and the FMR for a 6 BR unit is 1.30 times the 4 BR FMR.

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V I R G I N I A continued

NONMETROPOLITAN COUNTIES	O BR	1 BR	2 BR	3 BR	4 BR
Westmoreland	274	373	498	623	808
Wythe	290	301	366	459	514

NONMETROPOLITAN COUNTIES	O BR	1 BR	2 BR	3 BR	4 BR
Wise	256	288	384	480	613

W A S H I N G T O N

METROPOLITAN FMR AREAS	O BR	1 BR	2 BR	3 BR	4 BR	Counties of FMR AREA within STATE
Bellingham, WA MSA	372	482	641	886	1053	Whatcom
Bremerton, WA PMSA	385	442	574	775	943	Kitsap
Olympia, WA PMSA	370	454	565	778	918	Thurston
Portland-Vancouver, OR-WA PMSA	362	444	548	762	829	Clark
Richland-Kennewick-Pasco, WA MSA	454	519	622	864	1015	Benton, Franklin
Seattle-Bellevue-Everett, WA PMSA	434	528	668	929	1097	Island, King, Snohomish
Spokane, WA MSA	306	422	510	692	774	Spokane
Tacoma, WA PMSA	358	427	568	791	892	Pierce
Yakima, WA MSA	344	421	522	700	732	Yakima

NONMETROPOLITAN COUNTIES	O BR	1 BR	2 BR	3 BR	4 BR
Adams	260	280	346	450	501
Chelan	232	325	421	549	590
Columbia	180	294	330	458	461
Douglas	350	369	450	575	664
Garfield	180	248	330	412	461
Grays Harbor	305	353	470	634	731
Kittitas	214	292	387	530	628
Lewis	267	317	417	549	608
Mason	282	349	429	563	605
Pacific	238	294	391	524	546
San Juan	369	504	672	887	1055
Skamania	274	324	364	482	569
Wahkiakum	216	300	365	457	555
Whitman	293	332	443	617	728

NONMETROPOLITAN COUNTIES	O BR	1 BR	2 BR	3 BR	4 BR
Asotin	219	281	370	506	586
Clallam	304	377	481	618	674
Cowlitz	333	372	479	664	673
Ferry	215	332	391	488	546
Grant	321	356	416	566	680
Jefferson	261	388	475	644	665
Klickitat	244	307	395	493	552
Lincoln	187	248	330	442	525
Okanogan	209	286	352	465	493
Pend Oreille	215	301	391	515	640
Skagit	402	493	579	724	810
Stevens	212	292	388	504	543
Walla Walla	277	337	448	622	736

W E S T V I R G I N I A

METROPOLITAN FMR AREAS	O BR	1 BR	2 BR	3 BR	4 BR	Counties of FMR AREA within STATE
Berkeley County, WV	357	379	452	565	633	Berkeley
Charleston, WV MSA	228	328	415	570	624	Kanawha, Putnam
Cumberland, MD-WV MSA	232	292	381	502	551	Mineral
Huntington-Ashland, WV-KY-OH MSA	265	310	382	487	534	Cabell, Wayne
Jefferson County, WV	353	390	483	627	711	Jefferson

Note: The FMRS for unit sizes larger than 4 BRs are calculated by adding 15% to the 4 BR FMR for each extra bedroom. For example, the FMR for a 5 BR unit is 1.15 times the 4BR FMR, and the FMR for a 6 BR unit is 1.30 times the 4 BR FMR.

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W E S T V I R G I N I A continued

METROPOLITAN FMR AREAS	O BR	1 BR	2 BR	3 BR	4 BR	Counties of FMR AREA within STATE
Parkersburg-Marietta, WV-OH MSA	284	339	388	503	518	Wood
Steubenville-Weirton, OH-WV MSA	201	296	367	463	516	Brooke, Hancock
Wheeling, WV-OH MSA	301	327	396	495	555	Marshall, Ohio

NONMETROPOLITAN COUNTIES	O BR	1 BR	2 BR	3 BR	4 BR
Barbour	182	247	330	413	463
Braxton	159	246	290	394	475
Clay	237	268	301	376	447
Fayette	164	264	298	414	448
Grant	177	257	322	403	452
Hampshire	192	262	350	462	491
Harrison	270	331	382	477	573
Lewis	166	225	302	416	422
Logan	250	276	324	452	533
Marion	228	310	381	491	564
Mercer	199	255	338	421	519
Monongalia	309	342	417	573	678
Morgan	302	341	382	479	535
Pendleton	165	234	301	388	420
Pocahontas	169	288	309	386	432
Raleigh	253	286	320	439	525
Ritchie	228	257	290	365	405
Summers	213	217	290	403	475
Tucker	159	217	290	403	438
Upshur	243	292	350	439	490
Wetzel	278	282	375	469	594
Wyoming	214	234	312	390	437

NONMETROPOLITAN COUNTIES	O BR	1 BR	2 BR	3 BR	4 BR
Boone	219	248	323	405	453
Calhoun	159	217	290	362	405
Doddridge	253	271	321	402	450
Gilmer	270	285	342	427	479
Greenbrier	235	339	361	451	505
Hardy	177	264	322	403	452
Jackson	189	306	343	476	491
Lincoln	20	217	290	403	414
Mcdowell	163	211	282	352	395
Mason	183	276	334	416	537
Mingo	176	244	321	437	527
Monroe	167	278	312	390	462
Nicholas	212	253	338	421	472
Pleasants	252	262	342	426	534
Preston	242	315	341	425	476
Randolph	187	280	334	427	468
Roane	213	217	290	403	405
Taylor	300	324	353	441	494
Tyler	201	275	366	459	514
Webster	203	244	291	363	407
Wirt	170	233	311	431	436

W I S O N S I N

METROPOLITAN FMR AREAS	O BR	1 BR	2 BR	3 BR	4 BR	Counties of FMR AREA within STATE
Appleton-Oshkosh-Neenah, WI MSA	296	366	464	586	674	Calumet, Outagamie, Winnebago
Duluth-Superior, MN-WI MSA	252	339	434	578	675	Douglas
Eau Claire, WI MSA	291	317	417	534	601	Chippewa, Eau Claire
Green Bay, WI MSA	325	357	458	637	641	Brown
Janesville-Beloit, WI MSA	327	413	510	639	715	Rock
Kenosha, WI PMSA	340	422	518	710	798	Kenosha
La Crosse, WI-MN MSA	249	344	436	582	707	La Crosse
Madison, WI MSA	401	505	609	847	999	Dane

Note: The FMRS for unit sizes larger than 4 BRs are calculated by adding 15% to the 4 BR FMR for each extra bedroom. For example, the FMR for a 5 BR unit is 1.15 times the 4BR FMR, and the FMR for a 6 BR unit is 1.30 time' the 4 BR FMR. 092294

W I S C O N S I N continued

METROPOLITAN FMR AREAS	O BR	1 BR	2 BR	3 BR	4 BR	Counties of FMR AREA within STATE
Milwaukee-Waukesha, WI PMSA	345	451	566	708	792	Milwaukee, Ozaukee, Washington, Waukesha
Minneapolis-St. Paul, MN-WI MSA	377	483	615	834	943	Pierce, St. Croix
Racine, WI PMSA	303	376	497	640	700	Racine
Sheboygan, WI MSA	284	365	446	557	689	Sheboygan
Wausau, WI MSA	346	360	450	611	679	Marathon

NONMETROPOLITAN COUNTIES	O BR	1 BR	2 BR	3 BR	4 BR
Adams	192	289	348	484	564
Barron	205	279	371	472	531
Buffalo	209	262	349	437	490
Clark	168	242	307	415	473
Crawford	210	260	334	421	467
Door	237	329	410	524	636
Florence	243	265	353	491	494
Forest	177	244	322	404	452
Green	271	305	381	530	533
Iowa	276	291	383	518	537
Jackson	209	261	328	425	458
Juneau	272	282	345	458	483
Lafayette	270	274	366	461	512
Lincoln	245	262	350	487	558
Marinette	209	261	348	466	487
Menominee	232	235	314	392	440
Oconto	177	265	322	436	484
Pepin	175	240	320	440	524
Portage	322	341	442	553	684
Richland	249	284	343	462	480
Sauk	311	320	428	533	598
Shawano	271	279	371	465	520
Trempealeau	214	264	338	426	527
Vilas	247	296	375	470	542
Washburn	262	266	355	450	497
Waushara	212	295	348	438	487

NONMETROPOLITAN COUNTIES	O BR	1 BR	2 BR	3 BR	4 BR
Ashland	290	320	377	472	528
Bayfield	187	269	341	433	476
Burnett	257	305	367	459	513
Columbia	248	315	415	545	609
Dodge	336	341	448	561	628
Dunn	265	306	407	542	668
Fond du Lac	268	363	431	584	603
Grant	269	272	354	443	495
Green Lake	229	294	364	466	523
Iron	171	239	307	418	504
Jefferson	265	352	457	590	645
Kewaunee	180	245	329	410	459
Langlade	251	256	341	466	504
Manitowoc	268	291	340	431	519
Marquette	187	284	340	472	536
Monroe	265	304	383	525	537
Oneida	217	311	393	508	606
Polk	244	302	402	502	562
Price	190	271	344	433	558
Rusk	180	247	328	442	458
Sawyer	262	294	355	444	497
Taylor	236	277	338	443	474
Vernon	196	243	316	440	443
Walworth	278	389	506	659	738
Waupaca	212	290	386	503	596
Wood	289	330	411	513	575

Note: The FMRS for unit sizes larger than 4 BRs are calculated by adding 15% to the 4 BR FMR for each extra bedroom. For example, the FMR for a 5 BR unit is 1.15 times the 4BR FMR, and the FMR for a 6 BR unit is 1.30 times the 4 BR FMR. 092294

WYOMING

METROPOLITAN FMR AREAS	O BR	1 BR	2 BR	3 BR	4 BR	Counties of FMR AREA within STATE
Casper, WY MSA	228	318	401	558	658	Natrona
Cheyenne, WY MSA	305	381	509	651	789	Laramie

NONMETROPOLITAN COUNTIES	O BR	1 BR	2 BR	3 BR	4 BR
Albany	287	359	480	666	786
Campbell	295	300	385	535	632
Converse	183	275	332	461	545
Fremont	193	262	350	465	568
Hot Springs	241	275	366	509	601
Lincoln	241	303	384	526	537
Park	208	283	378	526	620
Sheridan	249	283	378	506	620
Sweetwater	284	289	385	535	632
Uinta	286	294	392	534	645
Weston	258	261	348	449	554

NONMETROPOLITAN COUNTIES	O BR	1 BR	2 BR	3 BR	4 BR
Big Horn	183	249	333	459	465
Carbon	220	259	345	478	566
Crook	272	306	345	431	493
Goshen	235	289	345	478	566
Johnson	255	259	345	478	527
Niobrara	188	257	343	428	552
Platte	189	261	345	431	483
Sublette	303	342	384	495	537
Teton	364	463	617	827	901
Washakie	202	276	367	460	603

PACIFIC ISLANDS

NONMETROPOLITAN COUNTIES	O BR	1 BR	2 BR	3 BR	4 BR
Pacific Islands	657	790	935	1171	1317

PUERTO RICO

METROPOLITAN FMR AREAS	O BR	1 BR	2 BR	3 BR	4 BR	Counties of FMR AREA within STATE
Aguadilla, PR MSA	225	275	325	405	455	Aguada Municipio, Aguadilla Municipio, Moca Municipio
Arecibo, PR PMSA	330	400	470	590	660	Arecibo Municipio, Camuy Municipio, Hatillo Municipio
Caguas, PR PMSA	275	330	390	490	545	Caguas Municipio, Cayey Municipio, Cidra Municipio Gurabo Municipio, San Lorenzo Municipio
Mayaguez, PR MSA	225	275	325	405	455	Anasco Municipio, Cabo Rojo Municipio Hormigueros Municipio, Mayaguez Municipio Sabana Grande Municipio, San German Municipio
Ponce, PR MSA	320	390	460	575	645	Guayanilla Municipio, Juana Diaz Municipio Penuelas Municipio, Ponce Municipio, Villalba Municipio Yauco Municipio
San Juan-Bayamon, PR PMSA	320	390	460	575	645	Aguas Buenas Municipio, Barceloneta Municipio Bayamon Municipio, Canovanas Municipio Carolina Municipio, Catano Municipio, Ceiba Municipio Comerio Municipio, Corozal Municipio, Dorado Municipio Fajardo Municipio, Florida Municipio, Guaynabo Municipio Humacao Municipio, Juncos Municipio Las Piedras Municipio, Loiza Municipio Luquillo Municipio, Manati Municipio, Morovis Municipio

Note: The FMRS for unit sizes larger than 4 BRs are calculated by adding 15% to the 4 BR FMR for each extra bedroom. For example, the FMR for a 5 BR unit is 1.15 times the 4BR FMR, and the FMR for a 6 BR unit is 1.30 times the 4 BR FMR. 092294

PUERTO RICO continued

METROPOLITAN FMR AREAS	O BR	1 BR	2 BR	3 BR	4 BR	Counties of FMR AREA within STATE
						Naguabo Municipio, Naranjito Municipio Rio Grande Municipio, San Juan Municipio Toa Alta Municipio, Toa Baja Municipio Trujillo Alto Municipio, Vega Alta Municipio Vega Baja Municipio, Yabucoa Municipio

NONMETROPOLITAN COUNTIES	O BR	1 BR	2 BR	3 BR	4 BR
Adjuntas Municipio.....	215	265	310	390	435
Arroyo Municipio.....	215	265	310	390	435
Ciales Municipio.....	215	265	310	390	435
Culebra Municipio.....	215	265	310	390	435
Guayama Municipio.....	215	265	310	390	435
Jayuya Municipio.....	215	265	310	390	435
Lares Municipio.....	215	265	310	390	435
Maricao Municipio.....	215	265	310	390	435
Orocovis Municipio.....	215	265	310	390	435
Quebradillas Municipio..	330	400	470	590	660
Salinas Municipio.....	215	265	310	390	435
Santa Isabel Municipio..	215	265	310	390	435
Vieques Municipio.....	215	265	310	390	435

NONMETROPOLITAN COUNTIES	O BR	1 BR	2 BR	3 BR	4 BR
Aibonito Municipio.....	215	265	310	390	435
Barranquitas Municipio..	215	265	310	390	435
Coamo Municipio.....	215	265	310	390	435
Guanica Municipio.....	215	265	310	390	435
Isabela Municipio.....	225	275	325	405	455
Lajas Municipio.....	215	265	310	390	435
Las Marias Municipio....	215	265	310	390	435
Maunabo Municipio.....	215	265	310	390	435
Patillas Municipio.....	215	265	310	390	435
Rincon Municipio.....	215	265	310	390	435
San Sebastian Municipio.	215	265	310	390	435
Utuado Municipio.....	215	265	310	390	435

VIRGIN ISLANDS

NONMETROPOLITAN COUNTIES	O BR	1 BR	2 BR	3 BR	4 BR
Virgin Islands.....	492	598	704	879	984

NONMETROPOLITAN COUNTIES	O BR	1 BR	2 BR	3 BR	4 BR

Note: The FMRS for unit sizes larger than 4 BRs are calculated by adding 15% to the 4 BR FMR for each extra bedroom. For example, the FMR for a 5 BR unit is 1.15 times the 4BR FMR, and the FMR for a 6 BR unit is 1.30 times the 4 BR FMR.

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SCHEDULE D - 45th PERCENTILE FAIR MARKET RENTS FOR MANUFACTURED HOME SPACES

STATE/FMR AREA	SPACE RENT
DELAWARE	
Dover, DE MSA	$162
Sussex County	116
MARYLAND	
Hagerstown, MD MSA	211
St. Marys County	251
MINNESOTA	
Minneapolis, MN MSA	245
NEW YORK	
Dutchess, NY PMSA	318
Jamestown, NY MSA	168
Newburgh, NY MSA	302
Tompkins County, NY	200
VERMONT	
Washington County	201
WEST VIRGINIA	
Berkeley County	135
Jefferson County	135
Morgan County	135

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federal register

Wednesday
September 28, 1994

Part V

Federal Trade Commission

16 CFR Part 305

Rule Concerning Disclosure Regarding Energy Consumption and Water Use of Certain Home Appliances and Other Products Required Under the Energy Policy and Conservation Act ("Appliance Labeling Rule"); Rule

FEDERAL TRADE COMMISSION

16 CFR Part 305

Rule Concerning Disclosures Regarding Energy Consumption and Water Use of Certain Home Appliances and Other Products Required Under the energy Policy and Conservation Act ("Appliance Labeling Rule")

AGENCY: Federal Trade Commission.

ACTION: Final rule.

SUMMARY: The Federal Trade Commission ("Commission") adds pool heaters, instantaneous water heaters, and heat pump water heaters to the list of products covered by the Commission's Appliance Labeling Rule ("Rule"). This action is being taken because amendments to the Energy Policy and Conservation Act ("EPCA") added pool heaters to the list of covered products for which the Commission must consider labeling requirements, and because the Department of Energy ("DOE") promulgated final test procedures for the two types of water heaters at issue that triggered an obligation under EPCA for the Commission to consider labeling requirements for them.

EFFECTIVE DATE: December 29, 1994.

FOR FURTHER INFORMATION CONTACT: James Mills, Attorney, 202–326–3035, Division of Enforcement, Federal Trade Commission, Washington, DC 20580.

SUPPLEMENTARY INFORMATION:

I. Introduction

A. Statutory Authority for Labeling Pool Heaters, Instantaneous Water Heaters, and Heat Pump Water Heaters

The National Appliance Energy Conservation Act ("NAECA 87")[1] amended EPCA[2] by, among other things, adding pool heaters (which include spa and hot tub heaters and heaters for similar applications—for convenience, the Commission will refer to these products as "pool heaters") to the list of appliances for which DOE must establish minimum efficiency standards and testing procedures. EPCA requires the Commission to consider labeling requirements for any covered products for which DOE has prescribed a final test procedure.[3]

NAECA 87 also amended EPCA by adding definitions, in section 321,[4] for some of the products enumerated as "covered products" in section 322,[5] including a definition for water heaters that subdivided the category into three subcategories—storage-type units, instantaneous units, and heat pump units.[6] In 1989, DOE amended its definition for water heaters to be consistent with the NAECA 87 amendments,[7] and, in 1990, refined its test procedure for water heaters so it would apply to some (but not all) of the different kinds of instantaneous water heaters and heat pump water heaters that are currently being produced, as well as to storage-type units.[8] Previously, DOE's definition (and test procedure) for water heaters applied only to conventional storage-type heaters. The Commission's current labeling Rule, like the previous version of the DOE rule, defines water heaters only as storage-type units.[9] Thus, these other products did not come within the Rule's definition of water heater.

EPCA provides that, after DOE prescribes a final test procedure applicable to a product category covered under EPCA,[10] the Commission must initiate a proceeding to consider labeling requirements for that category. Because of DOE's publication of a final test procedure for pool heaters, the Commission commenced a proceeding to consider labeling rules for pool heaters. Further, because DOE amended its definition for water heaters in section 430.2 of Subpart A (General Provisions) of its rules,[11] to include instantaneous water heaters and heat pump water heaters, and amended Appendix E to Subpart B of Part 430—the test procedure for these products—so the energy usage of most of these new products can be determined, the Commission also initiated a proceeding to consider requiring labeling for these water heaters.

B. Regulatory History

On February 9, 1993, the Commission published a Notice of Proposed Rulemaking ("NPR") in the **Federal Register** soliciting comment on a proposal to require EnergyGuide labels on pool heaters, instantaneous water heaters, and heat pump water heaters.[12] As required by EPCA,[13] this rulemaking was conducted pursuant to section 553 of the Administrative Procedure Act ("APA").[14] Section 553(b)(3) of the APA provides the Commission with the option of publishing the substance of a proposed rule instead of specific proposed rule language. The Commission exercised this option and sought comment on the substance of the proposed amendments to the Rule, except for specific definitions for each of the proposed new product categories.

In accordance with EPCA,[15] the NPR afforded interested persons the opportunity to present their views in writing and orally at a public hearing. The Presiding Officer did not receive any requests for an oral presentation, so no hearing was held. During the comment period, which extended from February 9 through April 26, 1993, the Commission received eight comments.[16] These comments are from two appliance manufacturers, one appliance industry trade association, two public utilities, one utility trade association, one state energy office, and one public interest group.[17] Part II, below, discusses the issues on which comments were sought, the comments received, and the amendments the Commission is adopting today in response to them. The amended Rule sections appear in "Text of Amendments."

In the NPR, the Commission initially concluded that the provisions of the Regulatory Flexibility Act relating to an initial Regulatory Flexibility Act analysis were not applicable to the proceeding and that a regulatory analysis was not necessary because the amendments, if promulgated, would not have a significant economic impact on a substantial number of small entities. The NPR sought comment, however, on the effects of the proposed amendments on small businesses to assist the

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[1] Pub. L. 100–12, 101 Stat. 103 (1987).

[2] Pub. L. 94–183, 89 Stat. 871, 42 U.S.C. 6291 *et seq.* (Dec. 22, 1975).

[3] 42 U.S.C. 6294(b)(1)(B).

[4] 42 U.S.C. 6291.

[5] 42 U.S.C. 6292.

[6] 42 U.S.C. 6291 (27).

[7] 54 FR 6062, 6075 (Feb. 7, 1989).

[8] 55 FR 42162, 42169–77 (Oct. 17, 1990).

[9] 16 CFR 305.3(d).

[10] 42 U.S.C. 6293(b) gives DOE the authority (1) to prescribe test procedures for new products, and (2) to amend existing test procedures if amended test procedures would more accurately or fully measure energy consumption.

[11] The applicable DOE rules are codified at 10 CFR Part 430 (1994). The language in § 305.3 of the Commission's Rule ("Description of covered products to which this part applies) is based on the definitions in § 430.2 of Subpart A of DOE's rules.

[12] 58 FR 7852.

[13] 42 U.S.C. 6306(a)(1).

[14] 5 U.S.C. 553.

[15] 42 U.S.C. 6306(a)(1).

[16] The comments are found on the Public Record at the FTC in Washington, D.C. under Rulemaking Record Number R611004 (Appliance Labeling Rule). They are grouped under Category E (Pool and Water Heater Proceeding—Industry Comments) and Category EE (Pool and Water Heater Proceeding—Comments from Other Sources). Other material submitted to the Public Record in this proceeding can be found under Category A (Public Notices and Petitions).

[17] The commenters were: Thermo-Dynamics Boiler Company ("Thermo"), E–1; Paloma Industries, Inc. ("Paloma"), E–2; The Gas Appliance Manufacturers Association ("GAMA"), E–3; Washington Gas, EE–1; The California Energy Commission ("CEC"), EE–2; The American Council for an Energy Efficient Economy ("ACEEE"), EE–3; The American Gas Association ("AGA"), EE–4; Arkansas Louisiana Gas Company ("ALG"), EE–5.

Commission in determining whether a final Regulatory Flexibility Act analysis was necessary.[18] The Commission also initially concluded that, although the proposed amendments would expand the Rule's existing recordkeeping and reporting requirements to include manufacturers of products not covered before, the effect would be *de minimis* because so few companies would be affected and the resulting increase in burden hours would be so small. The Commission decided, therefore, not to ask the Office of Management and Budget to adjust the clearance for the Rule under the Paperwork Reduction Act. To substantiate the accuracy of its reporting burden estimate, however, the Commission requested comment on the extent of the reporting burden associated with these amendments.[19] Parts III and IV, below, discuss the comments on these issues and the Commission's final determinations with respect to the requirements of the Regulatory Flexibility Act and the Paperwork Reduction Act, respectively.

II. Discussion of Comments and Disposition of Issues

As discussed in more detail in Parts II.A and B, below, the NPR proposed definitions for each of the three product categories that are based on EPCA and/or Part 430 of the Code of Federal Regulations ("CFR"), which is the section of CFR in which DOE's test procedures are codified. In addition, the NPR solicited comment with respect to each category regarding: the feasibility of labeling the product; the appropriateness of the proposed definition; what energy usage descriptor to require on the labels; what subcategories, if any, to establish for purposes of ranges of comparability; and, what format to require for the labels.[20]

A. Pool Heaters

1. Feasibility of Labeling

The Commission is required to prescribe a labeling rule for the categories of products listed in EPCA,[21] which now include pool heaters, unless it determines that labeling the product is "not technologically or economically feasible."[22] The NPR asked for comment on this issue, emphasizing that the question was whether *labeling* pool heaters would be economically or technologically infeasible (as distinct from testing, which manufacturers and importers must do in order to comply with DOE's minimum efficiency standards program).[23]

Three comments addressed this issue. CEC stated that labeling these products is both economically and technologically feasible and that the value to consumers of the label information greatly outweighs the labeling cost to industry. CEC pointed out that manufacturers currently provide energy efficiency information on pool heaters to DOE and CEC, but not to the purchaser.[24] ACEEE and ALG also supported labeling requirements for pool heaters without elaboration.[25] The record does not indicate that labeling of pool heaters would be technologically or economically infeasible. Accordingly, the Commission has determined to amend the Rule to include labeling requirements for the pool heater category.

2. Definition for "Pool Heater"

The NPR explained that the EPCA/DOE definition of pool heaters is not limited to products of any particular fuel type.[26] The DOE test, however, covers only gas- and oil-fired products.[27] Although the majority of pool heaters are currently gas-fired (with some oil-fired), electric resistance and heat pump pool heaters are also being manufactured. Because the DOE test covers only gas- and oil-fired pool heaters, the NPR proposed amending the Rule to cover only these two types of products. The Rule's coverage is necessarily limited by the definitions and test procedures in Subpart B of DOE's rules (*i.e.*, in the absence of a DOE test procedure for determining energy usage, compliance with the Rule is impossible). The NPR proposed, therefore, adopting the EPCA/DOE definition of "pool heater" along with a proviso stating that the Rule's scope is limited to those products within the definition for which there is a DOE-prescribed test for measuring energy usage.

Two comments addressed the proposed definition. ACEEE stated that the Commission's adoption of the definition in section 430.2 of DOE's rule with the proposed proviso would be acceptable.[28] CEC agreed that the Rule should be amended to include the language in section 430.2, but opposed the addition of the proviso, stating that DOE has developed, but not yet published, an all-inclusive test method, and that the American Society of Heating, Refrigerating and Air-Conditioning Engineers ("ASHRAE") has appointed a committee to develop a test for gas, oil, electric, and heat pump pool heaters.[29]

The Commission has determined to amend the Rule to include the definition of pool heaters as that term is defined in EPCA and by DOE (in section 430.2 of Subpart A). The definition is followed by a proviso stating that the Rule's application is limited to those products for which there is a DOE-prescribed test. See section 305.3(o) in "Text of Amendments," below. The Commission recognizes, as CEC pointed out, that there may eventually be a test procedure for all types of these products. However, the Commission's authority here to require labels is limited to products for which DOE has published final test procedures. If DOE amends the test procedure to include electric resistance and/or heat pump pool heaters, the Commission will then initiate a rulemaking proceeding to consider whether the Rule should be amended to cover those products.

3. Energy Usage Descriptor

EPCA requires that labels on covered products disclose estimated annual operating cost, as determined by DOE test procedures, unless DOE determines that disclosure of estimated annual operating costs is not technologically feasible, or the Commission determines that such disclosure is not likely to assist consumers in making purchasing decisions or is not economically feasible. In this event, the Commission shall require disclosure of a different useful measure of energy consumption, again determined in accordance with

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[18] See 58 FR 7855.

[19] *Id.*

[20] As is discussed in the sections below on each category, the NPR also solicited comment on some issues that were specific to one category only.

[21] 42 U.S.C. 6294(a)(1) and (b)(5); 42 U.S.C. 6292(a).

[22] 42 U.S.C. 6294(a)(1). During the original rulemaking, the Commission determined that clothes dryers, television sets, kitchen ranges and ovens, humidifiers and dehumidifiers, and home heating equipment other than furnaces should be exempted from the requirements of the Rule on this basis and, in some cases, because labeling them would not assist consumers in making purchasing decisions. 44 FR 66466, 66467–69 (Nov. 19, 1979). This second criterion for exemption provided by EPCA relates only to a few products. Pool heaters are not among them. 42 U.S.C. 6294(a)(2).

[23] *See* 10 CFR 430.62.

[24] CEC, EE–2, 2.

[25] ACEEE, EE–3, 1; ALG, EE–5, 1.

[26] See 58 FR 7853. Section 321(a)(25) of EPCA (42 U.S.C. 6291(a)(25)) defines "pool heater" as follows: "The term 'pool heater' means an appliance designed for heating nonpotable water contained at atmospheric pressure, including heating water in swimming pools, spas, hot tubs and similar applications."

[27] Although DOE uses the EPCA definition of pool heater in its regulations at 10 CFR 430.2, and in its test procedure for pool heaters (Appendix P to Part 430 of 10 CFR), the procedure pertains only to gas- and oil-fired heaters.

[28] ACEEE, EE–3, 1.

[29] CEC, EE–2, 2, 4.

DOE test procedures.[30] Labels also must disclose the range of estimated annual operating costs, or the alternate measure of energy consumption required for those covered products.[31]

A disclosure of estimated annual operating cost is not appropriate, however, for all product categories. For example, three product categories (room air conditioners, furnaces, central air conditioners) have usage cycles that depend on disparate climate conditions across the United States. In past rulemaking proceedings, the Commission has determined for these products that "average" energy cost would not be likely to assist consumers in making purchasing decisions. Therefore, the required disclosure on labels for these products is an energy efficiency rating ("EER").[32] The corresponding cost information also must be disclosed on the label for room air conditioners, and on fact sheets or in an industry directory for furnaces and central air conditioners.

The energy efficiency measurement in EPCA that applies to pool heaters is "thermal efficiency."[33] This measurement is also the energy usage descriptor that is derived from the DOE test procedure.[34] The current DOE test has no methodology for deriving estimated annual operating cost or any energy usage measurement other than thermal efficiency. To obtain information about what possible current or future disclosures may be appropriate for labels on pool heaters, the NPR solicited comment on whether the measure of energy consumption to be disclosed on pool heater labels should be thermal efficiency, without additional cost information, or whether it should be some other disclosure. Because DOE might amend its test procedure to include a way to measure annual energy consumption (and, therefore, cost), the NPR also asked whether it would be technically or economically feasible to disclose estimated annual operating cost, and whether operating cost information would be likely to assist consumers in making purchasing decisions.[35]

There was little agreement on these issues among the four comments that addressed them. Washington Gas stated that estimated annual operating cost is difficult to measure because the usage of pool heaters varies from region to region and depends on consumers' preferences. It recommended requiring a disclosure of hourly energy consumption along with thermal efficiency for comparison with other heaters.[36] CEC recommended requiring a disclosure of both thermal efficiency and estimated annual operating cost. AGA and ALG favored the disclosure of estimated annual operating cost.[37] Both expressed concern that thermal efficiency alone could mislead consumers because the different costs of operation between fuels would not appear on the label.[38]

As noted above, the DOE test for pool heaters does not currently contain a final procedure for measuring estimated annual operating cost for these products, so the Commission cannot now require disclosure of operating cost. In the absence of such a procedure, the Commission determines that the most useful information available for consumers is thermal efficiency. Accordingly, the Commission amends the Rule to require that thermal efficiency be disclosed as the energy usage descriptor for these products. See sections 305.2(i) and 305.11(a)(5)(ii)(C)–(E) and (G) of "Text of Amendments," below. If, and when, DOE amends its test procedure to contain provisions for the determination of estimated annual operating cost, the Commission might consider amending the Rule to require the disclosure of estimated annual operating cost.

4. Sub-Categories for Ranges of Comparability

Under the Rule, each required label on a covered appliance must show, in addition to the energy usage of the appliance itself, a range, or scale, indicating the range of energy costs or efficiencies for all models of a size or capacity comparable to the labeled model. To accomplish this, the Rule contains appendices that list sub-categories for each product category divided by fuel type and capacity groupings.[39]

NAECA 87 established a minimum efficiency standard for pool heaters, but it did not create any size or capacity sub-category beyond "pool heaters."[40] The DOE standard also does not create sub-categories.[41] The NPR solicited information on whether, for purposes of ranges of comparability under the Commission's Rule, there should be one category encompassing both fuel types, or two categories, one for each of the two fuel types—oil-fired and gas-fired models—for which there is currently an applicable DOE test procedure.

One comment addressed this question. CEC suggested that gas- and oil-fired pool heaters are sufficiently similar to be included in one group.[42] The Commission agrees that gas- and oil-fired pool heaters are similar from a minimum efficiency standards perspective (the standard is the same for both—a thermal efficiency of no less than 78%). However, since 1980, the Commission has grouped products by different fuel types for purposes of the ranges of comparability. The Commission finds that this is the clearest and most informative way of presenting the ranges to consumers. Accordingly, the Commission amends the Rule to include separate ranges of comparability for gas-fired and oil-fired pool heaters. See revised Appendices J1 and J2 in "Text of Amendments," below.

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[30] 42 U.S.C. 6294(c). For most product categories, the Rule originally required that estimated annual operating costs in dollars, and related information, be disclosed on labels and in retail sales catalogues. The Commission recently amended the Rule, however, to require an energy consumption figure (KWH per year for electrically-fueled products, therms per year for gas-fueled products, and gallons per year for oil- and propane-fired products) for the products that originally had to bear labels disclosing estimated annual operating cost. *See* 59 FR 34014 (July 1, 1994).

[31] 42 U.S.C. 6294(c)(1)(B).

[32] *See* 44 FR 66466, 66470 (Nov. 19, 1979; furnaces and room air conditioners); 52 FR 46888, 46889 (Dec. 10, 1987; central air conditioners). When promulgating the test procedures, DOE, as required by EPCA, developed two measures of energy consumption for each appliance category: (1) Estimated dollar cost of operation, and (2) the energy factor, a measure of the useful output of an appliance's services divided by the energy input. For climate control equipment, under the Commission's Rule, the energy factor must be an energy efficiency rating. The acronyms used in the DOE tests and by the industry ("EER" for room air conditioners, "SEER" for central air conditioners and the cooling function of heat pumps, "AFUE" for furnaces, and "HSPF" for the heating function of heat pumps) must be used in advertising and on fact sheets and labels.

[33] 42 U.S.C. 6291(e)(26). "The term 'thermal efficiency of pool heaters' means a measure of the heat in the water delivered at the heater outlet divided by the heat input of the pool heater as measured under test conditions specified in section 2.8.1 of the American National Standard for Gas Fired Pool Heaters, Z21.56–1986, or as may be prescribed by the Secretary [of DOE]." The thermal efficiency rating is expressed as a percent.

[34] See Appendix P to Part 430 of 10 CFR.

[35] On August 23, 1993, DOE proposed amending Appendix P to Part 430 of 10 CFR (the pool heater test procedure) to include procedures to measure annual energy consumption. An annual energy consumption figure would enable manufacturers to calculate estimated annual operating cost. See 58 FR 44538 at 44571. See also 59 FR 10464, 10519 (March 4, 1994).

[36] Washington Gas, EE–1, 1.

[37] CEC, EE–2, 3.

[38] AGA, EE–4, 2–4; ALG, EE–5, 1.

[39] For example, water heaters are divided into four sub-categories by fuel—natural gas, propane, electric, and oil. Each of these sub-categories is further divided into increments of capacity expressed in first hour ratings. Thus, a label on a gas-fired water heater with a first hour rating of 37 gallons will disclose the range of energy usage of all gas-fired water heaters with first hour ratings of between 35 and 40 gallons.

[40] See 42 U.S.C. 6295(e)(2).

[41] See 10 CFR 430.32(k).

[42] CEC, EE–2, 2–3.

5. Label Format

The Commission recognizes that pool heaters are sometimes not seen by consumers before purchase. They are often purchased as the result of a pool installation professional's recommendation and are ordered from industry brochures or specification sheets. The NPR, therefore, solicited comment on whether amendments requiring labels for pool heaters should require a "conventional" product-specific label approach for these products or another labeling format. "Conventional" product-specific labels contain all the required energy use information and are used for refrigerators, refrigerator-freezers and freezers, water heaters, dishwashers, clothes washers, and room air conditioners.[43] The NPR also asked for comment on whether it would be more useful to require that pool heaters be labeled with a label like the one required for central air conditioners. For these products, the Commission requires a product-specific label, but with only some of the required energy usage information. Other required information must be disclosed on separate fact sheets or in an industry-produced directory.[44]

Two comments addressed the issue of label type and format. CEC favored a conventional label for pool heaters.[45] ACEEE suggested a simplified label with a requirement for disclosure of comprehensive information on a fact sheet, in an industry directory, or in marketing materials.[46] As discussed in Part II.A.3, above, the only measure of energy usage that can be derived through the current DOE test for these products is thermal efficiency. Therefore, requiring manufacturers to disclose "other information" through other formats would be inappropriate. Moreover, without a method for determining estimated annual operating cost, the Commission cannot require the "Operating Cost Statement" that is standard on "conventional" labels. Consequently, the Commission is amending the Rule to require that labels for pool heaters disclose the thermal efficiency of the product in the format of the "conventional" label for room air conditioners, but without the "Operating Cost Statement." See the Sample Label for pool heaters in "Text of Amendments," below.

B. Instantaneous Water Heaters and Heat Pump Water Heaters

Instantaneous water heaters heat water as it is needed, rather than heating it in a tank and keeping it hot while storing it. An advantage to this approach to water heating is that there is no standby loss with the associated increased cost and loss of efficiency.[47] Instantaneous water heaters can heat water by means of oil, natural gas, or electric resistance, although there are few, if any, oil-fired instantaneous water heaters in production. The DOE test procedure presently contains test methodologies only for gas- and oil-fired models and not for electric.[48]

Heat pump water heaters are similar to small room air conditioners. They extract heat from the air around them but, instead of exhausting it to the outside, they use the heat to increase the temperature of the water in a conventional storage tank. They exhaust the resulting cool air into the surrounding area.

1. Feasibility of Labeling

The NPR asked whether labeling (as distinct from testing) instantaneous and heat pump water heaters would be economically or technologically infeasible.[49] Five comments addressed this issue. Washington Gas recommended deferring consideration of labeling heat pump water heaters until more information is available on the effects that the climate conditioning of the space around the heat pump water heater have on the product's energy consumption.[50] The other four comments favored requiring EnergyGuide labels on both types of water heaters.[51] GAMA repeated its consistent position that labeling of all water heaters, including instantaneous water heaters and heat pump water heaters, is not technologically infeasible, but is of little benefit to consumers because water heaters are not usually purchased off a showroom floor. GAMA acknowledged, however, that if the requirement to label storage water heaters is to continue, then instantaneous water heaters and heat pump water heaters also should be labeled.[52] CEC, ACEEE, and ALG all favored a labeling requirement for both types of water heaters without qualification.[53]

The record does not indicate that labeling for these products is technologically or economically infeasible. Most comments instead favored treating these water heaters like the type already covered by the Rule. Accordingly, the Commission amends the Rule to require EnergyGuide labels for instantaneous water heaters and heat pump water heaters. See section 305.3(d) of "Text of Amendments," below.

2. Revised Definition of "Water Heater," Including Definitions for Instantaneous Water Heaters and Heat Pump Water Heaters

The NPR proposed amending the Rule to include the definitions for instantaneous water heater and heat pump water heater that appear in section 430.2 of DOE's rule, but with a proviso, like the one proposed for pool heaters, stating that the Rule's requirements are limited to those products for which there are DOE-prescribed test procedures.[54] The definition in section 430.2 of DOE's rule is supplemented in the test procedure portions of DOE's rule (Appendix E to Subpart B of 10 CFR Part 430). In the NPR, the Commission reasoned that the proposed approach would allow the

[43] See 16 CFR 305.11(a)(5). The required information includes: the name of the manufacturer, the model number and capacity of the product, the energy consumption of the product, the appropriate range of energy usage for similarly sized products, a statement that the information is based on U.S. government tests, and a statement disclosing cost of operation based on a national average utility rate.

[44] 16 CFR 305.11(a)(5)(iii) and (c). The label on the product discloses the energy efficiency of the labeled unit and the range of efficiencies for all similar products, and it directs consumers to ask for further information on fact sheets or in directories. The fact sheets and directories must disclose information on cost of operation. In recent amendments to the Rule the Commission also adopted this disclosure approach for furnaces. See 58 FR 34014, 34016 (July 1, 1994).

[45] CEC, EE–2, 3.

[46] ACEEE, EE–3, 1.

[47] Standby loss refers to the energy that is used to keep water hot in the storage tank of a storage type water heater while hot water is not being used.

[48] See 10 CFR Part 430, Subpart B, Appendix E. If DOE were to prescribe a test procedure for electric instantaneous water heaters, the Commission would initiate a rulemaking proceeding to consider labeling them.

[49] See 58 FR 7856.

[50] Washington Gas, EE–1, 1. Because the DOE test is conducted in a controlled environment that requires a constant temperature for the space in which the heat pump water heater operates, this consideration, while relevant to the issue of the product's energy usage in actual service, is not relevant to the values that will appear on the EnergyGuide labels, which are for comparing the energy usage of competing products, not disclosing actual energy usage in the home.

[51] GAMA, E–3, 2, 3; CEC, EE–2, 4, 6; ACEEE, EE–3, 2; ALG, EE–5, 1.

[52] GAMA, E–3, 2, 3. In its recent review of the Rule, the Commission considered and rejected GAMA's suggestion to repeal labeling of water heaters. See 58 FR 34014, 24 (July 1, 1994).

[53] CEC, EE–2, 4, 6; ACEEE, EE–3, 2; ALG, EE–5, 1. CEC said, "Labeling of [instantaneous water heaters and heat pump water heaters] is both economically and technologically feasible. It has been done for storage water heaters for many years. It is only fair for it to be required for other types of water heaters."

[54] See 58 FR 7853–54. The proposed definition would replace the definition of "water heater" currently in the Commission's Rule at 16 CFR 305.3(d)(1–3).

Commission to avoid repeating the definition limitations in DOE's Appendix E to Subpart B, as well as limitations inherent in the way the test procedure itself is written (for example, by the fact that the DOE test procedure presently does not contain a procedure for measuring the energy usage of electric instantaneous water heaters.)[55]

Five comments addressed the proposed definition. ACEEE stated that the Commission's adoption of the definition in section 430.2 of DOE's rule with the proposed proviso would be acceptable.[56] GAMA also favored adopting the section 430.2 definition and proviso.[57] CEC stated that the Rule should be amended to include the language in section 430.2, but opposed the addition of the proviso, stating that DOE has developed, but not yet published, an all-inclusive test method.[58] Paloma requested the Commission to adopt the definition for gas instantaneous water heaters from Appendix E rather than from section 430.2, because the Appendix E definition limits the size of the products to be covered.[59] Washington Gas stated that instantaneous water heaters are used with and without a storage tank, and that the minimum flow rate of an instantaneous water heater should be defined if it is to be used without a storage tank.[60]

As with pool heaters, the Commission finds that the EPCA/DOE definition for these products appropriately describes the product to be covered by the labeling requirements. Therefore, the Commission amends the Rule to include the definition of water heaters as they are defined in EPCA and by DOE (in § 430.2 of Subpart A). The definition is followed by a proviso stating that the Rule's application is limited to those products for which there is a DOE-prescribed test. See section 305.3(d) in "Text of Amendments," below.

As with pool heaters, the Commission believes that a proviso of this type is more efficient than repeating, in the Rule's product definition, the further exceptions and limitations in the Appendix E definitions and/or the test procedure.[61] Products not covered by the DOE test because of the limitations in the Appendix E definitions cannot be tested. To comply with the Commission's Rule, a manufacturer must be able to measure a product's energy usage in accordance with the appropriate DOE test procedure.[62] Identifying specific limitations to the general definition in the Commission's Rule based on section 430.2 of DOE's rule is not necessary because manufacturers are on notice that water heaters excluded from DOE test coverage do not have to be labeled under the Commission's Rule.

3. Energy Usage Descriptor

The NPR asked whether the energy usage of instantaneous and heat pump water heaters should be expressed as an estimated annual operating cost, as it was at that time for conventional water heaters, or whether their energy usage should be expressed as an energy factor. The NPR also asked whether it would be technically or economically feasible to disclose estimated annual operating cost, or whether operating cost would not be likely to assist consumers in making purchasing decisions.[63]

Six comments addressed the issue of which energy usage descriptor to require on labels for these two types of water heaters. Paloma, commenting only on instantaneous water heaters, recommended that the Rule require the disclosure of an energy factor for gas instantaneous water heaters.[64] Washington Gas suggested the disclosure of estimated annual operating cost for both types of water heaters, but with special considerations that are not contemplated by the DOE test procedure.[65]

The four other comments addressed both categories. GAMA and ACEEE stated that the same descriptor should be required for instantaneous water heaters and heat pump water heaters that is required for storage water heaters.[66] AGA commented that, if pool heaters, instantaneous water heaters, and heat pump water heaters are to be labeled, the required disclosure should be the estimated annual operating cost.[67] CEC recommended that the Commission require energy factor, annual energy consumption, and annual cost of operation disclosures. CEC stated that the energy factor is needed because this is the measure upon which utility incentive programs are based, and that annual energy consumption and annual cost of operation are needed "to fulfill FTC's Congressional mandate."[68]

The Commission agrees with GAMA and ACEEE that the energy usage of instantaneous and heat pump water heaters should be expressed with the

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[55] 58 FR 7854.

[56] ACEEE, EE–3, 2.

[57] GAMA, E–3, 1.

[58] CEC, EE–2, 2, 4. The referenced proposed test method was announced by DOE on August 23, 1993, at 58 FR 44538, 44547–48, 44571, along with proposed modifications to the test procedures for furnaces and vented home heating equipment. DOE sought comment on a new "annual efficiency" energy descriptor, which would be in addition to the current thermal efficiency descriptor and which would measure pilot light usage and electrical consumption. DOE also sought comment on procedures that would facilitate an estimation of annual operating cost for pool heaters (see also note 35). These proposed modifications to the DOE test procedure for pool heaters were referenced in a subsequent DOE proposal to amend the minimum efficiency standard for pool heaters. 59 FR 10464, 10519–21 (March 4, 1994).

[59] Paloma, E–2, 1.

[60] Washington Gas, EE–1, 1. Because instantaneous water heaters are not tested under the DOE test procedure with a storage tank, the Rule will not address this issue.

[61] Again, because the definitions that create the further limitations in the test procedures are revised by DOE more often than the § 430.2 definitions, the Commission definitions may become obsolete and the Commission would have to amend the Rule frequently to comport with any DOE revisions.

[62] See 42 U.S.C. 324(c)(1)(A).

[63] 58 FR 7856. Since the NPR was published, the Commission, in a recent proceeding involving comprehensive amendments to the Rule, amended the disclosure requirements for water heaters from a disclosure of estimated annual operating cost and a cost grid to a disclosure of estimated annual energy consumption with an "operating cost disclosure statement." See 58 FR 34014, 34022–23 (July 1, 1994).

[64] Paloma, E–2, 3–4. Paloma explained that its gas-fired instantaneous water heaters could be operated with a continuously-burning pilot or with the consumer igniting the pilot each time hot water is required. Paloma requested that the Rule allow for disclosure on labels of the product's energy factor when the pilot is left on and when the pilot burns continuously. According to DOE engineering staff, the DOE water heater test is set up to provide only one measurement of energy usage—the energy usage of the product when it is set up to operate. For the test to measure energy usage of a water heater in both of two possible modes of operation, DOE would have to consider an amendment proceeding. The Commission's Rule can only require disclosure of DOE-test-derived information. Therefore, the Commission does not have the discretion to adopt Paloma's suggestion.

[65] Washington Gas, EE–1, 1. Stating that instantaneous water heaters are used with and without a storage tank, Washington Gas recommended requiring disclosure of the estimated annual operating cost for these products for use with and without a storage tank. Because the DOE test for instantaneous water heaters is not conducted with storage tanks, however, the Commission cannot require this type of disclosure. *See* note 60, above. Washington Gas also suggested that the estimated annual operating cost of heat pump water heaters be adjusted according to the change in the energy consumed in conditioning the space around the product. Again, because the DOE test is conducted in a constant environment and does not allow for this type of measurement, the Commission does not have the discretion to adopt this suggestion. *See* note 50, above.

[66] GAMA, E–3, 2, 3–4. At the time the NPR was published, energy usage descriptor for water heaters was estimated annual operating cost. The NPR proposed the disclosure of either estimated annual operating cost or energy factor for instantaneous water heaters. GAMA, therefore, envisioned the choice as between energy factor and estimated annual operating cost. ACEEE, EE–3, 2, 3. ACEEE assumed that heat pump water heaters would be disclosing estimated annual operating cost in this case, but did not make this assumption for instantaneous water heaters. As of December 28, 1994, however, the required disclosure of energy usage for water heaters will be the estimated annual energy consumption with an "operating cost disclosure statement." *See* Note 63, above.

[67] AGA, EE–4, 2–4.

[68] CEC, EE–2, 5, 7.

same descriptor (estimated annual energy consumption) that is used to disclose the energy usage of the storage-type water heaters currently covered by the Rule. This permits consumers to compare the energy usage of the various types of water heaters that could fulfill their needs. Accordingly, today's amendments will incorporate instantaneous water heaters and heat pump water heaters into the existing requirements to disclose estimated annual energy consumption. See section 305.3(d) of "Text of Amendments," below.

4. Sub-categories for Ranges of Comparability

The NPR solicited comment about whether to include instantaneous water heaters in the three existing water heater ranges (one range each for electric, gas [including propane] and oil water heaters), or to establish a separate range category. The current ranges of comparability for water heaters are categorized on the basis of first-hour rating.[69] Under the DOE test, there is a method for calculating the equivalent of a first-hour rating for instantaneous water heaters. Therefore, these products could be included in the existing ranges and could be considered with conventional water heaters for range purposes. Because they have no storage tanks, however, and are different from conventional water heaters, the NPR sought public comment on whether a separate category would be more helpful to consumers than including these products in the existing water heater ranges.

The DOE test also contains a provision by which a first-hour rating for heat pump water heaters can be calculated. Like instantaneous water heaters, therefore, heat pump water heaters could be included in the conventional water heater ranges. The NPR sought comment on whether it would be more helpful to consumers to include heat pump water heaters with conventional water heaters or to create a separate range category for them.

Four commenters addressed the issue of range subcategories for these products. Paloma contended that gas instantaneous water heaters are so different from storage-type water heaters that they should be in a separate range category.[70] GAMA and ACEEE stated, without elaboration, that instantaneous water heaters should be in the same range category as conventional storage water heaters.[71] ACEEE thought that heat pump water heaters should be in the same range category as storage-type water heaters, but GAMA and CEC disagreed, recommending that they be in a separate range category.[72]

The Commission is creating separate sub-categories for each of these two types of water heaters, rather than including them in the existing ranges of comparability for water heaters. As noted in the comments, the technology of instantaneous and heat pump water heaters is different from that of storage-type water heaters. In addition, it is not likely that homeowners would substitute these new types of products "one-to-one" for conventional, storage-type units.[73] The Commission has determined that it would be helpful for consumers looking for alternatives to conventional storage-type water heaters to have products using different technologies grouped separately. Accordingly, the Commission has determined to amend the Rule to create three new range sub-categories—one each for gas instantaneous water heaters (natural gas and propane), oil instantaneous water heaters, and heat pump water heaters. See Appendices D4–D6 in "Text of Amendments," below.

5. Label Size and Format for Instantaneous Water Heaters

The NPR noted that, because the physical size of gas-fired instantaneous water heaters (they are often no larger than one to three cubic feet) is usually significantly smaller than most storage-type water heaters, the currently required 5 and 5/16 inches by 7 and 3/8 inches label could be too large to fit on some of the smaller models.[74] There is also the possibility that the surface temperature of the products could affect label adhesion. The NPR requested comment on whether the EnergyGuide label currently required for water heaters is appropriate for instantaneous water heaters and, if not, what would be better.[75]

Four comments responded to this request. Paloma contended that labeling on the front jacket of instantaneous water heaters is impossible because of the room taken up by other required labels and is, therefore, technologically infeasible. Paloma also contended that, because of the product's surface temperature, a paper label would be inappropriate. Paloma concluded that, under the circumstances, an aluminum label with special adhesive would be necessary, which would be an economic burden. Paloma recommended, therefore, a tag-type label.[76] GAMA and CEC stated that the conventional label that is currently required would be appropriate for most models. Both commented that the issue of surface temperature is irrelevant because EnergyGuides are required on products only until they are sold, which would be before the water heater was fired for the first time. GAMA recommended allowing a hang-tag type label, as did Washington Gas.[77]

The Commission agrees with the comments that both conventional label types (*i.e.*, paper, rather than aluminum) and hang-tag type labels will be appropriate for instantaneous water heaters. Hang-tags may be preferable in some instances, such as when the instantaneous heater is too small to accommodate conventional labels. Section 305.11(a)(7) of the Rule currently allows for the use of hang-tags as long as they are affixed in such a way that they will be prominent to a consumer examining the product. Therefore, the Rule permits manufacturers of instantaneous and heat pump water heaters to exercise the hang-tag option.

6. Disclosure of Tank Size on Label for Heat Pump Water Heaters

Heat pump water heaters are marketed in two ways. They can be sold as an integral unit that includes the heat pump and the storage tank, or they can be sold without a tank and hooked up

[69] The DOE test defines "First Hour Rating" as the amount of hot water the water heater can supply in one hour of operation. See 10 CFR part 430, subpart B, Appendix E, 1.5.

[70] Paloma, E–2, 4.

[71] GAMA, E–3, 2; ACEEE, EE–3, 2.

[72] ACEEE, EE–3, 3; GAMA, E–3, 3–4; CEC, EE–2, 7.

[73] For example, heat pump water heaters do not recover (reheat water after being drained of heated water) as quickly as comparably-sized storage-type models, and instantaneous water heaters are more limited than comparable storage-type models as to how much hot water they can provide per unit of time (*e.g.*, gallons per minute). Moreover, an instantaneous water heater which would (be gas-fired) that would be large enough to serve a small house would be disproportionately expensive to purchase when compared to comparable storage-type models. Thus, it is not likely that homeowners would substitute these new types of products "one-to-one" for conventional, storage-type units. This approach to ranges of comparability for the newly covered water heaters is consistent with the separate range groupings the Commission currently uses for home heating equipment; *i.e.*, forced-air furnaces and boilers are separate sub-categories within the furnace category. See 59 FR 34014, 34042–49 (July 1, 1904).

[74] Gas-fired instantaneous water heaters are usually larger than electric models, and some larger models could be used for whole-house applications in small houses. Electric instantaneous water heaters (for which labeling rules were not proposed in the NPR) are usually small and for limited point-of-use, as for a particular sink or shower.

[75] 58 FR 7854.

[76] Paloma, E–2, 2.

[77] GAMA, E–3, 2 (GAMA also recommended allowing the option of hang-tags for heat pump water heaters); CEC, EE–2, 5; Washington Gas, EE–1, 1.

with an existing water heater with the conventional heating system shut off. For those instances in which the heat pump water heater is sold without a tank, the DOE test calls for measurement of energy use with the heat pump water heater connected to a 47-gallon capacity storage tank. Thus, even when no tank is to be sold with the heat pump water heater, manufacturers will be able to determine the energy use figure to put on the label for comparative shopping purposes. The product's efficiency, however, could be affected by the size of the tank with which it is coupled. The NPR solicited comment, therefore, on whether the label should include a statement that determination of the heat pump water heater's efficiency is based on use with a 47-gallon tank and that its efficiency in the home may vary according to the size of the storage tank to which it is connected.

Two comments addressed this issue. CEC stated that the statement that the efficiency of heat pump water heaters could be affected by the size of the tank with which it is coupled is only necessary in the case where the manufacturer does not supply the tank. CEC recommended that, in this case, the label should identify the size of the tank assumed for purposes of determining the energy factor.[78] GAMA stated that the *standby loss* of the tank, not its *size*, is what is relevant. Thus, heat pump water heater labels should not state that the efficiency of the water heater could be affected by the size of the tank with which it is coupled. GAMA also contended that, given the limited ranges of sizes and standby losses of tanks coupled with heat pump water heaters, such a statement on the EnergyGuide would not be worthwhile from a consumer benefit standpoint.[79]

The Commission agrees with GAMA that the effect on energy consumption will not be significant enough to require a disclosure on the EnergyGuide label. Thus, the Commission has determined not to require the statement described above concerning tank size.

III. Regulatory Flexibility Act

In the NPR, the Commission concluded that the provisions of the Regulatory Flexibility Act relating to an initial Regulatory Flexibility Act analysis are not applicable because the Commission has determined that the amendments "will not have a significant economic impact on a substantial number of small entities."[80] In the NPR, the Commission initially concluded that not many companies produce pool and spa heaters. The Commission stated that it had learned that most producers are not "small entities" as that term is defined in section 601 of the Regulatory Flexibility Act and in the regulations of the Small Business Administration, found in 13 CFR 121.[81] The Commission also stated that the market for heat pump water heaters is small, and that only a few companies, two of which are large entities, produce these products at present.[82] The Commission noted that most instantaneous water heaters are produced abroad, and are imported by a very small number of small-sized importing firms.[83]

Because it appeared to the Commission that the amendments were not likely to have a significant impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act and the rules implementing it, the Commission concluded that a regulatory analysis was not necessary. The Commission, however, requested information in the NPR about the impact of the amendments on small entities to determine whether a final regulatory analysis was necessary.[84]

No comments provided information about the effect of the amendments on small entities. Two comments, however, provided information on the numbers of entities involved in the manufacture or importation of pool heaters, instantaneous water heaters, and heat pump water heaters.[85] According to these comments, there are six companies that produce pool heaters, twelve that either manufacture (at least three are foreign) or import instantaneous water heaters, and four that produce heat pump water heaters. Two of these companies make products in more than one category, so there are 20 companies in all. The Commission has determined that four of these 20 entities are "small," as defined in the Small Business Administration's Size Standards.[86] Of the other 16, the Commission has determined that seven are not "small." The Commission has not been able to determine the size of the remaining nine.[87]

The Commission has no reason to believe that the amendments will have a substantial impact on a significant number of small entities. In light of this, the Commission concludes that the preparation of a final regulatory flexibility analysis is not necessary. Accordingly, the Commission certifies, under Section 605 of the Regulatory Flexibility Act,[88] that the amendments announced today will not have a significant impact on a substantial number of small entities.

IV. Paperwork Reduction Act

The Rule contains reporting and recordkeeping requirements that constitute "recordkeeping" requirements as defined by 5 CFR 1320.7(c), the regulation that implements the Paperwork Reduction Act ("PRA").[89] The NPR stated that the proposed amendments would expand the Rule's existing recordkeeping and reporting requirements to include manufacturers of products not previously covered. The NPR noted, however, that manufacturers would not have to maintain records beyond what they must already do in the ordinary course of business to comply with the reporting and recordkeeping requirements of DOE's minimum efficiency standards program. In addition, although the affected companies would have to report annually to the Commission the energy usage of the covered products they manufacture or import, the Commission estimated that no more than 50 companies would be affected, and that it would take each company fewer than 10 hours to comply. Because the resulting increase in burden hours would be *de minimis*, the NPR stated that the Commission would not request that the Office of Management and Budget ("OMB") adjust the existing clearance for the Rule under the Paperwork Reduction Act. To substantiate the accuracy of the Commission's reporting burden estimate, however, the NPR requested comment on the extent of the reporting burden associated with these amendments.

The only comment in response to this request was from CEC. CEC stated that manufacturers currently provide details of all models they sell to CEC, and that CEC is prepared to act as third-party certifier to the Commission at no charge to manufacturers. CEC therefore

[78] CEC, EE–2, 7.

[79] GAMA. E–3, 3.

[80] U.S.C. 603–605.

[81] See 58 FR 7855.

[82] *Id.*

[83] *Id.*

[84] *Id.*

[85] GAMA, E–3, Appendices; CEC, EE–2, 3–4, 6, 7.

[86] 13 CFR 121.601.

[87] To estimate the size of the companies, the Commission's staff researched the companies in standard reference materials, such as Dun and Bradstreet Information Services, Dun and Bradstreet Million Dollar Directory, Series A–F, G–O, P–Z (1993); Dun and Bradstreet, The Dun and Bradstreet Reference Book of American Business, Vol. 1–4 (July-Aug. 1993); National Register Publishing, 1993 Directory of Corporate Alliance, Vol. 4 Who Owns Whom International and Private Companies (1993); and conducted informal inquiries with staff of the California Energy Commission.

[88] 5 U.S.C. 605(b).

[89] 44 U.S.C. 3501–3520.

contended that manufacturers would not have to incur additional time or cost in reporting to the Commission.[90]

Since the NPR was published, the Commission initiated a proceeding to determine the manner and form of labeling plumbing products to disclose their water usage.[91] In the section of the **Federal Register** notice in that proceeding discussing the applicability of the Paperwork Reduction Act to the proposed amendments, the Commission stated that the recordkeeping and reporting requirements of the Rule and the proposed amendments were being submitted to OMB and referred to a Notice of Application to OMB under the Paperwork Reduction Act that accompanied the notice.

In the referenced Notice of Application, the Commission requested OMB clearance for the plumbing products amendments and for the amendments proposed in the NPR in the instant proceeding as well. This clearance request was published in the **Federal Register** for comment.[92] This notice stated that the Commission estimated in the NPR that no more than 50 companies would be affected. Further, whatever amendments the Commission adopted would increase the information collection burden by no more than 500 hours. Adding this figure to the estimated additional burden resulting from the plumbing products amendments, the Commission estimated that the total increase in the information collection burden of the Appliance Labeling Rule would be 1,000 hours.

Neither the Commission nor OMB received comments on the application. On July 1, 1993, OMB approved the request and assigned control number 3084–0068 to the information requirements.

List of Subjects in 16 CFR Part 305

Advertising, Energy conservation, Household appliances, Labeling, Reporting and recordkeeping requirements.

For the reasons set forth in the preamble, 16 CFR is amended as follows:

[90] CEC, EE–2, 4, 6, 7. The comments also indicate that the number of companies affected by the amendments is far fewer that the 50 the Commission initially estimated would be affected. See Part III, above.

[91] 58 FR 26715 (May 5, 1993).

[92] 58 FR 26786 (May 5, 1993).

PART 305—RULE CONCERNING DISCLOSURES REGARDING ENERGY CONSUMPTION AND WATER USE OF CERTAIN HOME APPLIANCES AND OTHER PRODUCTS REQUIRED UNDER THE ENERGY POLICY AND CONSERVATION ACT ("APPLIANCE LABELING RULE")

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

Authority: 42 U.S.C. 6294.

2. Section 305.2(i) is revised to read as follows:

§ 305.2 Definitions.

* * * * *

(i) *Energy efficiency rating* means the following product-specific energy usage descriptors: *annual fuel utilization efficiency (AFUE)* for furnaces; *energy efficiency ratio (EER)* for room air conditioners; *seasonal energy efficiency ratio (SEER)* for the cooling function of central air conditioners and heat pumps; *heating seasonal performance factor (HSPF)* for the heating function of heat pumps; and, *thermal efficiency (TE)* for pool heaters, as these descriptors are determined in accordance with tests prescribed under section 323 of the Act (42 U.S.C. 6293). These product-specific energy usage descriptors shall be used in satisfying all the requirements of this part.

* * * * *

3. In § 305.3, paragraph (d) is revised and paragraph (o) is added, to read as follows:

§ 305.3 Description of covered products to which this part applies.

* * * * *

(d)(1) *Water heater* means a product which utilizes oil, gas, or electricity to heat potable water for use outside the heater upon demand, including—

(i) Storage type units which heat and store water at a thermostatically controlled temperature, including gas storage water heaters with an input of 75,000 Btu per hour or less, oil storage water heaters with an input of 105,000 Btu per hour or less, and electric storage water heaters with an input of 12 kilowatts or less;

(ii) Instantaneous type units which heat water but contain no more than one gallon of water per 4,000 Btu per hour of input, including gas instantaneous water heaters with an input of 200,000 Btu per hour or less, oil instantaneous water heaters with an input of 210,000 Btu per hour or less, and electric instantaneous water heaters with an input of 12 kilowatts or less; and

(iii) Heat pump type units, with a maximum current rating of 24 amperes at a voltage no greater than 250 volts, which are products designed to transfer thermal energy from one temperature level to a higher temperature level for the purpose of heating water, including all ancillary equipment such as fans, storage tanks, pumps, or controls necessary for the device to perform its function.

(2) The requirements of this Part are limited to those water heaters for which the Department of Energy has adopted and published test procedures for measuring energy usage.

* * * * *

(o) *Pool heater* means an appliance designed for heating nonpotable water contained at atmospheric pressure, including heating water in swimming pools, spas, hot tubs and similar applications. The requirements of this part are limited to those pool heaters for which the Department of Energy has adopted and published test procedures for measuring energy usage.

* * * * *

4. In § 305.4, paragraphs (e)(2) and (3) are revised to read as follows:

§ 305.4 Prohibited acts.

* * * * *

(e) * * *

(2) Any covered product, other than central air conditioners, pulse combustion and condensing furnaces, fluorescent lamp ballasts, showerheads, faucets, water closets, urinals, pool heaters, instantaneous water heaters, or heat pump water heaters, if the manufacture of the product was completed prior to May 19, 1980. Any central air conditioner or any pulse combustion or condensing furnace if its manufacture was completed prior to June 7, 1988. Any fluorescent lamp ballast if its manufacture was completed prior to January 1, 1990. Any showerhead, faucet, water closet, or urinal if its manufacture was completed prior to October 25, 1994. Any pool heater, instantaneous water heater, or heat pump water heater if its manufacture was completed prior to December 29, 1994.

(3) Any catalog or point-of-sale printed material distributed prior to May 19, 1980, pertaining to any covered products, other than central air conditioners, pulse combustion and condensing furnaces, fluorescent lamp ballasts, showerheads, faucets, water closets, urinals, pool heaters, instantaneous water heaters, or heat pump water heaters; any catalog or point-of-sale printed material distributed prior to June 7, 1988, pertaining to any central air conditioners or pulse combustion or condensing furnaces; any catalog or

point-of-sale printed material distributed prior to January 1, 1990, pertaining to any fluorescent lamp ballasts; any catalog or point-of-sale printed material distributed prior to October 25, 1994, pertaining to any showerheads, faucets, water closets, or urinals; and, any catalog or point-of-sale printed material distributed prior to December 29, 1994, pertaining to any pool heaters, instantaneous water heaters, or heat pump water heaters; except that any representations respecting the energy consumption, energy efficiency, or water use of any covered product or other consumer appliance product, or the cost of energy consumed or water used by such product, are subject to the requirements of paragraph (d) of this section.

* * * * *

5. In § 305.5, paragraph (a)(9) is redesignated as (a)(10), and a new paragraph (a)(9) is added, to read as follows:

§ 305.5 Determinations of estimated annual energy consumption, estimated annual operating cost, and energy efficiency rating, and of water use rate.

(a) * * *

(9) Pool heaters—§ 430.22(p).

* * * * *

6. In § 305.7, paragraphs (e) through (j) are redesignated as (f) through (k), and a new paragraph (e) is added, to read as follows:

§ 305.7 Determinations of capacity.

* * * * *

(e) *Pool heaters.* The capacity shall be the heating capacity in Btu's per hour, rounded to the nearest 1,000 Btu's per hour, as determined according to Appendix P to 10 CFR Part 430, Subpart B.

* * * * *

7. In § 305.8, paragraphs (a)(1) and (b) are revised to read as follows:

§ 305.8 Submission of data.

(a)(1) Each manufacturer of a covered product (except manufacturers of fluorescent lamp ballasts, showerheads, faucets, water closets, or urinals) shall submit annually to the Commission a report listing the estimated annual energy consumption (for refrigerators, refrigerator-freezers, freezers, clothes washers, dishwashers, and water heaters) or the energy efficiency rating (for room air conditioners, central air conditioners, heat pumps, furnaces, and pool heaters) for each basic model in current production, determined according to § 305.5 and statistically verified according to § 305.6. The report must also list, for each basic model in current production: the model numbers for each basic model; the total energy consumption, determined in accordance with § 305.5, used to calculate the estimated annual energy consumption or energy efficiency rating; the number of tests performed; and, its capacity, determined in accordance with § 305.7. For those models that use more than one energy source or more than one cycle, each separate amount of energy consumption or energy cost, measured in accordance with § 305.5, shall be listed in the report. Appendix K illustrates a suggested reporting format. Starting serial numbers or other numbers identifying the date of manufacture of covered products shall be submitted whenever a new basic model is introduced on the market.

* * * * *

(b) All data required by § 305.8(a), except serial numbers, shall be submitted to the Commission annually, on or before the following dates:

Products	Deadline for data submission
Refrigerators	Aug. 1.
Refrigerator-freezers	Aug. 1.
Freezers	Aug. 1.
Central air conditioners	July 1.
Heat pumps	July 1.
Dishwashers	June 1.
Water heaters	May 1.
Pool heaters	May 1.
Room air conditioners	May 1.
Furnaces	May 1.
Clothes washers	Mar. 1.
Fluorescent lamp ballasts	Mar. 1.
Showerheads	Mar. 1.
Faucets	Mar. 1.
Water closets	Mar. 1.
Urinals	Mar. 1.

All revisions to such data (both additions to and deletions from preceding data) shall be submitted to the Commission as part of the next annual report period.

* * * * *

8. In § 305.11(a)(5)(ii), the heading and paragraphs (a)(5)(ii)(C) through (a)(5)(ii)(G) are revised to read as follows:

§ 305.11 Labeling for covered products.

(a) * * *

(5) * * *

(ii) *Labels for furnaces and pool heaters.*

* * * * *

(C) The annual fuel utilization efficiency for furnaces and the thermal efficiency for pool heaters are determined in accordance with § 305.5.

(D) Each furnace and pool heater label shall contain a generic range consisting of the lowest and highest annual fuel utilization efficiencies (for furnaces) or thermal efficiencies (for pool heaters) for all furnaces or pool heaters that utilize the same energy source.

(E) Placement of the labeled product on the scale shall be proportionate to the lowest and highest annual fuel utilization efficiency ratings or thermal efficiency ratings forming the scale.

(F) The following statement shall appear on furnace labels beneath the range(s) in bold print:

Federal law requires the seller or installer of this appliance to make available a fact sheet or directory giving further information regarding the efficiency and operating cost of this equipment. Ask for this information.

(G) A statement that the annual fuel utilization efficiency ratings or thermal efficiency ratings are based on U.S. Government standard tests is required on all labels.

* * * * *

9. Section 305.14(a)(3) is revised to read as follows:

§ 305.14 Catalogs.

(a) * * *

(3) The energy efficiency rating for room air conditioners, central air conditioners, furnaces, and pool heaters.

* * * * *

10. The headings for Appendices D1 through D3 are revised and new Appendices D4 through D6 are added, to read as follows:

Appendix D1 to Part 305—Water Heaters—Gas

* * * * *

Appendix D2 to Part 305—Water Heaters—Electric

* * * * *

Appendix D3 to Part 305—Water Heaters—Oil

* * * * *

APPENDIX D4 TO PART 305—WATER HEATERS—INSTANTANEOUS—GAS

Range Information:

Capacity	Range of estimated annual energy consumption (Therms/yr. and Gallons/yr.)			
	Natural gas therms/Yr.		Propane gallons/Yr.	
First hour rating	Low	High	Low	High
Less than 21				
21 to 24				
25 to 29				
30 to 34				
35 to 40				
41 to 47				
48 to 55				
56 to 64				
65 to 74				
75 to 86				
87 to 99				
100 to 114				
115 to 131				
Over 131				

Appendix D5 to Part 305—Water Heaters—Instantaneous—Oil

Range Information:

Capacity	Range of estimated annual energy consumption (Gallons/yr.)	
First hour rating	Low	High
Less than 21		
21 to 24		
25 to 29		
30 to 34		
35 to 40		
41 to 47		
48 to 55		
56 to 64		
65 to 74		
75 to 86		
87 to 99		
100 to 114		
115 to 131		
Over 131		

Appendix D6 to Part 305—Water Heaters—Heat Pump

Range Information:

Capacity	Range of estimated annual energy consumption (kWh/yr.)	
First hour rating	Low	High
Less than 21		
21 to 24		
25 to 29		
30 to 34		
35 to 40		
41 to 47		
48 to 55		
56 to 64		
65 to 74		
75 to 86		
87 to 99		
100 to 114		
115 to 131		
Over 131		

Appendices J and K to Part 305 [Redesignated as K and L]

11. Appendices J and K to Part 305 are redesignated K and L, and new Appendices J1 and J2 are added, to read as follows:

Appendix J1 to Part 305—Pool Heaters—Gas

Range Information:

Manufacturer's rated heating capacities	Range of thermal efficiencies (percent)			
	Natural gas		Propane	
	Low	High	Low	High
All Capacities	.....	.....	.....	.....

Appendix J2 to Part 305—Pool Heaters—Oil

Range Information:

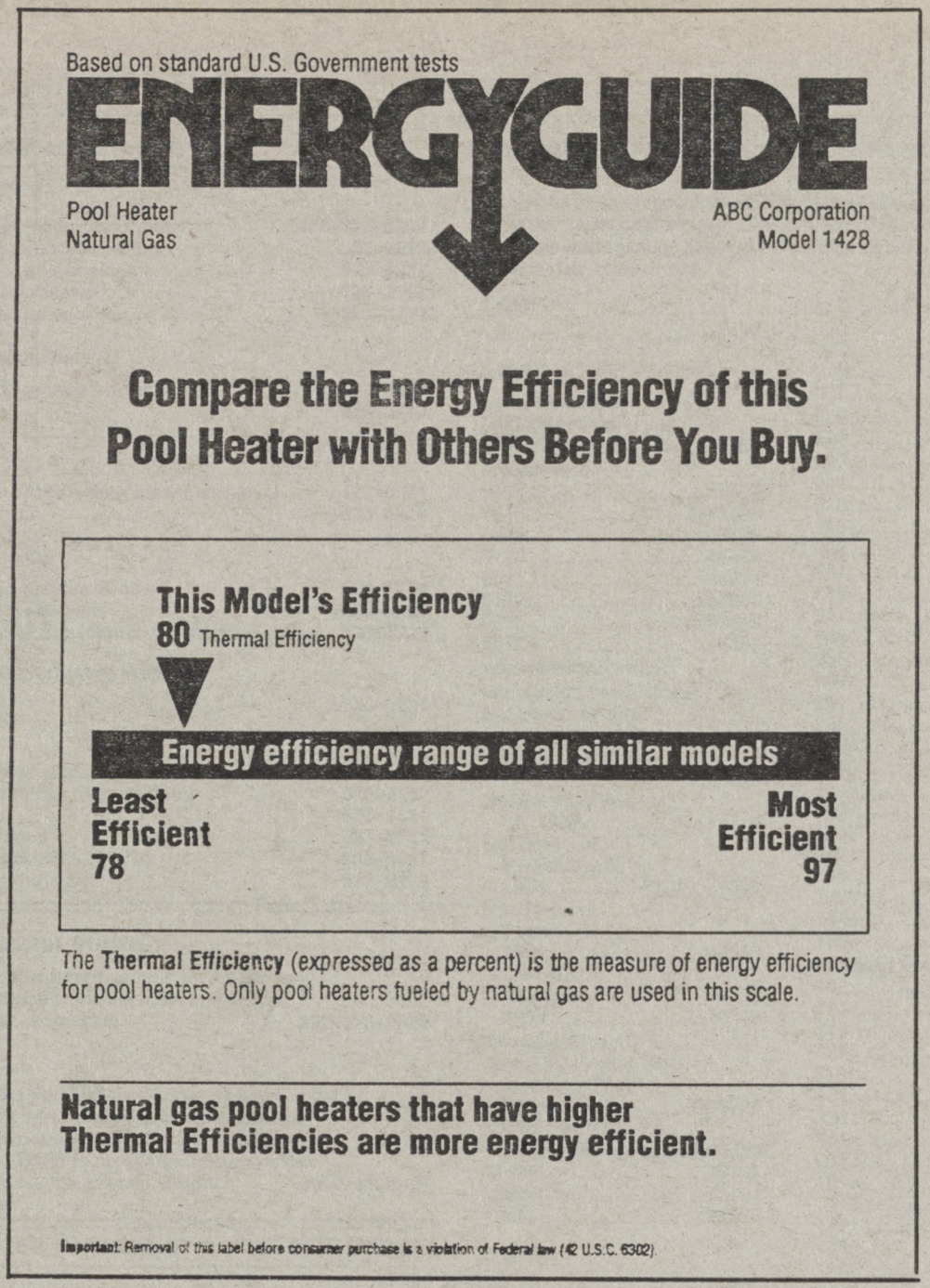
Manufacturer's rated heating capacities	Range of thermal efficiencies (percent)	
	Low	High
All Capacities	.....	.....

Newly Redesignated Appendix L to Part 305 [Amended]

12. Newly redesignated Appendix L to Part 305 is amended by the addition of a new Sample Label 10, to read as follows:

* * * * *

BILLING CODE 6750-01-P-M



Sample Label 10

BILLING CODE 6750-01-P

By direction of the Commission.

Donald S. Clark,

Secretary.

[FR Doc. 94-23958 Filed 9-27-94; 8:45 am]

BILLING CODE 6750-01-P

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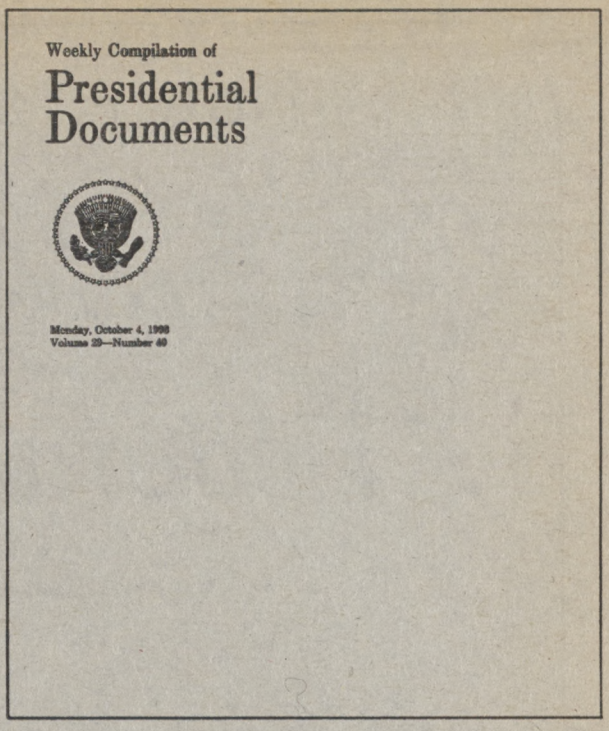
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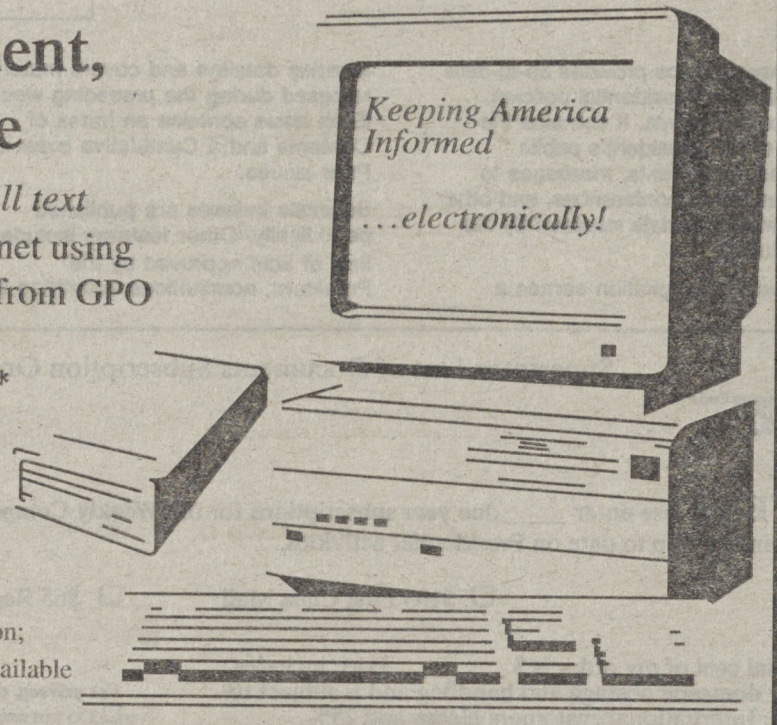
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